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Wednesday 31 August 2005

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des débats
(Hansard)**

Mercredi 31 août 2005

**Select committee on
electoral reform**

**Comité spécial de la
réforme électorale**

Chair: Caroline Di Cocco
Clerk: Anne Stokes

Présidente : Caroline Di Cocco
Greffière : Anne Stokes

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

SELECT COMMITTEE ON ELECTORAL REFORM

COMITÉ SPÉCIAL DE LA RÉFORME ÉLECTORALE

Wednesday 31 August 2005

Mercredi 31 août 2005

The committee met at 0905 in committee room 1.

The Chair (Ms. Caroline Di Cocco): Good morning, everyone. I'm going to call this meeting to order. First of all, welcome, everyone. I'm glad to see that everyone is back again and into the swing of things, as September is almost here—tomorrow.

I just want to give a quick overview for our guests and presenters. The select committee on electoral reform came about with unanimous consent of the Legislature. It has a broad mandate, but a very short timeline, to look at electoral systems and to provide a report to the House by November 3. We welcome everyone's input in this process so that we can provide a report by November 3.

I'd like to ask, are John Hollins and Loren Wells—sorry; we have one item to do, and that is the subcommittee report.

SUBCOMMITTEE REPORT

Ms. Monique M. Smith (Nipissing): On behalf of the subcommittee, I'd like to submit the following report of the subcommittee.

Your subcommittee met on Thursday, August 4, 2005, and Tuesday, August 16, 2005, to consider the method of proceeding on its terms of reference pursuant to the order of the House dated June 13, 2005, and recommends the following:

That the committee meet for the purpose of briefing by expert witnesses on Wednesday, August 31, and in the afternoon of Thursday, September 1, 2005, and that the morning of September 1 be scheduled for the committee to discuss its business and to consider how to further proceed in its mandate;

That the clerk invite the witnesses to appear from the list prepared by the research officer and include the names provided by the subcommittee members at the meeting. The time allotted for each witness to speak is to be determined by the clerk, depending on how many from the list are available to attend;

That reasonable travel expenses be reimbursed for those witnesses who are required to travel to attend the meetings;

That four members of the committee, being two members from the Liberal Party, one member from the Progressive Conservative Party and one member from the New Democratic Party, as chosen by each respective party, along with the clerk of the committee and the

research officer, if possible, and subject to budgetary approval, travel to the jurisdictions of British Columbia, the Republic of Ireland, Westminster, Scotland and Germany for the purposes of research and the opportunity for first-hand experience in alternative electoral systems and the use of a referendum following consideration of electoral reform by a citizens' assembly;

That the itinerary be flexible to allow for changes due to the ability of different jurisdictions to meet with the committee and travel logistics;

That, as agreed to by the committee at its meeting of July 27, 2005, the subcommittee on committee business be authorized to approve the final travel itinerary prior to the passage of the report of the subcommittee;

That, as agreed by the subcommittee at its meeting of July 27, 2005, the subcommittee on committee business be authorized to approve a budget for the committee and present it to the Board of Internal Economy prior to the passage of the report of the subcommittee;

That the clerk of the committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

That is our subcommittee report, Madam Chair.

The Chair: Thank you. Is there any discussion on that report?

Mr. Michael Prue (Beaches–East York): I just have a question, since I was not available. Was there a representative from the New Democratic Party on the subcommittee when that met?

The Chair: Yes.

Mr. Prue: Who was it?

The Chair: Gilles Bisson.

Mr. Prue: All right. That was my only question.

Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge): Just a quick question. In the context of the travel being proposed, given people's schedules, is it the intent that it will be the same four members travelling to all jurisdictions, or to look to availability from the standpoint of travelling?

The Chair: That will be, I think, decided at a future date by the various parties.

Mr. Richard Patten (Ottawa Centre): It says "four members of the committee." We have nine members, and you've got four members travelling. That's what it seems

to suggest: four members only travelling. What was the rationale for that?

Ms. Smith: We discussed what would be the best way to achieve the information that we needed in the short time span that we had. There was a discussion about bringing in experts, and we hope to bring in a number of experts from other jurisdictions as well. There was a feeling that we did need to do some travel in order to experience first-hand what is going on in those jurisdictions and in order to be able to access a number of different types of representatives from those electoral districts, including citizens who have been engaged in the process as well as experts and elected officials.

Mr. Patten: It didn't really answer my question.

Ms. Kathleen O. Wynne (Don Valley West): Madam Chair, I'm not on the subcommittee, but I think it makes a lot of sense that there are different ways. As I said at the first meeting of this committee, I think there are different ways of getting the information that we need. Some people argued that we had to travel; my suggestion was that we bring people here and listen to what they have to say. I think that different members can gather information in different ways, and we'll come together and have that conversation. So the subcommittee report makes a lot of sense to me in that some people can take part in that travel and other people will gather information in different ways.

I'm very happy that it's a scaled-back version of the originally envisioned travel that we talked about. I think it's a good idea, and we have a variety of ways of getting information, so I'm very supportive of the report.

The Chair: Thank you. Do I have consent for the report? All in favour? Thank you.

0910

ELECTIONS ONTARIO

The Chair: OK, now we're going to get to the business at hand. I'd like to have John Hollins and Loren Wells come forward, please, and present to the committee.

Thank you very much for coming before this committee. I am pleased to have both John Hollins, the Chief Election Officer of Elections Ontario, and Loren Wells, the assistant chief election officer. As you have the expertise on running elections, it's a wonderful way to get an overview of our current system as well as whatever input you have to provide us. So the floor is yours.

Mr John Hollins: Thank you very much, Madam Chair. It is indeed a pleasure to have been invited to make a presentation to this committee. We are always very pleased to discuss elections and electoral administration, so we thank you for this opportunity.

Both the Chief Election Officer and the assistant chief election officer are appointed under the authority of the Election Act and serve as officers of the Legislative Assembly. The Office of the Chief Election Officer is

also known as Elections Ontario. The key responsibilities of the office are:

- the preparation for and administration of provincial general elections and by-elections for members of the Legislative Assembly as directed by the Election Act;

- overseeing under the Election Finances Act the registration of political parties, candidates, leadership contestants and constituency associations and ensuring that their financial activity complies with the legislation; and

- organizing and conducting any provincial referendum required by virtue of the provisions of the Taxpayer Protection Act.

The Chief Election Officer also has some administrative responsibilities under the Representation Act, and more recently the Chief Election Officer was also given responsibility to hear appeals on the wording of questions, as provided for in the Municipal Elections Act.

In administering the election process, we are keenly aware of the need to ensure its integrity and, as a non-partisan agency, to remain independent from the political process. We do not feel, however, that independence is equated with isolation. In fact, there is a real need for the electoral system and the electoral process to be mutually complementary. Your terms of reference mandate you to review the current electoral system and alternative electoral systems.

I would also like to say at the outset that we are here to speak to you in our role as administrators and have no preconceived bias or notion as to what system would be best for the people of Ontario. We have simply undertaken a technical review of the legislation and the existing process to highlight some areas of procedure which you may wish to consider as you conduct your review.

We are also aware that you are to consider the procedures for the conduct of a referendum to be held following a review of electoral reform by a citizens' assembly, and I will be touching on that topic later on in my remarks. Following my remarks, we both hope that we will have an opportunity to invite you to ask us any questions that you may have on the current legislative framework in the province of Ontario.

The technical review that we have taken has had the theme of, how are we impacted by a change in our electoral system and in administering a general election in the province of Ontario? I will address 12 topics in an effort to anticipate important issues arising from electoral reform. The list includes legislative requirements and resulting changes and challenges to the electoral processes and practices of Elections Ontario. The list of topics includes civic education, voter education, electoral management, permanent list of electors, nominations, ballots, results, election finance, candidate and party information, polling day, referendum, and the Election Act itself.

Civic education is the one area that we feel is not within our purview, but we want to address that, and we want to address that on the basis that Loren and myself have been observers in other jurisdictions where they have put forth referendums with regard to proportional

representation or some form thereof. In particular, we were in British Columbia, and we also look forward to being in Prince Edward Island on November 28 of this year when they address this subject as well.

Civic education, we believe, is the challenge of the government, to ensure that the electorate is informed about any proposed system they are recommending or in fact adopting. More than just the electorate, institutions and the media will also need to be educated and informed regarding any new or proposed electoral system. A very big consideration should be the amount of lead time required to ensure that electors go to the polls in their very first election completely knowledgeable about the new system or systems being proposed. As an opinion on the side, in British Columbia we felt that perhaps the bar fell a little bit short, and we would be willing to address questions afterwards with regard to our experience there.

We believe voter education is the responsibility of the chief elections office, in that we define as being our role to educate the elector in how to cast their ballot in the sense of where to go, when to go and how to mark the actual paper that's before them. This may include voting on a simple ballot, a composite ballot, or more than one ballot if that's the nature of the referendum itself.

Electoral management, we believe, is the interpretation of the legislation—implementation of timelines; assessment of time, resources and requirements. These are our major concerns. It's imperative that the decisions are made early so that, as we go forward, we can offer a general election that meets the requirements of the electorate itself.

Representation may require that we adjust electoral districts, develop new regional electoral districts or provide combinations of electoral districts. It is imperative that the size of these districts be monitored to ensure electoral efficiency. Time must be provided to make the necessary adjustments to our geography, mapping and all the candidate and party support products that we put forward.

Permanent list of electors: Adjustments in our electoral districts will impact the permanent register of electors. We will require the time to revise our polling subdivisions and our street index guides to ensure that we assign electors to the proper electoral districts and polling locations, and also provide the necessary tools, as we do now, on-line and through call centres to direct people during the electoral period to where they go to vote.

Ballots: New ballots may require party names/logos to be included. Design considerations—candidate names, party names, candidate lists or a combination thereof—need to be completed early enough to be included in the voter education component. Electronic readability should be built into the ballot design to accommodate the needs of any required tabulation formulas that may accompany the system to ensure that the results are timely and accurate.

Nominations: A new electoral system could change nomination rules, eligibility requirements, deadlines and procedures. Nominations should be completed earlier to

allow for more and different opportunities for advance voting. These opportunities could be supplemented with remote voting opportunities in the future and remote concepts, as in vote anywhere: Vote by mail; I know the Internet is also being used municipally.

Election results availability: How quickly should results be available after the polls close? New processes may be required to count the votes—new staff, new training. New processes will be required to allocate proportional additional seats based on formulas. Different technologies should be considered to enhance accuracy and efficiency. The public should be made aware of when they should expect these results.

0920

Election finance and candidate and party information: A new system may require that more candidates come forward in the next election. Increased costs for implementation of compliance measures in the areas of donations and election expense returns would be experienced. Expense limit calculations and formulas for candidates and parties may require changes. New or revised rules and guidelines may be required for candidates and parties. Legislation change may be required in this area.

An increased number of parties might result from proportional representation or any system that may be chosen. The threshold for party registration under the finance act may require changes.

Information for candidates and parties needs to be developed and ready for use well ahead of the opening for nominations. Information guides should include measures for compliance with legislative requirements, expense limits, nomination processes and the actual role of the candidates of the future in this new system, if we move in that direction.

Election day itself: New polling day procedures need to be developed and implemented at all polling locations across the province. Preparation for uninformed electors arriving at the polls should be part of what we adopt within the polling place to not only inform the elector but provide them the necessary materials to make an informed decision.

As you consider the procedures for the referendum to be held, it would of course be easy to recommend that the Election Act be adopted with the necessary changes. However, as we endeavoured to point out in our report following the 2003 general election, the current act no longer meets the needs of the electorate here in Ontario. I would encourage you to recommend a full review of any procedures to apply to a referendum, and we would be happy to work with you on this matter.

Creation of a new act or a substantial revision of the existing act will require consultation, debate, interpretation and implementation, particularly timelines. New legislation must provide the Chief Election Officer with the flexibility to set appropriate details of election and referendum procedures. New electoral and/or referendum processes will need to be developed, which will result in new practices. All of these will require the appropriate time and resources: physical, human and budgetary.

Whatever the result of your deliberations may be, we again thank you for allowing us to appear before you. It goes without saying that we would be very happy to provide you with any additional details at any time and hope that you will contact either of us if you require any further information.

The Chair: Thank you very much. Did you have a presentation, Ms. Wells?

Ms. Loren Wells: I'll let Mr. Hollins take the lead, but we are both available for questions.

The Chair: So they're open for questions. Ms. Smith?

Ms. Smith: You touched on the experience in British Columbia and your review of that experience, and you made some comments about concerns you had around that. Could you elaborate on your review of what's happened in British Columbia and how you think things could be approached differently from an Ontario perspective?

Mr. Hollins: I should preface our comments that when you actually get into an area that is beyond our professional expertise, you'll be getting the opinion of John Hollins as opposed to the opinion of the Chief Election Officer of Ontario, if that's all right.

Ms. Smith: That's great. Since you live and breathe elections every day, I think the opinions of John Hollins are fine.

Mr. Hollins: In British Columbia, and I'll speak personally, I was very concerned on three levels. The first level would have been that they set aside an agency to promote participation in the actual referendum, and I thought it was severely underfunded. I felt that they didn't use the media properly. I didn't think they were aggressive enough in informing the public. When I went to the polls and spent my time talking to electors, many of the electors were confused, but they were also determined. They had taken, I guess, a proposal for an STV system and reduced that down to, "Do I want change or not want change?" In other words, "Is this working or not working? Because I frankly don't understand what they want me to do here." When you went into the polls and you said, "I don't quite understand. Can you help me?" the election officials are, of course, non-partisan and they would hand you a 95-page book to read, which I felt was overwhelming. The experience of the electors was such that that's what they related back to us.

The second was, they had put some legislation in place for third parties to participate, but I didn't think that was enough. I actually thought there should have been a group in charge—I don't know if it should have been assigned by the government or maybe by a committee of the government—to drive this, the focal point being that people must understand why we want them to come to the polls and what the decisions are when they get to the polls, so that when you get there, there isn't a lot of confusion.

From the administrative perspective, if you walk into my poll as an elector and you're confused, I can't deal with you in 30 seconds now. All of my business rules set up that I have an express lane so that if you bring a card,

I can put you through in 30 seconds. If you don't, I have the other stream. If you have ID, I can sign you up and process you in four to five minutes. That's very business-related and that's how we look at our business. If you walk in and you haven't got a clue why you're there and what you're voting on, you become a 20- to 30-minute project for us, literally. That's what we experienced in British Columbia. Was I disappointed? John Hollins was disappointed, yes. Did he learn a lot? Yes, he did.

The third issue for me was a very political one and it weighed heavily on my mind: Do you provide a question in the sense of a composite ballot or do you put it in a separate ballot? I'm going to throw this one back on you. When people come to the poll in the next election, do you want them to be thinking about voting for you or voting about a referendum? Which do you want to come first in their minds and where do you want them to concentrate their time? It's an interesting dilemma. Of course, I don't have the answer to that, but in discussing it with the electors who were coming through the door in British Columbia, it was very clear that there was a split down the middle. Some people showed up for one reason, some showed up for the other, which meant that some showed up for the reason of one thing and just decided, "Well, I might as well take the other ballot"—whichever way—which I found somewhat interesting.

Mr. Norman W. Sterling (Lanark-Carleton): There were two separate ballots.

Mr. Hollins: Yes, they used two separate and two separate ballot boxes.

Ms. Smith: Just a follow-up question—

The Chair: Ms. Smith and then Mr. Prue.

Ms. Smith: Sorry. You had a correction?

Mr. Hollis: Sorry, it was only one ballot box. I know the discussion was two, but it was one. There were two ballots and one ballot box.

Ms. Wells: And for the first time in British Columbia, the legislation allowed for a declined ballot. Traditionally, at their provincial elections, there is no declined ballot as we have here in Ontario. But an elector could go into the poll and accept one of the ballots, either for their MLA or the referendum, or decline one of them or decline them both.

Ms. Smith: If I could just follow up, could you describe for me what role was defined for Elections BC, or your counterpart, when you talked about the fact that you were concerned that there wasn't enough education around the issue, around the referendum. I assume, then, that Elections BC, or whatever they're called, was very limited in their role, and I'm taking from what you said that they were limited to the business of running the election. As you said, there are rules as you come in the door, "This is what we can do for you." But on the education piece leading up to the election, did they have any role at all?

Mr. Hollins: I guess I would debate the word "limited." They had the role of running an election as a non-partisan agency, which was to deal with the elector as the customer; if the customer is going to come, to

facilitate their exercise of their franchise. That's the role we see as election officers. We don't get into issues, be it plebiscites or politics. That should be outside our purview.

As I mentioned, we see civic education as being the responsibility of an outside entity, and that's exactly the role they played. They facilitated the process by showing the people where to come to vote, showing them what they would be voting for in the sense of marking: "You'll be getting two ballots. Mark the ballot with an X in the circle to the right of the name. You vote at this location. Your advance poll opportunities are here. On voting day you're here. These are the hours. Your ballots will be tallied. Here's how it will appear to the press." As opposed to, "Yes, there's a question," which then leads to, "How do you stand on...?, what happens if...?"

0930

Mr. Prue: The question I have is perhaps too political and not electorally based enough, but it seems to me that the BC referendum was probably doomed from the beginning in terms of not being accepted, because the citizens' assembly was given specific instructions that the system they came up with could not increase representation within the House. Therefore, all they were left with in the end was what I consider to be the most arcane of electoral systems, that adopted by Ireland. They adopted that and no one understood it. Should we in Ontario limit our citizens' assembly the same way that British Columbia did, driving them in only one direction?

Mr. Hollins: Yes, that's very political, Mike.

Mr. Prue: I know it is. But I've known you for years, and you're good.

Mr. Hollins: Exactly. So if I filter all of that out, how would John Hollins approach this?

Mr. Prue: Yes.

Mr. Hollins: I believe I like what New Zealand did originally. First of all, do the people want change? Maybe ask that question first. Then, if they want change, maybe you'll decide if there will be something you put before them and recommend, and then they decide that, yes, they want to go with that change. Or do you possibly put options before them: "Which option would you decide for, and mark this not by an X but by what is your first choice, your second choice, your third choice," and then assemble that, dropping the third, and back to the second, until you get a majority vote.

You've got the John Hollins model, which is kind of formulated in his mind, for which there is no basis anywhere in the world, I'm sure, that supports that. But that, as a voter and as a person who conducts elections, I think is the fairest method.

Mr. Prue: That's where I wanted to go secondly. If the citizens' assembly, properly constituted, looked at several models and said, "We like A and B," would you think that that is a reasonable choice to be put to the electors to explain the differences between the two and let them choose one, as opposed to—what I saw in BC was people who wanted change but voted No because

they thought the system being proposed was not a good one.

Mr. Hollins: I didn't see it that directly; I saw it more as a confusion, yes, and that probably was a result of the confusion—definitely. I could go on and talk about why they put a 60% threshold on it, but I'm sure you've already seen that and you're weighing that as well.

Mr. Prue: Well, I was going into that. That seems a little bit arbitrary too. Everything else in this country is decided at 50% plus one. Would you recommend that we do the same as we do in elections?

Mr. Hollins: I certainly don't know why you wouldn't.

Mr. Prue: Yes.

The Chair: That's a very—

Mr. Hollins: Thank you. I'm getting better.

Mr. Prue: I do have some more, but put me back on the list.

The Chair: Yes, if we want, we'll go around. Ms. Wynne.

Ms. Wynne: I take your point about, "Do people want change?" My question is about the civic education piece. I know you've said that about Elections Ontario, that that's not your role; it's outside your purview. But you made a comment about the agency in BC, which you said was underfunded. So you've talked a little bit about that civic education piece.

What I'm interested in is what would be the hallmarks, from your perspective, of an effective civic education process. You're in the business of giving people information, so you've spent a lot of time thinking about how we get that information to people. So what would the hallmarks be, whether it's you or that third agency?

Mr. Hollins: My reputation is that I'm a little aggressive in communications. I have to qualify this. I would set aside an agency right now to communicate everything that you're doing in a transparent manner to the public so they know exactly what you're doing at all times. Everything you do goes up on that Web site. You have to decide how far removed that agency is from you. I believe they should recommend a budget to you; you shouldn't arbitrarily give them X number of dollars and believe that it's going to work.

I don't think that the agency necessarily was the issue in British Columbia. I actually thought that the funding was probably the issue. But I believe that the agency should be given the opportunity to come back and say, "Here's what we believe works in selling Ontarians on showing up at the polls to vote on choices." Consequently, they should come back with a budget and you should consider that budget. They know their business. They'll come up with the dollars and then you can weigh that. They'll say that pretty directly. If you were speaking with me and said, "John, I'd like to cut out this amount."—"OK, why don't we just reduce the number of polling divisions and make everybody go five miles to vote?" It all equates to the business practice. If you're talking to communications professionals, we find them very good. I know that going into our last election, we

actually had our communication strategy all laid out, but we did it two years in advance. By the time two years later came, we actually had to pull all of our radio advertising because it no longer fit with the people of Ontario.

Ms. Wynne: You talked a lot about times; just about everything you said was that we need to give enough time for the processes that you have to put in place. So when you say, "Put an agency in place now," you're saying that there needs to be that kind of lead time in order for people to understand whether there's going to be change and what the change is going to be. Is that what you're suggesting?

Mr. Hollins: Well, the press has already announced that your committee is meeting, so people want to know what's going on. They're suggesting things, but there's no counter to the suggestion. Essentially, the media is going to drive what people think about what you're doing. There's no agency there that's really going to be producing the facts to the public on exactly what you are doing, so you're leaving it essentially to the media to drive your message, since—

Ms. Wynne: Incompetent as they are.

Mr. Hollins: Exactly.

Ms. Wynne: OK. Thank you.

The Chair: Mr. Sterling?

Mr. Sterling: I don't know how much you observed the BC system, but as I understand it—this wasn't written in any research report that is available to anybody, but we found out not too long ago that there was in fact a parliamentary oversight committee of some sort. I'm not sure how that was composed, who was involved in it etc. I guess I'm more interested, as we go through this process, first, in what role the parliamentarians played as the citizens' committee proceeded forward, outside of their political wants etc. And within the citizens' committee—I don't know if you were able to get a sense when you talked with people out there—were there a few individuals who dominated the citizens' committee and therefore pulled the committee one way or the other?

Mr. Hollins: I'm seeing that as a couple of questions.

The first question: We weren't there. A member of Elections British Columbia worked very closely with the committee and felt that it was very fair, that the assembly itself, the people, made their own choices. They felt that the academics they brought in might have had preferences, but you would expect them to have preferences. But you also expect the people that you choose to have opinions of their own. I think that if you—and this is kind of a side comment that we received from Elections BC. They had thought that they were going to get a different system than they got. If you were to assess all of the information given to the assembly from the academics, you would have said, "Oh, it's a slam dunk this way," but it clearly wasn't. These people rose up, they had their own opinions, they discussed it and they came up with a different system, and they believe that was the right system, which we applauded. Not that you

want them to go counter to that, but the reality is, if you're choosing adults in this day and age, they have opinions, and you will get exactly what they think.

The second, the parliamentary committee behind it: The report we got was that the initiative started and it was a good initiative. The people bought in across the board, not only the participants but in the communities, because there's an extension. If you're a member of the assembly, you're going to go home and talk about it as well, and that's healthy.

By the time the election started to roll around, it got very awkward. The parties didn't know where they belonged. They didn't know whether to run the other way or jump on board. I believe that you have to give the parties a very clear role here. Whatever that role may be, make it clear. I would suggest that you don't make this necessarily driven by a government, because a government is a party and people will associate it. Break the associations. If you all believe in this, then maybe the overseers are representative from every party and you drive this. Right up front, people know that the politicians have been informed to either cast opinions, if you wish, or not. But make it very clear that that's the role.

Some politicians out there didn't want to comment, because they didn't want to influence it. Then the public said, "Well, we vote for you because you represent us. We want to know what you think, because that's important to us." So you had a Catch-22 situation. We saw it not only at the constituency level; we saw it in the leaders. They didn't know where to go on this either. It seemed awkward. I think that to get rid of that awkwardness you'd have to define the area, make it clear. I think the three major parties should consider having a person each on whatever to control how this gets portrayed so this doesn't become a party-driven referendum.

You know what? I'm making an assumption that you're doing it on the same election day that we elect members to the Legislative Assembly. That's the assumption. If you do it on a different day, then it takes up a whole different approach. Sorry.

0940

The Chair: I have Mr. Arthurs next.

Mr. Arthurs: You mentioned PEI and your intent to travel down there this fall. What's the status of their process and what kinds of things are you hoping to glean from a visit during their process?

Mr. Hollins: Usually we go in with two reasons. The major reason is, how did you plan for this and make sure your electors knew about this? Then we go to the poll and we watch to see how their polls function. What are the impacts? That's pretty important: the impact on your cost, the impact on your elector, your customer. For British Columbia, they had lineups at the polls. They shouldn't have had lineups. We were there in 2001 and it was pretty slick. Well, all of a sudden they had lineups. They had lineups because of the confusion around the question. So OK, we have to think about that.

In our business, if you come into our shop, we're running a polling booth almost every week, tinkering

with things, trying things: What if you throw this curve in? OK, what if this person comes in with this? How will we want our people to react? So you're building it all the time.

The government here has suggested that we could possibly be going in this direction, so now we're looking at this as a very big impact on how we do business in the next election. Will it demand that we have larger polling locations or more polling locations because the elector is going to be in there for two or three minutes versus 30 seconds? Do we need more parking now? Stuff like that. We take it right down to the granular level, because we're a service delivery agency.

Mr. Arthurs: A second quick question—

The Chair: Can I just ask, Mr. Arthurs, if you would get closer to the microphone for our technical people. They've been waving at me that they can't hear you clearly.

Mr. Arthurs: Sorry. Just as a second quick question, generally, what's your major lead-up time to a general election?

Mr. Hollins: That's really difficult, and I'll explain why. Right now, we know that the government has a proposed permanent date, and because of the majority, we feel comfortable with that date. So we have a four-year lead-up to an election, essentially. We've taken the business plan, the strategic plan, work plans, and we've built them around that.

In the past, we had no lead-up time. We kept an election on the shelf and we would operate as, "We have an election sitting on the shelf that can go out the door whenever things heat up." A good example is 2002, the Conservative leadership.

We're ready to go right out the door with an election, but we also have a research and development area that's producing new things. When the new things are acceptable and meet all of our tests, then we slip this off the shelf and we would put that up on the shelf after we trained everybody again.

Essentially, in the past we'd be training returning officers and the key election staff almost annually so that they are up to date with our practices. We get the notice—and everybody says, the press in particular, "John, you must know when the election is coming." You know what? They don't tell me because they expect everybody to think that I know so that they'll pester me and I'll break and tell. Frankly, I don't know. So I literally have 28 days, or sometimes it's 29 days, because they'll phone to say, "You know what? We'd like you in town tomorrow."

Sorry if I was—I didn't try to miss your question. It's living in two different environments.

Mr. Arthurs: No, that was helpful. Thank you.

The Chair: I have Ms. Smith again.

Ms. Smith: I'm going to take it off on a different tack for just a minute. I have a particular concern about youth involvement and getting our young people more engaged in the process. I know that in the last campaign Elections Ontario did an advertising, promotional campaign around

getting more youth involved, and I hope it was successful. It seemed to be. I just wondered, around that, when you were developing that, did you look at any other systems? Are there any other jurisdictions that are engaging youth more or better, and where could we learn more about that?

Mr. Hollins: Engaging youth is definitely our greatest challenge. We're almost calling them the missed generation, to a certain degree. We think, across Canada, when all the CEOs meet—we meet annually to discuss our issues—this is our number one issue. Elections Canada is investing a lot of time and dollars in this as well.

We've just spent about three months pushing and shoving on this. We have certain things that we're coming forward with and pushing in our agenda, as we have in our annual report. One of them might be, for us: We get access to databases to support our permanent register of electors from lots of government agencies, but our legislation does not allow us to get it from boards of education. So there's a comparison there, and the comparison is this: If you're on my register, I have a pretty good direct contact with you in giving you your vote-at card and information. If I don't have you on that register, you have a different level of engagement. The 18-to-24-year-old bracket is in that particular area, which makes it more difficult for me to engage.

You mentioned that we did a campaign specifically for that group. I have to preface this: We were aggressive on all fronts and went after all the demographics. We know that the 18-to-24-year-olds particularly had an impact, because it was the senior groups who didn't like the way we did it, which put us on the front page of the newspaper and actually helped us, but again, they weren't in tune with it until we explained why we were doing it and that there were pieces for them. Was it successful? We believe it got their attention, yes. Did they participate in greater numbers? We can say yes, because as a percentage on the list, they participated greater, but that just means that maybe our list was more faulty, in the sense that we didn't have enough. I'd like to think not, but I don't think I can qualify that by saying, "No. Our list is very accurate in that 18-to-24-year-old bracket."

If you want our opinion as an agency, we believe that it's a systemic problem in society. It probably reaches into education, and the solution lies in education.

Mr. Norm Miller (Parry Sound-Muskoka): You mentioned, in terms of the referendum question for British Columbia, that the question was reduced to "change or not change," and I'm wondering whether the format for the referendum question, if it had been choose between two statements versus what they used in BC, which was a yes-or-no format, whether you have an opinion about whether that would have made it easier for the electorate to understand the choices.

Mr. Hollins: To qualify that, the question itself was a question, but the idea of "change or not change"—that's what people reduced it to in their minds when they went in. Would two questions have helped? I think a menu of choices might have helped. It would have probably given

you a better feel for what people were really thinking, as opposed to, “It’s this or nothing,” or “It’s this or what you have now,” which I found interesting.

Mr. Miller: Another question: In your presentation, you talked a lot about being prepared early and the time required for that. If there was a major change in the way we elect MPPs, how much time after the decision was made to change the whole system would you need to be ready for an election?

Mr. Hollins: It will be relative to the amount of change. I’ll qualify that: If you’re going to change electoral districts, it takes me a long time, because I have to get my mapping changed; I have to take the list and start cutting people into all the right places to make sure I get them into the right schools or whatever to vote. If you maintain the electoral districts, then I require less time. If it was to change the electoral districts as we know them today, I believe 18 months would be—I would have to go crazy to deliver that. I only say that because I saw Elections Canada scramble to get that last election up federally. If it was to change representation, then 12 months, because then I think the focal point will be on your civic education, more than mine. For me, it would be a lot easier. You’re coming to the same electoral districts, the same schools and things to vote, and I merely have to work on how you’re going to vote.

Mr. Miller: So it sounds like if there were major changes to the whole system, a couple of years would be a minimum amount of time.

Mr. Hollins: I think 18 months. I’m sure Loren’s sitting here kicking me, saying, “John, don’t give away the house.”

Mr. Prue: Just something slightly different, because I have been aggravated, and I know other politicians across the province have been aggravated for a long time, that there’s no longer a voters’ list where people go out and check who’s there. We miss people who turn 18; we miss apartment dwellers who move, on an average, every three years. In my riding and I know in some of the urban ridings where people live in apartments and move, you can have a voters list where virtually no one on the list actually is there, and everybody has to come in to register. It is a complete mess. Is there any thought that we should be going back to the system we had? I know it was expensive, I know it was cumbersome, but I do have to tell you, there weren’t hundreds of people lined up to register on election day.

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Mr. Hollins: A very sensitive question. It’s my belief—and I’m going to give you my opinion here—that you have to decide where you want to be with the list, and then take that particular form or system and apply it.

That seems like a high-level expression, but the idea would be—the list that we have now is, the burden is on us to maintain a list. We believe that the purpose of the list is to keep that as accurate as possible, using all the databases that we possibly can. When an event is called, we target-revise and go out into high-turnover areas. We deal with the real estate boards so we know who’s

moved. We deal with superintendents in apartment buildings so we know what the turnover has been. Our databases generally upgrade us so that we can get to the people.

There is a margin of error in the sense of being current and accurate. By that I mean, right now we believe we have about 95% to 96% of the eligible people on the list and we have 80% of them in the right location—exactly as you had mentioned. We believe that revision pulls us up into the 92% to 93% range. So we do have a margin of error of 6% or 7% in the sense of people who will have to show up on election day. In fact, I think it’s about 4.6% who actually do that.

In the system now, where we’re concerned is this: In the old system, with enumeration, we would go door to door and collect your name, and we would go three times. We would bring your name in and then have a voters list. If you weren’t on that list, you couldn’t sign in on election day. You were on the list or you weren’t on the list. So if we missed you, people would be very angry that we missed them.

Also, the number of eligible electors based on the StatsCan reports would tell us that for every 100 people who they believe are eligible in the old system, we were only getting 78 or 79 on that list. So we weigh in our heads, “Well, maybe that 20% just didn’t want to be on the list,” which is quite possible. They could be the people who weren’t going to vote, never intended to vote, so why be on the list?

We’ve moved to a register system where we keep this permanent register, which gives us that point of contact with people so that we can do it by mail. We do that contact, and yes, they can come in and revise, but they can also come in and revise on election day. The gap that we believe is in the system is that we used to go to your door and put you on the list. Now you show up off of a list that we’ve compiled. We believe there should be a check: that we ask you for ID, you produce ID, and that gets you the ballot. That’s the currency of an election. That’s the currency to democracy—that ballot. So it has great value, and that’s what we would like to see: that if you showed ID, that would get you on.

The fact that people come and sign up at the polls—and people line up, as you suggest—is our issue. We should just be better prepared to make it a better experience for those people, and we should staff that up so that their time frames should be reduced so that there aren’t those lines.

Mr. Prue: I do have a supplementary, because I have a personal experience here, and I wondered if you could comment on it.

When I ran in the by-election, I went in to register, and I was not on the voters list. So I had to be put on the voters list, and I won the by-election. In the next federal election, I was not on the voters list. So I had to go in again and show that I was still living in the same house where I had lived for 25 years. I was put on the voters list. Then, in the last provincial election, when I went to re-file, I had to go in again, because I was not on the voters list.

I don't know what goes on. This is just my experience. If I was not so headstrong and wanted to vote and to run, then I would think I'd have walked away, like many, many people. How does that happen in a system that we have?

Mr. Hollins: It happens predominantly because of the nature of the list is such that you have to want to be on the list, and the particular driver at this point in time is the filing of your federal income taxes.

Mr. Prue: Which I do every year, and every year I tick off to say, "I live in this house."

Mr. Hollins: Well, under those circumstances, you should have been on the list and you weren't. It was nice that you could go sign in on election day and still vote. In an enumeration system, that was not the case.

The Chair: We have a few minutes left. Dr. Kular and Mr. Patten have a couple of questions, and I have one last one as well. We don't have a lot of time, so I'd like the questions, if possible, to be short and concise.

Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale): If this province comes to a point of having a referendum, from British Columbia's experience, would you recommend that the referendum be held on a separate date than the election date?

Mr. Hollins: To be very honest, I wouldn't, because it's easier for me if you do it on the same day, by far. If you were thinking in terms of, you wanted the public to come and vote clearly on two issues, yes, you would separate them, but then you're going to have to deal with the fact that if you get a 60% turnout for your election here and you put a referendum out there and you get 20% of the people voting on it, what are you going to do? They both drive a purpose, and the purpose might be turnout. That's a consideration.

Would I consider looking at the day that you vote? I would. Right now we vote on a weekday. Think of a weekday, to the person in Ontario. We have Ipsos-Reed, which does polling, and they ask voters, "What do you think of election day?" "I don't have an election day. It's a weekday. You can open the polls as long as you want; I don't get off work till 5. From 5 to 8, I don't know quite what I'm going to do, because everything that has happened up to 5 is going to influence what I now do. My kids could have run into issues; family could have an impact; my boss may say, 'Stay.' Sure, you've got legislation that says I get three clear hours, but I'm not going to tell my boss that. I quite enjoy my job."

There are a lot of things in play here. In a lot of countries—in Quebec, they vote on weekends, so you've got a whole day. You can plan the day, and voting can be part of that day. They're in control of the day. Where they have to go to work, a lot of them suggest, "I don't have control of that day, yet that's election day and you want me to participate in the voting."

I hope I answered your question.

The Chair: I have Mr. Patten, and I did miss Mr. Sterling, so you're on the list, Mr. Sterling.

Mr. Patten: By the way, your visit to PEI: I don't know if it's an official one or not an official one, but is

there any information there or any report? Can we assume that we have access to your findings or your observations from this?

Mr. Hollins: Anything that's printed in PEI, I would bring back for you. As for everything that we go and see and discuss, it's behind closed doors with election officials about issues that are very real issues that generally are kept among election officials. If you wanted my opinion on the basis of my experience there, as I've given you in BC—and I'm sure the BC people, if they read this, will be all over me, but—

Mr. Patten: I would welcome that.

My other question is a follow-up to Mr. Prue's question. I have an urban riding as well—downtown Ottawa; Ottawa Centre—and it has been a perpetual source of frustration. The turnover in these ridings is very high. Over a five-year period, you're talking sometimes in excess of 50%. But I have been, as Mr. Prue has, to apartments where there was not one person whose name is on the list who lives there any longer, and finding call cards from Elections Ontario just lying on the floor and this kind of thing. The reason why this is important, in my opinion, is that of course everyone reports on the percentage of voter turnout, and the assumption is that you're dealing with a 100% correct list. I would say to you to come—and I've said this to the federal Chief Electoral Officer as well—and I'll take you to the buildings, show you the buildings. We canvass the buildings two or three times as well, so we know who's there or is not there. I would say between 25% and 20% was erroneous in my riding. On average, it may work out to be a different percentage across the province, but it is a real problem.

The Chair: Thank you. Is there any response?

Mr. Hollins: Oh, yes. You're not going to necessarily like my answers in particular, but we have processes whereby, if we have missed buildings, we would like you to communicate that to us. One thing that you might consider as legislators, and I know they do that in the Municipal Act in Ontario, is: Why can't the candidates have agents who, when they get to a door and the wrong people are on the list, complete a form, submit the form to us, and then we put them on the list? I think it works very well municipally, particularly in the municipality where I had worked before, but we don't have that opportunity provincially.

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However, it would be a great opportunity for us to also work with the parties. I know we started this advisory committee. We meet quarterly with the parties so that we keep each other completely informed of direction. We work together in finding solutions. That would be, to us, with regard to the list, a great solution. We see it as the candidate—and this is how they portray it to us: They knock on the door and they say, "Mrs. Smith," and the person says, "Who is Mrs. Smith?" and they have no comeback. The comeback could be very simply, "Oh, OK. So, you're not on the voters list. Can we help you?" Now you have an answer and you can give them some

kind of solution to this: "We'll get your name on the list. You'll be voting here." So you've now made a good contact versus the, "Oh, my gosh, who is this idiot who doesn't know who lives here?"

The Chair: Mr. Sterling.

Mr. Sterling: Perhaps you can answer this in writing, because we are running short. Perhaps, Mr. Hollins and Ms. Wells, we would like to have you back after we get a little more experience. I have a great fear of electronic voting in terms of some people not feeling comfortable with it, as well as the ability to check results and check for errors and electronic and IT mishaps, which seem to be getting into every electronic voting shenanigan that I have seen.

Three questions with regard to the various alternatives we may view, and I think you know some of the areas where we may go: mixed proportional voting, pure proportional voting, the present system and the various nuances that can be done. I'd like to know which ones would require electronic voting. Number two is, what would be the length of time in terms of results? We have a culture in Ontario of being able to find out what the results are shortly after 8 o'clock on election night, maybe a little bit later in some sections of the province. As well, I'd like to know what the costs of doing this would be for Elections Ontario in terms of implementing any one of these systems.

If there is a choice between electronic and non-electronic, I'd also like to know what the time gaps would be if you didn't go electronic. Presumably, if you went to an STV system and you didn't have an electronic system, you could be weeks and months in determining what the result would be from a paper ballot where there would be a selection of one to five candidates, something like that, as I understand the STV system.

So perhaps you could report to us in writing on that.

Mr. Hollins: OK. Just briefly, any system can be counted by hand. There's human error; in everything we do, there is definitely human error, and I'm sure you all respect that. If you bring in automation, you can bring automation in on any level you want. It can tabulate anything. The technology can be checked, balanced.

When you get into the voting itself, the big decision seems to be, do you want people to vote remotely, meaning in a non-supervised environment, or do you want to bring electronics into the actual polling place? A good comparison would be, do you want people to vote from the Internet, or do you want them to come to the poll but put it on a piece of paper and then have a machine tabulate, or, as we say, you put the ballot in and it tells the voter, "Yes, we can read this," and it accepts it; if not, it puts it back to the voter and it says, "You haven't marked it correctly." We're big proponents of that, actually. There's a bit of a reality on costs for us.

It's going to go into a bigger issue, but I'm going to throw it out there: It's very distasteful in Ontario to run an election, because every Ontario elector is served by three masters on the electoral front, which to us is somewhat ridiculous. I'm getting very out there. If we go

into electronics, there's no reason why the municipalities and us shouldn't have a partnership. Seventy per cent of the municipalities own machines. I don't have to buy the machines; they already own them. All I have to do is a partnership with them. But maybe the partnership should go bigger. Maybe municipalities should be delivering all of the elections, with us as the oversight body for a provincial election.

As for results and timing, if you do it by hand, you're correct: It could be days and weeks. If you do it electronically—I'm going to actually go back to my experience the last time I ran a municipal election. That was for a couple of million people and we had results within 20 minutes. That just means we know what all the vote tallies are. To put that back through a computer and apply all the necessary formulae, I don't think 10 o'clock at night is way out there with electronics. It's all doable.

There is an expense. I believe the expense can be minimized by partnerships, but we clearly need direction from the government to get the municipalities in a room together to decide who's going to deliver elections, who's going to oversee the different parts, no different than the list. There's a municipal provider of the list, we have a provincial list and the feds have their list. I hope that answers your question.

Mr. Sterling: You can respond to us in writing.

Mr. Hollins: I sure can.

Mr. Sterling: In more detail than—

The Chair: I believe that there's a great interest in speaking with you again and in having you come back to us at another date, if that's OK. I believe there's a great deal of interest in discussions here with you.

I did have a couple of questions, but since we're running over, I will not ask them at this point. They dealt with the two-step referendum, which I think you suggested at the very beginning as an alternative to lessen the confusion at the end of the day. At least ask whether or not people want change first, and then bring about what the various steps are. One has to do with change in legislation that would allow you to access the lists that are required, so that may be one way to bring up the numbers of people who come out to vote. It might be a way to more accurately determine what those lists are, who those people are that should be voting.

Thank you very much. We're going to leave it at that and have our next presenters. We hope to see you again when we have done some more in-depth discussions and presentations.

Mr. Hollins: Thank you very much for your time.

GLENDON COLLEGE

The Chair: We now have Edelgard Mahant, I believe, from York University.

Dr. Edelgard Mahant: Glendon College, please.

The Chair: OK.

Dr. Mahant: I'll make two points at the beginning. I understand I'm supposed to speak for about 20 minutes, and then you'll have questions. Do I get my full 45

minutes? I know the previous speaker was particularly important—

The Chair: You can use your time as you wish, but I know that the committee is certainly interested in being able to ask questions.

Dr. Mahant: I'm very interested in what I do. I'm quite passionate about it and sometimes I tend to speak too quickly. If I go too fast, I will not be offended if anybody tells me to slow down. I will be much more offended if you cannot follow me, so please do not hesitate to tell me to slow down.

I come at this as a professor of political science, as the Chair pointed out, but I don't consider myself an ivory tower academic. I have worked in every federal and provincial election since the 1972 federal election in Ontario in different ridings—Sudbury, Sudbury East, Don Valley West—so I've been involved in different places. I feel that I have a special combination of qualifications.

I would like to begin by doing something very different than what the last speaker did, who has a very thorough knowledge of the details of elections. I would like to think that if we think about changing our electoral system in Ontario, we need to think about the basic principles of democracy. We can think about fairness to political parties—I'll come back to that point—and we can think about fairness to regions, but basically democracy is about people, individual people. As a person—if it's a small-l or a capital-L liberal—I really do believe that individuals—"P" people—are what political and democracy are all about.

One of the basic principles of democracy is that the majority should prevail. But what does "majority" mean? The majority means nothing unless it consists of people who are basically equal, so that each vote counts the same. The majority doesn't mean anything if one person had 10 votes and another one had two or one or none. We need to remember these basic principles when we try to change any aspect of our electoral system. We have to remember the democracy and the basic equality of all individuals.

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I like to tell my students that every culture has a story about a king or a prince changing his clothes and going out among the people, and not being recognized. What does that story tell us? It's a profoundly democratic, liberal story. It tells you that people know, somewhere, even in the most hierarchical political system, such as in China, that there is a basic equality of individuals, which we must not forget.

I think the most wonderful place in our political system where I've seen this expressed, where democracy is really, really at work, is one of those committee rooms, as we call them, where we prepare for elections. I find I can get positively romantic and enthusiastic about a committee room where you see everybody working together. Whatever their race or gender or background or ability, people are there: People are there in wheelchairs, people are there who have lots of education, people are there with university degrees, and they're all working

together to one end. That is surely the ideal of a democratic society. This is my model for this presentation: the ideal of a democratic society, to have everyone working together, whatever their background, to have as many people as possible participate in the political system.

Now, when I think about the question of electoral systems for Ontario or Canada, we need to think about not only the effect on governments or the effect on political parties. Here, I want to make one correction. Of course, all of you and myself, we are concerned about political parties. We are party activists. However, we want to think beyond that. We want to think beyond the effect on political parties—on the effect on the political system overall. We need to be fair to people, not just parties. You'll notice that theme coming up again.

I've divided my presentation into three very short parts. First of all, an electoral system has to match—suit—the political system which it serves. The electoral system serves a political system and a political culture. I've got in my write-up—you have it, don't you? You all have my write-up—the example of France. I'm not saying that the electoral system should somehow reflect, or not only reflect the political culture; it needs to reflect it but also in a subtle way correct it, so that if you have a society which is deeply divided—it's been said many times that Canada and Ontario in particular are divided along regional lines. I spent 20 years in northern Ontario. I know how different the north is from metro. It's true that our current system tends to strengthen regional divisions to some extent. So we need to look at not only the society, but we need to see how we can get a more effective political system. We need to move upward a little bit; not too much, but a little bit at a time.

So when we look at Ontario, it's not only that we have a very diverse province which varies very much from one part to another, but we also need to look at how we can get a political system that serves the province—the people that we are serving. Therefore, I think we need to look at the changes, the evolution of our society. Our society is very multicultural. Multiculturalism is a hallmark of Canadian and Ontarian political culture, and proportional representation has a danger of intensifying ethnic and cultural divisions within the society. We need to look at that very, very carefully. We need to not think of correcting regional disparities, but at the same time, possibly intensifying ethnic or cultural divisions, especially in a big city like Toronto and the greater Toronto area.

I'm worried about any kind of list system for that reason. I think we need to look at it. I'm not saying that we shouldn't do it, but we should look at it very, very carefully, which is why my title is Proceed With Caution. We don't need to think of just fairness to political parties; we need to think of fairness to our people.

The next kinds of effects—I call these mid-stream effects—what happens on election day? I'll come back to recommendations. The previous speaker was, of course, outstanding on that. But we really need to look at how we run elections. We need to bring in technology. I don't

mean necessarily electronic voting, but what we have now is a 19th-century system. We need to look at using technology maybe more for the voters lists. Why, when we go in to vote on election day, for example, do you have to go to your home poll? I have been a scrutineer and had people turned away at 10 to 8 because they had come to the wrong polling station. With computers there, we could deal with a simple problem like that. We need more trained people to work at the polling booth, at the station, without necessarily changing much else. But that we can surely do: modernize, update the system we use to run our elections.

Lastly—not lastly for me, but the third effect—is what I call the downstream effects. By downstream effects I mean, what kind of governments do elections produce? The most common issue is that people say, “If you have proportional representation, you might not get so many majority governments, and minority governments are really quite good. Minority governments have done a lot of wonderful things.” They point to the first Pearson government and the first Peterson government in Ontario, and they say, “Look at all these wonderful things minority governments have done.” But remember, if we do change to a purely proportional system, look at countries that do have purely proportional systems. You will see that in those countries where they have those systems, it’s not as if the majority and minority governments are sort of interspersed; it’s a situation of permanent coalition governments. Israel is an example—the last country that should have proportional representation. They have people from Russia, people from the Middle East. They have earlier and later generations of immigrants, and they have this purely proportional system where everybody votes for their own list. It makes the country all but un-governable. That’s the kind of danger I’m talking about. Israel has a permanent minority government and coalitions, where the last person into the coalition can drive the government program. I don’t know if that’s what we want.

In any case, if we go for some kind of a system where majority governments are less common—and I’m not saying that’s necessarily bad—then we would have to think not in terms of majority-minority, but in terms of coalitions, of political parties working together. We’d have to change our way of thinking, change our political culture, and accept that coalition governments may be the norm; we don’t have to run them down as somehow wheeling and dealing. Coalitions would be the norm and we would have to accept that in the three- or four-party system, such as we have in Ottawa. In Ontario we have a three-party system. Who knows how many parties—a Green Party or whatever—we would have with a different system?

I’m going to move on to my recommendations. I have three principal recommendations. I have more in the presentation.

First of all, I think that if we move to any kind of proportional representation, it should be as a top-up or what is called an additional member system, something

like what they use in Scotland, for example. Scotland would be a good example. Many Canadians are of Scottish origin. The Scottish system looks pretty good to me, although New Zealand and Germany have something similar, but I think the Scottish system has a smaller element of proportional representation. Mind you, Italy has the same. Italy is hardly a country which has had successful government, and it also has profound regional differences, so it is wise for us to consider the Italian example as well and to see what difference it has made. But Italy has problems in its democratic political culture that fortunately, so far, we don’t have here. In any case, I think if we think of going to some kind of a list system, we should go at it gradually and do it within some kind of additional-member or top-up system to begin with.

One of the reasons I say that is that I believe so strongly that the individual person should have the possibility of getting elected. I use the example in my write-up of Elijah Harper and Chuck Cadman. Think of how much difference an individual can make in a political system. An individual should be able to be elected in their own right. As a person who has spent her life working for a political party for over 30 years, I can say that I am worried about a system where political parties have too much of a role to play. I am not against political parties; they are an important part of the democratic system as it has evolved. But we need to remember that the political system is there for the people, not for the parties. That’s why I think we should move gradually, with any list system, by introducing some kind of top-up system that still allows individual, independent people to get elected and to stand, and particularly to stand for election.

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A second set of recommendations I would make is that we really need to think of how we can involve more people in politics. There was talk about the voters list. Admittedly, the voters list is a problem. I really liked the previous speaker’s suggestion of having the people who knock on doors fill out a form that could later be verified. That was an excellent idea. You go to the door and you say, “You’re not on the list. You have to call this phone number or go to that place.” It’s not very good. If they could fill out a little form, that would be great.

So we need to get more people involved, but we need to do much more than tinkering with the voters list or tinkering with the electoral system. The electoral system is one part of the democratic process, but there’s so much more to it than that. It’s an important part—a very important part—but only a part. We need to get people involved and interested in politics in a very major way. The way we can do this is by opening up more of our society and government-funded institutions to political input.

I know democracy is messy. For example, the hospitals: So much government money is spent on health care. Why don’t we have properly elected boards for hospitals? I know there were problems. I know we tried this and we ran into all kinds of problems with what we call interest groups—interest groups are part of society—

taking over hospital boards. We didn't want that, so other groups will have to get involved if they don't want that. The school boards were emasculated by the Harris government. They need to be put back together. We need local input into schools, we need local input into hospitals, into the health care system. We need to get people involved in the kinds of issue that affect their everyday lives. We need to take the model of the candidates' committee room and expand it into our society. I know it won't be easy for the bureaucrats in the Ministry of Health if you have more people involved, but I think more advisory committees, having more people involved, would really make a difference. If people can see what politics means to their lives, it would really make a difference in electoral participation eventually, maybe one or two elections down the road.

Then I come back to the other issue that the previous speaker also raised, which is really important: the fact that young people vote in lower proportions than the rest of the population. This is a really big problem. If you want a democracy and you want people to participate—I was reading the report of the electoral commission in New Brunswick. I don't know if any of you have seen that. It's an excellent document, in 2004. It's in the references and I think it's on the Internet. But New Brunswick has a really excellent report with many good ideas. I looked at the British Columbia and the Quebec stuff, but the New Brunswick one just stands out with excellent ideas.

It also suggests—I had some of the ideas before I read it—getting people more involved in the questions that influence everyday life. It has excellent suggestions for getting young people involved, and one of them is that on election day, if we're going to have computers at the polling stations, we should have young people working there. There is no reason why 16- and 17-year-olds couldn't work at a poll, even if they can't vote yet. We have to be old enough to vote. Why can't we have young people, who can flip hamburgers at McDonald's or wherever or who work as lifeguards, working on election day and pay them and get them involved?

The school curriculum is so overloaded. Now, without grade 13, it's a huge problem. I'm not saying more courses, but we should somehow take the taint away, if we can, from the term "partisan politics." Partisan politics is what it's all about. When I go to book a room in a school, they say, "You're a political party." You have to pay more money than, say, the local whatever group. Well, political parties are part of democracy and politics are part of democracy. Political parties—all of them, mind you, equally—should be able to go to the schools. There should be political clubs, there should be extra-curricular activities such as model Parliaments and model city councils so that young people can get involved even before they can vote, not necessarily through the curriculum but more in an extracurricular way. I think people would be interested. Young people are very keen, and if you get some interested, you bring others in. So we need to get young people involved, showing them that politics can be fun, maybe by just minor funding.

I have one more suggestion in my recommendations that I haven't done, the last one. I think our political system depends very much on the link between the individual member of provincial Parliament or member of Parliament and the local people. Two factors are a problem here. This is the British system we have inherited. There are two factors which impede this process. One is that the population of Canada has been growing rapidly, which is good for Canada, but at the same time, a large-city MP has so many people to see. A large riding has 100,000, 120,000 people; that's a lot of people to serve. Another problem, a different kind of problem, is the large ridings in the north, ridings like Kenora–Rainy River or Nickel Belt or ridings in which you could drop several European countries and they would disappear. Isn't it true that in Kenora–Rainy River you can put all of France, which is one of the larger European countries, and then some?

Mr. Prue: All of it.

Dr. Mahant: All of it, yes. It's amazing. And France has 450 or so members in the National Assembly.

I think the idea that I've come up with is very important. We can see with the media that people like that personal link. With the media it's not always good. One of my ideas was that mayhap—and this is something that they do in France but not quite to the same extent—we elect a member of provincial Parliament, and maybe we can elect an alternate: elect two people at a time. The alternate wouldn't be fully paid. He or she would get some kind of stipend. The person could help the MPP with their work. They could see people in their free time, in the evenings, on Saturdays or whenever they had time from their jobs. They would get travelling money—let's say a stipend—but not a lot of money. It would eliminate the need for by-elections. This is how the French came at the system: They elect alternates, and the alternates take over. It eliminates the need for a by-election unless both of them resign or leave. It will bring government closer to a lot of people. It also would be kind of a training ground for new members of Parliament. It would also solve one of the problems: People always say proportional representation is better for women. Well, I demolish that argument in my paper. You'd have to read that to see that. I don't think proportional representation is better for women at all. Look at Greece or Italy. Come on; it hasn't done anything for them in Greece, Italy, many countries. So I don't think so.

But this kind of a system of electing an MPP and an alternate might bring in people from different groups. It makes sense, if the MPP was a woman, to have a male as an alternate or, if the MPP was somebody of Punjabi or East Asian or whatever background, to have somebody from a different group as the alternate. They would be in training, because the person wouldn't have to take over next time. They might find that political life wasn't for them. I think this might be one way of bringing government closer to the people at relatively little cost while preserving the link between individuals and the political system, which I think is really important.

That's it.

The Chair: Thank you very much. We're going to engage some questions. We're going to try to catch up a bit of time as well, so I won't be quite as flexible. Mr. Sterling, then Mr. Prue and then Ms. Wynne.

Mr. Sterling: I notice in your paper as well that there is no guarantee that, with change, you're going to improve voter turnout. In New Zealand, after they made this much-heralded change to a proportional system, the voter turnout actually dropped in the next election.

Dr. Mahant: Exactly.

Mr. Sterling: Maybe you can enlighten us on this. My understanding is that many people in New Zealand are not very happy with their new system and would like to return to the first-past-the-post system, but the politicians who are there now, notwithstanding some of the promises that might have been made during the election, are most reluctant to go back because some of them feel very comfortable with the present system.

Dr. Mahant: On a factual level, I don't know that. My field is European politics. I really don't know about current events in New Zealand—I know I looked that up—but I know that for example in Canada, several provinces like Saskatchewan, British Columbia and Manitoba have experimented with different systems at different times in our history, and they've gone back to first-past-the-post.

What I'm saying about the political parties—you make my point—is that once you put the parties in charge, it's difficult to unseat them. It took de Gaulle in France to do it, at the risk of a military coup and a civil war and I don't know what all in France. So, yes, but I can't comment on the details. Sorry.

Mr. Sterling: Would you then suggest that in any kind of change in our system we should guarantee the public the right to go back down the road in the future?

Dr. Mahant: Yes, a review. That would be a very good idea. A review after maybe two elections is an excellent idea. I hadn't thought of that, but yes, after two elections the system would be reviewed, and with public input.

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Mr. Prue: Just a question about representations of women and minorities under a mixed representation system: You cited the examples of Greece and Italy, but it's my understanding that in both Greece and Italy there are more women in their respective Legislatures than we have here in Ontario or that we have in Canada. In fact, Canada has the second-lowest number of women in the Legislatures in the world.

I contrast that with what I understand in Iceland, in Denmark, where women actually are in the majority. Is that a factor of the system, or is that a factor of the culture of Greece and Italy?

Dr. Mahant: As I said, proportional representation may elect more women, but that doesn't mean that women are influential within the Greek cabinet. There have been one or two women ministers in Greece, and in Italy as well, but I haven't seen—Sweden, Norway, Den-

mark and Iceland, the Scandinavian countries, and Finland as well, have a culture which is very open to women's participation in all aspects of life. They have women cabinet ministers. They've had women Prime Ministers, women foreign ministers and so on. It's a culture of those countries. I would not say that women are influential, no matter how many are in the Legislature, within the Italian or Greek parliamentary political system.

Mr. Prue: Surely in a country like Canada, where women have rights and are making tremendous progress, a mixed proportional system would benefit and allow more women to become involved in politics, certainly more than the 20% we have in this Legislature right now.

Dr. Mahant: I'm not sure; I'm not at all sure, as I said in the paper. I'm not sure what would happen. I think there are other measures that could be taken. For example, in Ontario this was a problem in one of the provincial elections I was involved in. A simple little thing: When you're counting your election expenses, neither men nor women can count child care. It doesn't count as an election expense. Those little things could make a difference.

The way elections are funded: Certainly, government funding of elections will bring women in, making it more—federally, Bill C-24 is a straitjacket; it is ill advised. But that kind of measure is somewhat more flexible. Where there's government funding of elections, which they do have in European countries, it could make a difference. It's a matter of the culture as well. You're not going to take a male-dominated culture in the Mediterranean countries and change it overnight. You can't expect the electoral system to produce those results. It can contribute in a small way, maybe.

The Chair: Ms. Wynne.

Ms. Wynne: Thanks, Edelgard. It's nice to see you.

I had a similar question to Mr. Prue's, and I think you've answered it. There's going to be a lot of discussion about this. The proportional representation system has to be considered in a context, is what you're saying.

I wanted, though, to ask you about youth participation. You work with youth all the time. You're at the university. The disenchantment that seems to be talked about in terms of participation: Yes, I hear what you're saying about getting younger kids involved in the mechanics of elections. I think that's a good idea. From your experience as a professor at the university—you work with kids, some of whom would be interested in the mechanics of electoral systems, in taking part, but others not—can you give us some sense of your perceptions about why that is, what is missing, what those kids are looking for that they don't find in our system?

Dr. Mahant: One way I see it is that as a political science professor, I get to see students who are interested in politics. One of the exercises I do when I teach introduction to political science is that I have them tell me how politics has affected their lives, and they don't know, I mean, some of them have an idea. You have

people with these amazing backgrounds, in a first-year-class, from all over the world. So they obviously know if they've been a refugee fleeing a civil war, but then there are some who say, "Oh, I don't know. My life hasn't been touched by politics at all." Then you ask them, and their parent is a high-school teacher or someone in their family has been ill, and you have to think about that. Even the music they like to listen to, the computer games they like to play, whatever they like to do, these are political issues. What can you download on your computer? What are copyright laws? Get people involved in issues like, the music you like to listen to: Can you download it from the computer? What are the rights of the musicians and the authors? Don't you think that they have rights as well? These are political issues, but they don't think of them as political issues. We have to reach out by making the link.

Ms. Wynne: I was just going to use that word. So somehow the links aren't being made. You made a comment earlier about the curriculum being overloaded, but it seems to me that what you're talking about is those links being made across the curriculum. It's a critical capacity that kids would have to understand how politics works and, I would suggest, even small-p politics. Do they make the link between the issues in their schooling and politics?

Ms Mahant: Well, I don't know how far away our teenagers are from the Harris years; obviously, they would in those years. But now I think it is worth exploring. Again, we tend to stay away from political issues. There was an item on TV last night about the cost of extra fees in high schools. In greater Toronto, it can cost up to \$120. Secondary education is supposedly free, but there are all these fees for art supplies, gym and this and that and the other thing. Some parents just don't have \$120 per child to pay all that money. Well, these are political issues. How much is funded? Do we have a formal procedure for people applying for extra money? Does that humiliate the young people who have to apply? Should it be free across the board? Those are political issues that we can get young people involved in. They know that when they go to school they have to pay the extra money, and if they don't have it, how do they deal with the situation?

The Chair: Thank you very much, Ms. Mahant. We appreciate your input.

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The Chair: I'm going to ask the next speaker to come up. It's Heather MacIvor.

I just want to remind the committee members that I'd really like us to stay on topic with electoral systems and current electoral systems, as much as all of the other areas, and just to try to stay focused on the issues that are on the agenda.

Dr. Heather MacIvor: Good morning.

The Chair: Good morning. Thank you very much for coming before us, and welcome.

Dr. MacIvor: I hope that all of you will have received a hard copy of the document that I prepared. I will not be reading through it today, you'll be pleased to know. My approach is always, when I'm making a presentation, whether it's to a committee or a class or any group, to make written materials available ahead of time so that I don't have to go into vast detail and belabour points, but rather I can just work quite quickly here and make some brief comments.

What I'm going to do is focus primarily on these three questions that I have put to you at the top of page 2 of my document. You'll see that the three questions that I've put forward are particularly important, I think, not least because I do worry, as I say at the beginning of my presentation, that there is an element of faddishness in this rush to consider reforming institutions, which is not to say that people are not motivated by genuine concern and genuine interest and so on. But when you have five out of the 10 provinces, after years of people who are experts in electoral systems beating their heads against brick walls, suddenly saying, "Yes, yes, we must change our electoral system," you do start to wonder how much people understand about the implications. I am a strong advocate of electoral reform, but I want it to be done in the right way for the right reasons. By that I don't mean to forestall any of your decisions, but simply to say that we understand what we're doing and what the consequences are likely to be before we leap in.

The three questions that I put at the top of page 2 are, which goals do we want the reformed institution to achieve, and how will we trade off one goal against another? Implicit in that, of course, is, how would we achieve whichever goals we think are the most important? That is something that I touch in several places in the presentation, the actual achievement of goals. Clearly, the choice of goals is for you and a citizens' assembly or citizens' jury, whatever the nomenclature will be in this province, but it is important that we narrow down possible goals so that at least we have some sense of what we're working with, because otherwise the topic of electoral systems quickly mushrooms into something that is too vast to even deal with.

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For the second and third questions, the answers are necessarily speculative, of course, and I wouldn't want anybody to come back to me 10 years later and say, "Well, you said this would happen, and it didn't." What I am suggesting is that we at least ask ourselves these questions, and whether or not any member of this committee completely rejects the answers that I've put forward in this presentation does not diminish the value of the questions.

I should also say that we can learn something from other jurisdictions and their experiences with different electoral systems. I note that you are not going to New Zealand—I rather suspect that's a budgetary issue—but I also note that you are going to other countries, including Ireland. As soon as I heard Ireland, when Ms. Smith was presenting the subcommittee report, my ears pricked up

and I said, “Aha, they’re really looking at STV. Hmm.” As a strong advocate of a mixed system, I applaud your initiative; however, I may just take an opportunity in my oral presentation to say a few more things, negative things, about STV, just because I have the opportunity to do so.

Mr. Prue: Because it’s arcane.

Dr. MacIvor: Well, it’s not simply arcane, Mr. Prue; it is other things as well.

If you look further down on page 2 of my document, you’ll see the box, “Ten Goals for Electoral Reform.” I would just emphasize what I say immediately above the box that: the numbering here is for ease of reference, not to indicate a ranking of priorities. If this were my list, “legitimacy,” for example, would certainly not be 10th out of 10. But it is a useful list prepared by the New Zealand Royal Commission on the Electoral System. I’m just going to use this to very briefly summarize what I say in the presentation in answer to the first question about goals.

Number 1 is fairness between political parties—this, of course, is a way of saying proportionality—in the translation of the parties’ vote shares into their seat shares in the Legislature.

I note that my recommendations are either mixed-member proportional, in which the parties’ vote shares on the lists completely determine their seat shares in the Legislature, or an additional-member system—Mr. Johnston has summarized these for you, so I don’t think I need to belabour it—with, I’d say, about a 2-to-1 ratio of constituency seats to list seats. In either case, you’re combining constituency seats exactly the same as we have now—single-member plurality, SMP, seats—with regional list districts. I say regional list districts, not a whole big province-wide list, because I can’t even imagine what it would be like to try to administer a province-wide list in Ontario.

Proportionality, I think, must be an important goal: greater proportionality but not perfect proportionality. I don’t think there’s any need to trade off all the other values which would be required in order to achieve perfect proportionality. I also note, and I’ll say a little bit more about this, that a lot of times when people talk about proportionality, they immediately turn to, “We will have to have coalition governments. We will have to have minority governments.” I personally do not lie awake at night trembling at this possibility. I don’t think it needs to be that scary.

I would also suggest that an AMS, additional-member system, would be somewhat less proportional, so you would not have perfect fairness between political parties—not that that’s achievable anyway—but that it would perhaps be an acceptable trade-off with the other goals of the system. In other words, you would have greater proportionality, greater fairness to smaller parties, better regional distribution of party seats in relation to party support across the province, but you would not then throw away other very valuable goals.

Just in passing I would also say, with regard to fairness between political parties or proportionality, as Mr.

Johnston explained to you in the documents that he prepared, proportionality is largely a function of district magnitude: the more seats in an electoral district, the more proportional the system will be. To make an STV system proportional, you would have to have quite large multi-member districts, an absolutely bare minimum of five. You have to ask yourselves whether you can imagine the electoral map of northern Ontario or eastern Ontario or southwestern Ontario with five to seven MPPs per constituency. I think if you ask yourselves that question, you may see why I and perhaps others do not think that STV is a good choice for Ontario.

The second goal is effective representation of minority and special interest groups. I expressed my discomfort with that terminology in the presentation, but that’s what we have to work with. There is here, of course, a focus on the lists. If you want to ensure that there are more women in the Legislature, if you want to ensure that there are more men and women from various particular ethnic or religious groups or however we’re defining this, that’s excellent. Of course, that’s a worthy goal. But, really, you need to be careful about how you achieve that.

I say in the presentation that there is a trade-off here between demographic representation and legitimacy. I am not at all suggesting that having a Legislature that looks more like Ontario is not legitimate as a goal. My question is, how will you achieve that goal? The means for doing that must, it seems to me, fit with the political values of Ontarians. So I do not believe in legislated quotas; I do not believe necessarily that regional lists under a mixed system should be rigidly defined so that there have to be a certain number of women, a certain number of non-white men and women and so on. I think it would violate basic norms of fairness to have pre-set quotas. So by all means pursue this goal—and I note that this is in your mandate—but be careful about how you do it. Do it in a way that does not undermine the legitimacy of an entire new system.

Effective aboriginal representation: I touched on that. I am not an expert in this field but I simply raise it as an issue to consider.

Political integration I take to mean less adversarial politics in the Legislature and outside the Legislature among the parties. I also refer in the presentation to the argument that our current system, SMP, tends to produce governments which are more ideologically extreme than the electorate as a whole or even than their particular supporters in the electorate, and the result, as we know in this province, is a 20-year period of policy U-turns and wide swings of the policy pendulum. I don’t think that really serves anybody’s interest. So for political integration, I suggest a list system or a mixed system with a list element would perhaps narrow the spectrum ideologically in the Legislature. That may or may not be something you want to pursue, but at the very least I think it would lead to greater stability and harmony in our political system.

Effective representation of constituents is number 5, and this I think is absolutely vital, and I need not explain

to you why. You are elected legislators. You spend a great deal of time doing casework and looking after your constituencies. That must be preserved. If I had to make one central argument against single transferable vote, it is this: There is not a single MPP in your district; there are, again, to make proportionality possible, five to seven. This is not, it seems to me, a good idea. I'll be interested, when the committee members go to Ireland, if people actually talk about this at all. There may be ways that you can get around it, but honestly, it seems to me that you've got to preserve the single-member constituencies in some form. I think that is far and away the best thing for the people of Ontario.

Effective voter participation: I was very interested in Mr. Hollins's comments. I think electoral administration has a lot to do with this. What I would focus on myself is, can voters express their real preferences at the ballot box? I think a mixed system allows them to do this, as indeed does an STV system, although here we're not talking about party preference necessarily, because in STV you vote for individual candidates, not just for parties.

This is not a panacea, but I think that voter turnout, which is falling largely because young voters are not turning out to vote—that's the single biggest reason why voter turnout is declining. There would be some positive impact on voter turnout, although I note that in New Zealand voter turnout initially rose after the introduction of a mixed system and then subsequently fell. So this is not going to be the cure-all, but electoral reform I think could make a positive difference.

Number 7 is effective government. Again, we come back to the whole coalition bogeyman. I really don't think that I need to say more about this. I don't think you should underestimate the difficulties, but I don't think you should overestimate them either. It all comes down to you. Will you make a coalition work? Will you make a minority government work? It's not so much about the design of a particular electoral system as it is about the willingness of the parties to provide good government to the people of Ontario in whatever institutional arrangement they have.

Effective parliament: I believe that a proportional system, particularly a mixed system, would generate less turnover of seats from election to election, which would strengthen the Legislature greatly. There's no question in my mind that frequent turnover in legislative bodies weakens the legislative branch, because you've got, from election to election, anywhere from one third to two thirds of MPPs who don't know where the bathrooms are. They come in, and they have absolutely no experience of parliamentary debate. You know that this is not something that you can just step right into and learn. You need time to learn how to be an effective committee member, an effective constituency representative, and an effective policy-maker. I think you would have more time, many of you, under a mixed system.

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Effective parties is number 9, and here I think it is crucial that we have constituency associations that are

effective, well-organized, strong, that can do what they need to do. Again, I come back to why STV is a bad idea: because if you have five to seven members—so a large, multi-member district—how on earth are you going to keep your constituency organizations strong and vibrant? In most of Ontario, at least outside of the GTA and perhaps the Ottawa area and so on, the logistics would be an absolute nightmare. I don't think you want to do that to your loyal party workers and to workers for other parties in your constituencies. You know the practicalities of trying to keep a constituency association up and running.

I would also note very briefly, because here we also come to the number of parties—and this is something that I talk about in my presentation, but Mr. Hollins raised it briefly in his presentation so I'm just going to remind you. He suggested that the rules for registering parties in the province of Ontario would likely require some review under a new electoral system. What I want to emphasize to you is that they don't just need review if you choose a new electoral system; the party registration rules must be reviewed immediately because they are unconstitutional. I explain why I make that argument in my presentation.

Finally, legitimacy: As I said before, if this were my list, legitimacy would be 1 or 2, not 10, but here we are. Mr. Prue has raised the issue of the arcane nature of STV. I think that's accurate. It seems to me, and Mr. Hollins, I think, was suggesting this in his presentation to you, that the voters in British Columbia really wanted a change. They really wanted a new electoral system. But they didn't understand STV, and I say this with enormous respect to the British Columbia citizens' assembly. I know that its members were extraordinarily dedicated, and I have nothing but the greatest respect for them and the people who were working with them and educating them and so on. But I thought that their conclusion was a very unfortunate missed opportunity. It was clear to me, as soon as I heard what they had recommended, that because this system is so complex, a lot of people in British Columbia simply wouldn't be able to understand it. And that is no reflection on the people of British Columbia. These are not dumb people; it is simply an extraordinarily difficult system to explain to people. I thought that the British Columbia agency that was in charge of running the referendum did an extremely good job on its Web site of explaining how STV would work. The materials were extremely well done. But still, we are talking about something which is the political equivalent of neurosurgery as far as explaining something to people.

Again, with legitimacy, it's fairly clear to me that SMP has lost much of its legitimacy and that a mixed system, if presented and designed properly, would have greater legitimacy.

So my conclusion to all of this is that some kind of a mixed system would preserve the great benefits of our current system, by which I mean a direct relationship between an MPP and his or her constituents, and manageable constituency sizes for political parties to

operate in. Plus, you would then have greater benefits: greater proportionality, probably more women and/or visible minority MPPs in the Legislature, and probably higher voter turnout. You would have, I think, the best of several worlds. I would echo what Ms. Mahant said about the New Brunswick report on electoral systems, the report of the Commission on Legislative Democracy in New Brunswick. I think it's an excellent piece of work; you have the URL to that Web site at the end of my presentation. I strongly suggest that you look at it.

The New Brunswick commission has recommended an additional member system, AMS, with four list districts. There would be 56 MLAs in the reformed New Brunswick Legislature and four list districts. Each of these four districts would elect, in effect, 14 MLAs, nine from SMP constituencies and five from a list spanning that district. That is the kind of model which I think makes the most sense in a place like Ontario, but of course that is your judgment. But since I was asked to come here and talk about this, I think I'm entitled to express a bit of an opinion.

I want to go to the second and third questions quickly. These are, how would electoral reform affect other institutions in Ontario, and how would it affect the behaviour of the people within the institutions? I'm going to quickly skip over how it would affect other related institutions because you're probably going to be hearing an awful lot about that, but it is something to think about and I know that you will be thinking about it as MPPs. How will the Legislature be affected and how would the operation of the executive branch of the government in Ontario—the cabinet—be affected?

I do just want to say something, though, about how electoral reform might change behaviour. It seems to me that although this goes all the way back to Plato and Aristotle—this idea that institutions change behaviour—I don't think it gets enough attention when people start talking about, for example, a new electoral system. Ask yourselves, "As a candidate running for re-election under this system, how would this change my behaviour? How would this change the way I deal with other members of my party, with voters, with the media?" I think it's crucial that we look at that.

In particular, I just want to suggest—and I deal with this on page 15 of my written presentation—that party strategists would have to alter their focus. If you had an MMP system, mixed-member proportional, where the party's seat chairs were based entirely on the list vote, I suggest to you that the constituency campaigns would get short shrift, because the incentive would be very powerful to focus on the list districts because that's where the success or failure would be electorally.

One of the advantages of an additional member system, if you look at it through this prism, is that it would require parties to focus on both, because the number of seats that you elect in the SMP constituencies and the number of seats from the list districts would be added together. They're equally important in determining the outcome of the election: Who has more seats than

who else? I suggest that—and again, this goes back to my fundamental belief in the importance of constituencies—additional member makes more sense from that perspective.

I would then just take a couple of minutes at the close to talk about the argument I make in the conclusion, beginning on page 16 of my presentation. I'm trying here to focus on things that you may not hear from other people. I believe, and I explain why in the last few pages of my written presentation, that the single-member plurality electoral system that we currently have may very well violate the Canadian Charter of Rights and Freedoms. I'm going out on a limb here. It is a fool who predicts publicly what a court could do. They will tend to surprise you, although I've had a pretty good guessing rate on election law matters. But I just want you to be aware of this argument that is being made. There is a challenge wending its way extremely slowly through the Ontario courts now that may some day get to the Supreme Court of Canada. I'm suggesting that you don't wait for that. I'm suggesting that you take charter issues seriously now. You are legislators. You are bound to ensure that the laws of Ontario conform to the supreme law of Canada. That is your job under section 32 of the Canadian Charter of Rights and Freedoms.

I'm suggesting that the Supreme Court of Canada, having identified two purposes of guaranteeing the right to vote in section 3 of the charter—these would be the right to effective representation and the right to play a meaningful role in the selection of elected representatives. Both of those purposes are to one degree or another infringed by the single-member plurality electoral system. I think that a mixed system would be more consistent with the constitutional standards laid down by the Supreme Court of Canada in its jurisprudence on the right to vote.

I would suggest further—and I put this on page 18 of my written presentation—that STV, the single transferable vote, fails the effective representation standard under section 3 of the Charter. It was made very clear in the ruling reference, re electoral boundaries in Saskatchewan, where this effective representation purpose was first articulated by the Supreme Court, that the key part of that is that there be an ombudsperson, that every citizen have an elected representative that he or she can go to for assistance and to hear their point of view. I would suggest that you take a good, hard look at that. The full rulings are, of course, available on-line. They are very easy to access.

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I would argue—again, I am very much going out on a limb here—that if the Supreme Court of Canada ever got a chance to look at the constitutionality of SMP and if it really took its own precedents seriously, SMP could be in for a rough ride. This does not mean that the court, I think, would design a new system. It is more likely that one of two things would happen: first—say this was a challenge to the Ontario electoral system—that the government of Ontario would have to be able to justify SMP

under section 1 of the Charter, to say, “Hey, we think that even if it infringes section 3 of the Charter, the infringement is justified on the following grounds,” or that the government of Ontario would probably have to face a remedy: “We think this violates the Charter. We’re going to give you 12 months to fix it.” Either way, I think this should be taken into account in your deliberations.

Thank you for your attention, and I am very happy to discuss this with you. You’re all such keeners, being here in August. I think the discussion is going to be great.

The Chair: Thank you very much for the presentation. I have Mr. Patten and Mr. Prue, but just before I do this, I would like to ask one question. In regard to your comment on voter turnout, I understand that in Australia—I believe it was after the First World War—their voter turnout was in the 50% range, so they decided to implement mandatory voting. I would just like if you could comment on that.

Dr. MacIvor: I’ve studied the Australian mandatory voting system. There are a couple of amusing things that it produced. Here again, I think it behooves us to look at incentives, how this is going to make people or encourage people to behave.

It used to be that the alternative vote, which is a single-member system that you really don’t need to know about, I think—it is used for elections to the House of Representatives, which is the lower House in Australia, and of course STV is used for the Senate. The names on the ballot used to be arranged in alphabetical order, so there were candidates who would have their names legally changed to things like Aaron Aardvark. It was called the donkey vote. What some voters would do—it was mandatory to vote. They didn’t want to pay the fine, but they weren’t interested in the electoral process or the political system, so they would simply go in, get their ballot and go, “One, two, three, four, five, six, seven, eight, nine, 10, 11, 12,” and they’d be gone. Of course, if you were number one alphabetically—Aaron Aardvark—you’d get the donkey vote because you’d be ranked number one. It’s an ordinal ballot where you rank order, not a categorical ballot like we use where you just pick one. That, it seems to me, is an illustration of how you do need to look at incentives for behaviour and how things could fix it or could deter your reaching your goals.

The mandatory vote is something that we have studied a fair amount in Canada; certainly Elections Canada has looked at it. I’m not completely in favour of it, largely because it seems to me to turn democracy, your civic duty, into something that is a matter for the criminal courts if you don’t do it, as opposed to inspiring people to want to do it. Also, you do have this sort of donkey vote problem. If it’s sufficiently large, you could have electoral outcomes skewed by people going to vote and doing something just so they can say they cast a vote. If that’s treated as a valid preference, it could affect the outcome of an election if enough people do it.

The Chair: Thank you. Mr. Patten.

Mr. Patten: Thank you for your presentation. I knew my mother was right when she said I should have gone to law school.

I’d like to ask a question related to your section on effective representation. You make reference to the Maori experience in New Zealand and also to one of our royal commissions and a poll that has to do with the aboriginal community. I have felt for some time, and I’m not alone, that the aboriginal community is left out numerous times. Certainly it seems that that is a challenge for our society.

Dr. MacIvor: You’ve picked the one aspect of this that I don’t feel entirely confident talking about, because the population of aboriginal peoples in Ontario, of course, is very spread out; it’s very diverse. There are on-reserve nations; there are urban aboriginals. I think this is in some respects the most complex issue that you must deal with. So when I suggest that you consider adding an element of aboriginal representation, that is as far as I feel qualified to go.

I suggest that you look at some of the materials that were produced for the Lortie commission. They are 14 or 15 years old now, but I don’t think things have changed that much. A lot of very good work was done on ways that aboriginal Canadians could be better represented. Because the commission did recommend special aboriginal districts, it is worth reading not just the research studies on that, but the report. The report, volumes 1 and 2, discusses issues of electoral administration regarding aboriginal Canadians.

The Chair: Thank you. I have Mr. Prue.

Mr. Prue: I have two questions. I’m hoping that they are both brief and that the answers can be brief too.

The first one has to do with the thorny problem this Legislature has, in that there is a declining population in the north and there is a bill before the Legislature to leave the number of seats in the north the same, not to decline them as the federal one did. Would either the AMS or the MMP system facilitate having those seats increase so that a vote in northern Ontario is the same as one in Toronto, but then you could appoint or from a list take additional people? Is that something that would help that problem?

Dr. MacIvor: Everything depends on the design choices that are made. In principle, it seems to me that list districts would be a little tricky to administer in sparsely populated northern areas, but there is absolutely no reason why—I mean, given that you’re going to have this large list district, if you wanted to perhaps add one or two MPPs to a district to equalize the representation, or if you wanted to take some other steps, that is a political judgment. There is nothing in a mixed system which would make it any more difficult or perhaps any easier to guarantee justice to the north in electoral terms.

Mr. Prue: My second question is related to the work inside this Legislature. I didn’t hear—you’ve canvassed just about everything, but one of the positions that another professor took a few years ago before a similar committee to this was that the reduction in the number of MPPs actually did a great deal of harm to committee work in Ontario. Because there were no longer enough people to staff the committees, MPPs were serving on three, four, five or six committees. He recommended that

an immediate infusion of 25 or so MPPs would actually make this place work better, that the whole thing that Mike Harris did with the fewer politicians may have been a good public relations exercise, but it actually made the Legislature far less functional. Would an AMS system or a list or adding those actually improve how things are done around here?

Dr. MacIvor: I think there are two separate issues here. One is the number of MPPs, and the other is how they are elected.

I would agree in principle that the more hands on deck you have, the better, and of course the more MPPs you have, the better represented each citizen is likely to be, simply in numerical terms. I note that in the committees' mandate there is a reference to the number of MPPs, but there is no restriction, and this issue was brought up when Mr. Hollins was talking about the citizens' assembly.

I think you need to decide what you want the size of the Legislature to be before you start talking about what kind of electoral system you want in any serious way. The only reason I say that is because in a mixed system, there are going to be all kinds of technical decisions to be made about the ratio of lists to constituency seats and so on. As I pointed out in the presentation, once you settle on the number of MPPs that you want, then you can move on to other issues like the ratios and so on, but I think if you're going to make some pretty complex calculations about administering a new system, whether it's STV or mixed or something else, it's a good idea to kind of get the whole issue of the size of the Legislature out of the way first. But it is a separate issue from how they are elected.

The Chair: Thank you very much. I've got Ms. Smith.

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Ms. Smith: I've got three different questions for you, if I could just go through them quickly. You talk about the French model and recently adopting the *parité* law, and you caution against that when we're using lists. I wonder if you have any comments on the Belgian model, where they've gone to—I don't think it's actual *parité*, but they rotate when they develop a list between male and female candidates. It's not necessarily the same number, but as long as there are male and female candidates, they rotate on the list. Again, it goes to the voting pattern, where people just select the top five. It allows for some more equality. That's my first question, if you could comment on that.

My second question: You talk about the New Zealand experience, and you make the comment in your paper, "After only two elections under a mixed electoral system ... a New Zealander had substantially better odds of grasping the principles of the new system than a Canadian currently has of understanding a system which has been in place..." You base that on the New Zealand Election Study. If you could give us a little more information around that and how either the New Zealand Election Study or you were able to assess the under-

standing of the New Zealand electorate of the changes that have gone on.

My third question is about your recommendation that we look at the New Brunswick model and consider applying it here in Ontario. Just around the size question: New Brunswick is a much smaller province, and they wouldn't have the same district question. You did address this when you talked about the size of districts in the north. But again, I'd just like your comments on how you think the New Brunswick model could be applied to Ontario and what we could do to tweak it to take into consideration the size of especially the northern districts, because that's what's near and dear to my heart.

Dr. MacIvor: The first issue: I'm not clear on the Belgian system. Is it mandated by law that the lists have to alternate between male and female candidates? I think it would be great if we had lots of women, let's say, in places high up on the list so that they would be assured or nearly assured of election. But my question really is about the means by which you ensure that that happens. A legislated quota: It's pretty clear, first of all, that not a lot of Canadians—people are not marching in the streets demanding more women in the provincial and national Legislatures. They should be, of course, but they're not. So the question is, is this such a huge problem that it requires a solution that a majority of Canadians seem to feel would be somehow unfair or would be tokenism? God forbid we should get into that kind of backlash.

I think the solution is to provide incentives. Really, it seems to me that because most people would agree, if it were put to them, that the Legislature should look more like Ontario, I think nobody's going to argue with the goal of doing it, but it's the method. I think that once you had incentives in place for parties, the voters will set their own incentives. If voters want to vote for a list that's got more women on it, parties will put more women on the lists.

The second issue: How do I know that New Zealanders know a lot about it? Well, because the New Zealand Election Study, after the 1996, 1999 and 2002 elections, surveyed a lot of New Zealand voters and asked them a series of questions, not just about the electoral system itself and how it's working, but questions designed to test how much they knew about it. A majority of New Zealanders, even by 1999, knew that they got two ballots, they knew that—well, this was less clear; there was a little more confusion on this; by 2002, this was clear—it was the party list vote that determined the number of seats the party got, and they understood the principle of the Maori electorates. So that's what I based that on. Then the study that Leslie Seidle cited and that Mr. Johnston cited in his study, that's what I base my comment about Canadian understanding on.

The third question was about New Brunswick. Yes, New Brunswick is definitely much smaller. You can drive through it in a day, which obviously you can't do in Ontario. I'm not suggesting, certainly, that there be four regional districts in Ontario, simply that the principle be studied.

The Chair: Thank you. I have Mr. Sterling.

Mr. Sterling: I think the bill that we have in front of the Legislature actually has a constitutional problem in creating 11 ridings in the north, in terms of section 3 of our Constitution, where everyone in Ontario is given an equal vote, with some exceptions. In the north, because of the retention of 11 ridings, one of the ridings falls out of that norm by 34%, in terms of population. So I think that the way the government is going at retaining the 11 ridings in the north has serious flaws. I think that seven of the 11 ridings fall out of the 25%, a norm that has been set across the province.

The other part of this election act: This is the first time since the 1950s that any government has set up boundaries arbitrarily by keeping the present boundaries in the north without an electoral boundaries commission. So I really believe we should have legislation which automatically strikes electoral boundaries commissions. I have actually introduced a private member's bill in the Legislature which would achieve that and would retain 11 ridings in the north, but they would be readjusted and there would be more ridings in the south. There's only one way you can keep the number of ridings in the north, and that is by having more ridings in the south, if you want to retain that principle.

Dr. MacIvor: I believe you'll find Dr. Hiebert's presentation precisely to your point.

Mr. Sterling: But notwithstanding the present legislation and the fact that the next election may in fact not be able to go forward on these new boundaries because of a constitutional challenge, I guess the question I have is that you admit in your presentation that if we go to such a system as you recommend, it will likely lead in most instances to either a minority government or a coalition government. Many people believe that will lead to a reticence on the part of the government to say no in times when economic revenue or tax revenue is sparse. Do you think that if we had a two-step referendum, the first question that would be the fairest to put to the public would be, "Do you want a system which will almost guarantee that majority governments are of the past?" That, to me, is the principal decision that we are making in altering the election formula.

Dr. MacIvor: I think that would be regarded as an attempt to skew the outcome, if it were worded that way.

Interjection.

Mr. Sterling: But isn't, in the end, the goal to be honest with the public as to what the effect of changing the electoral system would be?

Dr. MacIvor: But there would be many other effects, some of which we can immediately predict with some certainty and others of which we can't. I believe that a two-step referendum along the lines of the one used in New Zealand is an excellent idea. So you say the current system versus one or two alternatives, and if people decide that they want change, you then take a second referendum and choose between the alternatives. Certainly the makeup of future governments under a new electoral system would be a key part of the public debate

at both stages, but to frame the referendum question like that would, I think, be perhaps inappropriate. These are certainly issues, and I think you would have every opportunity to bring that concern to the voters at either stage or both stages, but the actual question, it seems to me, should be a tad more neutral.

Mr. Sterling: The last question, and perhaps you can answer this in writing, because you may have to: You say that the system that you are recommending probably would result in more women being elected and probably would result in higher voter turnout. Do you have any empirical evidence that that would be the case?

Dr. MacIvor: Yes. I present empirical evidence on the turnout issue in the presentation. All other things being equal, in more proportional electoral systems the voter turnout exceeds voter turnout in disproportional electoral systems by about 8%, or eight percentage points.

As for women, I didn't present the empirical evidence, but every cross-national study that has been done which asked the question about the impact of electoral systems on women's representation finds that if you look at all the possible reasons why there would be more women in one Legislature than another—you look at culture, you look at socio-economic status, you look at the place of certain parties of particular ideological stripes and so on—the single biggest reason why there are more women in some national Parliaments than there are in others is the electoral system used to choose those legislators—the single biggest.

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If you look at Canada, where women have a much higher socio-economic status than they do in Greece, for example, if you just look at the statistics, why are there more women in the Greek Parliament than there are in Canada's? The simple answer would be the electoral system.

There are other factors, of course. Where there are social democratic or labour parties with large representations in the Legislature, you will have more women because those parties tend to nominate more women in winnable positions. But the electoral system is absolutely crucial. I've cited one of my own pieces at endnote 2 of the presentation, so if you want to follow that, you could look at that piece.

The Chair: Again, thank you for the information, the input, your expertise. We take it all as we move forward in this assessment, if you want, of electoral systems.

QUEEN'S UNIVERSITY

The Chair: I have next Janet Hiebert, from Queen's University.

Dr. Janet Hiebert: It's nice to be here. I just hope my basement's not flooded when I get back home to Kingston.

I have five arguments I'd like to make, and I'm going to focus most of my time on my fifth argument.

The first is that we have to do a better job in Ontario of making the vote count. Voter turnout has steadily declined in the past few decades across Canada, and Ontario in particular. Election reform is certainly not a panacea for citizen disengagement with the political process, but it's hard to imagine how we could begin to address this democratic deficit as long as voting counts for so little in this province. Too many voters feel alienated from the government and from the Legislature and, sadly, do not believe it's worth their while getting out to vote. Simply stated, for many, the connection between voting and realizing any influence on election outcomes or on government decisions is simply too weak to warrant their effort. Related to this fact, many citizen frankly feel their vote is wasted.

The current electoral system has a lot to account for in these feelings of alienation from government and from the basic democratic right to vote. Take the most recent provincial election, which had a turnout well under 60%. The Liberal Party received 70% of the seats with only 47% of the vote. Stated differently, just over one quarter of eligible citizens voted for the Liberal Party, yet the electoral system gave it a decisive victory and a decisive majority. And lest you think I'm being partisan in my observations, all other major parties have similarly benefited from and been hindered and harmed by this tragic combination of voter alienation and electoral distortion. Indeed, none of the three principal parties in Ontario has an inherent advantage in maintaining the current system. All parties have been significantly overrepresented and all parties have also been significantly underrepresented. In 1990, the NDP received only 38% of the popular vote and was rewarded with 57% of the seats. In 1995, the Progressive Conservative Party received 45% of the popular vote and yet 63% of the seats.

All parties, as I said, have also been underrepresented. With the exception of the 1990 election, the NDP has consistently received considerably fewer seats than it would have received under a more proportional system, but it fared particularly poorly in the 2003 election, when the NDP received less than half of the seats its share of the vote would have entitled it to under a more proportional system. In 1987, the Progressive Conservative Party also received only half of the seats its share of the vote warranted. In the 1990, 1995 and 1999 elections, the Liberal Party received considerably fewer seats than its share of the vote would have given it under a more accurate system.

The consequences of overrepresenting winning parties and underrepresenting losing parties is magnified by the nature of our political system. Under our political system, majority governments have few parliamentary constraints on how they choose to govern. This potent combination of the first-past-the-post electoral system, an executive-dominated Legislature and a unicameral Parliament enhances the sense that unless a citizen voted for the winning party, his or her vote was essentially wasted, and it ensures that in most elections, a majority of Canadians will feel little connection to the governing party.

My second argument is that we do need to reform our electoral system, and the method I prefer is MMP. Now, I'm not an expert on the different systems of proportional representation, so I'm going to keep my comments very brief on this aspect, but there are two reasons why I strongly lean in favour of MMP.

First, electoral reform should ensure greater accuracy between voting intentions and representation. As Heather MacIvor says, it doesn't have to be perfect proportionality, but there should be a much stronger connection between citizens' preferences and seat allocation.

Second, MMP is a form of PR that is very easy for citizens to understand. One of the problems with the BC reform experience of STV is that the system was very complicated and many citizens were unsure of how it would work. Moreover, Canadian voters today are not used to voting for multimember electoral districts. Under MMP, the electoral system would be quite straightforward. Voters would cast two ballots: one for their preferred candidate, one for the party of their choice.

The second reason I'm leaning toward MMP is that it preserves an historic and important link in Canada between elections and local constituencies. Under MMP we would still have local constituencies. Voters would still choose their local member.

The Chair: May I ask you to state what MMP is in long terms, just for the record.

Dr. Hiebert: I'm sorry—mixed-member proportional system.

I'm not sure that Canadians are willing to abandon voting for their particular local member of Parliament, and I don't think it's necessary or desirable. I want to add that if this MMP system were chosen, there would be important decisions that would have to be made about the appropriate threshold to satisfy before parties are compensated, whether voters should rank party list candidates, and what percentage of overall electoral districts should be available for compensation purposes.

The third argument I want to make is that if electoral reform is sought and the option is put forth in a referendum, an important consideration will be what threshold should be established in a referendum to approve change. BC required at least 60% of the vote in at least 60% of the electoral districts. I think that this is too high, and I think a simple majority is sufficient. If there are concerns that such radical—and it is radical—change occur only where there is overwhelming popular support and a threshold is considered necessary as a guarantor of this, then perhaps the threshold should be for voter turnout rather than the actual vote on the issue itself. This would put a premium, though, on voter education about the proposed changes to ensure that there is a substantial turnout, and I'm suggesting here perhaps 55% to 60% of eligible voters.

This takes me to the fourth argument. It's absolutely essential that we educate citizens in the province about the implications, the virtues and the liabilities of electoral reform. A citizen assembly on legislative reform is certainly an exciting example of engaging citizens in funda-

mental issues of how we wish to conduct ourselves in this act of self-governing, but while it would make a robust contribution to democratic participation, a citizen assembly alone would not take care of the important educational aspects that have to take place.

I was in British Columbia for most of the referendum campaign, and frankly, as a political scientist and the daughter of two people who were battling their way in figuring how to vote, I was dismayed and disappointed on the lack of information about vital questions that people had. There was a lot of enthusiasm, but a lot of people just didn't know—would it, for example, change rural representation? Would it be weaker? People just didn't know these basic points of information.

The fifth and final argument I want to make is that I think it's absolutely essential that we rethink how we determine our electoral boundaries. As long as Ontario retains constituency-based elections, I think it's important that it reclaim responsibility for determining electoral boundaries.

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Here I'm drawing upon my experiences as one of the three members of the independent federal boundary commission established after the last decennial census to readjust Ontario's election boundaries, so I claim responsibility for some of the mess that you might think we have. What was unique about our responsibility is that we were the only commission in Canada required to draw boundaries for both federal and provincial elections. As you know, this is because of the decision of the Progressive Conservative government to establish the Fewer Politicians Act in 1996.

At the time, the legislation was defended as a way to save money by significantly reducing the number of elected politicians. At the time, Ontario had 130 electoral districts. The government wanted to reduce this number and decided that an easy way to do so would be to latch on to the federal scheme, which conveniently awarded Ontario considerably fewer electoral districts. As such, Ontario would then have 103 districts, which grew by three when we conducted our exercise two years ago.

The reason I raise this, and I want to spend a bit of time on it, is that I think it's extremely undesirable that a provincial Legislature allow another jurisdiction to establish its electoral boundaries. Oliver Mowat must be rolling in his grave at the idea that a foreign jurisdiction would draw another jurisdiction's boundaries. No other province has the option to do this, principally because they don't have population levels appropriate for identical levels of federal and provincial representatives. Quebec is the only possible exception—it currently has 125 provincial members and 75 federal members—but the very idea that Quebec would allow the federal government to design its provincial boundaries is absolutely inconceivable. I know of no other autonomous jurisdiction that is willing to cede this important responsibility to another level of government. Why is Ontario doing this, and why does it continue doing this? Why is the coincidence of population levels allowing Ontario to

have a comparable level of federal and provincial representatives being used to surrender such an important responsibility?

I understand the pragmatic reasons for adopting this scheme. It allowed the creation of a smaller Legislative Assembly without having to undertake the responsibility to decide which regions to reduce or articulating criteria for determining what would certainly be contentious cuts. But I certainly can see no compelling reason to continue with this practice. Quite apart from the constitutional oddity of it, there are three compelling reasons to change this practice.

First, it allows Ontario no voice on what criteria should be used to draw election boundaries. The effects of the Fewer Politicians Act were felt in many regions in Ontario, but in particular in northern Ontario. During the Ontario boundary commission hearings we heard a diverse range of perspectives about how we should approach our task, but many people argued very strenuously that electoral districts should be based closely on the idea of rep by pop—representation by population—with little population deviation between the districts. In fact, the future mayor of Toronto appeared and argued that we should take one of our districts away from the north and give it to Toronto, until we reminded him that Ontario's deviation was in fact quite low—less than 5%—which was within his comfort range. We suggested, "Where would you like us to put the district, if not in Toronto?" and he lost his enthusiasm.

Had we approached our exercise on a strictly rep-by-pop approach, with equal distribution between all constituencies, Ontario would have lost two more districts. As it was, our commission did take one district away from northern Ontario, but had we followed what many recommended and followed a strict rep by pop with perhaps no more variation than 5% across constituencies, Ontario would have lost two more. Consider this: In a period of less than a decade, northern Ontario would have had its representation reduced by almost one half, from 15 to eight.

We heard in our hearings that northern Ontario incurs many constraints that other regions simply do not face, such as weather and vast driving distances, making it extremely difficult for members to represent these districts. Many argued that it was simply unfair that a district such as Kenora–Rainy River be treated in the same way as Toronto when, in fact, a Manitoba district has far more relevance and has a quotient considerably smaller. These considerations, so matter how much sense they seem to make, simply were not relevant to the criteria our federal boundary commission was required to consider.

My point is that the criteria for drawing electoral boundaries are hugely contested and raise complex philosophical and policy considerations. This is an important political debate in which Ontario should engage. It should not be papered over by adopting and continuing to use Ottawa's re-districting scheme.

A second reason to end the practice of having Ottawa adjust Ontario's provincial boundaries is that MPPs are at

a disadvantage in terms of their ability to appeal to the boundary commission to revise its assessment. After a federal boundary commission's report, there is a federal parliamentary committee that is given time and opportunity to review the recommendations and make recommendations of its own. Commissions are under no obligation to respect these changes, but there is no parallel opportunity for MPPs to raise possible problems to the committee's attention.

The third reason to reclaim responsibility for drawing electoral boundaries is that Ontario should develop better processes and criteria for drawing boundaries than are allowed under the federal scheme. Although the ideal of the federal scheme is laudable—having an independent boundary commission to draw boundaries so that they're not influenced by partisan considerations—Ontario should establish different criteria for its own independent boundary commissions. The process currently used has serious shortcomings. There is only one opportunity for citizens to respond to the proposed boundaries. If you think of it, usually it's only those who have serious concerns with what a boundary commission first recommends who show up at the hearings. If the commission then responds to this and makes changes, the citizens who are then affected by those changes have no opportunity to air their complaints.

The criteria for drawing boundaries are also, I think, unduly vague. Here's what it tells commissions to consider: Although districts should be "as close as reasonably possible" to the electoral quotient, which in Ontario is about 107,000, reasonable electoral boundaries are supposed to reflect a "community of interest or community of identity in or the historical pattern of" representation. Nowhere is "community of interest" defined. Should it be based on municipal boundaries, ethnicity, linguistic characteristics, race? Indeed, there was controversy in New Brunswick when its commission proposed a non-contiguous but aboriginal-based district.

Commissions are also told that they should consider a "manageable geographic" size for electoral districts in sparsely populated, rural or northern regions, yet the legislation doesn't say how much weight should be attached to this concern or what emphasis should be placed on community interest when it's not consistent with voter equality. All it says is that a commission must make every effort "to ensure that, except in circumstances viewed by the commission as being extraordinary"—left undefined—"the population of each electoral district remains within 25%," plus or minus, of the provincial quotient.

I think it's very important that we engage in discussion and debate in this province about what our criteria should be and processes for drawing boundaries. I'm going to leave you with a last few questions that I have about how we should think about electoral boundaries:

First, what is the appropriate number of MPPs? Personally, I like more rather than less.

What are the relevant communities of interest? Are they linguistic, ethnic, municipal?

Can or should the electoral system give a stronger voice to aboriginal peoples than currently exists? One of the problems we face is that aboriginal peoples don't show up in the census data, so they're going to automatically be underrepresented because Statistics Canada, which provides the basis of information we use for drawing our boundaries—it's in our data bank—doesn't register aboriginal peoples. Should there be an electoral district set aside for aboriginal peoples? It would likely have to be non-contiguous.

How much weight should be accorded to communities of interest if in conflict with rep by pop? Should some regions be treated differently in terms of having a different quotient? Should there be different quotients for urban and rural districts, for northern and southern districts? What about large cities in northern districts? Are large northern cities like Thunder Bay or Sudbury any more difficult to represent than other large cities? Of course, you can imagine if somebody argues for rep by pop, Thunder Bay and Sudbury—if we're going to have a 107,000 quotient, it's going to be very difficult to represent the other rural areas. The electoral districts are going to be very much concentrated around these huge cities and then we will have lots of outlying areas that are captured but are not necessarily good communities of interest.

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Should boundary decisions anticipate future growth? We constantly heard that in southern Ontario, and for obvious reasons: Some of the districts had doubled in size since the last census. But, of course, it really harms the northern district, which has a decline in population. How much deviation should there be from the principle of representation by population and how much discretion should boundary commissions possess to deviate from the proposed quotient levels?

In conclusion, the process and criteria for drawing boundaries raise profoundly important questions that each Legislature should address regardless of what kind of electoral system we have, unless we're going to abandon it all and go for just pure list systems, which would not be my preferred method.

I think it's entirely inappropriate that Ontario forsakes this debate simply because of a one-time desire to reduce the size of its Legislature.

The Chair: Thank you very much. I see we have a northern member sitting in the back, and he was nodding profusely at some of the comments being made. I think it was music to his ears to hear it.

We have some questions. Mr. Sterling?

Mr. Sterling: I don't consider the Canadian government a foreign government to the province of Ontario. I disagree with much of what you have said about the boundaries and the boundaries commission. Quite frankly, I have every faith in the criteria which the Canadian government has set up for its boundaries commission. They have superior legislation than we do. We don't have any legislation automatically appointing a boundaries commission in the province of Ontario. We

have never seen fit to do that, and I see no problem in delegating that to a non-partisan group of people who are going to decide where the boundaries are. It's a great advantage to our citizens to be able to identify with one set of boundaries, rather than have two different sets of boundaries, and know that they have one provincial member and they have one federal member.

I suggest I have been through three redistributions over the last 28 years and that our system now is far superior to what it was before when confusion reigned with the average citizen as to what particular area and who the representatives were.

The only thing that I object to is gerrymandering by any political interest as to where those boundaries are going to be drawn, and that we abide by section 3 of our Canadian Constitution, our Charter of Rights, that in general people are given an equal opportunity to elect their representative, be it federal or provincial.

So I find many of your comments with regard to the boundaries as incidental to our hearings here today. I don't think it's that important, as opposed to election change with regard to the overall scene of things.

This present bill, the election act that we have here, in fact gerrymanders the northern boundaries because we don't have an election commission. We have seven Liberals out of the 11 seats that are in the north, and therefore the government of the day could be viewed as gerrymandering the north in order to retain those seats, because each of those seven candidates, who may run for re-election, is going to have an advantage which the rest of the south doesn't have because those candidates who will be running for parties in the south won't be running within the same boundaries. So the ones in the north are going to have a far greater advantage of incumbency by retaining the same borders that they have at the present time.

The Chair: Mr. Sterling, do you have a question for our speaker?

Mr. Sterling: Yes. I don't understand why the adoption of the federal government's boundaries commission, a non-partisan group which has to follow rules set down in accord with, as close as possible, our Constitution, allowing everybody an equal chance to vote, is so abhorrent to us.

Dr. Hiebert: I'm proud of the boundaries we drew, and I think the criteria work for the federal government. I'm just saying, look, there are a lot of people who disagree as to whether or not we should have significant variation between rural and urban, northern and southern. I think these are important decisions that Ontario should make, that it should make within constitutionally accepted criteria.

I certainly agree with your concerns about perceived gerrymandering. I think there should always be independent boundary commissions establishing the boundaries. So you may choose an Ontario boundary commission that in fact adopts criteria fairly similar to the federal government's. I think the criteria, though, could be improved. I think the process could be improved

to allow citizens more input, and I think boundary commissions should not be given so little guidance as to how to reconcile some of the conflicting terms in the legislation, whether there should be more emphasis on rep by pop or more emphasis on "community of interest" and what exactly those communities of interest are.

We have, I think, frankly, just too much discretion, too little information and too many conflicting opinions in this province on how to reconcile these various criteria. So I really believe it's very important that Ontario discuss some of these difficult issues itself. Other provinces manage perfectly well with different federal and provincial boundaries. I'm not sure why Ontario voters can't manage as well.

Ms. Smith: It will come as no surprise that I disagree with my colleague Mr. Sterling and agree pretty much wholeheartedly with you on your views of the changes in electoral boundaries. Being from the north, I totally recognize the watering down of our voice at a provincial level over the last 20 years, and I think that it should be revisited and should remain in the jurisdiction of the province to determine its own boundaries, as we are our own electoral system. I do actually, again, agree with you that it is germane to this discussion in that we're looking at engaging the electorate, and I think that there is nothing more relevant to our electorate than who represents them from where.

The boundaries are very much an issue for people, especially in more remote rural areas, northern areas. We did have issues around the changing of the boundaries in the last 10 years, and ironically, as you talked about the federal input versus the lack of provincial input, we very much felt that, as many members in my community felt disengaged from the federal process and actually didn't even realize that they had an opportunity to make recommendations during the process. So I agree that it should be a part of our discussions, and I appreciate your input.

I would like to take you on a different tack, though, and just talk to you a little bit about the education around the citizens' assembly and the process that was followed in British Columbia. You mentioned that you were there for most of the process leading up to the referendum, that you have parents who were involved. Just from your perspective, I'd like to ask you how you think the electorate could have been better educated. We had some comments from Mr. Hollins earlier. We've had some comments about the need for education, but I'd just like some tangible examples of where you think things could have been improved or what you would recommend as being an appropriate education campaign for people, should we be engaging in changes.

Dr. Hiebert: I'm not an expert on media communications and how to get citizens involved, but I certainly think there should have been more town hall meetings for the ordinary citizen. It wasn't clear where political parties stood on many of the issues. The media, remarkably, had very little information on the particular issues that many people had. I mean, the questions that my family was

concerned about—would they have less representation? They didn't know. They didn't know if in fact rural areas—and I have family on Cortes Island, a very remote community, two islands away from Vancouver Island. They just didn't know how these remote communities were going to be dealt with. I was amazed just how little even the television advertising on election issues dealt with the referendum option.

So I think it's very important that there be not only easy-to-read information about the proposed system but also debates between the election participants and others on the implications. I think it's true that if you're going to have something like MMP, you're probably going to have more minority and coalition governments on the questions that people might want to debate. Is this such a terrible thing? You're actually maybe enhancing the role of parliamentarians relative to the executive. Is that such a bad thing? Is it going to be too unstable? These are important issues on which there should be lots of community debates involving political parties, but not only parties.

So I don't have any single suggestion on how to do this, but I think it's absolutely essential that there be an independent body charged with responsibility to engage citizens on the various dimensions and implications of electoral reform, that it not be bound solely with election issues but that parties be encouraged to take a stance, because people are going to look to their candidate and ask, "What do you think about it? How will it hurt our district?"

1150

Ms. Wynne: One of the things I'm concerned about in this process is that we come up with suggestions to solve the right problems. In order to do that, we've got to define what the problems are. You spent a lot of time talking about the boundary issue. What I'd like to know is—one of your first statements was about the feelings of alienation from government—how direct a line do you draw between that and the boundary issue, for example, and where can we look to find expansion on that?

Dr. Hiebert: I'm not sure I'm drawing a direct link. There certainly is a connection, that you want boundaries to represent communities of interest, and we have to talk about what "community of interest" is. Our boundary commission's personal decision—and this was discretionary, because the legislation didn't give us guidelines—was to largely determine on the basis of municipal criteria. We didn't want to break up existing government structures any more than we had to. So if there was a town or a city with about 107,000 people, we tried as hard as we could not to break that up. But it doesn't always work that way.

In our first proposals we were embarrassingly ignorant in terms of—"ignorant" is not the right word, but embarrassingly not attentive enough to francophone interests in northern and eastern Ontario. Somebody actually accused us of linguistic genocide around the Cornwall area because we had put too much emphasis on municipal boundaries. They had gone through all this

amalgamation and we were trying to keep the Ottawa area intact without crossing boundaries, and of course it had implications for Cornwall.

So it's important that boundary decisions reflect communities of interest, but I think the overwhelming problem is that too many citizens don't feel it's worth voting, because unless they're going to be lucky this time around and choose the majority government, they're going to be disempowered for the next few years because the party they choose will have very little influence on the election outcome.

Mr. Patten: Somewhat along the lines of my colleague—by the way, I do think boundary policy has a direct relationship with a sense of participation; there's no question. With my riding having gone from 78,000 to 116,000, I personally feel I can't have the same kind of feeling I had before. I've talked to my colleagues from PEI and I asked, "How many constituents do you have on a provincial basis?" "Fifty-five hundred." I said, "I guess you could know them all by first name," and they said, "Yes, pretty well." So we can't say there's no relationship here.

On the argument of reclaiming some responsibility for determining boundaries, I support that personally, because we have different jurisdictional responsibilities that demand more frequent contact between the representatives than they do at the federal level. That's not making a judgment on the quality of what it is; it's just different. Therefore, the ridings, in my opinion, are too large. Ultimately, if we continue the trend in Ontario, you're going to end up with two ridings in northern Ontario and it will be totally dominated by Toronto—it already is now—if you look at just population.

So the question of, do we have some sense of wanting to retain communities of interest, regardless of what that is, whether it's linguistic or ethnic or racial or whatever, is an important one, it seems to me. I've asked this before and I would ask you whether, in your opinion, you feel there is, on a provincial basis, some opportunity for representation in a Legislature related to aboriginal populations.

Dr. Hiebert: I wish I knew more about population levels. Somebody mentioned, just in passing in one of the hearings in Sudbury, that perhaps we could have a north of—and I forget what the latitude was—district. If the quotient for Ontario is 107,000, this district would have maybe 10,000 or 15,000 people.

More controversial—it's hard to imagine—would be the idea of a non-contiguous district. There were arguments made pro and con this when it was proposed in New Brunswick. A lot of people opposed race-based elections. Aboriginal peoples both supported and opposed this policy. Some worried, does that mean that you're going to have one token member of a Legislative Assembly? Would it not be better to try to raise the profile of aboriginal issues throughout? I don't have ready answers for many of these questions. My main point was that the federal legislation doesn't give sufficient guidance for boundary commissions to address these.

So a commission might go out on a line and say, “We think this is an extraordinary circumstance. We’re going to have an 80% deviation from the quotient.” Another boundary commission in the future could say, “We’re going to do rep by pop,” and we were pressured very much by many of the representations to have no more than 5% to 10% deviation across the province, full stop. That would have meant huge implications for the Niagara region, it would have meant huge implications for eastern Ontario and, obviously, northern Ontario. These are issues that Ontario should decide.

The Chair: I have Mr. Prue and then Mr. Miller will have the last question.

Mr. Prue: Right now, because of the Fewer Politicians Act, we have 103, soon to be 106, members. This is both a first and perhaps an opportunity. I say it’s an opportunity because I think there’s no question that we need more members in this House. One of the ways we can get them is by an MMP process, which you favour, which is quite simple: You leave the 106, and you add 25 or whatever it is through some other system, and you get back to the number of members this House enjoyed in 1975. In spite of all the population, it’s the same number that we had here in 1975.

If we do what you are suggesting, though, and this is where I have the difficulty, if you go and develop your own boundaries and you have more members the way you used to, then I would think it would be very difficult, if not impossible, to develop an MMP situation, because if you went down to “80,000 members constitutes a riding,” I think it would be very hard to sell an extra 25 or 30 members with MMP on top of that.

I’d just like you to comment in terms of whether we should be going—we can’t go in two directions. We have to choose one or the other. I think the simplest one is to leave the Fewer Politicians Act in place and to make the changes around MMP, being very selective—having more aboriginals, more women, more people from the north. Plug up all the holes that way. Could you comment?

Dr. Hiebert: I’m actually not making any predetermination on how many MPPs there should be. I’m saying Ontario should redraw its election boundaries. It may choose 103, it may choose 80, it may choose 140. It should decide how many members it would like, and if this is coupled with a system of MMP, then it should decide, “Maybe we want 106,” and then we’re going to add to that. I’m saying, decide your own criteria for determining those 106.

Now, if we’re going to keep the same number, why would we not use the federal scheme? I can certainly understand that might be a difficult sell politically. You’re setting up this new apparatus. My whole point is, though, that I think, quite independent of the number, there are important considerations and debates you have to engage in as to what will be your criteria and your considerations. My point is, choose how many you think are desirable. If you’re going to have MMP, you’re going to have to decide what size Legislature you are going to

have or what percentage you are going to have for compensation, because there are some systems where you might have a floating. You may not know the fixed total because it’s based on a threshold vote. It may fluctuate.

I’m certainly not saying, abandon this, go back to the 130, and that precludes you from doing anything. I’m simply saying, look, reclaim this responsibility to decide how you’re going to draw your election boundaries, and that presumes you’re going to decide how many MPPs you should have.

The Chair: Mr. Miller, last question.

Mr. Miller: Thank you for your presentation. At the beginning of your presentation, you talked about the fact that the number of people voting, the participation rate, is declining. My question is, is there any factual information that ties that to our current electoral system, our first-past-the-post system, as we look at changing the system? It’s my gut feeling that it’s not necessarily a factor in participation rates. That’s strictly a gut feeling; I don’t think it is a factor. I don’t argue with you that we’re seeing declining rates. That is definitely a fact. I’m wondering if there is any factual information that would connect declining participation rates in voting to the system we currently have, the first-past-the-post system.

I have one other question after that.

1200

Dr. Hiebert: It’s not an easy thing to isolate. Why is there citizen disengagement? There’s a whole range of issues, but I’m just saying that surely one has to be the sense of futility of the vote. That’s not helping things. In fact, if you look at data—I’m not an expert on this area per se, but the data do suggest that systems with our kind of electoral system, our first-past-the-post, tend to have lower turnouts than other kinds of electoral systems. I’m going to paraphrase Fair Vote Canada. They say the interesting thing is not so much that 50% don’t vote, it’s that the rest even bother. Why would they bother? Unless you have a shoe-in that you’re going to produce the majority government, why turn out? It just compounds the other senses of alienation. I can’t help but think a system where you had a better sense that your MPP might be able to actually contribute to some kind of impact on governing would be inviting to people to become—

Mr. Miller: A system where people feel their vote counts for something.

Dr. Hiebert: That’s right.

Mr. Miller: The other question I had was to do with Australia. I did have some questions of the clerk earlier. I asked her whether we might have someone who is an expert on the Australian system, their instant runoff system, which seems to me to have some appeal. I’m just wondering whether you have much knowledge of the Australian system, where they have this preferential instant runoff so that each candidate who runs in a geographic area has to receive at least 50% of the vote. To my way of thinking, it makes everyone’s vote count a little bit more. No votes are wasted.

Dr. Hiebert: I prefer that to what we have. I'm not sure that would be my preferred choice. In some sense I think it gives all voters more responsibility—they have a greater impact on producing the government so they can engage in more strategic voting—and a sense that maybe they didn't get their first choice but at least their second choice helped tip the balance. So I think it's preferable to what we have, but it's not going to do away with the huge discrepancies we have in terms of share of vote, the luck-of-the-draw system. Is this the year for the NDP? Is this the year for the Liberals? Is this the year for the PCs? That seems to be what our system produces.

Mr. Miller: Thank you. Madam Chair, I would still at this point like to, if we could, get an expert on the Australian system to come before the committee. I'd like us to seek one out, please.

The Chair: Certainly. I believe that is something that we are going to be doing anyway as we move forward. Thank you.

Thank you very much for coming before the committee. Your questions certainly give us lots of food for thought as we move forward, because this is complex and this is going to have huge ramifications. As I said, we've got a short timeline and we've got quite an extensive mandate, so thank you for your input.

Dr. Hiebert: I wish you well.

The Chair: This committee is going to reconvene at 1 o'clock on the dot. I really want to start right on time at 1 o'clock, members. We all have time for lunch and we'll be back at 1 o'clock. The meeting is recessed.

The committee recessed from 1205 to 1310.

WILFRID LAURIER UNIVERSITY

The Chair: I'd like to start the meeting, please, as close as we can to the time.

We have before us Brian Tanguay from Wilfrid Laurier University. Thank you very much for taking the time to do this. We, as you know, are a committee that has been formed through unanimous consent of the Legislature to look at electoral reform. We welcome your input, and I leave the floor to you.

Dr. Brian Tanguay: Thanks for inviting me to appear before this committee. I am here, I suppose, because I helped draft the report of the Law Commission of Canada, issued in March 2004, *Voting Counts: Electoral Reform for Canada*. It was an honour and a pleasure to work for the law commission in a process that I think is really important for the country.

The report was preceded by a public consultation exercise involving Web sites, public conferences, symposiums and forums, and a large percentage of the citizens who got involved in this public consultation process indicated a desire for change in the existing electoral system. It was by no means a scientific sample that presented its views to the law commission, but nonetheless, the appetite for change was quite obvious.

In drafting the law commission report, I and other researchers drew on a number of intellectual sources, just

to indicate that the recommendations in the report didn't come out of nowhere or out of left field, so to speak: The Jenkins Report of 1998 in the United Kingdom; the New Zealand Royal Commission on the Electoral System of 1986; the Quebec Estates General on the Reform of Democratic Institutions, or the so-called BÉland report, of 2003; and Andrew Cousins's discussion paper, *Electoral Reform for Prince Edward Island*, issued in 2000, all helped draft that report.

Why electoral reform now in Canada? A number of factors I'd like to discuss or cite just briefly have pushed this topic toward the top of the political agenda in Canada. The most important of these is obviously the perception that there is a democratic deficit in the country. It's a term that has become widespread. It's been used even by Paul Martin prior to his assumption of the leadership of the Liberal Party. In a speech that Paul Martin gave to Osgoode Hall Law School, he indicated that the fact that so many Canadians don't bother to vote is an indication of fundamental problems in our political system. He called it the equivalent to the canary in the coal mine, the fact that so many Canadians don't bother to vote because they think their vote doesn't matter.

Declining voter turnout is one of the principal factors bringing the topic of electoral reform closer to the top of the political agenda. We know that voter turnout has reached historic lows: 60% federally in 2004 and 57% in Ontario in 2003. It's one of the principal symptoms of democratic malaise in this country, along with widespread disengagement of young voters. One study, by Lawrence LeDuc and Jon Pammett of Carleton University, indicates that about one in five voters under the age of 22 bothers to cast a ballot. Combine that with growing cynicism or scepticism toward political institutions in the country and you have a fairly widespread perception among politicians, decision-makers, media observers and scholars alike that there is a problem that needs addressing.

Because the issue of mega-constitutional reform in Canada—say, Senate reform or amending the Constitution to entrench the “distinct society” clause, for instance—because that whole process left the country exhausted by 1995, electoral reform has moved toward the top of the political agenda as a kind of less sweeping alternative or option for those interested in reforming democratic institutions.

I can also briefly cite the fact that the Charter of Rights and Freedoms is playing a role in bringing this subject to the forefront. The Green Party of Canada and its former leader, Joan Russow, have launched a charter challenge to the constitutionality of Canada's first-past-the-post electoral system, because in their view it “makes it more difficult for women and supporters of smaller parties like the Greens to secure effective representation of their views.”

Grassroots organizations like Fair Vote Canada, or, in Quebec, the Mouvement pour une démocratie nouvelle, have helped to publicize the limitations, from a democratic standpoint, of the current electoral system.

Finally, international examples: Japan, New Zealand and Italy have all reformed their electoral systems in the last 15 years, along with the United Kingdom's creation of two regional Parliaments, in Scotland and Wales, with new electoral systems. And obviously, provincial governments have begun to demonstrate an interest in electoral reform, with British Columbia, Quebec, New Brunswick and Prince Edward Island being the most advanced on that score.

What is the problem with our electoral system? No one would argue that it is lacking in any kind of virtue. Its strengths are historically well-known: It's simple, easy to administer and easy to understand by voters; it enforces a kind of accountability; it's easy for the voter to identify the rascals and throw them out of office if he or she is unhappy with what they've done while in power; it forges a strong territorial link between the individual voter and his or her representative; and its chief virtue, at least in the scholarly literature on electoral systems, is that it typically provides strong, stable majority governments, as opposed to the coalition governments that characterize proportional systems and hybrid systems.

Despite those advantages or benefits, first-past-the-post does have limitations, which are equally well known by the year 2005. It provides the first-place finisher with an electoral bonus in seats; in other words, the winning party's share of the seats is typically much larger than its share of the vote. It contributes to the regionalization of the country at the federal level and to the perception, for instance, that the West is either Conservative or Reform country and that Ontario, until recently, was a one-party, Liberal bastion, despite the fact that other parties do well in terms of securing the vote, but not the seats. It allows the governing party, with its artificially swollen legislative majority, to dominate the political agenda almost completely for a period of four or five years, thereby contributing to the marginalization of Parliament or the Legislature. This suspicion or hostility toward executive power is another factor in growing interest in electoral reform.

First-past-the-post wastes a large number of votes. Unless a voter supports the winning candidate in a given riding, there is no connection between the voter's choice and the eventual makeup of the Legislature. And like the Green Party said, it excludes new voices from Parliament. Finally, it poses artificially high barriers to the election of women, minority and aboriginal candidates.

The law commission report shares the verdict on first-past-the-post provided by constitutional scholar Trevor Knight, who argued that this was a system designed at a time when the population was much more homogeneous and less mobile, so that where one lived very much defined one's political identity. The society we live in today is much more mobile and has a multitude of identities and opinions that were not present or, more importantly, were disenfranchised when the first-past-the-post electoral system was adopted in Canada. For that reason, the law commission and I recommended the

introduction of an element of proportionality into our electoral system, the implementation of a mixed-member proportional—MMP—system, similar to the ones in use in Scotland, Wales, New Zealand and Germany.

This type of system, which was the system adopted in New Zealand in a couple of referendums held in the early 1990s, would in effect combine the best of both worlds by retaining the traditional single-member constituencies that are such an important feature of the first-past-the-post system and by adding a number of list seats that would be distributed on the basis of a party's share of the vote at the regional level. So there would be constituency seats: In the model developed by the law commission, we proposed that two thirds of the existing number of seats—106—would be constituency seats, so the constituencies would grow in size and be reduced in number. And there would be 102 list seats distributed at the provincial level. And in the big provinces of Quebec and Ontario, there would be regions created within those so that the total number of list seats in a region didn't exceed 12. Quebec would have two regions of approximately 12 seats each—basically Montreal and non-Montreal—and Ontario would have three: the northeast, Toronto and the southwest, each with about 12 to 13 list seats.

These two tiers, the constituency seats and the list seats, would be linked. In other words, if a party did really well at the constituency level, it would be penalized somewhat in terms of its share of list seats, so that ultimately, in the end, the results would be close to proportionality—not totally proportional, but very close. In fact, the models we include in the report indicate that the deviation for proportionality wouldn't be much more than 6% or 7%.

Just as an example, if we took Ontario for this model, it would still have 106 seats in the new system, but only 70 of them would be traditional single-member constituencies, and the remaining 36 seats would be awarded to candidates on lists drawn up by each party according to each party's share of the provincial vote. Voters would have—and this is very important—two votes instead of one: one for the candidate in their riding and one for a political party. They would be allowed to split their ticket, to vote for, say, a Liberal candidate in the constituency but for the NDP on the list portion of the ballot.

1320

Some of the issues that the law commission confronted in designing this model, and that will have to be confronted if Ontario is to adopt a mixed-member proportional system, include, first of all, should the size of the Legislature remain the same or be increased? New Zealand increased the Parliament from 99 under the first-past-the-post system to 120 when it adopted MMP in 1993. That proved to be a very unpopular initiative in that country. New Zealand is a country of only four million. There was a perception among citizens that it was over-governed, and the increase in the size of the Legislature was an extremely unpopular move which

precipitated a kind of backlash against the electoral reform itself.

It's been argued that one of the reasons that the British Columbia citizens' assembly opted for STV, single transferable vote, instead of a mixed-member proportional electoral system is because one of the terms of reference was that the ultimate size of the Legislature not be increased. It was felt that MMP would not work well in a Legislature of only 79 members. I think in the case of Ontario, the likelihood is that if you wanted to adopt MMP, you would probably have to increase the size of the Legislature. It would work more efficiently if it were to be increased. That is a political issue, obviously, because it may not prove popular with voters.

The second issue is, one or two ballots? Do you give voters one or two votes? The current proposal in Quebec is based on one vote only. The perception among many groups, grassroots organizations like the *Mouvement pour une démocratie nouvelle*, is that this limits the opportunities, the chances for success, of smaller parties like the Greens, or in Quebec there's a left-wing party called the *Union des forces progressistes* which is critical of the *Parti Québécois*. Those parties, under the Quebec proposal, would suffer because of the fact that voters would be given only one vote.

The third issue is, open or closed ballots? On a closed ballot, voters simply indicate that they support the list provided by a given political party. The order of the list is drawn up by party officials. Closed lists are very effective when they're used as a means of affirmative action: placing women candidates or minority candidates at the top of the list to ensure or maximize their chances for election. We've seen that in the case of New Zealand, that did have a dramatic impact. The proportion of women elected in New Zealand in 1996 shot up from just around 20% to about 36%, I think it was. So in New Zealand, because of its use of closed lists, Maori candidates as well, and minority candidates, also fared better under MMP with a closed list than they did under first-past-the-post.

However, closed lists are, it seems, unpopular with a number of voters. They come under fire from populist parties as a mechanism that gives too much power to party machineries, to party machines. They raise the spectre of party bureaucrats exercising too much of a role in determining who gets elected. For that reason and others, a number of countries have adopted an open list where voters would have choice in sort of leapfrogging certain candidates that they favour ahead of those that were listed by the party at the top of the list. In the law commission report, we opted for a kind of compromise: what the Jenkins report called a "flexible ballot," where voters could either vote for a single candidate to try to leapfrog that candidate ahead of the official slate or simply support the party's slate.

Finally, another issue for those who are interested in designing a new electoral system is whether there should be a threshold that parties have to meet in order to gain election on the list portion of the ballot. One of the fears

about MMP, or indeed any kind of proportional electoral system, is that it increases the chances of success for fringe or marginal parties or even extremist parties. At the federal level, for instance, separatist parties in the west might do better under an MMP system or—

Mr. Patten: The Alliance.

Dr. Tanguay: Yes. One's definition of "extreme" varies, I suppose, right?

In any case, one of the easiest ways to deal with that fear is to adopt a threshold, as Germany did, where a party must win either three constituencies or 5% of the national vote. Thresholds could be implemented at either the national level or the regional level. If they're implemented at the regional level, it would be a bit easier for smaller parties to get elected than if they were implemented at the national level. Germany has done both. In the immediate post-war period, the threshold in Germany was exercised at the level of the *Länder*, the state governments, and smaller parties did fare better initially in post-war Germany than they do today. Germany really has a limited number of parties that have a chance for electoral success or gaining seats in the *Bundestag*.

What would be the possible impact of a mixed-member proportional system if it were adopted at the federal level? In the law commission report, we drew up a simulation of the 2000 election results, and that was updated by one of my friends at the law commission, Steven Bittle, and myself. We simply ran the 2004 federal election results using the mixed-member proportional system where two thirds of the seats were constituency seats and one third were list seats assigned at the provincial level.

The results, had that system been in place—the assumption that we make in using this model is that voters would have acted just as they did in 2004, which is admittedly, right off the top, an unrealistic assumption. One of the most important features of electoral reform is that it would change necessarily the calculations of individual voters and their behaviour. The rules of the game would change; so would the behaviour. But just to give us some sort of idea of what might happen if an election were held under the mixed-member proportional formula, we ran the results assuming that voters voted in the same way, and what that would have yielded was a Parliament in which the Liberals won 119 seats instead of the 135 that they did. The Conservatives would have stayed virtually the same, with 96 seats instead of the 99 that they got. The *Bloc Québécois* would have been the biggest losers; under this system they would have won only 38 seats instead of the 54 that they did. The NDP would have been the big winners, getting 45 seats instead of the 19 that they did. The Greens also would have won under this mixed-member proportional system, picking up nine seats in Ontario, Alberta and British Columbia.

Under this system, had it been adopted, had it been in place for the 2004 election, the Liberals and the NDP together would have had a workable majority or coalition in Parliament, which polls taken at the time of the

election itself suggest was the outcome preferred by a plurality of Canadian voters. One of the interesting things about the 2004 election is that for the first time in my memory—which doesn't go back that far, but still—it appeared that a majority of voters were not afraid of a minority government; in fact, that is what they wanted. Despite the fact that minority governments come in for a lot of negative press, if you want to put it that way—they're seen as being either prone to paralysis or incapable of functioning properly, incapable of taking the strong decisions that a country or a province needs—despite all that, it does appear that a majority of voters did want a minority government. Why? Well, here we have to speculate a bit, but perhaps because they did feel that there was a need for some sort of restraint on executive power. Canada is a country that has a very strong executive, and there does appear to be growing impatience with the free rein given to the executive at the federal level.

So, had the MMP system proposed by the law commission been in place for 2004, there would have been, unlike the current situation at the federal level, a workable coalition between the Liberals and the NDP.

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There are, of course, criticisms of mixed-member proportional systems. One is that they're more complicated and therefore more difficult for the average voter to understand than the existing system. But it must be said that voters in New Zealand, who have recently gone through a change in their electoral system, have taken to the new system quite easily, as have voters in Scotland and Wales.

There is also a worry that the system would create two different classes of representatives, or two different castes, if you want to call it that: those who are elected in the constituencies and those who are elected on the lists. It must be said that the research that has been done on this topic seems to indicate that this fear is more a product of perception than reality. Definitely the fear is there among those who are elected themselves. I think the fear is probably the greatest in Scotland, where there are a number of peculiarities in that system. The fact is that in Scotland, the Labour Party does extremely well at the constituency level and resents the fact that these others parties, like the Greens or the Socialist Workers Party, benefit from the list portion of the ballot.

There is also a worry that the two classes of MP can't work together, that the list MPs will poach on the turf or territory of the constituency MPs. That is potentially a problem. In Scotland, there have been examples of list MPs setting up alternative constituency offices to try to poach voters away from the successful MP elected at the constituency level. Scotland has sought to deal with this problem by drawing up a protocol to try to govern the behaviour of list MPs when they do get involved in constituency work.

So there is a perception that the two kinds of MPs cannot get along. That does seem to be more a perception than reality. Efforts can be taken—in countries like

Germany and New Zealand, they have been taken—to ensure that the two different classes of MPs do get along.

Obviously the biggest criticism of MMP is that it would produce coalition or minority governments. They would be an almost permanent feature of elections at the federal level or the provincial level. It's very unusual for parties to win 50% of a vote in any election in Canada, and therefore minority governments or coalition governments would become the norm, and at the moment, minority governments are suffering increasingly bad press. Despite the fact that a majority of voters in 2004 appeared to want one, the situation in Ottawa right now is rife with the kinds of problems that have typically been associated with minority governments.

It has to be pointed out that the existing rules of the game do not encourage the political actors in Ottawa to actually collaborate, to actually co-operate. Everything points toward each party trying to seize the advantage to try to win a majority government come the next election. That would obviously change when or if the rules of the game change.

A final criticism of MMP, one that was published by an academic in the Winnipeg Free Press and is reflective of a certain fear, is that the introduction of an element of proportionality, the use of list votes, is a form of social engineering. That was the label applied to it, raising the spectre of, I don't know, Stalinist party apparatchiks determining who gets elected. The specific fear is of using the list portion of an MMP ballot to increase the chances for election of women, minorities and aboriginals. Is that a form of social engineering? Again, the term is used to try to scare; it's a scare tactic. We have to acknowledge the fact that the vast majority of nations in western Europe have adopted some form of proportional representation, and women candidates in particular fare better in those systems than they do under first-past-the-post or alternative vote, as is used in Australia. Are these nations engaging in social engineering? Well, I suppose that's in the eye of beholder. Defence of the status quo is in itself a form of social engineering. It's simply embracing a different set of values than those advocated by defenders of MMP or proportional systems. Again, I think this criticism of the proposed system is overblown and a scare tactic.

Finally, it should be pointed out that there is a body of research at the international level. A Dutch political scientist by the name of Arend Lijphart has published a number of books, one called *Patterns of Democracy*, which addresses this issue: Are coalition governments inherently less stable and less effective than majority governments? He seems to find that the existing evidence points to the fact that that is not the case, that coalition governments, in terms of economic policy, are able to formulate strong policies, take decisions and enact legislation just as majority governments are, and that these countries that have coalition governments have the added benefit that their citizens appear to be more happy and more satisfied with the political system than the citizens of plurality or majoritarian systems.

Canadians or Ontarians can look to New Zealand, I suppose, to get some idea of the likely impact of an MMP system, were it to be adopted. That country went through two referendums on the topic of electoral reform in the early 1990s and moved from a first-past-the-post system to an MMP system. The benefits of electoral change in New Zealand were probably oversold or overhyped. The advocates of electoral reform tended to argue as though a change in the electoral system was a kind of panacea for the political problems confronting New Zealand. The fact that electoral reform was oversold immediately ushered in a kind of backlash against the new electoral system, along with the fact that the first election conducted under MMP in New Zealand in 1996 was a textbook case of the problems associated with the formation of coalition governments. One of the problems in a proportional system is that it can take a long time for the partners to get together and actually agree on a legislative program and form a coalition.

In the case of New Zealand, one party in particular, called New Zealand First, whose leader was a fellow by the name of Winston Peters—during the election campaign he indicated that if his party formed the balance of power, he would support the Labour Party. Once the election was done, New Zealand First indeed did form the balance of power. The Labour Party and National Party competed for his support, and he ended up throwing his support to the National Party, the opposite of what he had said he would do during the election campaign. That was an extremely unpopular move, not just with party members but with the electorate as a whole. Again, that made the reforms initially somewhat unpopular.

Over time—there were elections in 1999 and 2002 and there's an election coming up in New Zealand—citizens in that country have adapted to the new system; they've grown to like it. It has increased the chances for election of the aboriginal population in New Zealand, the Maori. Women have fared better as candidates under that system. The number of parties represented in the Legislature has increased. New voices, like the Greens, have found it easier to get elected; well, they've actually been elected for the first time under this system. That doesn't mean that the system has been perfect. I think that's important for any advocate of electoral reform to acknowledge from the outset. It is not and cannot be a panacea. It cannot, in one fell swoop or coup de baguette, magically transform our political system and eliminate the democratic deficit, but it can help.

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To conclude—I lost track of how much time I took—the issue of electoral reform, at the federal level and here in Ontario as well, turns mainly on this question: Do Canadians, and Ontarians, obviously, value majority government and legislative stability above all else, or should other values, such as broader representation of opinion and more equitable treatment of votes, take priority?

If the professed concern among the political leadership at the moment, at both the federal and provincial levels, for the democratic deficit is more than just a marketing

tool, then governing and indeed all political parties should at the very least seek to allow voters the opportunity to really debate these fundamental questions without the process being managed or stage-managed by an army of spin doctors and political consultants. What that means is that the process of electoral reform, the process chosen, almost matters as much as the ultimate reforms themselves. From this perspective, creating a citizens assembly I think is absolutely an excellent move, a wise move.

Whatever you think of what happened in British Columbia, I think the experiment in democratic consultation was something that the rest of the world can actually learn from. To follow that with a referendum I think gives citizens precisely the kind of voice that they really seem to want at the moment. We know that 57% of voters in British Columbia, whether they understood the reform or not, wanted a new system. I think it's important to give voters the choice to make that decision.

Thank you very much for asking me to appear here.

The Chair: Thank you. Because we don't have a lot of time, I have Mr. Patten, then Mr. Sterling and Mr. Prue.

Mr. Patten: Thank you. Excellent presentation. Let me get down to the nitty-gritty. On page 9 you say, "Making the Assembly: As an example, Ontario would have 106 seats in the new system, but only 70 of them would be the traditional single-member constituencies now." How would that work? I guess I have two questions. How would this actually work in choosing the 36 seats? Does each party select those 36 on a list? Is that list in preference or just at random or from within regions or what?

Dr. Tanguay: In our proposal, we divided Ontario up into three regions: basically the east and north, Toronto, and the southwest. Each of those regions had approximately the same number of voters: 3.5 million or so. Appendix A in the law commission report has all the constituencies that were included in each region. Each of those three regions would elect 12 list members. Each party, then, within each of those regions would draw up a list of 12 candidates for those lists.

Part of our proposal was that a flexible ballot be used for that portion of the vote so that voters in, say, Chatham-Kent, where I'm from, would go in and vote for, say, the Liberal member, and then on the list portion of the vote—each party would have a list, and they would either tick the party list itself or they would tick a particular box. If they ticked a particular box, that would be an individual candidate that they wanted to leapfrog ahead of the order determined by the party officials.

Mr. Patten: But the 36 ridings that would be on the list would vary from—like, each party would have to declare, "Ottawa Centre is one of them and Ottawa West" and whatever.

Dr. Tanguay: They would, in effect, be regional ridings. The 12 MPPs elected from the southwest portion of Ontario would be representing that region and not a single riding.

Mr. Patten: No, I see that. I'm trying to identify how you would select—because there are 106 seats and some are running as the MPP.

Dr. Tanguay: Yes.

Mr. Patten: And then others—you can vote for somebody on a broader basis, a regional basis; that's a pretty big region. Each party chooses the 36 seats.

Dr. Tanguay: Yes.

Mr. Patten: How do you limit which MPPs are from where? Or will that fall out as the vote takes place?

Ms. Wynne: You impose the regions.

Dr. Tanguay: Yes, you impose the regions.

Mr. Patten: Yes, I know. But each party does?

Dr. Tanguay: Yes.

Mr. Patten: OK. That would be fun.

You had suggested that New Zealand had increased their numbers.

Dr. Tanguay: Yes, from 99 to 120.

Mr. Patten: You seem to suggest here that in Ontario, in this context, there's room for growth in numbers as well, rather than just being—

Dr. Tanguay: I think so. Again, this is my own—

Mr. Patten: Because they're bloody big ridings.

Dr. Tanguay: Yes. My own view is that Ontario is a province of 12.5 million. We have room, I think, to add a number of seats to the Legislature to make it workable. If you try to work within the 106-seat limit, I think you could, but it does make it more difficult to create that system. That's right, because you'd have 60 or 70 constituencies—say 70 constituencies and 36. Those 70 constituencies would be big, and some of them might be unmanageably big. That's an important question for reformers to consider, especially in the north. That was one of the constraints that we tried to address in our proposal. That's why a lot of advocates of this kind of system look at a 50-50 ratio of constituency seats to list seats, or something along those lines. In New Zealand I think it's 58-42; in Scotland it's 57-43. We opted for 66-34 or 67-33 to try to keep the constituencies at a manageable size. That clearly is an important factor.

The Chair: If I could just add to this, because it's an important part of this discussion, if the intent of this committee is to look at one of the principles as being better representation, or a close link to representation and the member—in other words, the constituency and the members—the perception that we already have very, very large ridings is not just the perception; it's the reality. It may make a more workable solution, because the constituency representatives are already dealing with over 100,000 people anyway, that the list, if there was going to be—I wonder if it would work better in such a large province if it was added. It's just my own perception. Rather than removing it to add up to the 106, but to be able to add that proportionality, if you want, by adding the districts would probably make for what I would consider, if we take the notion of a better link between the constituency and the member—

Dr. Tanguay: Absolutely. Just to pull a number out of the skies, a Legislature of 135, for instance, would not be out of line with a population of 12.5 million.

The Chair: Thank you. I just wanted to clarify that. I have Mr. Sterling, I believe.

Mr. Sterling: Just following along on Mr. Patten's inquiry about the model you set up potentially for the federal MPs where there were 70 and 12 from each district, as I understand it, the people who rise to the top on that list of 12 depend upon the overall proportion of vote in those particular regions. Is that correct?

Dr. Tanguay: Yes.

Mr. Sterling: So in spite of the fact that the Liberals got 50% of the multiple ballots in the area, if they had already obtained their number of seats in that area, they would get none of their list and the other people would get on the list.

Dr. Tanguay: Exactly. That's right.

Mr. Sterling: So what happens is that this is a balancing-off exercise in terms of trying to bring the proportion as close as possible to the overall proportion of votes in the region.

Dr. Tanguay: Yes, that's right, and using the list portion of the ballot to compensate those parties that are less successful at the constituency level in translating their votes into seats. So that means that the parties did get votes but just didn't get rewards.

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Mr. Sterling: I don't know whether everybody clearly understands that this is a levelling-off process.

Dr. Tanguay: It is. That's right. Just to bore you, I guess, in Germany the system is such that the party vote, the list vote, is used to determine the total number of seats that a party gets, so if the Greens in Germany get 15% of the vote, then they're going to get 15% of the seats, no matter what. If they only get a handful of constituency seats, or none, then all of their seats are going to come from the list.

Mr. Sterling: They do that by allowing a flexibility in the number of end seats.

Dr. Tanguay: Yes, exactly, so the size of the Bundestag changes from time to time.

Mr. Sterling: By your system, you'll get closer to the percentage, but you won't hit it right on.

Dr. Tanguay: Exactly.

Mr. Sterling: In terms of your statements on New Zealand, I've heard something different in terms of the response. I've heard that the people who have been elected in the New Zealand Parliament like the system, particularly those who are list candidates, who are not responsible for constituencies, and that constituency MPs in New Zealand dislike those on the list because they don't pull their weight. That's a criticism I've heard.

The other part is that I've heard that the public don't like the system and were promised an opportunity to go back to first-past-the-post, but they're not being given that opportunity. When you say that the people have adapted to the system, are you basing that on a poll or—

Dr. Tanguay: There was an opportunity, actually. They did get the opportunity to re-evaluate the system, but it was done legislatively.

Mr. Sterling: Right, just the committees, but there was no referendum given to the people.

Dr. Tanguay: There was no referendum. That's right.

Mr. Sterling: So when you make your statement that New Zealand—

Dr. Tanguay: It is based not just on the MPs themselves; there is also research based on survey data, so whatever the New Zealand equivalent of Decima or Ipsos-Reid is, to indicate that a slight plurality of voters supports the new system. The support breaks down along the following line: Any voter who values single-party majority government doesn't like the new system, so supporters of the Labour Party and the National Party, the two biggest parties, are the most sceptical of the new system. Supporters of the new parties like the Greens and New Zealand First and various other parties are happier with the system. It's not an overwhelming endorsement of the system, but it does appear that there is a plurality of support for it.

Mr. Sterling: I asked a witness this morning with regard to whether we should ask the people the first question which you posed again this afternoon. The real question is, do the people want to continue on with majority governments, and therefore strong executive power, or do they want something else? Do you believe we should ask them that question first before mixing them up or confusing them with various ways of electing members?

Dr. Tanguay: New Zealand in effect did that. Their first referendum was essentially on, "Do you want the status quo or do you want a new system?" That would be one way of doing it, if you indicate in your campaign and all the literature that's distributed to citizens that if you opt for the status quo, essentially you're opting for governmental stability and single-party majority governments. If you opt for change, you're likely to get coalition governments, but with increased representation of smaller parties and better representation of women and minorities.

The Chair: Thank you. I want to go on to Mr. Prue. You get the last question, because we're running a little bit over.

Mr. Prue: I know we're running late, and I had so many of them.

The Chair: This is really interesting.

Mr. Prue: On page 9, just so we are absolutely clear, you are talking here about Canada, with Ontario being just one province.

Dr. Tanguay: Yes.

Mr. Prue: This is not what you're recommending.

Dr. Tanguay: No.

Mr. Prue: Because I heard all these questions—

Dr. Tanguay: I haven't got a model for just Ontario.

Mr. Prue: So just Ontario can be completely different.

Dr. Tanguay: Yes.

Mr. Prue: Just Ontario could retain 106 seats, as we now have or will soon have, and add to that.

Dr. Tanguay: Absolutely.

Mr. Prue: If we to pick a number out of a hat and add 29 additional seats, that would bring the Legislature back up to the exact point it was before the Fewer Politicians Act.

Dr. Tanguay: Yes.

Mr. Prue: With absolutely no harm and no problem.

Dr. Tanguay: Exactly.

Mr. Prue: OK. You have indicated—and I didn't have a chance to read this in detail, but I did briefly go through the book—that you rejected the Irish system, and you seem to be rejecting the German system in favour more closely of the Scottish or New Zealand system. You did that for Canada. Does that equally hold true for what we are hoping to do here in Ontario?

Dr. Tanguay: Speaking personally, I tend to be more skeptical of STV, the Irish model, than others are.

Mr. Prue: We haven't had anybody say that it's a good system.

Dr. Tanguay: I was shocked when the citizens' assembly in British Columbia recommended it. I just about fell out of my chair. Again, it does, after the fact, sort of make sense. One of the factors that plays into STV is anti-party sentiment. Single transferable vote, the Irish system, is probably the most candidate-centred electoral system around, other than in the United States. It really places a premium on individual candidates, and party labels matter less. In fact, what you get in the Irish system frequently is a kind of internal warfare among candidates—Fianna Fail candidates—who are competing against each other to get elected in the same multi-member district.

So STV, if you accept the fact that there is considerable hostility toward political parties at the moment, especially in a province like British Columbia, and the rules for selecting members of the citizens' assembly were such that those individuals with partisan affiliations were sort of excluded, then you get a recommendation that I think was really, from the perspective of a lot of academics working in the field, out of left field.

Mr. Prue: "Bizarre," "arcane"—I think I've used those words.

The Chair: You like that word.

Dr. Tanguay: A lot of us did have a kind of conspiracy theory. The research director for the citizens' assembly was Ken Carty at UBC, and his area of specialization is Irish politics. I think the second in command was Campbell Sharman, whose area of specialization—he is Australian. So, again, there was a kind of conspiracy theory; I don't think that holds. But it is a much more complicated system. If any of you have gone to the citizens' assembly Web site, they have these little animations that I try to use in my class when I teach political science. Even the animations, which are supposed to be as simple as you can make it, trying to explain what STV is all about, how the votes are distributed and how the allocation of the seats is decided, are very difficult to

understand—extremely difficult. It's the most complicated system on offer and hence maybe the most popular with anglophone intellectuals.

The Chair: I think at the end of this session we will count how many times Mr. Prue uses the word "arcane."

Thank you very much for your presentation.

Dr. Tanguay: Thank you very much.

LAW COMMISSION OF CANADA

The Chair: We have next Yves Le Bouthillier, president of the Law Commission of Canada, and Bruno Bonneville, executive director of the Law Commission of Canada.

Thank you, and we look forward to your presentation. The floor is yours. We're going to try to make up a little bit of time, because we did run up.

Mr. Yves Le Bouthillier: Thank you very much for inviting the Law Commission of Canada here to discuss with you this important topic that is being discussed all over the country. I must say that our task has been made much easier with Brian Tanguay's presentation. Obviously, as you know, he helped the commission tremendously in drafting the final report.

Madam Chair, would it be fine with you if he could also continue to sit with us to answer questions that the members of the committee may have?

The Chair: Absolutely, yes.

Mr. Le Bouthillier: Thank you very much.

Just to recall, beginning in 2001, the Law Commission of Canada conducted extended research and a multi-faceted public consultation. As mentioned by Brian Tanguay, you will find a list of these consultations in the report that has been distributed to you. I want to mention 2001 simply to say that the report was published three years later. This was three years of work by the Law Commission of Canada. We came up with 23 recommendations that we believe will improve our system of democracy. We reviewed all the arguments advanced to justify change, we looked at various models, and we came up with one that you have already discussed this morning.

1400

I also want to mention that I think one important component of the report, one of the lasting contributions, is the list of 10 criteria which we have developed for evaluating electoral systems. There were other lists. A previous speaker this morning mentioned the list developed by New Zealand. The commission chose 10 criteria which the commission was of the view were particularly important. Looking at these 10 criteria, in the end we concluded that a mixed-member proportional system in which voters have two votes, one for a riding or constituency representative and one for party lists, would be the better choice. This was obviously the federal level, so it was a better choice for all Canadians. We also opted for provincial and territorial party lists because this would be possible within the limits of our Constitution. However, for Ontario and Quebec, we had a number of

regional districts, given the population size of these two provinces.

I will just mention four potential benefits of this system. They have been mentioned before, but I think it's important to mention some of them again.

It will reduce the discrepancy between a party's share of the seats and its share of the vote. The reason I emphasize this one is that that is a guarantee. In this world there are not too many guarantees, but the formula used in this system will reduce the existing discrepancy. We believe that it will give better representation to voices that have not been represented before, such as smaller parties. We are also of the view that it should have a positive impact in terms of representation of women, minority groups and aboriginal candidates. It will encourage inter-party co-operation through, I would say, more frequent coalition governments.

It has been a year since the release of the report, and the feedback has been, overall, positive. We have received extensive and ongoing media coverage, and we have been invited to deliver presentations to various groups, and in particular to the House of Commons standing committee on procedure and House affairs. As you know, the federal government now has to put together a dual process to continue to examine this question as a group of citizens as well as committee members.

So we've received positive coverage, but at the same time we obviously received questions about some of the challenges associated with adding an element of proportionality to the electoral system. For the benefit of this discussion today, I will outline a few of the key issues that have been presented to us since the release of our report.

Number one, a common perception is that a mixed-member proportional system leads to unstable governments. Many concerns expressed in this regard refer to proportional systems in countries such as Italy and Israel. If you look at the press coverage, these are the two countries that come up most often. However, as we noted in our report, these are not mixed-member proportional systems, but instead may be referred to as purely proportional systems. So our recommended system builds upon the strength and stability of our current electoral system while also incorporating the benefits of proportionality. As has been mentioned by Brian Tanguay previously, it is modelled after other countries, such as New Zealand, Germany and Scotland, all of which have stable political systems.

It's interesting because, as you know, there will be an election in New Zealand on September 17. Under the system, New Zealand has had an election in 1996, 1999, 2002, and will have an election in 2005. The reason for that is not because coalitions have fallen but that they have an election every three years.

The government of New Zealand publishes a social report every year about the state of well-being of New Zealanders. It's a country where the rate of unemployment is 3.9%, so the way that it's governed—admittedly, with lower wages, but it's certainly not a country in crisis based on one particular electoral system.

Another concern is that an MMP system would introduce two types of elected representatives. So you would have the constituency representative with all his or her associated responsibilities and then those from the list, who would have more time to pursue broader issues of interest to the party. Experience from other countries that adopted this system would, as has been mentioned before, indicate that on occasion there has been some tension between these groups of elected representatives, in particular when a list representative tries to respond to the concerns of a constituent. In our report, we recommend that the parties, yes, would have to work together to create protocols to ensure the effective co-functioning of constituency and list representatives. This would include the consideration of methods for informing constituency representatives of issues or cases that would be taken up by list representatives.

Although there would be some challenges to address, there is no indication that having two different types of representatives negatively impacts the quality of representation. In fact, in our report we submit that it provides better, more diverse representation.

Finally, we have heard concerns about the different notions of representation within a mixed-member proportional system. Primarily, this has been articulated to us through concerns about increasing the riding size. This was certainly a concern of some of the MPs when we appeared in front of the committee in Ottawa. Our system would mean that ridings would be approximately, in terms of population, one third larger. This is because our starting point was that we felt that Canadians did not want us to increase the number of seats in the House of Commons. However, we argue that this change will actually improve the system of representation. For example, our consultation process clearly reveals that many citizens no longer identify solely—and I stress “solely”—with the notion of geographic representation. We live in a highly diverse and mobile society in which citizens often identify themselves with different communities of interest that are not necessarily geographically determined or that lie outside their community of residence. Therefore, while it is undeniable that constituency MPs would continue to play a very important role under our recommended system, it is also true that representatives selected from the list would represent a diversity of ideas and voices. I guess you could argue that, in many respects, the introduction of the mixed-member proportional system represents the best of both worlds: You have the geographic representation associated with the current first-past-the-post system along with incorporating an evolving notion of representation which attempts to incorporate a broader, more diverse perspective into our system of democratic governance.

Since then, there has been an interesting paper on the role of the MP as a constituency representative, evaluating geographic representation in electoral reform, written by Hilary Pearse. I can give it to the clerk after the meeting. For me, that was instructive, because the commission does not want to leave any impression that

the role of the constituency MP is not important. We believe it's very important, but we also believe that our system takes into consideration the more complex society in which we live, in which people move around, change ridings, have interests that can be concerned with economic interests, environmental interests, and these are not always located in the same place. In our report at page 77 we mention, “Many citizens continue to desire some form of interacting with a constituency representative.” So we tried to find a model that would accommodate these concerns too.

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Our research indicates that at the federal level, the size of a riding, if increased by one third, would be approximately equivalent to what you would find as a norm in European ridings in terms of population.

The Chair: Geographically in Europe it's much smaller.

Mr. Le Bouthillier: Of course.

The executive director of the Law Commission of Canada, Bruno Bonnevillie, Brian Tanguay and myself will be happy to hear your questions.

The Chair: We're going to have questions at this point, then?

Mr. Bruno Bonnevillie: Yes, go ahead with questions.

The Chair: I'm going to start with some questions; Mr. Sterling is next.

The whole concept for me in being able to look at the electoral system is unintended consequences for this jurisdiction. When I hear that we want to change the system but we can't change the seats, it puts us in such a box that the possibility of a changed system being able to actually improve the democratic process, in my view, could provide an unintended consequence: By making these jurisdictions larger, it does not become better democracy, because you don't have that connection.

It's a personal view that it puts us into this box of not really being able to look at how we can improve the representation so that those votes actually count and that voter can directly connect with our representatives as well. I don't know if you have any comment on that.

Mr. Le Bouthillier: Maybe my colleagues can add. I guess we felt that Canadians wanted to do this at a lesser cost, to keep the existing system. In some of the other systems that we looked at, we also looked at the cost. For example, second-round voting is an expensive thing.

We were confident that the model we came up with was manageable but also a reflection of what we had heard through our consultations. I think there's a political decision as to whether one should increase the size of representation. The more the merrier: That's a difficult proposition—in many cases, in any event—to argue against. These were the constraints that we put in our study. Again, we felt confident that it would work. It would simply be different. The other equation, of course, would have been also sellable: that you have more people.

Mr. Bonnevillie: In fact, that debate took place at the commission when the report was being drafted. We had

the same concerns. It's a judgment call, in the end. Does it make a really big difference if you're representing 120,000 people or whether you're representing 150? In the end, representing 120,000 people is a hell of a challenge.

The Chair: Mr. Sterling.

Mr. Sterling: I'm going to yield to Mr. Miller because I got a chance before.

Mr. Miller: I have questions to do with your proposed list under the mixed-member proportional system that you're recommending. That's something I'm not familiar with. The system you're recommending, is it a closed list? I'm going to give you a series of small questions, and you can answer them all if you like. I guess my question is: How do you get on that list, and is it too much power to the parties? It sounds like it isn't a popular thing with the electorate in New Zealand—the list part of it.

Also, if the list is a closed list where perhaps 50% of the list is dictated as being female, is that constitutional?

I gave you about five questions there. Feel free to—

Mr. Bonneville: What we're proposing, as I think Brian suggested earlier, is a flexible list. We are confronted with exactly that dilemma.

Mr. Miller: I'm sorry; I missed that. A what list?

Mr. Bonneville: We're recommending a flexible list, a combination of both, because we thought that a completely closed list would give too much power to the party to determine who was on the list and who was 1, 2, 3, 4, 5. A completely open list would probably create chaos. We wanted to give people a choice. So the voter can actually vote for MP Michael Prue in a certain constituency and can vote for the Progressive Conservative party slate.

Mr. Miller: How much can Michael Prue get bumped up if everybody decides they want to support him?

Mr. Bonneville: He's actually running as a constituency MP, so he's not even on the list, unless he wants to be. The list is determined by the party. So when you go to vote, you see the list and you can actually vote for the whole list as it is or you can go and pick Mr. or Mrs. So-and-So down at the bottom and it sort of gives him or her an effect. There's a formula that needs to be applied. It's a little tricky, but in the end you get to appoint the right people into the seats. If in the end the party is entitled to five extra seats because of the balancing-out thing, or the five top people get the seats, or if somebody happens to get enough votes to bump somebody out, then they get the seats—is that fair?

Dr. Tanguay: With the flexible list, one of the examples we drew on was from Sweden. Let's imagine there's a region with 12 list MPs to be elected. The party, say the NDP, wins enough votes in that region to have a right to, say, five seats on the list portion of the ballot. Now, if the list was just closed, the top five on that list would go to Queen's Park. Under our proposal, if voters supported, say, candidate number 10 down toward the bottom of the list, and a certain quota voted for that individual—the quota would depend on the total number

of votes in the region, but if the candidate received a certain quota of votes, then he or she would be vaulted to the top. He or she would be guaranteed election on the list portion of the ballot. In that sense, it's closed and open at the same time: a compromise.

Mr. Miller: What happens in rural and northern areas, where we're seeing a declining population? Are you going to end up with more representation or less representation?

Dr. Tanguay: That is one of the issues that we had to confront: areas of declining population. At the federal level—and this sort of ties into your earlier question—we're constrained by the different regions of the country and some of the constitutional guarantees of representation. The Atlantic provinces are out of whack, right? They have more representatives than rep by pop would give them, but those are written into the Constitution. The Senate clause guarantees a province no fewer members of the House of Commons than it has senators. So Prince Edward Island, New Brunswick and Newfoundland all benefit, and I think Nova Scotia, by one seat. They all get bonuses above and beyond what rep by pop would determine, and that's an additional factor at the federal level that we don't have here so much. The constraints for a province are perhaps a little fewer than they are across the country. I guess that gets to the Chair's question a bit.

Having said that, one of the problems is, what do you do with the huge areas that are sparsely populated? I guess, to put it bluntly, in the list portion of the ballot they would not fare as well, although, remember, the list seats are for a region, not just a strict constituency. Again, the list seats are going to be determined on the basis of population, and so those areas with declining populations are going to suffer unless there are some sorts of guarantees built into the model to help them out.

The Chair: Thank you. I have Ms. Wynne.

Mr. Sterling: Just before, one question that he asked and that you didn't respond to—

The Chair: Can I get back to you, Mr. Sterling?

Ms. Wynne: If Mr. Sterling would like to follow up—

The Chair: Go ahead, Mr. Sterling.

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Mr. Sterling: If the citizens' committee came up and said, "We would like the list portion to have an equal number of men and women," is it constitutional for the Legislature of Ontario to pass a law that says that the party must come up with so many of these and so many of those, identifying either by gender or—

Mr. Le Bouthillier: I don't think we looked at this, because we went for an open list. But assuming that, and there are models—I think it's Sweden that alternates men and women on the list, and they end up with 45% representation of women.

I guess my comment would be two-fold. The first one would be that section 15, the equality clause of the charter—plus section 28 of the charter on the equality between men and women, but section 15(2) in par-

ticular—does provide for what's called affirmative action. So in terms of equality, that's number one.

Number two are the international obligations of Canada, which bind Ontario as well, as part of the federation. If you look at the Convention on the Elimination of Discrimination against Women, they specifically provide—and the committee on the elimination of discrimination against women said that this kind of measure would not be contradictory to the convention—quite the other way around—in order to reach equality.

Again, we at the commission went for an open list. Now, in terms of what the impact would be, a lot of writers would say that that would certainly entice parties to actually have a quite balanced list in terms of representation. They wouldn't have to do it, but it would be something the party would have to consider.

In New Zealand right now, the representation of women is 28%, and in the previous election it was 31%. Under the old system it was 21%, which is the percentage of Canada at the federal level, and also in Ontario. Somebody was talking about the glass ceiling, that being 21% for representation of women. So the hope is that this system would help, but we did not retain the route that we discussed following—

Mr. Bonneville: New Zealand doesn't have any rules. So the actual numbers went up without the setting up of any rules. Actually, the question didn't—

The Chair: It just went up because of the change in the system.

Mr. Bonneville: Just the workings of the system.

The Chair: I have Ms. Wynne next.

Ms. Wynne: I just wanted to clarify. We were talking about the size of ridings and so on. Your recommendation is a federal recommendation. Mr. Tanguay, I think you said, and correct me if I'm wrong, that, applied to the Ontario situation, you would assume there would have to be more members in the Legislature, that we'd have to add. So it wouldn't be the same formula.

Dr. Tanguay: No. I think it would work best for Ontario if the size of the Legislature were to increase.

Ms. Wynne: And that was your opinion. That wasn't something you—

Dr. Tanguay: Yes.

Ms. Wynne: I just want to check with Mr. Le Bouthillier. Is it your assumption as well that, unlike your recommendation for the federal government, we would need to, in Ontario, increase the number of representatives in the Legislature?

Mr. Bonneville: I would say yes, because otherwise you would end up with only 70 constituency MPs, which might make it a little bit difficult. In order to accomplish proportionality, you have to go over the 20% range in terms of proportional MPs. I think the numbers wouldn't work, but that's my assumption.

Ms. Wynne: So the size of the ridings wouldn't necessarily increase, right?

Mr. Bonneville: No.

Mr. Le Bouthillier: There was a discussion this morning as to whether you get the number right first, or the system. In my view, it's hard to—

Ms. Wynne: Which do you think we have to get right first?

Mr. Le Bouthillier: I think you have to do it at the same time, and I think you have to look at different models and the numbers in the system, and look at different formulas, because then you come up with what the role of the various MPs would be. I think you have to consider numbers when you do that.

As you know, our Constitution provides for matters that are of more local interest, closer to the population and so on, to the provinces. So in theory, I think that you would need a higher number. It would be interesting to actually look at that a bit more closely.

Ms. Wynne: But you think it would be sort of a simultaneous decision-making process; you don't think, as we heard this morning, that there should be a decision about how many MPPs, and then the electoral system?

Mr. Le Bouthillier: My personal view is that you have to look at both. I would also just mention that, as you know, at the federal level there is a lot of demand on MPs in matters of immigration, for example. You would have to measure all of these, the type of service, and find the right number for Ontario, really. We felt that we had the right number for the federal level, including Ontario MPs, but for the MPPs I guess you could make the case that it should be different, and specifically, I doubt it would be lower.

Dr. Tanguay: The number that was pulled out of the air earlier of 135 would certainly be a workable number that would probably ensure, if you had close to 30 list MPs, that it would be close to proportionality in terms of results. It would be approaching it, anyway.

The Chair: I have Mr. Prue with the last question.

Mr. Prue: In those countries that you studied, what was the percentage of people who voted for a constituent who belonged to party X who changed and voted for party Y? I'm very curious about that percentage, because we naturally would think that if you vote for a New Democrat candidate—in my riding, if you voted for me—you'd tick off NDP, but I'm not convinced that would happen. What is the percentage change? Because I'll bet you it's large, and I think people need to hear that.

Dr. Tanguay: In New Zealand, it's been close to 35% to 38% who split their ticket. In Germany it's lower, about 20%. I'm not sure of the figures for Scotland and Wales. Typically, in Germany they use the list portion of the vote to vote for the party they think should be the coalition partner, so there is a considerable amount of educated strategic voting going on. In New Zealand, it's a desire to balance out a good constituent representative with the party they want to ensure gets into a possible coalition government.

Mr. Prue: My second question, and it's a brief one, is the list candidate. I was in Greece once during an election, and the parties sized off as the right and the left wing, but the Communist Party was entitled to some votes. I remember being there the day after the election when it was announced that the Communist list candidate from a very conservative area was going to be elected.

There was almost a riot in the street. They were going around yelling, “Kappa Kappa Epsilon, no way in our place,” and there was almost a riot there. I should have gone back to find out what happened. Do you anticipate any difficulties like this with a really marginal party on the list showing up representing an area which is totally not prepared for them?

Dr. Tanguay: I suppose the chances are greater under our proposed system than under the current system, but by and large the regions are big enough that they could accommodate these marginal or fringe candidates. We do see in Scotland that the Socialist Workers Party, for instance, has elected a couple of regional MPs.

The Greens typically are the party that do best under the list system. The Greens in Scotland don’t even run candidates at the constituency level; they don’t even bother running. That’s a factor that’s in play in Scotland, because the constituency MPs say, “Look, the rest of us have to face the music at the constituency level.” Why should these folks have what they see as a free ride? There was discussion on the law commission as to whether there should be a prohibition on parties simply running for the list, whether they have to present a certain proportion at the constituency level.

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Mr. Bonneville: Assuming that you have a threshold, but we ruled against that. We think the system that we propose may generate this, but the party that would have to do that would have to generate quite a bit of support. Mind you, I remember the Rhinoceros Party in Montreal getting up to 20% one year, so there is that risk.

Mr. Le Bouthillier: We point out in the report that you would need lots of votes, number one. It’s not that easy. The second thing is that our recommendation was not a threshold but that you need candidates in one third of the ridings, so you don’t get a free ride.

The Chair: Thank you very much for your insight and the work you’ve done. It certainly has added to our deliberations. Again, thank you for taking the time to come before us.

UNIVERSITY COLLEGE

The Chair: Next we have Sylvia Bashevkin from University College. The floor is yours.

Ms. Sylvia Bashevkin: I want to begin first by commending the government and opposition parties for their willingness to strike this committee and to participate in its workings, and to thank all the committee members and staff for inviting me to address you today.

I want to begin by reviewing my background. I have taught political science at the University of Toronto since 1982. During that time, there has been an enormous shift in the interest of students in parliamentary politics and of course in the turnout of voters in parliamentary elections. Early in my career, I had the experience, in teaching large lecture courses, of working to ensure that students who were active in different political parties didn’t get into a brawl during the lectures. I had to separate them.

They wore hats, sweatshirts, T-shirts and buttons, and they were fervent partisans of, at the time, the three different political parties active in Canada. We’re now facing a reality where very few students know or care about parliamentary politics. It would be a rare experience to walk into an undergraduate classroom across the street and find any students who had any affiliation with any political party.

I bring that anecdote to your attention, of course, because the overall turnout of voters at large in Canada, including in Ontario, and the turnout of students and particularly younger Canadians across the country, has severely declined. I think our deliberations in terms of electoral reform need to bear that in mind.

In fact, the main point of my presentation is that electoral reform has to be about much more than just political plumbing. I would define that as fixing the leaks and replacing the parts that are only of interest to a small group of expert insiders: political scientists and parliamentarians, for the most part, and a few journalists. I believe electoral reform needs to address the substantive re-engagement of citizens in Canadian democracy. If we permit it to become a sideshow about the details of arcane plumbing, then I’m afraid that the process of discussing electoral reform will only compound the alienation and distrust of the already alienated citizens out there, including my own students. I should point out that my own students, by the way, are quite engaged in extra-parliamentary politics. They are often quite interested, but not in parliamentary politics.

Sometimes in Canada, moreover, we have seen the utter waste of an opportunity to engage citizens because the electoral reform discussions at times become bogged down in arcane discussions of one obscure electoral design or another, and they completely ignore the larger questions about the fabric of democracy and the quality of citizen participation in our times.

In Canada, in Ontario, and especially here in Toronto, we’re faced with among the world’s most diverse electorates. Yet, if we look at our Legislatures or if we look at our municipal councils, we see relatively little gender diversity and we see relatively little ethnocultural diversity despite the reality of what our populations look like. It’s as if the larger society has undergone a massive transformation, but our elected bodies are caught in a time warp. I wouldn’t want the electoral reform discussion to simply reinforce that sense of a time warp.

I’ve distributed for your information some information from the Inter-Parliamentary Union. This is their latest data, for example, on women in Parliament. Canada, as many of you may know, ranks 37th on the list and is among the very few democracies in the world that has retained a pure single-member plurality electoral system at all levels, meaning federal, provincial, municipal and local. What’s interesting about Canada, as some of my colleagues noted earlier, is that of course we rank among the world’s most egalitarian democracies from the perspective of constitutional and legislative protections, whether it’s for women’s rights or minority rights. In

terms of this worldwide perspective, then, there's a serious disjuncture between our institutions and rules in Canada, on one side, and the patterns of citizen engagement on the other. I would hope that the discussion of electoral reform would address this disjuncture.

Our research data, moreover, show that in Canada we've seen that the numbers of women elected to Legislatures, including here at Queen's Park, have declined or plateaued over time. They seem to be stuck in this roughly 20% range. At the municipal level, we have historically had more women who have run and won, in part because women had the municipal franchise in Ontario and elsewhere earlier than the provincial and federal franchise. We've seen, for example, that Toronto city council has 44 members; about 30% of them are women. But in a city as diverse as ours, if you go to Toronto city council, you'll see we have exactly one councillor who is both female and from a visible minority background. A woman from a visible minority background, I should point out, is the modal category of undergraduate at the University of Toronto. It's in fact the modal category of a passenger on the TTC on most runs at most hours of the day. So clearly our elected councils at the provincial and municipal levels in this city look nothing like the population in whose midst they're working and of whom they are presumed to be representative. That's a crucial challenge facing the electoral reform project.

Moreover, I think Toronto's an important part of the electoral reform story because we know that citizens in Ontario's largest city, in Canada's largest city, have seen the numbers of elected provincial and local representatives purposefully cut since 1995. In other words, we have fewer representatives municipally and provincially than we had 10 years ago.

I recently completed work on a study that compares citizen engagement in Toronto to a comparable city: London, England. Both cities, of course, represent about 15% of their country's population and both are the destination of about half of the new immigrants to each country. One central conclusion of that study is the following: The forced amalgamation of local boroughs in Toronto, which of course eliminated opportunities for many women and minorities to move into the system, plus the fiscal downloading exercise that accompanied the process of amalgamation, compounded by the election of a largely ineffective megacity mayor whose primary concern was not citizen representation immediately after amalgamation—all these factors taken together—measurably depressed levels of citizen engagement in Toronto. By way of contrast, London, England, went through a kind of re-democratization exercise in the same period, and we can see very different patterns in that city.

I would argue that because so many immigrants—about half of those who come to Canada every year—are living here and because Toronto is home to about 15% of the country's population, this is a far from insignificant democratic barometer for the country as a whole. I would

not suggest, then, that we can or should disentangle the democratic renewal of our largest city, Toronto, and the re-engagement of citizens in this city from the electoral reform of Ontario as a whole. Why? Obviously, in part, the province is jurisdictionally responsible for the city and, in terms of the comparative research we have in this area, I would urge members of the select committee to consider ways of renewing the substance of democracy at all levels, including the municipal level, which is effectively controlled by the province.

What specific improvements might be considered? One would be to consider pressing for greater demographic diversity among party activists within political parties. This can be done internally by parties as part of their internal constitutional practices. We could also press for the greater demographic diversity of our civil service. We could also, of course, press for greater diversity among candidates for public office. I should point out that among the recommendations of the Mulroney-era federal Royal Commission on Electoral Reform and Party Financing was a policy that political parties be financially rewarded for running increasingly diverse candidates at the federal level. This was not implemented, but it certainly was on the agenda as a possibility.

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As well, we might consider opening up opportunities for proportional representation on municipal councils as well as in the provincial Legislature, which might be helpful. Parenthetically, London, England, has a municipal council, the Greater London Assembly, which is a 26-member body—14 members at large and the rest coming under a proportional system for municipal council.

I would also urge that members try to keep the solution simple; in other words, not go the British Columbia route of trying increasingly complicated schemes that hardly anyone can ever understand. Keep the solution simple, for example, by adding on seats that keep a balance between geographic and at-large representation, since it seems to me that people who are strong supporters of PR only are forgetting that Canadians are highly geographic. We think of our country in terms of trees and rocks and physical space, and I cannot imagine that we would ever get people to imagine that the electoral system should somehow be totally discordant. Look at our artwork, like the Group of Seven. Imagine taking land away from Canadian art; you wouldn't be left with too much.

I also think that wasted votes are a huge source of frustration for Canadians who do vote and they've become a convenient excuse for the growing number of people who do not bother to participate. Even in the bare-bones form of democratic engagement that's voting, I think we need to take away one of the major reasons that people cite when they're asked about why they don't vote.

It seems electoral reform can be part of a meaningful push for the empowerment of our increasingly educated

but alienated citizenry. I would only point to research that shows that we are less and less deferential as Canadians to authority, but at the same time less and less willing to engage in the very institutions and structures which largely shape our sense of frustration.

I would conclude by suggesting that each member of the committee can make a difference in the renewal of democracy in Ontario and by so doing will perhaps inspire more citizens to believe that they can do the same thing.

Thank you again for your invitation. I look forward to your questions.

The Chair: Thank you very much. I certainly have a question with regard to citizen engagement. I ask this because, again, it's another one of those principles under which you want to ask how changes in the electoral system can increase this citizen—I guess I'd like you to reclarify for the committee the whole dilemma of what is happening with citizen engagement. Maybe you can provide a little more insight, if you have it, with regard to changing an electoral system. In what way can we re-engage citizens?

Ms. Bashevkin: Thank you for the question. In part, I think eliminating wasted votes allows people to believe that their votes are more meaningful. So, in part, one can argue that on average countries which do have proportionality in their electoral systems often do have higher rates of voter turnout than we've seen in the two countries that have the most pure single-member system. That would be Canada and the United States. Canada and the US, one can argue, are also systems which do not have any compulsory voting. There are comparable systems. For example, Australia would be a comparable system—Westminster style, multi-party, largely like Canada, governed with a series of large cities and less-populated areas surrounding them. In Australia, as you know, the voter turnout rate is significantly higher. Some people argue it's because of the lack of wasted votes under their system and reinforced by the existence of a compulsory system. If you asked most Australians how much they would pay if they didn't vote, in my experience they usually say they don't know, and it's quite a modest fine. It has ranged, I think, between \$15 and \$50. It's not—

Mr. Patten: Two Foster's.

Ms. Bashevkin: Two Foster's, OK. It's, I think, a fairly modest fine considering what a parking fine might be in this part of Toronto, for example, and yet it seems to have an enormous effect. So one could argue that if we wanted to increase citizen engagement in terms of electoral participation, we might imagine a mixed system with some single-member and some proportionality, and we might also imagine moving, at the municipal level, away from the system we've had where in many municipalities in Ontario, we're only getting a quarter to a third of the voters turning out. Some people argue that political parties might help to structure the debates a bit better, might help if we had some proportional seats at the municipal level, might help to get away from some of the

extremes of localism that one sometimes finds in local and municipal politics. This is why in cases like London, England, for example, there has been an effort to mix the system at the municipal level, and have some list and some constituency candidates. There, one sees voter turnout a bit higher than what we have in Toronto municipal politics.

The Chair: Thank you. I have Ms. Smith.

Ms. Smith: I just wanted to bring together two themes that you raised, and you did answer part of it in the answer you just gave about mixed-member proportional and engagement, but I wanted to tie that in with the youth engagement. You talked at the beginning about the fact that your class is no longer engaged in the electoral system, but is still engaged politically. I would expect that people studying political science would be engaged somewhat politically. I was at the U of T part of the time you were teaching, and I didn't wear t-shirts, and I don't think I got into any brawls, but certainly a lot of my classmates were engaged in the electoral system—we knew the players, we knew the system. I just wondered how you tie together promoting a mixed-member proportional system, or compulsory voting, with engaging the young people's interest in the electoral system again. Is there a direct link to that, and how does that work, in your mind?

Ms. Bashevkin: I'm not at all sure that there's actually a link between mixed-member—the compulsory—and youth engagement. I simply have a sense of our losing a generation or more of young people to parliamentary politics. I do think it's important to realize that for most of them, if you ask the undergraduates about provincial politics, they would probably tell you about extra-parliamentary protests in the Harris years, or Harris government decisions which affected their education or their after-school programs and so on. But if you asked them, for example, "What changed at Queen's Park?," for the most part, they would probably tell you about days of protest and things that were not parliamentary in origin.

So many of them have a sense that efforts to, let's say, stop—anti-globalization protests or efforts to protest on softwood lumber and so on. Many of them would probably argue that an awful lot goes on either through lobbying or demonstrations or petitions, but very little in parliamentary environments; in other words, in a Legislature or in a committee and so on. I have a sense that their understanding on the more conservative side of youth engagement would be think tanks, and they would probably see, let's say, the Fraser Institute as a major political actor for the ones who would be more right of centre, and demonstrations and street protests for those who would be more middle-of-the-road or left of centre. I think their sense about engagement would be very much tied to their own experiences and not so much tied to any understanding or interest in these institutional arrangements vis-à-vis elections. It's very hard to interest them in political parties or elections generally, let alone the details of it.

For the most part, some of our most high-demand courses at the upper levels are dealing with think tanks and a non-parliamentary generation of knowledge—or extra-parliamentary—or social movements. There's very little interest in—we used to have huge political parties courses and elections courses, and now it's just not very popular.

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Ms. Smith: Just following up on that, then, do you have any recommendations for changes that we could be looking at that would engage youth more in the electoral system or in our democratic renewal? If not actually how we vote, then what, I guess is my question. How can we re-engage that sector of our population?

Ms. Bashevkin: I think through political leaders speaking more about the importance of people coming together and the positive value that government can bring. Most undergraduates we see now have been through decades where they've been told about the power of the market, and the power of the state has been enormously denigrated to the point that none of them would want to know much about it or ever get involved. As a result, we can argue, in terms of political parties seeking candidates, in terms of the civil service seeking strong candidates, it's very hard to tell students suddenly that they should seek a career in public life when public life has been so denigrated. So I think in part it's the re-evaluation of democracy and public belonging that political leaders can contribute to, which would then lead students to believe that this is something worth knowing about and perhaps engaging in. I think that's a challenge that faces political leaders at all levels.

Mr. Patten: I have two and a half questions. One is, is there any research that analyzes the various forms of statistics that are gathered that give you the voter turnout between or among the jurisdictions? In other words, you read these and it's as if they're all the same. Not all countries, not all jurisdictions—I even question our own in terms of our fixed voters lists. I would argue that it's probably off 15% or 20%. So when people do an analysis in Ontario, we've only had that system for two elections and it's gone down. I could make an argument that it's because of the poor maintenance of the lists as much as anything else, and yet the media, when it may only drop 2%, say, "Oh, this is a trend. There are less people voting now because they don't care." It could be as simple as some people thinking they've got good government, number one, and there's no issue for them in their own minds and, two, the stats aren't very good.

Ms. Bashevkin: Thank you for the question. I have a sense that voter turnout across jurisdictions internationally has declined, whether those countries changed the way they built their lists or didn't, which leads me to think that there probably is a decline in most western industrial systems. The quality of voter lists is very much a concern for young voters because they are among the most mobile and they are among those who often are in the most vulnerable part of the labour force, where contesting whether they are on a list is time-consuming

and takes them away from their vulnerable employment. So I do believe that we probably are seeing a decline across jurisdictions, but it may be masked or harder to detect; for example, where we've moved from having enumerators in every election to having these so-called permanent voters lists.

The thing about having enumerators was that they did give citizens a sense that their vote was sought, that the government was looking to find them for the purpose of ensuring that they were on the voters list. That is a positive relationship, it seems to me, with a government. If voters do not sense that there's much of a constructive relationship, in fact that the state is a problem and the market is the solution—and this is a consistent message that they're told—it's very hard to see how people would have a positive relationship with the forms of collective action that voting and political engagement would generally involve. In other words, you wouldn't even get people into the threshold activity of voting, let alone participating in a political party or coming to a select committee hearing on something that mattered to them or getting involved in their local community at the municipal level. So it seems to me that it's all part of a larger web, where in particular younger Canadians are among those who have had a rather different experience in Ontario since 1995 vis-à-vis the state and, in particular, provincial governments.

Mr. Miller: A question to do with the beginning of your presentation: You were talking about wasted votes being a source of frustration for voters, and you were also talking about the Australian system. What I'm wondering about is whether the Australian system—they have the preferential voting, instant runoff system—for the voters there makes their vote count more and therefore satisfies this problem of the voter having their vote count for more.

Ms. Bashevkin: I think in Australia there's certainly higher voter turnout, which many people say reflects the fact that people feel more efficacious. They feel that their vote matters more and they're less frustrated. On the other hand, runoffs can be rather complicated.

Mr. Miller: In Australia, it's also been compulsory since 1924.

Ms. Bashevkin: Yes, exactly. My point is, you can't really disentangle the system from the compulsory rules, because we haven't had an experiment in the laboratory where we could actually try their scheme in the absence of having this compulsion.

I have a sense that Canadians might find compulsory voting to be inconsistent with the idea of the individual having the right to decline to vote. On the other hand, you do have the possibility of a spoiled ballot under the compulsory systems, but I'm also afraid that coming up with more complicated systems of runoffs and so on—

Mr. Miller: It's an instant runoff, and they've had that since 1919, I believe.

Ms. Bashevkin: Exactly. You do have some of the second round in the London, England, municipal system, for example. It often requires people to have a certain

degree of ability, in the London case, to guess who's going to be the second-round mayoral candidate. So the choices get a little complicated.

As was pointed out in the earlier session, it brings many more parties into the system, and sometimes there's a frustration among the older parties that voters are prepared to be a little more experimental in their choices when you bring in the proportionality, and hence they'll split their votes, but at least there is a sense about votes mattering. Whether it introduces more players into the system, more parties into the system, I think the sense is that there are fewer ways to vote and generally higher levels of turnout, even when you don't have the compulsory arrangements like, let's say, Italy or Australia.

Mr. Prue: I was just looking—and I'm sure this came with your package, although you didn't talk about it—with some fascination at all of the countries around the world and the number of women who are in the House. We see that New Zealand has jumped up to number 19, but Canada's at 37.

The one that fascinated me, one of the countries we are potentially going to in order to look at their system, is Ireland. Ireland is much worse even than Canada. Is this part of their culture, or is this part of the system that does not allow women an opportunity? Obviously, I looked at all the others that we're studying and that we're looking at—Sweden, Norway, Denmark, Australia—and they're all ahead of Ireland. Is it the culture or the system that works against women?

Ms. Bashevkin: I think we'd have to look at—Ireland's tied for 65, and Israel is tied for 61; Israel is pure proportionality as well. In Ireland and Israel, I think the general conclusion of most research is that you can change electoral systems, but political cultures are pretty difficult to reform. If you do have either the cultural traditions, which go with perhaps certain religious dominance in the political systems in those cases, or if you have the dominance of political parties which have been unwilling to include large numbers of women or minorities among their candidates, proportionality will not change your political culture.

There are, of course, arguments that Canadians have—if you look at the research on political cultures and values—among the most egalitarian values in the world. Our electoral system tends not to throw up the results that the culture would throw up perhaps in the presence of a different electoral system. So I think you're absolutely right to say that there are countries which have proportionality and which have low levels in terms of the representation of women, but those are ones which do not have constitutional, legislative and cultural norms in place that would be similar to those in Canada. That's probably helping to explain the positions of Israel and Ireland on the list.

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Mr. Prue: No, but they have adopted a different system. That's what I'm trying to figure out: the difference between an MMP and the STP. Has that any bearing on this?

Ms. Bashevkin: I think the best case to look at about what happens when you change your electoral system would probably be New Zealand, because New Zealand would have sort of similar—

Mr. Prue: It jumped way up.

Ms. Bashevkin: It jumped up, but it would also have similar Anglo-American Westminster parliamentary traditions to those in Canada. In fact, New Zealand would be considerably more rural and less ethnoculturally diverse than Canada, and yet they changed their system, and look at the results. I don't think we would likely see Canada having too much in common, let's say, with Israel or Ireland as proportional systems with low levels of women. They've also got other characteristics that are unlikely to be changed by any institutional arrangements. They simply have entrenched political cultures of traditional values that places like, let's say, New Zealand, Australia, Canada and many of these other countries up here would not have.

In fact, if you look at political culture values, Canada is very similar to Sweden, Norway, Denmark, the Netherlands and so on in terms of people's understandings of family structure, the importance of tolerance in public life and so on, so I think those values would probably remain in place no matter what we did with our electoral system. Other countries can have quite a high degree of proportionality and low levels of women.

The Chair: I just have one last question, if I might. The youth engagement aspect, to me, is probably the most concerning, because in a few things that I've read there was the notion that once they get to a certain age, they'll get engaged. But that's not happening. It seems to be the trend that is moving as part of their lifestyle.

Let's take a look at New Zealand. We've looked at the change there. What about the youth engagement in places like New Zealand that maybe would be the closest that we can compare to? Would you have any information on that?

Ms. Bashevkin: I don't have the comparative data on youth engagement in New Zealand. I would be careful about comparing those two because, again, New Zealand would be considerably more rural and would have had considerably less immigration than major Canadian centres like Toronto.

One of the concerns compounding the patterns you talked about would be that in Canada, traditionally there are generational learning effects in immigrant families. If we have about half the new immigrants to Canada arriving in Toronto and the new generations are not picking that up at all—in other words, other people are lapsing in their families and others are not gaining it at all—that's a particularly dangerous situation vis-à-vis democratic renewal in Canada.

I don't know the data on New Zealand, but I think a better comparator would probably be Australia, where you'd have a city like Sydney, of roughly 4.2 million, like Toronto, where you'd have the diverse immigration, and you'd then be able to compare the effects of a different electoral system and the effects of compulsory

voting and what was happening not just to young people here but to young people from immigrant families.

The Chair: I know that we always look to the education system, but one of the cultural differences I note in the discussions that young people have, let's say, in coffee shops etc. here versus some discussions that go on in Europe in coffee shops, is that there seems to be more of a language they use that uses politics—do you know what I'm saying?—that uses the discussion about what's happening in their government, whereas here, it just isn't there; it isn't part of their culture. That's just my own, if you want, observation, in a very small way.

Do you think that we could bring about some more engagement at very young years as to the responsibility—not just the responsibility, but the value that government brings into their lives and how important it is that they're engaged? Do you see that as a change in the culture or the attitude? Could we do that? Is that a possibility in the future?

Ms. Bashevkin: My own experience with undergraduates suggests that for those who have met their city councillors, or in the old days, their school trustees, when there were more of them, or with their MPs and MPPs who were saluting their community service, that always played an important role. For students, let's say, who had bicycle clubs or students who got involved in any form of community engagement of a constructive variety, when they were recognized by elected politicians, I think that seemed to make an enormous difference in terms of their willingness to believe that the system mattered to their life. We probably need to do more of that recognition, just because some of them are quite engaged, but it's simply not in party and parliamentary politics. Whether it's getting crosswalks in their neighbourhoods—university students are often complained about for different things, but, for example, they like to cross Queen's Park without becoming roadkill. When they organize different kinds of activities like that and they're recognized, I think that often does make a difference, because they have a sense that there is a community of decision-makers out there who care about what they're doing and want to applaud them. I think that's a small way to start.

Certainly, at the municipal level, when we've looked at concerns about neighbourhoods and policing and health and social fabrics, that form of public recognition and investment in community activity probably does make a big difference.

The Chair: Thank you very much. If there are no more questions, at the end of this presentation I certainly see the complexities of electoral systems, and that electoral reform goes beyond the actual electoral reform. Thank you very much for your presentation.

VANIER COLLEGE

The Chair: Next we have Henry Milner from Vanier College. Thank you very much for taking the time to be here with us to enlighten us and help us move forward to this report for November 3. The floor is yours.

Dr. Henry Milner: I'd like to thank you all for having me here. I've just flown down from Montreal. Unfortunately, my flight was delayed because unlike Toronto, apparently, we did get a bit of Katrina. That means that the material I was about to distribute to you will probably not get to your desk until tomorrow morning, but I'm going to be referring to it. One thing I was going to show you is a book that I published last year looking at electoral systems in different countries called *Steps Toward Making Every Vote Count*. It was published by Broadview. It looks at what's happening in the Canadian provinces and other countries.

In addition, in the material I was going to distribute to you are two papers that I've done for the Institute for Research on Public Policy. Leslie Seidle is one of my colleagues at the institute, and you'll be hearing from him later. I'm doing several papers for the institute in their *Strengthening Canadian Democracy* series. The one I'm working on now, a subject which isn't finished but a subject I'd also be interested to talk to you about, is fixed voting dates, which I understand Ontario has already decided on. I don't know if it's been formally voted on or not. Has it now?

The Chair: Yes.

Dr. Milner: I'd like to congratulate you on that. I looked—

Mr. Prue: Just first reading.

The Chair: Oh, sorry, it's at committee.

Dr. Milner: OK. It hasn't gone through final reading.

Ms. Wynne: It's in process.

Dr. Milner: Good, because I looked at other countries, and I think it works pretty well. I'd like to congratulate you on your initiative.

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The other paper that I just published recently that you'll get to see is on youth turnout and why it seems to be so low in Canada and what we can learn from the experience of other countries. Again, I'll be glad to answer your questions about that. I noticed that this came up in the last discussion. The paper should be right in front of you at this point, but unfortunately it is not.

What I thought I would talk to you about, and maybe this is not exactly what you're interested in, is I've been studying electoral systems in different countries for a number of years. I was in New Zealand in 1996 when they first had MMP and I've been following this discussion, really, since: for the last 10 years. I spend a lot of time in Europe. I teach in Sweden and so on, so I have a lot of hands-on experience with different electoral systems.

What I'm concerned about, I guess—not necessarily negatively but at least concerned about—is that Ontario apparently is adopting the British Columbia citizens' assembly model as the process through which to change the electoral system. I'm hoping to get some clarification from you, because if that were simply the case, then I'm not quite sure what this committee would be doing. So I'd be interested to know to what extent the legislators

are going to make the decision and to what extent citizens will be making the decision.

I thought I would share with you my reflections on the British Columbia experience. I'll be fairly short, because I really do want to have a give-and-take on this or other subjects with you.

In general, I think that under the circumstances the citizens' assembly model was appropriate for British Columbia. In that context, any change of the electoral system that would have been done through the politicians and the parties would have been suspect. You needed to have a body outside of the usual partisan politics that would be entrusted with the decision in order to give it the legitimacy it needed. I think, on the whole, that initiative was a good one, and if they hadn't set a rule for such a high outcome, you would probably have electoral reform beginning now in British Columbia. That being said, I think there is one worrisome aspect of it, or a central aspect of it that worries me and that I'd like you to take into account both in terms of the mandate given to the citizens' assembly and also in terms of the process and structure, which I guess hasn't entirely been set.

It's one thing to be suspicious of political parties as entities. Political parties are flawed instruments of human endeavour, like all others—like corporations and other organizations. But that's very different from questioning the importance of the role of political parties in democracy. I think in the citizens' assembly and in the whole process, they didn't really distinguish those two elements. Because political parties naturally are partisan and naturally are interested in their own success and so on, that sensitivity, and it's fairly representative of people, especially in British Columbia, I would argue, flowed into this notion that if we can weaken political parties, if we can come up with an electoral system that gives the citizen more power and weakens political parties, somehow that's a good thing. I think that went too far. It was understandable, but in a sense it was unfortunate as well. I don't think that you enhance democracy by weakening political parties. Not only the choice of STV, which is the system that they came down to supporting, but even the MMP version that they proposed, which was defeated in their vote against STV—I guess by now you're familiar with these terms. Even that one was so oriented toward individual choice, giving the individual all kinds of choices, not only for which party but which candidate within the list and so on.

It sounds very good, but I would argue that if you go too far in that direction, you do two things. One is that you tend to weaken political parties. You make it difficult for parties to operate in a coherent manner. Candidates, individuals and factions within parties compete among themselves for the choices that individuals will make, and that makes parties less coherent, less able to present a clear option when they seek the support of voters.

I'm not particularly concerned about parties per se, but I am concerned about democracy, and my argument would be that to the extent that you have an electoral

system that doesn't make it easier for parties to act coherently but actually makes it harder, I think you also make democracy not as good as it could be, because when ordinary people have to choose, it's much easier to choose when they have coherent options. If you complicate the choice that people have to make, we political science professors will do all right and you politicians will do all right, but I think many ordinary people will simply feel, "It's not worth the trouble. There are just too many things I have to know." On the other hand, political parties are a kind of shorthand. If you can identify with a political party, if your fundamental vote is choosing a political party, then you may want to do more, you may want to learn more, you may want to be involved more. But at the minimal level, people with minimal resources are going to be able to make a coherent choice. I think it's very important to make that possible.

The citizens' assembly in British Columbia really was not concerned about that. One of their three goals was to maximize voter choice, to give the voters as much choice as possible. The other two were local representation and the relationship between seats and votes. But the notion that politics is some kind of a choice among coherent presentations of alternatives was, I think, absent from their concerns. I know that because when they looked at STV, they never even considered the Australian option of STV, which is that you can vote above the line. You don't have to choose among the lists. You can if you want, but you can also simply choose the party, and then you are endorsing the party's order of candidates. This is something they particularly were not interested in doing, precisely because they wanted to force everybody to engage in quite complex choices.

I have a theory about why they did that. I think there were several reasons. One is that no representation of political parties was possible in their deliberative process, which I think was unfortunate. One was in their mandate. It wasn't as specific as it should have been. Also—and this is inherent in the citizens' assembly process and it's something that one at least should take into account—if you created a commission full of people like me to study this and come up with a recommendation, we would not confuse ourselves with ordinary voters. We would assume that we have knowledge, resources, interest and time. We're political junkies to some extent. We do this sort of stuff naturally. We wouldn't come up with a system that was best for ourselves. We would, at least in principle, come up with a system that was best for the ordinary Ontario voter.

I think what happens is, when you have a citizens' assembly, which begins with ordinary voters and ordinary citizens—the selection method was very good in terms of that. They are better citizens in the sense that they seem to be more caring about their community, but in terms of their education, their knowledge, their political interests and so on, they're fairly representative. Such a group begins as ordinary citizens, but by the time the process is over, they are highly qualified—sorry, that's overstating—qualified experts on these matters.

But the difference is, they don't think they are qualified experts. They think they are still ordinary citizens and they really do want to come up with a system that's best for them, not realizing at that point that this is not necessarily the best system for who they were just 10 months earlier. This is something that concerns me about the citizens' assembly process, that in order to bring the ordinary voter into the whole process, which is a wonderful idea, one loses sight of the ordinary voter. There's a kind of paradox in there that I think is quite real.

My suggestion to you is, when giving a mandate to the citizens' assembly, that at least these things be taken into account, both in the mandate and in the process and involvement. Somehow, people involved in politics should be involved in the process. Should there be members of the citizens' assembly who are also MPPs? Should there be some kind of joint committee after the fact? I'm not quite sure, structurally. I don't know if you've thought about it, but I think that's a very important factor.

Maybe I will leave it there, because I'm much more interested in hearing from you than keeping on talking. We pros get to talk all the time.

The Chair: Thank you very much. As I said, sorry that you ended up with Katrina on your doorstep there coming out of Montreal. That obviously adds to the stress of getting here, I'm sure.

Mr. Prue had his hand up. Mr. Prue, you have the floor.

Mr. Prue: The committee has not yet discussed the inevitability or even the advisability of a citizens' assembly. We merely look to British Columbia, and we're going out there to talk to them about it. My problem with the citizens' assembly is that they were given instructions that led down only one path. They were told they could not increase the number of representatives, and therefore any form of MMP was literally almost impossible, without really changing the entire electoral system. They were left with one choice and were shepherded in that direction and voted for it.

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Notwithstanding that, do you think that if we do decide to have such a system and bring in a hundred individuals, they should have some kind of expertise? Do you think that what British Columbia did was somehow not correct? I need to hear what they did, because they just sort of picked at random one person per constituency, as I understand it—

Dr. Milner: Two. A man and a woman.

Mr. Prue: OK—and went from there. They seemed not to know anything about it, and then, as you said, they became experts. It's almost like being on a jury. How would we do it differently?

Dr. Milner: The first thing is, just to respond to your first point, it's true that the Ontario Legislature is fairly small. How many are you?

The Chair: One hundred and three, going to 106.

Dr. Milner: And in British Columbia there are 75, I think, or 74.

Mr. Patten: Seventy-five.

Dr. Milner: In Quebec, where the government has proposed a form of MMP, we're 125, and their proposal is to maintain the number, so 70 district members and 50 regional list members. It's true that it's harder with a smaller number, and ideally the constraint wouldn't be absolute. You would allow the commission investigating to perhaps go a little bit higher. But I don't think that's a fatal obstacle. I think that you can have a reasonable MMP system with more or less the same number of members of the Legislature. I don't think that was the fundamental obstacle to MMP, even in British Columbia. I think they really did see it as wanting something that strengthened individual voters' choices vis-à-vis parties, and STV serves that purpose. I think that was the main reason.

As far as my feelings about the citizens' assembly, part of the question, of course, is, are they just recommending? In the case of British Columbia, they did more than recommend; they took their proposal right to the people. That is giving ordinary citizens a lot of power, and it's clear you haven't decided on that. I don't object to this notion that ordinary citizens getting the right information should have a very important role in this, even to the extent of proposing the wording or the content of a referendum. But I would add that in such a case, you should allow for more variety of views to enter the process. One thing, as I said, is that people with political experience, people involved in politics, should be at least non-voting members or resource persons on a regular basis to this assembly. Secondly, as I said, the mandate I think should make it very clear that the role of political parties is important and that the electoral system should be one which allows political parties to play the role that they have to in the political system. There was a third point, which now—anyway, it will come back to me.

The Chair: I have Mr. Arthurs next.

Mr. Arthurs: The whole discussion around simplicity and coherency and the functions of political parties in allowing those the least amount of interest in the overall political process, but wanting to express their democratic right, and how functional it can be to have a fairly direct and understandable structure in which to play into I found interesting and intriguing. As we have this discussion, at times I'm not convinced that our mandate has to be to make everyone well informed at the end of the day about all the political structures and the like or to get more people informed enough about the basic choices they can make that they want to engage to that level. I'd appreciate any additional comments that you might have in regards to that whole thought process.

Dr. Milner: Just to finish, the last point I wanted to make was that the recommendation shouldn't be one proposal, take it or leave it. It could, for example, provide two or three different alternatives and rank them, which could then be put into the form of a referendum where the Legislature and the committee would be involved in that, so that the committee wouldn't be able to start from scratch, throw out the whole process and just ignore it. On the other hand, the report should be such that it

doesn't just sort of say, "This is the proposal, take it or leave it."

To respond to your point, I have favoured proportional representation of one kind or another for many years and I've been studying it and living in countries that have used it for many years. For me, the really important aspect is not so much fairness to parties and fairness to women and minorities. These, I think, are very important and very essential parts of what we mean by democracy. But what I've been looking at in particular is, given a tendency of people to put less time, less interest, that politics is more complicated, that the alternatives are more difficult to distinguish, what kind of electoral system at least simplifies things enough—"simplifies" isn't the word I'm looking for, but makes things coherent enough for an ordinary person to be able to say, "Yes, here are my choices and I have enough information to prefer X to Y," or A to B and C, or something. What kind of electoral system optimizes that situation?

There will still be a lot of people who will simply say, "I don't have that information; I'm not interested to get it." But we want to reduce that, to limit it, to keep it as low as possible, and I think a proportional system does that. Not only does it make the choices fairly coherent, but it allows parties to be consistent. A party doesn't have to change its views because, "My God, if we lose 5% of the vote, we're going to lose 50% of our members." So parties can be more coherent. Parties can take a more long-term view. That kind of consistency makes it easier for the ordinary voter, whose knowledge is limited, to be able to figure out, "What does this political map look like? Where do I fit on this political map?"

In a sense, for me, the crucial element of an electoral system is that it makes it more likely that the choices will be coherent over the long term. Human beings don't just take part in one election. Voting is very much a habit and if we develop the habit, we'll continue to vote in a system where there are coherent choices, or more coherent choices. I think that's what explains why, under proportional representation, where there are more parties and where it's not so obvious that you're going to be able to kick out one party and replace it with another, as you can under our system, on average, you have higher turnout. In different countries that we've looked at, countries with proportional representation have higher turnout. If you go to a country like Australia, where they have proportional representation in some of their states and not in others, the ones with higher—sorry, you can't do it in the states, because they have compulsory voting. But even in the municipalities—and the same thing in Switzerland—municipalities with proportional representation tend, on average, to get higher turnout. Not much higher turnout, and there are other reasons why people aren't voting, but other things being equal, it can make a difference.

I don't know if that answers your question, but that's part of the argument I've developed in the things I've written over the years.

Mr. Arthurs: Could I ask a supplementary question?

The Chair: Certainly.

Mr. Arthurs: On the technology front, 35 years ago or thereabouts I started voting. I got an enumeration card in the mail. I went to the local school, I got the ballot and went behind a little box, made an X, folded it up and put it in a box. Thirty-five years later, I go to the local school, I get a paper ballot, I put it in the box, but my rotary dial phone now is in the museum somewhere. Is anything happening, in your experience, where there are jurisdictions that are embracing technology for constituents, for election purposes, that are not fearing the 2% that are going to escape somehow or whatever the number might be because of technology, because someone gave someone their number and someone else voted for them? Are there jurisdictions that are embracing technology in any substantive way, or is everyone at sort of the same pace right now, with everyone still going behind the box and making an X, or maybe they're putting in their card reader?

1530

Dr. Milner: There's no question that there are now technological possibilities that didn't exist before. There is some experimentation. Even before the new technologies, postal voting was fairly common in some jurisdictions, and not here. Postal voting is different from regular voting in the sense that you don't participate in an event with your neighbours and so on; you just do it individually. In a certain way, all of the new forms of voting are just high-tech versions of postal voting, except you can do it through the Internet or through a special telephone and so on.

There are always two problems with that—and I'm not a specialist in this area—which make people reticent. One is that, as you mentioned, there are possibilities of abuse. I was in Europe last year in April, and there was some stuff that came out about the British election which showed that postal votes had been manipulated. It came out at the time of the national election, but was in fact about previous local elections, and they were quite serious allegations. In addition—and I'm not sure of this, but before I'm prepared to give up the old system that you describe as taking your pencil in the school, there is an element of participating in a common ritual or an expression of one's citizenship. That requires, I think, some element of collective activity. It's not really something you can do in the privacy of your home and office. I'm reluctant to give that up. We can use technology in the places where people cast their ballots, but I'm not yet sure about giving up that the normal way of voting. We can have exceptions for people who can't, but the normal way of voting still should have some aspect of a collective expression of citizenship. I'm not 100% sure that we could replace that all that easily.

Mr. Miller: Thank you for your presentation, and thanks for flying in from Montreal today. You lived in New Zealand for a while, and it sounds like you're quite knowledgeable on the Australian system as well. I'm wondering if you have either any statistics or polling

information on voter satisfaction in New Zealand, which has a mixed-member proportional system, versus Australia, which I guess has compulsory voting and a preferential instant runoff system. Do you have any idea, first of all, about the satisfaction of the ordinary citizen comparing those two systems?

Dr. Milner: I don't as such, but you have to be very wary of citizen satisfaction data, because it's so often related to satisfaction with the government. You blame the system because perhaps it has produced a government that you don't like, and any system can produce a government that you don't like. I'm not sure we can easily separate the threads.

The New Zealand system certainly was unpopular for the first few elections. All kinds of claims were made for it that it couldn't quite live up to, partly because the politicians had been produced under the old system and still acted like they were under the old system rather than under the new one. Now that we've had four or five—we just had a fifth or we're about to have a fifth. I think we just had it now—

Interjections: September 17.

Dr. Milner: OK. Two weeks; I would have heard about it. So we're about to have a fifth. My sense is that people are now giving it a chance. The people elected under it seem to be relatively satisfied. They had the opportunity—because the law required an evaluation of the system after the second election and so on. That evaluation just produced minor changes; there was no possibility of going back. It is true that most politicians tend to like the system that elects them, so it's not an entirely fair measure. If there hadn't been wider acceptance by the time they got to this evaluation process, I think we would have seen more talk of change.

Let me make a general rule. What we find is that in majority systems like ours, the people who are happier are the people who win and the people who lose are unhappy, while in proportional systems, the people who win are not quite as happy but the people who lose are not quite as unhappy. There's more of an acceptance that power is shared. So it's partly a question of values, but no, I don't think we can guarantee you greater satisfaction one way or the other.

Mr. Miller: I commented before that my daughter happens to be in New Zealand. I e-mailed her and asked her to ask around and find out how people feel about their system. She must be talking to all the unhappy people, because she wrote me back and said, "Everyone I talked to"—and in capital letters—"hates the new system." So that was fairly clear. I don't know who she's polling.

Dr. Milner: Recently?

Mr. Miller: That was within the last month.

Dr. Milner: They still consider it a new system. I guess that'd be interesting. For the young people, it's the only system they've known.

Mr. Miller: As I say, I don't know. Last, she was working at a vineyard, pruning grapevines. So I don't know if it's the other people pruning the grapevines with

her or not, but that's what she was last doing. I'll have to get her to expand her polling.

Dr. Milner: Yes, a little bit. But there are some data on satisfaction with the new system. I couldn't say everybody's thrilled, but I'd say that now more than half do not want to go back, while at the beginning 80% were dissatisfied.

Mr. Miller: You made comments about the Australian system and the option to vote above the line. Is that on the Senate part? Is that what that's referring to?

Dr. Milner: Yes, and I think also in some of the states.

Mr. Miller: Can you expand on that a little bit?

Dr. Milner: The Australian ballot is complicated because it uses preference in two ways. For the House of Representatives, it's preference within a single district. So you vote 1, 2, 3, 4 or 5, and then if no candidate gets enough first ballots, they drop the number 5, they're distributed, and then you add up the second ballots and so on, but it's all within a single district.

Mr. Miller: That's within a geographic area. So the elected member gets 50% of the votes.

Dr. Milner: Yes, ultimately. That's what's used in the House of Representatives and in the lower Houses or the House of several of the states. For the Senate, for the Lower House of Tasmania and the National Capital Region and for the Upper House—I don't think all the states have Upper Houses, but for those that do—they use the Irish system, which is the STV, where you have more than one seat to distribute. In the Senate you have six, so you're voting a preference vote for six senators—1, 2, 3, 4, 5, 6—but there are 30 candidates. So then the six seats are distributed in this formula. I don't know if you're familiar with it, but it's quite complicated. It's a reasonable formula; it's just impossible to explain.

But if you don't want to vote 1, 2, 3, 4, 5, 6, if you don't want to put an X next to the individuals—the ballot is this big sheet with 50 names, and you're supposed to go, 1, 2, 3, 4, 5, right?—you can just go pick your party, and above the party there's a little X. If you put an X next to the party—that's called above-the-line vote—then you are voting the six candidates of that party in the order that that party has proposed.

The Chair: Across Canada, there is this discussion about democratic reform or democratic renewal. It's happening in various regions across Canada. I believe one of the underlying reasons is this concern of voter apathy or voter engagement. Probably the biggest issue is that youth certainly are not engaged. It's as if we're evolving in our society a disengagement from government or Parliaments and our citizenry. In our case, one of the good things about this select committee is it is made up of the practitioners, and then you've got the citizens' assembly that will be formed, which is the citizens. I think that the two will certainly help to arrive at, if you want, recommendations.

I would like to have your view of how changing an electoral system, let's say to proportional, would help to engage—or what are the statistics with regard to youth

engagement and, let's say, proportional or mixed proportional? Is there a correlation in that regard in engaging more citizenry, particularly youth?

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Dr. Milner: It's going to be a fairly complex answer. You'll have to bear with me. I wish I could say yes, that if you have proportional representation you'll have a lot more young people interested, but it's much more complex.

Part of it is a simple, positive relationship but it's relatively small, and in Canada it would be quite small. That is simply because there are young people—not only young people, but there are especially some young people—who find that they are not represented by the options that can actually make it into the Legislature. If they, for example, support the Green Party and they think that somebody from the Green Party might actually make it into the Legislature, marginally it would I think get some of those people voting and participating who are not. I say that based on comparative data of other countries where you have a somewhat more politicized youth than you have here. So there you do find that electoral systems that allow a wider cross-section of parties to be represented in the Legislature also have higher youth participation—not very much higher, but somewhat. But there's not really very much indication at the present time that this would make a significant difference in Canada.

Why I think it could contribute to it is a more complex argument, and that is, I think it creates a climate, a situation, where other things can be done that could have that effect. In the paper that you unfortunately don't see but the one that just came out a few weeks ago, that's the argument I make. The main thing that has to be done to try, at least, to encourage youth engagement is at the level of civic education. We can't get around that. It's not an electoral system. It's not fixed voting dates. It's not other changes. If we're going to affect young people, it has to be focusing on civic education, so that if you say civic education is the main instrument, as I do, that we have at our disposal—it would be nice to say parents should do more, but parents are not instruments of the state in any way, but education at least to some extent is—curricula are set by the government, directly or indirectly.

I know Ontario has introduced that, but as far as I know it isn't used very much. It's an optional course that doesn't help you in the future very much. I don't know; maybe you know better than I do, because I know New Zealand a lot better than I know Ontario, for example. That's the nature of Canada. I know Quebec pretty well, but in Quebec we have an educational system that is different from yours. In Quebec, we do nothing in civic education. I think you do a bit more, but not enough compared to the countries that do better. I think you need civic education, especially at the later years when students are actually reaching a voting age, possibly even combining bringing down the voting age to 16 with compulsory civic education. I wouldn't bring it down just like that, but if you had compulsory civic education, then

you can have the voting age when they're still at school before we have all these dropouts. That I think would be a possible combination. But the point is to have civic education very much focused on the alternatives that one has to choose among when one is a citizen in an election or endorsing policies or parties or voting in a referendum and so on. That kind of education I think would make a difference.

Why would proportional representation contribute to that? I think proportional representation creates a kind of environment in which an activity like political education or other activities to stimulate youth involvement could take place. When you have proportional representation, the parties are there in a very real, consistent kind of way and it's reasonable to say, "When you finish this course, you should know something about the political parties—what they stand for, what is their history, what are the differences." This is very abstract, but I live in Sweden two or three months of the year, and I can tell you that this is the norm in a proportional system; political parties are part of life. Basically, you have a proportional representation system at all levels—local, regional, school boards, national—and political parties are present. So to have their representatives come to the classroom or to have their Web sites as something you study when you do civic education is perfectly normal. But a proportional representation environment does contribute to that. In our system, parties come and go. A party can be very strong or very weak; it can change its views. There's not the kind of consistent presence that makes it easy to do civic education the way it needs to be done.

These are all long-term considerations. They don't mean that tomorrow everything's going to change. Fixed voting dates would help too, because if you knew when the next election was, your civic education course could focus on that in a very direct way and so on. These things all fit together somewhat, and I think proportional representation is one piece in the puzzle. But we have a real problem with youth non-voting that is not going to be resolved easily or quickly.

Mr. Sterling: All the witnesses today have acknowledged that if we go to an MMP system, it likely will lead to coalition or minority Parliaments ad nauseam. Our present system basically invites majority government. The culture of Ontario and Canada for 140 years has been that we go to the election ballot box, we entrust—now it's largely focused on the leader—leader A with power for four years, approximately, and then we get a chance again in four years if he or she doesn't deserve our trust. It's a big, big change if you say that for the next 140 years the system is going to be totally turned around.

In the places where the system has changed, do they still maintain other British parliamentary practices that we are accustomed to—confidence votes; if you lose a vote on a money bill, it's considered confidence—even though here it's up to the Premier or the Prime Minister to decide whether in fact it's confidence or not? But I guess he or she could be pushed into that. What happens in the other jurisdictions where they have taken an MMP

system and a coalition or minority government has failed mid-term or early term? What do they do with regard to confidence and confidence votes?

Dr. Milner: I'm not sure that whether it's a proportional system or not really is the factor. Different constitutions are somewhat different in terms of what is a non-confidence vote. In Germany and Sweden, for example, you cannot simply have a vote of non-confidence; you essentially have to vote confidence in an alternative government. So it's much harder to bring down a government in the interim. You can do that; in Germany, they've managed to do it, but it was very complicated. But that's really not related to the fact that these are proportional systems.

What normally happens is what would happen here. If you had a government unable to secure a majority in the chamber, either through non-confidence or through a money bill being refused, and if no reasonable alternative government existed, then you'd have an early election.

When I was studying political science one or two years ago, we had the experience of the Weimar Republic in Germany and the Fourth Republic of France and we were told that we have to be wary of proportional systems because you have this instability and they can't stay in office. But the experience in the last 40 years with proportional-type systems all over the western world, really—mainly parliamentary, some mixed—is that a relative amount of stability, almost as much as in our system, is developed, either formal coalitions or minorities with understandings with parties that are not part of the government but have understandings. And they tend to work almost as well—I wouldn't say as well as a majority government, but we produce minorities as well, and when we produce minorities, they never survive, as you probably know. I don't know if any Canadian provincial or any federal minority government ever lasted four years. It would be interesting to see. But in those—

Mr. Sterling: Bill Davis's did, from 1975 to 1981, through two elections.

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Dr. Milner: It operated as a simple minority, or was it in some kind of agreement with some—

Mr. Sterling: It was a simple minority.

Dr. Milner: Really? Well, that's impressive. But as you can see in Ottawa, longevity doesn't seem to be part of what we expect from minority governments.

Overall, the average length of governments under proportional systems is really not significantly different from the average length in our system.

People always say, "Well, you know, a minority party is going to hold the balance of power, and if they're not happy with X, they're going to throw them out and you're going to have an election and so on." But minority parties tend not to act that way, mainly because they'll be punished by the electorate for it. Voters don't want minority parties to do something beyond their weight. If they had 7% of the voters and they start acting like they should run the province or run the country, they tend not to be rewarded for it. And so there are very few cases,

actually, in democratic countries where minority parties really act irresponsibly. One can say, "Well, what about a place like Israel or so on?" There are countries which have a difficult time operating under any system, and I wouldn't necessarily make the same proposal in Israel that I would in Ontario.

But overall, stability in terms of infrequent elections is really not a significantly more serious factor. Some people would say, "If you have an election slightly more frequently, maybe it's a good thing." The more serious issue I think is, can they be efficient? If you have to make compromises—I should say that the more serious issue from the people who oppose electoral reform is not so much that they are unstable, it's that they're unable to deal with hard questions because they have to make deals and so on. That, I think, is a more serious question, and one would have to think about it. I think the experience indicates, overall, that countries that develop—transition is hard. New Zealand had a hard time the first couple of times. But when you develop a culture of working together, as you have to in a coalition or a minority situation, the idea of ducking hard issues disappears. Where is it going to go? It's not going to go away. It's not like, "OK, we'll duck it now and then somehow it will go away." Essentially, we again find that it may take a bit longer in terms of finding the compromise, but in terms of overall effective government—and there's been some fairly systematic studies of this at this point by students; we have a lot of data and so on—you can no longer make that claim. It's one of the reasons why I feel more comfortable about advocating proportional forms of representation.

Mr. Sterling: What proportion, in terms of constituency-based as opposed to proportional representation, do you think is a good mix? The Canadian Law Reform Commission said two thirds-one third, two thirds being constituency-elected.

Dr. Milner: There are always two aspects. One is the overall proportion that is on lists, and two, the lengths of the lists.

If you have a single national or provincial constituency for the lists, you can have a smaller—you can even have a third and have a pretty good hope that you're going to end up with full proportionality. There will be rare cases where you won't. But if you have fairly small regional districts on which you base your lists, then probably you need closer to half to arrive at something like a reasonable outcome. I think the experience of Scotland, New Zealand and Germany is that 40%, and medium-length districts is that lists are not—you're talking about an average district of, let's say, 10 members, with six elected and four list. That, I think, is not an unreasonable possibility. I don't know if it would fit Ontario or not. It would be an average. Quebec has this crazy idea that they should all be the same, three and two in 26 different districts, and it makes no sense to me at all, because in rural ones you would probably have fewer and in urban ones you'd have more. But if the average was, let's say, six and four, and so that meant the overall

was 60 and 40, I think you can expect pretty respectable outcomes under those circumstances. I don't know if anybody's been thinking about these sorts of formulas in Ontario. I know they've been thinking about it in New Brunswick, Prince Edward Island, Quebec and so on.

Mr. Patten: You know we have a fixed date now in Ontario for our elections, so that should help.

Just to add to some of your comments, which related to the youth vote, my colleague to my right suggested that it was because of the political culture in Ottawa, and perhaps that's true. But I saw a tremendous sense of participation—I shouldn't say "tremendous," but I saw a high level of participation in the high schools. There was Student Vote 2003, I think it was called. I got to more damn high schools, I'll tell you, which was great. They broke down their student bodies in terms of the parties, and they even had selections, carried signs and spoke to the candidates. It was quite involved; it was terrific. I think, having said that, we certainly could and should strengthen our programs as mandatory, in my opinion, at the high school level.

I did want to ask one that seemed to be emerging a few times in my reading and in a few comments from some presenters today, and that was the difference between the regular person who is voted in at the constituency level and those who end up being picked off the list from the party, and the dynamics between those representatives and the sense of how people—constituents, citizens—feel. Is there a difference between the two, especially when I hear, "Well, the one that's voted in the area tends to be the one that does this," or "The other one is the one that spends more time in the Legislature"? I'm thinking, after a while, there may be an imagery that continues to follow those two groupings. Could you comment on that?

Dr. Milner: Yes. The answer is, partially, it depends. I don't think it's an inevitable problem. The way this is done normally is, individuals can run in both: You can run in the district and be on the list. Obviously, if you win the district, the next person on the list, if there's a seat for your party, would be elected. In the case of Germany, for example, nobody really is concerned about the two types of members of the Bundestag. There are two large parties, the Christian Democrats and the Social Democrats. And each election is different: One is stronger, one is weaker. But they are balanced in terms of who they elect from the lists and who they elect from the districts. The very small parties are almost entirely dependent on the list; they wouldn't get in if they weren't. Nobody resents that, because otherwise they wouldn't be there, so you can't really resent them. In a sense, they have a big job. If you're the only Green for the entire region of Hesse or something like that, it's true that you don't have district representatives, but for everything to do with your party's concerns you're going to be the representative.

For the large parties, what typically happens in Germany—and I don't know if that would happen here—is that you become an alternative, even though you're

elected from the list, since you've also run in the district where you live but didn't win the district. The Christian Democrat—let's say that you're the Social Democrat—won the district. You still feel district obligations. People in your party will often come to you, or people who voted for your party or people who are sympathetic will often come to you rather than to the official district representative, and nobody resents that. That's seen as normal. Your goal really is, in the long term, to be the district representative, because that gives you a more legitimate base. Nobody says, "You're just district in your list," because in a sense, of the two major parties, everybody thinks of themselves either as a district member or as a potential district member.

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Where this doesn't work well is in Scotland, because the Labour Party is so strong in Scotland that it gets between 50% and 60% of the vote, depending on the election, and sometimes maybe only 45%, but then the rest of the vote is divided among five or six. The Conservatives are quite weak in Scotland, the Liberal Democrats are not so strong, and then you have a Scottish nationalist party and a left-wing party and a Green Party, so Labour gets almost half and the rest is divided among all these other parties, which means that pretty much all the district members are Labour. I shouldn't say "pretty much." What happens then is, there is very much a party colour to the difference. So the Labour members feel, "Hey, this isn't fair. We have all these district responsibilities, and all of our opponents, who are already our opponents for other reasons, don't have them." So when there's a partisan colour to the different responsibilities, it tends to get a bit nastier and accusations go back on both sides. But even there, I think they've resolved it with certain responsibilities and even more staff. They've resolved it in terms of resources, not to everybody's happiness, but I think some kind of compromise.

In Ontario, if we had the equivalent of a Labour Party—but I don't think it's the case. I don't think you have one party that is always going to win a lot more seats than all the other parties or the equivalent of all the other parties combined. It's less of a danger.

In New Zealand, for example, I didn't hear very much about it. It's not that it doesn't exist, but it seems to be a fairly minor concern.

The Chair: I have Mr. Prue with the last question again.

Mr. Prue: I was hoping to get in two. They're both short.

This is an intriguing possibility. If we had people elected from the lists in Ontario and they did not have constituency work, I would think it quite normal and rational that the Legislature would not give them a constituency budget. Would that make sense? Then you wouldn't have three employees; you wouldn't have the storefront. You wouldn't have all that stuff, because you weren't elected to do that.

Dr. Milner: I think that's reasonable. I haven't looked at those sorts of things, but I think that's true. It may be

that you are given other responsibilities and a staff that goes with—

Mr. Prue: That goes with that stuff. Of course. You'd have staff here and you'd have staff for research and whatever else you had to do. That's the first question.

The second one is, I was intrigued by your statement that the smaller the number of districts that you have lists in, where people are chosen from the lists, the greater the percentage would have to be on the 60-40 split versus the 70-30 split in order to accommodate that; whereas if you had one big list for Ontario, you could probably get away with a much smaller—

Dr. Milner: Somewhat smaller.

Mr. Prue: Somewhat smaller. So instead of doing a 60-40, you might be able to do a 75-25?

Dr. Milner: No. If you did 60-40 with fairly large regional districts, which is what I'm talking about, then going to a full national list is not a major change. If the 60-40 was with very small districts like in Quebec, with a total of five, then you'd have a big improvement in moving toward national lists. I don't know. If 60-40, with an average of 10—and there's about, what, 100 altogether?—I would say maybe 35. It would be 65-35. These are normal probability things: over a long period of time, how many outcomes would be within a certain closeness to overall proportionality. It's a mathematical formula that one could put in, but it would only be meaningful over many, many years.

Mr. Prue: Thank you.

The Chair: Thank you very much for coming down to Toronto to make a presentation to us.

INSTITUTE FOR RESEARCH ON PUBLIC POLICY

The Chair: We have our next presenter, Leslie Seidle, a senior research associate for the Institute for Research on Public Policy. You're our last presenter today.

Dr. F. Leslie Seidle: That's not a very helpful position to be in, in some ways, to be the last witness, but it might be in other ways. I can respond to some of the things you've heard today.

I'm pleased to have this opportunity, in part, to represent the Institute for Research on Public Policy. I believe you're hearing Hugh Segal tomorrow, and he'll tell you more about some of our programs, including the one on strengthening Canadian democracy, which has been going on since 1999; it's continuing. Some of the papers that Henry referred to are published in that series.

One of the main assumptions behind this series of studies is that potential reforms to political institutions should not be considered in isolation, and I agree very much with this perspective. Democratic reforms need to be seen as a set of interlinked potential changes and each needs to be considered in light of its potential impact, positive or negative, on other parts of the political system. I know that in Ontario you're looking at other things, such as political finance, a citizens' jury, and fixed-term elections, which I very much support, and I've

already heard your interest in youth engagement. That's something I could respond to as a result of the work we did at Elections Canada, where I was for two years before taking up this position.

As you've mentioned, electoral reform is on the agenda from sea to sea. I recently completed a research paper in which I looked at the processes in the five provinces, one of which is, in some people's view, completed, but in British Columbia there are some people who believe that the story hasn't been completely told. I also looked in depth at the various proposals that have come forward in all the provinces, except in Ontario, where of course that's future business.

The major factor animating debate and behind the proposals in all those provinces, not surprising to you, perhaps, is concern about the distortions in party representation that are associated with a single-member plurality system, the first-past-the-post system. I won't run over those because I presume you've heard them already today or will be hearing them in detail from the law commission or Fair Vote Ontario.

I wanted today to talk about some other claims that are associated with a potential move to proportional representation. These have gained resonance to a greater or lesser degree in the ongoing debates both in the provinces and in the federal context, although the debate there isn't as mature, with the possible exception of the report of the law commission.

The three claims that I'm going to address briefly, one after the other, are that proportional representation would lead to a greater number of women being elected; second, improved turnout; and third, that it would encourage more consensual governance.

On the question of women's representation, as you've probably heard already today, the argument that is often used is that in a PR system, where parties present lists either for all the seats or for one half or some proportion of the seats under the mixed system, people have a chance to compare the lists, unlike in our system, where you go to the ballot booth and you see the list for your constituency. You can't tell how the parties are doing across the country or across the region unless you go and do research and find out that the Liberal Party had 62 candidates and the NDP had 74 and so on; I'm using the federal context here. There's a certain amount of research that suggests that in systems that are PR or mixed, women tend to be elected in somewhat greater proportions. But it's important to know—and this is also confirmed by research, including by feminist scholars—that other factors play an important role in encouraging the election of women. Among these are party rules and practices. For example, in Scotland, in the new Parliament that was first elected in 1999, 37% of the members were women. Within the Labour Party, 60% of their MPPs were women, but one of the main reasons why this occurred was because the Labour Party, leading up to the election, had adopted a policy of twinning. What they did there was to pair equally winnable single-member districts and put a man in one and a woman in

the other. That very much encouraged the election of women, and also the factor that Henry Milner mentioned earlier, that Labour is very, very strong in those single-member constituencies in Scotland.

Another factor is legislative measures, in addition to the electoral system. Some countries have quotas. Some jurisdictions have funding incentives. In the Quebec legislation and also in the New Brunswick report, which you may know about, there are proposals to top up the public funding to political parties either through the annual allowance that Quebec and New Brunswick have and/or through the election reimbursement. This is the case in Quebec; they're proposing both of them. This is based on parties presenting a certain proportion of women candidates, and the top-up varies as you go up the scale.

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Finally, there are cultural and political factors. Some of the Scandinavian countries, as I'm sure most of you know, were at the forefront of social programs and other programs that supported gender equality and encouraged women's participation in the labour market and, through that, in civil society and in political parties.

Turning to turnout, the argument here, put simply, is that because some people feel that their votes are wasted, there may be a disincentive for them to go out and vote. Henry mentioned the case of smaller parties that don't get seats under our system, and that people may be discouraged in going out to vote because they know that their vote won't be translated into seats. The research suggests that there's about a 6% higher turnout in countries with proportional representation and mixed systems. But it's not a rule, and the issue is very complex.

There are a number of factors that explain the drop in turnout that we've seen in provinces and at the national level and in many countries during the last 10 or 15 years. There was a study done for Elections Canada—it was commissioned before I arrived there, but I brought it to the publication stage—by John Pammatt and Larry LeDuc, and it's on the Elections Canada Web site. It was based on a survey of 1,000 people who did not vote in the 2000 federal election and 1,000 who did vote. It was pioneering research; no one has ever done such an in-depth study of people who didn't vote. When they asked people—and this was a free-response type of question—why they didn't vote, the reasons they gave were in the following order: The first was “Too busy with work/school/family”; the second was, “No appealing candidates/parties/issues”; the third was, “Away from riding/province/country”; the fourth, “Registration problems”; and fifth was—and this brings us to the factor that I was talking about that's often cited by advocates—“Vote meaningless; doesn't count; election foregone conclusion.” So questions such as being too busy or registration had a much greater impact on the decision of these people not to go out and vote than did electoral rules as such.

In most OECD countries, we're seeing a fairly sharp drop in turnout over the past decade or so, so Canada

isn't alone. This downward trend, which is complex, may help explain what happened in New Zealand in the 1996 election when MMP was used for the first time. There was a bit of an upward blip—two points—up to 81% turnout. But then in 1999, it dropped to 77%—still fairly respectable, certainly by Canadian or American standards—and that's where it remained in the 2002 election. It will be interesting to see what happens in the one that's now underway.

Finally, on the question of more consensual governance—and here we really do get into an area that requires clear thinking, but is certainly part of the debate, and a legitimate part of the debate. As you know, it's unlikely under a PR or mixed system that any single party would have a majority in the Parliament or the Legislature, and in consequence there would have to be a coalition government or some kind of ad hoc arrangement, which is really what we live with under minority governments. There may be a kind of wink-wink, nudge-nudge suggestion that parties are going to be partners but, as we've seen, this is not always entirely reliable.

The argument runs, therefore, that parties are going to have to get together, they're going to have to negotiate and reach accommodation, and therefore the result should be a more consensual, kinder, less bitter or adversarial form of governance. Such an outcome, while possibly desirable, and I certainly would support it myself, nevertheless depends on a number of factors.

First of all, the number of parties: If you've got a larger number of parties, it probably is going to make this negotiation more complicated. However, we should be careful not to cry Chicken Little on this one. People often say, “Oh, if you go to a PR system, you're going to have a huge party fragmentation, and everything is going to look like Israel.” Well, Israel has a very particular electoral system, and a very particular party system, and it shouldn't be applied to other countries. In Scotland and New Zealand there was an increase of two or three parties at the first election, and in the last election in Scotland, I think there was one more or perhaps two parties that got representation in the Parliament, so not a huge increase in fragmentation.

Another factor to bear in mind in thinking about this style of governance is, what's the ideological spread? Have you got a sharp difference between the right and the left, or is everybody more or less bunching around the centre? The German system is sort of close to that, and there's a hinge party in the middle, the Free Democrats, who've been partners with Social Democrats and with Christian Democrats.

That's really the pattern in Scotland and Wales. There's a Liberal Democratic Party that is centrist and has been the coalition partner, has been stable with Labour through two Parliaments in both countries. So it's not exactly a mess, as people sometimes think will follow from the adoption of proportional representation.

Parliamentary rules and customs such as the powers of committees can make a difference and perhaps encourage

more consensual work at a lower level, not necessarily in the chamber.

Finally—this is very important, and I'll close on this—political culture and values more generally: We have in Canada a very adversarial system. Government opposition, that split, is paramount. Party discipline is very strong and woe to those who step outside. They're considered to be mavericks or eccentrics or whatever, regardless of how reasonable their position might be. This tends to discourage individual members from expressing alternative positions and from being the kinds of bridge-builders that one might see, and does see, in proportional systems. Carolyn Parrish is not considered a bridge-builder, and there may be other factors behind that.

To sum up, the dynamics of governance in Canada, no less than elsewhere, are highly complex. It's thus very difficult to say whether policy-making and legislative behaviour will become somewhat or significantly more consensual, or whether the competition that lies at the heart of the party system would remain if there were a change in the electoral system.

In closing, just to sum up these three claims, I would just offer a bit of advice in the form of a suggestion, to be respectful. When you hear one or more of these claims—and some people make all of them—I would suggest that you listen attentively, even sympathetically, but then ask some really good, probing questions of those who are making the claims in order to understand them better and to assess the degree to which they should be considered in your own advice and decision-making about the electoral system.

The Chair: Thank you very much for the presentation. Ms. Wynne has a question, I believe.

Ms. Wynne: Yes, I do. I'm sorry I was out of the room just when you started, but I wanted to ask you about the research, the issue about why people don't vote. I'm just looking at the number one reason, the "too busy" reason. I don't know what the form of the research was, but I had said earlier in the day that I want to be very sure that in the total exercise we're answering the right questions and that we're coming up with solutions to solve the right problem. You suggest the research says that the number one reason is that people are too busy to vote, and down the list is that their vote doesn't matter. But when I think about my grandmother, who didn't have the vote in her early life, it wouldn't have mattered what she was doing on election day; she would have voted. There was such a compelling reason in her mind to vote. It's easy to be too busy. So I'm just wondering what's underneath that. What supports that "too busy" claim? How was the question framed? What does it mean to you? Is it related to that "doesn't matter" piece?

Mr. Seidle: Those were people's volunteered answers to the question, and they had to be coded and grouped. So the way people expressed it might have varied.

Some other research, when you probe this whole question, shows that one of the very, very important factors in decisions to vote is that there's been a sharp

decline in people's sense of duty, that voting is something that all good citizens do in a democracy. So I think what may be happening in some of the cases is that the duty doesn't trump being too busy.

Perhaps 20 years ago, when a lot more women weren't working and had perhaps a slightly greater opportunity—I'm just picking slightly more than half of the electorate—that sense of duty trumped any feeling that they just couldn't get away from their children or their ailing mother, or their volunteer duties or whatever.

One of the things that we also found when I was at Elections Canada and we did focus groups and had round tables with young people and other people is that, in order to get to people, you can't harangue them. You can't preach to them about duty; that won't work. Research on a whole number of attitudes about young people shows that trying to talk down to teenagers—some of you are parents; I'm sure you know it better than I do, because I'm not—about anything won't get you anywhere. You need to come at it another way.

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What's very, very important, and I'll stop in a moment, is the whole question of interest and information about politics. Henry's work is very important in that regard. Henry's paper, the most recent one, where he really looks at the question of civic literacy and the level of information among young people, is recommended reading for you. It's a good read. Henry's comparative research is also drawn in, and so on.

It's a very complex question. Civic education and the schools all play a role. I was heartened to hear your colleague mention the student vote program. We subsidized them to a quite generous level for the federal program that they did in 2004. This is an example of something wonderful in a democracy, this young guy named Taylor Gunn who got a bee in his bonnet, got an idea. He came to see Mr. Kingsley in Ottawa, who promptly sent him to Ontario, I think thinking that he wouldn't necessarily be quite as successful in Ontario. Lo and behold, he was very, very successful in Ontario, and he had better election timing than we did last year at the federal level, because a lot of the schools were out by the time the federal election came along.

We need more Taylor Gunns, and we need more groups that are going to take these things up and grow them from the community or school level up, although others can play a role in financing these projects. But if we had tried to invent something like that in Elections Canada to get a bunch of people to be our agents, we would have gotten nowhere. Nobody would have even considered that.

Ms. Wynne: So you wouldn't think, then, that to take that "too busy" answer as a stand-in for a whole complex bunch of other reasons would be an unreasonable thing to do? Because it seems to me that it's probably a short form for a bunch of other things.

Mr. Seidle: I think it probably is, but it does point to the need—there was a question earlier about electronic voting—as I said in my comments, to be looking at other

parts of the system, other rules. To hope that the electoral system is going to give a big surge in turnout in my view is too great a hope. It may be helpful, and that's the point that Henry himself made.

Ms. Wynne: It won't be enough.

Mr. Seidle: We are still in the Dark Ages on the question of facilitating the vote, and there are big obstacles. There are concerns about privacy and possible intimidation or impersonation and so on, but we haven't yet even got to the stage of having a good legislative study of these things. My former boss, Mr. Kingsley, was very spooked by some of these factors, and it was one of the items on which I think it's fair to say there was a bit of light between the two of us, because I felt we weren't even encouraging people to chew on it, much less to actually get to the stage of doing it.

The Vice-Chair (Mr. Norm Miller): Questions? Mr. Patten.

Mr. Patten: What do you think of the idea of everybody who votes getting a ticket for a lottery? Just joking, but it's come up in brainstorming sessions, and we all laughed at it. But you know, if you have a fundraiser or you've got something happening and you want to invite people to an event, I'm amazed at how much that's a consideration or makes a difference for a certain group, that extra opportunity to win something. I don't propose this idea, but if we're brainstorming around a variety of ideas, certainly what you put your finger on is that when something is driven from within a community, like students themselves starting to drive this, and they start organizing and the teachers are in a position of support rather than them organizing the students, that's a big thing.

When I hear people say that a lot of young people are alienated, my historical analysis is that alienation would tend to be of concern for people where there are some major social upheavals, and leads to protests and some form of action. There may be some disinterest, and I think we are often very hard on ourselves. Quite frankly, when you go around the world, our governments ain't bad; as a matter of fact, they're pretty darn good. There are a lot of opportunities for people to vent and to participate. How many countries in the world literally have as a party the break-up of the nation? There are very few. So when you talk about opportunities for expression and things of that nature, maybe some of the factor is, "There aren't too many issues for me." It doesn't mean they're not watching necessarily; they may be watching. I find the biggest area is the mobility of young people, particularly in a student area, which would probably be where you'd get the turnout. I found that it was not easy to help organize students from outside an area—Carleton University or Ottawa University—to get them to transfer their vote to the university. There are a lot of hassles there.

Mr. Seidle: I'm known for my subtle responses to questions, but in this case on the first point, the idea of paying people or giving them a reward for voting, I don't think much of it at all.

Mr. Patten: I'm not recommending it.

Mr. Seidle: I can't really think that people would react positively to it. I think they would be very cynical about it. So I'd put a big red light on that one.

On your comment about the fact that we have a pretty good democratic system in many respects, I agree with you. There is a tendency when one is looking at some of these reforms to pull too much in and to be too dark about it. I am a gentle advocate of electoral system change. Henry's a very staunch advocate, and that's all good. However, I am also someone who has been associated with reforms in political finance. I was the senior research coordinator of the Lortie commission that recommended a lot of things, some of which were implemented later and some of which are still being picked up, like the top-up on women candidacies.

To pick up on your concluding comments about how difficult it is for highly mobile young people, including students, to vote, there are problems there. Some of them are because our statutes are still too rigid. They're rigid for a purpose. They were intended to prevent voter fraud, double voting and so on, but I think we've got to a day where the risk of many people voting twice is very, very low and we should be turning the lens the other way and looking at tailored measures to facilitate people's voting, whether it's registration or so on. We had fun at Elections Canada working on this and we did try to push the operations director along. It was a bit of a challenge, but we did some quite interesting things that I really had nothing to do with. I don't know if some of you saw the ads in the last federal election, including the hip-hop one. I haven't seen the evaluations, but certainly a number of young people I ran into here and there who had seen the ads said, "That was interesting. How did Elections Canada ever get that one out of the pipeline?" I said, "Well, it came right from the top." It was Jean-Pierre Kingsley who thought we needed to do all our ads with a youth orientation, and that one was particularly so.

There are a lot of measures that could be considered in the context of the election act that are much easier to implement. That doesn't mean that you put a stop on electoral system reform. Good people in Legislatures can work on more than one track at the same time.

Mr. Sterling: Thank you very much for coming to the committee and being very, very blunt and honest with us about what we can expect if we change our system. I'm drawing not only from your presentation but from the other presentations in saying that we're unlikely to deal with any of the wishes that we all would like to get out of changing our system. We're probably not going to get more women—or we could get more women, but we can achieve that another way, through our own party policies or whatever it is. The turnout is unlikely to dramatically increase as a result of the change to this system, in terms of what we're going to do.

I guess I'm trying to relate it to what other benefits we might get from perhaps going for a proportional representation system, which means that we should look at the benefits of coalition and minority parliaments for the

people and for the politicians. Has anybody done research on what is the end benefit for our electors in going to that particular system? Are we going to get better debate in the Legislature? Are we going to get more rational thought in terms of policy? Are we going to get better expenditure of our taxpayers' dollars? Basically, this is inside baseball for us in terms of what the outcome will likely be. So we go through this process. It seems that all the presenters said that there would be a greater amount of political stability. If you go from a majority government to a minority government or a coalition government, there has to be less stability, because there's one party in power. So what's the gain? What is the benefit to the people?

1630

Now, I can see some benefits. For instance, I think members of this Legislature hide behind their parties in terms of their opinion on issues when they're in a majority position. They go back to their constituents and say, "Maybe I didn't totally embrace my government's position, but we're in a majority government and I have to vote with the government." Therefore, that's the explanation that they give to their constituents. If you're in a minority Parliament, you're in a little different position; you have to justify to your constituent with greater detail and acumen what your position is on the political issue that's at the fore.

I see a negative in terms of the party positions, because then the parties can claim that during the election they positioned themselves on this side of the issue, but in order to keep the Parliament going they had to compromise their position when in fact the vote came in the Legislature on the particular issue.

So I can see some upsides to it. I've worked in minority Parliaments from 1977 to 1981 and from 1985 to 1987. Committees of the Legislature do have greater power, but I'm not sure that legislators sitting on backbenches have the skill or the acumen to legislate. We have private members' bills, but they're generally populist notions with very little fiscal responsibility and there's no incumbency on us to be concerned about the division of the treasury when we do those.

I'm trying to get from you, what is the advantage of going ahead with an MMP system? I think the only way we can look at this is to say, how will it improve the institution? How will it improve the accountability of the elected representative, be they elected directly or through a list or whatever it is, to the people? So how do we quantify that?

Mr. Seidle: It's very difficult to predict the result of the change of an electoral system. In social science, we take similar cases and use data and try to extrapolate from them. So I tend, for example, to look at Westminster systems, and we've had a number of examples either of changes of electoral system or of new ones, Scotland and Wales.

On that basis, I think there are a couple of points that I could make, but this is still in the realm of educated speculation as opposed to prediction, because prediction

is impossible. One thing we know is that there would almost certainly be more parties represented in the Legislature. How many more—one more, two more—and which ones, we wouldn't know. But as a general rule there would be probably somewhat more parties.

If your list in an MMP system was a province-wide list and you elected 40 people off that list, you'd need to get probably about 3% of the vote to get someone elected off your list. So that would be a very proportional system. If you go to the other extreme, which Quebec has done, with five members, only two of whom are from the list in a series of districts across the province—much, much more difficult; you'd probably need about 15% or 16% to get elected from a list in that case. You can play around with what they call district magnitude and so on, but in most of the models that are being floated in Canada, we could predict that some additional parties would gain a toehold.

I don't want my comments about the election of women and about turnout to be seen as a complete negation of that possibility, but rather I'm trying to counter the sometimes simple view that there's a cause and effect. I made the point that there may be some beneficial impact, and in the case of women, if one were to pair a change of electoral system with some other measures—which is what Quebec has done and what the New Brunswick commission has proposed—then you might very well get more bang for your buck than if you simply change the electoral system.

The result of having possibly more women and probably a few more parties would be legislative bodies that are somewhat more representative of either or both the society—gender—and the opinions within society, the political parties as they reflect, well or not well, different sentiments within society. To my mind, a more representative legislative body is a better legislative body. That's maybe a normative judgement, but one that I certainly can stand on the street corner and stick to. I think most people, if you ask them, "Would you like to see a Legislature with more women in it?"—I work for the Centre for Research and Information on Canada, and last year we asked people their level of support for a whole range of democratic reforms, and that included proportional representation and so on. More women elected was number one; 90% of people chose it as an item they were in favour of. That's interesting, and there obviously were a hell of a lot of men, including probably some older men, who responded, because otherwise you wouldn't get up to 90%.

The second general point is that because majority government would no longer be very possible, you're going to lose some of the predictability and possibly some of the effectiveness associated with majority government. A number of years ago, when I was working on Senate reform, I was in a discussion with somebody else in another part of the Privy Council Office. The person was very conservative institutionally and took the position—I was doing work on an elected Senate, which of course has never come about—that the Senate should be

abolished. I said to the person, “David, that’s really astounding. Why do you take that position?” He said, “Because it will help Parliament become even more of a sausage machine.” Well, our Legislatures are too much the sausage machines at the moment. Sometimes it takes either a minority, or a caucus revolt, which we do see from time to time, to put the brakes on policies that are really not well thought through or, and in some cases both, are not well supported by the population. If having to get more people, more parties, to agree to something represents a slight loss of effectiveness, as some people might judge it, I think it probably represents a slight gain for legitimacy, because we’re likely to have policies and laws that have broader support within the population. It’s not a hard and fast rule, not a cause and effect, but it’s more likely to be the case. It’s also likely to take more time and more angst and make politics a bit more frustrating. But in the end, politics isn’t supposed to be efficient. Where does this test of efficiency ever come from, anyway? Politics is meant to be responsive to the interests of the population. If people are claiming that our institutions have lost some of their legitimacy and people have lost their confidence, well, maybe it’s in part—I’d like to do some polling on this—because they’re a little bit too efficient for many people’s taste.

Now, I just want to close with a comment that having more actors involved and having to negotiate and so on doesn’t always lead to positive results. I am not someone who would stand up and applaud the politics of the minority Parliament in Ottawa, but that is not an example of a PR system. When the election results came in last year, there were some people who said, “Oh, look. Good. We’re going to have a test case, a fishbowl in which we can try out electoral reform.” No, it’s not electoral reform. It’s just a pizza Parliament in which we have one party that is nobody’s coalition partner, comes from my home province and happens to occupy more than two thirds of the seats. The Bloc Québécois is outside the game. Even Harper, on one or two occasions, let it be known that he might look for their support on an ad hoc basis. Some of the people in his former party who now vote for his present party didn’t really care for that idea very much. I don’t think it’s got very many legs to it. And of course they are—it goes without saying—not in any way a voting partner for the Liberal Party of Canada. So what’s going on in Ottawa is not a test case, and people who try to prove one way or another that it tells us something about proportional representation—well, it’s just not relevant.

The Chair: Thank you. Ms. Smith?

1640

Ms. Smith: I was interested in your comments about youth participation and your work at Elections Canada. But I also wanted to ask you a couple of things about the survey around participation and the reasons people aren’t engaged, one being that they are too busy. We had someone this morning suggest that perhaps voting on Saturdays or on weekends would be more effective, giving people more time and less excuse to not participate. I wondered if you could comment on that.

I also wanted to know if you could comment on the use of new technology. You said that in some circles, they were kicking and screaming to move that forward. I wondered whether or not, when you were at Elections Canada, they had done any research around using electronic voting for those who can’t get to the polls, either for reasons of disability or who are out of their electoral district at the time of voting. They could use that instead of the proxy system, which is antiquated at best. What is the word of the day, Mr. Prue?

Mr. Prue: Arcane.

Ms. Smith: Arcane. Thank you. I thought I’d throw that in there for you one last time.

Could you just comment on those, please?

Mr. Seidle: There are some examples. We did kind of keep a watching brief on some of these experiments that were going on. There were a couple of municipalities, one the east of Ontario and one near Toronto—was it Malton?

Ms. Wynne: Markham.

Mr. Seidle: Markham, not Malton. There were some experiments with Internet and telephone voting the last time, and there were some interesting increases in turnout. Municipal turnout is always very low, but there were some examples there. The British, in the last two general elections, in certain parts of the country—it hasn’t been uniform—have had telephone voting, postal voting and Internet voting, and the results are mixed as far as turnout. But as I mentioned earlier, it’s important, when you’re looking at turnout, to not just look at the mode of voting, because there are so many other things going on. People are cynical about politicians: They think they’re all the same, think they’re dishonest etc. Those are all factors that influence people’s choice of voting.

One thing I would say is that election bodies should be willing to do some experimentation. Try it out, as the British have done, in a few parts of the country. See if it works, and if it doesn’t—yes, they’ve got to be careful that they try to make it as foolproof as possible, but nothing is completely foolproof in a democracy. Mistakes can happen. I did work a decade ago on public management reform, and a lot of people, when they would hear about New Zealand and Britain and so on, would find one wild card, one bad case, and say, “You can’t do it, because look at what happened.” They turned the prison service into an executive agency in Britain, and within a few days of it happening they lost a prisoner off the back of a truck. This became the Chicken Little story about management reform in Britain. Well, it was just one thing that happened, and prisoners escape all the time, regardless of what your structure is.

I feel that our public bodies are often terribly cautious. First of all, they’re too rule-bound, too influenced by the very fine letters of the law, and they’re unwilling to experiment because they so often hear of these potentially negative cases. Bureaucrats who advise on these things are very cautious by their nature, and if they have some reservations themselves, the minute they hear about something that’s a little bit off the compass, then they put it in the briefing notes and everybody folds their cards

and goes away until the next time—or until a crisis occurs, and then governments are obliged to move very quickly and sometimes they make rash decisions or they don't put the safeguards around.

If I had a recommendation to your committee, I'd say push the public debate, push the research on alternative ways of voting. I didn't see it being literally within your mandate, but bearing in mind that I'm a bit of a wildcat, use your mandate in an elastic way.

The Chair: Thank you very much for your presentation and for your advice as we move forward in this process. Thank you for taking the time to come before this committee.

Mr. Seidle: It was a pleasure.

The Chair: This committee is adjourned.

The committee adjourned at 1647.

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