
Electoral Reform Proposals in Quebec, Prince Edward Island and New Brunswick

by Howard Cody

Led by New Brunswick, Prince Edward Island, and Quebec, several provinces are considering a change from plurality elections to mixed member proportionality (MMP). With New Zealand's nine years of experience with MMP in its Westminster-style Parliament in mind, this article identifies how these provinces are addressing the many variations that MMP might take in Canada. It further uses New Zealand's transition to MMP to consider how well the operation of MMP in Canada's provinces and the House of Commons might meet its proponents' expectations.

Momentum for electoral reform may be building in several provinces. Most Canadians have little knowledge of electoral systems other than first-past-the-post (FPP) plurality. But, British Columbia's quixotic flirtation with alternate voting aside, Canadians may soon face several options for proportional representation (PR). Three provinces—New Brunswick, Prince Edward Island, and Quebec, with Ontario possibly close behind—are considering a version of the Mixed Member Proportional (MMP) electoral system in which some MPs are elected in individual ridings while others gain office from party lists. We address three provinces' situations in the context of New Zealand's nine-year, experience with an MMP variant adapted from Germany's successful half century-old model.

Factors to Consider in Devising a MMP System

The first factor to consider is one of democratic legitimacy. How does each province propose to devise and implement its new electoral system? Will it hold public consultations and a referendum that may supply the legitimacy any new arrangement will need to survive early crises? British Columbia's recent experience shows how a super majority threshold can make it much harder to pass any electoral reform in a referendum.

New Zealand set up a Royal Commission that proposed MMP. Then it staged two referenda, the second a runoff between MMP and FPP requiring only a simple majority to pass. MMP received 54% support and took effect in 1996. New Brunswick and Prince Edward Island used arms-length appointed commissions to make proposals with limited public input. PEI now has a second commission carrying out a public information campaign and working out some MMP details. In Quebec, the Minister for the Reform of Democratic Institutions presented its plan in a bill to the National Assembly. New Brunswick and PEI have pledged to hold referenda, presumably up-or-down on a specific scheme. They have not indicated whether they will require a support threshold

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above 50% to implement MMP. Quebec has made no referendum promise, but a legislative committee will hold consultations on the government proposal.

A second factor in considering MMP proposals relates to the distribution of seats between those elected in single member ridings and those filled from a list. How many list seats are proposed compared to riding seats, and how are they distributed across the province?

New Zealand uses a single national constituency for list MPs. At present there are 69 riding MPs, while 51 are elected on lists. As in Canada, the number of riding MPs increases periodically to accommodate population shifts. The total stays at 120. New Brunswick proposes 36 riding MLAs supplemented by 20 MLAs elected from party lists in four regions, providing 9 riding and 5 list MLAs per region. PEI's first commission recommended 21 riding and 10 list MLAs, the latter preferably chosen from single province-wide lists. Quebec proposes 75 riding and 50 list MNAs from perhaps 27 regions. Most regions would elect 3 riding MNAs and 2 list MNAs.

Another issue relates to the selection of party list candidates from open or closed lists. May voters select party list candidates in a primary? In the election, may they choose between each party's list candidates, or must they accept the order in which they appear on the ballot? New Zealand uses closed lists drawn up by party-appointed list committees. There are no primaries. All three provinces endorse this arrangement.

The question of a minimum percentage each party needs in its party vote to win proportional seats also needs to be considered. New Zealand awards MPs to parties that poll 5% of the party vote or elect one riding MP across the country. New Brunswick proposes a minimum vote of 6% per region and also 5% across the province to elect list MLAs. PEI may impose a 7% threshold. Quebec's threshold in each region may range as high as 15%.

How many votes do voters get? Do they get two votes, one for their riding candidate and one for a party list, or may they choose only a riding candidate? New Zealand provides a two-vote ballot. New Brunswick and PEI suggest two-vote ballots as well. Quebec is offering the one-vote option.

May candidates run for riding and party list seats simultaneously? New Zealand permits dual candidacies. New Brunswick opposes dual candidacies, Quebec supports them, and PEI has left this subject open.

Will apportionment of PR seats correct riding votes' representational deficiencies, or will it allocate party list seats on a strict proportional basis? New Zealand uses corrective MMP. All three provincial formulas also as-

pire to redress parties' over- or under-representation in riding seats.

How close to full proportionality for each party can these models achieve? New Zealand's narrow 69:51 riding-list seat ratio allows considerable proportionality. The New Brunswick and especially Quebec proposals under-represent small parties with their high vote thresholds and few list MLAs and MNAs per region. PEI can best achieve proportionality with a single province-wide district for PR.

Fact and Fiction about MMP

Proponents of proportional representation make certain claims about the existing political system, and about how they expect PR to operate. As PR's champions endorse proportionality in Parliament as well as in provincial legislatures, and as they wish to entrench provincial PR in part to build momentum for its introduction in Ottawa, our discussion considers both federal and provincial politics.¹

Pro-PR claims and the current status of New Zealand's FPP-to-MMP transition in its Westminster Parliament follows.

Claim: Plurality elections and majority governments preclude fairness to parties and restraints on power. All parties deserve parliamentary representation matching their public support in each region as closely as possible. FPP unfairly distorts parties' regional strength. By skewing party caucuses, plurality elections make it hard, sometimes impossible, for governments to construct regionally representative cabinets.² Besides, strong checks on executives are needed to impose accountability, ensure transparency, and avert arbitrary and corrupt government. Canada's prime ministers have too much power. They and their "carefully selected courtiers" marginalize MPs and cabinet ministers alike.³ Premiers operate similarly. PR will restrain premiers and prime ministers by forcing them to share power with their cabinets, their caucuses, and at least one smaller party.

New Zealand's 5%-or-one-riding threshold provides about seven parties in each Parliament. None enjoys close to a majority of MPs. Even so, the public and media continue to focus their attention on the prime minister. Because MMP's second vote for mostly anonymous party lists relies on voters' impressions of the party leaders, all parties enforce "follow the leader" solidarity. Besides, prime ministers and their minority or coalition cabinets still get basically what they want. It only takes them longer to get their legislation through Parliament. Regionalism is not yet a serious concern in New Zealand.

Claim: Minority and coalition governments operate better and impose more parliamentary accountability and transparency than single-party majority governments. PR does not necessitate unstable coalitions or more frequent elections, nor does it keep minority or coalition governments from acting decisively. Moreover, the absence of a single-party majority promotes a change in Parliament's culture that persuades governments to replace adversarial confrontation with cross-party collegiality and consensus in the policy process.⁴ Backbenchers can impose accountability only when there is no majority party.⁵ The absence of a majority permits parliamentary committees to operate collegially and to participate in policy making. Well publicized semi-public inter-party bargaining facilitates transparency.

In New Zealand, MMP has forced no early elections. Westminster-style party solidarity and partisanship endure. The political culture, including a bipolar mindset reflected in media coverage and expectations, has not changed. There is no evidence of German or Scandinavian-style inter-party collegiality outside coalitions. The prime minister and his or her party have dominated coalitions that place small parties in hostage situations. When small coalition partners oppose their large partner's policies, they risk taking blame for instability or a snap election. If they prove agreeable, they look irrelevant and superfluous. Accordingly, small parties now choose to retain their identity and remain outside co-opting coalitions. Prime Minister Helen Clark manages her minority by negotiating with small parties on an issue-by-issue basis. Even then, if the larger party accedes to a small party's demands, the media and opposition attack both of them—as they do in Canada.⁶ All small parties risk co-optation and marginality when large parties appropriate their most popular policies and take credit for them. Some New Zealanders object to the official opposition party's continued exclusion from policy making when smaller parties play a policy role. With no majority party, parliamentary committees operate more collegially. They often influence legislation through substantive amendments and sometimes almost substitute for an elected "second look" review chamber. They also provide a forum for open inter-party bargaining.

Claim: Minority and coalition governments provide enhanced responsiveness and accountability to the public. These governments respect the people's wishes better than majorities. This is as it should be, as policy makers should respect public opinion continuously and not only near elections.

In New Zealand, governments can still implement their platforms without risking an early election. Clark's Labour government has assumed a flexibility-conferring

centre pivot role that lets it move left towards the Greens or right to United Future to gain needed support for its proposals and to conform to public opinion. Clark prefers this approach to the two-bloc alternative that would strand her farther left, too far from the desirable middle ground. Their semi-detached nexus may benefit Labour and small parties alike. Also, the media and public can better monitor New Zealand's newly transparent lobbying activity now that several parties participate in the policy process.

Claim: PR encourages greater voter turnout by convincing supporters of all parties that their vote matters. Parties of the left will benefit most from increased participation at elections.⁷ Voters who may vote twice and "split their ballot" have added incentive to vote. MMP can help to advance a reform agenda that reduces the observed "efficacy gap" and "democratic deficit."⁸

In New Zealand, turnout has fallen in recent elections. Still, at 77% in 2002 it remains well above Canadian rates. PR apparently has increased votes for left parties, perhaps by convincing left-inclined voters that they finally enjoy efficacy.⁹ Some 35% of New Zealanders split their ballots. In 2002's third MMP election, 38% awarded their all-important party vote to a small party. New Zealanders often use their riding vote to select a government by choosing between the two large parties. Two-fifths of them also build their own coalition by selecting a small party to influence their preferred large party. They sometimes vote strategically for a small party to prevent a different small party from gaining leverage over policy. Hence, if we apply an MMP model to Canada's recent elections, we may inaccurately predict the inter-party distribution of MPs. New Zealand's experience suggests that in corrective two-vote MMP, Canada's two largest parties might elect fewer MPs than their past or future share of riding votes implies.¹⁰

Claim: PR will enhance Canadian MPs' and MLAs' representational diversity. The political system and the country will benefit if legislatures better represent women and Canada's rapidly growing visible minorities, and if they afford parties representation in regions where they cannot win many ridings. Female MPs and MLAs may have reached a "glass ceiling" under FPP; their 21% share of MPs has barely changed in a decade. Besides, PR will end Canadian legislatures' "old boys' club" atmosphere and spare women the raucous candidate selection process that dissuades many of them from seeking elective office.¹¹ More women will improve the conduct of politics in Canada; note their conspicuous absence from the sponsorship scandal.¹² Further, PR will end Canada's damaging and deceptive regional polarization by electing MPs and MLAs who can reflect their

parties' support in all regions and alleviate regional alienation by conspicuously advancing regional interests in policy making.

New Zealand's women and minorities enjoy greater representation and more visible roles in Parliament than under FPP, mostly because parties take care to place them in winnable list positions. New Zealand elected 28% women in 2002. However, there is no evidence that its government—led by a female prime minister as adversarial as Margaret Thatcher or as her New Zealand male counterparts—pursues a more female-oriented agenda than her male predecessors promoted under FPP. A gay MP did observe that his female colleagues find him more acceptable (less threatening?) than male MPs. Some New Zealanders also believe that MPs offer women and minorities more attention and respect when there are more of them in Parliament.

Claim: The public eventually will accept riding and party list MPs and MLAs as equally legitimate. The presence of list MPs and MLAs who need not contest a riding will benefit the government and the province or country by permitting people who make better administrators than politicians to hold cabinet positions free from riding responsibilities.¹³ Also, many list MPs and MLAs may eventually embrace and legitimate a non-territorial representation model.

In New Zealand, list MPs continue to endure public disdain as "second class" and lacking in democratic legitimacy because they are accountable only to their party leaders, not to the people. Riding MPs gradually are accepting them as equals, as list deputies have been treated in Germany for decades. New Zealand's dual candidacy list MPs who lose their ridings but are elected anyway suffer particular disdain. Many New Zealanders continue to resent their presence in Parliament, still more so in cabinet. Yet respected list MPs occupy senior cabinet posts, including Finance Minister Michael Cullen. List MPs need public respect and representational legitimacy, particularly when New Zealand's female, minority, and small party MPs serve disproportionately from party lists. Parties have not yet devised legitimacy-conferring roles for list MPs in general. Most are assigned constituency casework duties, often in ridings their party deems winnable in a future election. Others service their own ethnic minorities. Some New Zealanders hope—and others fear—that MMP is facilitating a culture where all MPs, influenced by those elected on party lists, define representation in non-territorial as well as territorial terms. In such a culture, female, gay, and ethnic minority MPs may embody and champion alternative constituencies even when they also service traditional constituents in ridings.

Conclusion

New Zealand's early experience suggests that adoption of a similar MMP system would not revolutionize politics in Canada, at least in the short term. Canadian politics' embedded adversarial culture likely can survive any electoral reform. MMP's overall impact and its long-term implications are hard to predict, but they may differ from what its champions and detractors expect. Canada would replicate New Zealand's transition in some respects and not in others. Introduction of MMP in some provinces, especially if different versions are implemented, might clarify all of this and help Canadians decide whether MMP's features, or which of them, would benefit federal politics. We may reasonably expect PR to inspire new parties, at least federally, including a Western-based socially and economically conservative vehicle to the Conservatives' right as a counterpart of sorts to the New Democrats. Greens likely would elect MLAs and MPs and increase their visibility and public attention to their causes. New Zealand implies that the federal Liberals, and possibly the Conservatives as well, might play a centre pivot role under MMP. Also, visible minority and some other MPs might come to define their representational responsibilities in a novel way. Instability from too few large party MPs or MLAs could result if enough Canadians took advantage of corrective two-vote MMP's do-it-yourself coalition building opportunity. But New Zealand's experience thus far suggests that Canadians need not fear dire consequences from an FPP to MMP transition.

Notes

1. For a succinct argument endorsing PR over FPP in federal and provincial politics, see "The Case for PR: If It's Broken, Fix It." *Globe and Mail*, May 2, 2005, p. A12. (editorial) For PR's Canadian champion, visit Fair Vote Canada's website at www.fairvotecanada.org.
2. Louis Massicotte, "Changing the Canadian Electoral System." *Choices* 7:1, February 2001, pp. 3-4. Published by the Institute for Research on Public Policy.
3. Donald Savoie, "The Rise of Court Government in Canada." *Canadian Journal of Political Science* XXXII:4, December 1999, pp. 635-664.
4. Henry Milner, "The Case for Proportional Representation in Canada." Henry Milner, editor, *Making Every Vote Count: Reassessing Canada's Electoral System*. Peterborough: Broadview Press, 1999, pp. 37-49.
5. For a discussion of the new opportunities offered to backbenchers by the election of a minority government in 2004, see J. Patrick Boyer, "Can Parliamentarians Become Real Players?" *Canadian Parliamentary Review* 27:3, Autumn 2004, pp. 4-8.

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6. Note the reaction when Prime Minister Paul Martin and New Democratic party leader Jack Layton reached such an agreement in spring 2005. Their deal was a typical outcome of minority and coalition negotiations. See, for example, "Paul Martin's Wasted Opportunity." *Globe and Mail*, April 30, 2005, p. A20. (editorial)
 7. Arend Lijphart cites cross-national studies finding that a shift to PR increases turnout by nine to twelve percent. Greater turnout advantages parties of the left, which gain almost one-third of a percentage point for every percentage point increase in turnout. Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma." *American Political Science Review* 91:1, March 1997, pp. 5-7.
 8. For a broad view of the potential reform agenda, see F. Leslie Seidle, "Expanding the Federal Democratic Reform Agenda." *Policy Options* 25:9, October 2004, pp. 48-53.
 9. Jonathan Boston, "Institutional Change in a Small Democracy: New Zealand's Experience of Electoral Reform." Presented to the Canadian Study of Parliament Group, Ottawa, June 10, 2000, p. 16.
 10. Two possibly misleading exercises that apply recent riding results to show how Canada's parties might fare under MMP are Ian Gray and James Gray, "Proportional Representation—The Scottish Model Applied to the 2004 Canadian Election." *Canadian Parliamentary Review* 27:3, Autumn 2004, pp. 19-22; and "The Case for PR (4): What Might Have Been." *Globe and Mail*, May 5, 2005, p. A20. (editorial).
 11. Carol Goar, "Political Culture Puts off Women." *Toronto Star*, May 4, 2005.
 12. Susan Delacourt, "Women Conspicuously Absent from Scandal." *Toronto Star*, April 14, 2005. This article appears on pro-PR Equal Voice Canada's website, www.equalvoice.ca.
 13. While a private citizen, Stephen Harper proposed that Canada open its cabinets to specialist non-MPs on the American model. Stephen Harper, "One Crucial Flaw in Canadian Government is the Ineptitude of Federal Cabinets." *Report News magazine*, May 28, 2001, p. 13.