
Regional Responses to Electoral Reform

by R. Kenneth Carty

No two democratic political systems organize elections the same way. Recognizing how central democratic party competition is to the organization and management of political power, communities create electoral systems to reflect their unique histories, accommodate their distinctive societies, and suit the political class that must operate them. This article looks at the approach taken by several Canadian jurisdiction that have examined the issue of electoral reform.

André Blais and his colleagues have recently demonstrated that one of the most powerful forces working for the adoption of Proportional Representation (PR) during the early years of the 20th century was the presence of a growing transnational conviction that it was more democratic.¹ After a wave of reform that saw PR adopted in many countries, electoral system change went right off most political agendas (except perhaps for France) until the last decade of the century when it suddenly reappeared. And now we find ourselves in another era in which global forces of democratization have put electoral system change back on the agenda.

Powerful as the global imperative for liberal democratic development has been over the last decade and a half, it remains true that no two countries, no two communities, have responded in quite the same way. Each has sought to fashion its own distinctive regional response to this changing world. In this Canadians have been no different. Caught up in the debates about a democratic deficit, and frustrated by failed attempts at more far-reaching constitutional reform, they have also turned to consider whether reforming their electoral institutions might pave the way into a more democratic century.

Putting Canada and electoral reform in the same sentence may strike many as a political oxymoron. After all the country is one of the few major parliamentary democ-

racies that persists in using a system inherited from the 19th century to elect its legislators. However, despite the currently universal use of the single-member plurality (First-Past-the-Post) system, Canadians have considerable experience with other electoral mechanisms. Multi-member constituencies – often skillfully employed as a means of accommodating religious or linguistic divisions – long existed in the federal House and have only recently disappeared from several provinces. And quite different systems – relying on both majoritarian and proportional principles – were employed in several provinces during the 20th century. But never before has the country apparently caught the spirit of the age and genuinely engaged an electoral reform agenda.

There is no easy or obvious answer as to why Canadians are now seriously debating electoral reform. There is no doubt that there has been widespread disenchantment with some of the recent manifestations of our first-past-the-post system. The party with the most votes may not win – as in Quebec, Saskatchewan and British Columbia elections during the 1990s; the opposition may be so eviscerated that it cannot play its needed part – as evidenced by a series of recent Prince Edward Island and New Brunswick results; or parties, like the Parti Québécois and the New Democrats may repeatedly be over or underrepresented. But none of this is new. Several prime ministers, and some premiers in virtually every province, have come to office with fewer votes than their opponents; parties have swept huge legislative on many occasions; and most minor parties have almost always been unfairly represented. Yet none of those events stimulated enough dissatisfaction to make electoral reform a viable political issue in the past.

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If electoral reform is now on the agenda in Canada, it is there because political leaders have put it there. Our usual assumption is that those in office are the last to want to change a system which brought them to power. The current generation of party leaders is making us re-think that proposition. Prime Minister Martin talked much about a 'democratic deficit' in his campaign for office and then moved to change a number of legislative practices. If his reform vision doesn't extend far beyond the precincts of parliament that has not been true of his provincial colleagues. Premiers in half the provinces have deliberately embraced electoral system reform and are responsible for ensuring it is being taken seriously. There is no common pattern to this: premiers in large and small provinces, rookies and established incumbents, those with both the narrowest and the largest of majorities, Liberals and Conservatives can all be counted in this group of reformers. Without ascribing to a 'great man in history' account, my reading is that these are Premiers who have sniffed the winds of change that define the contemporary era and want to move with them.

The challenge of electoral reform is typically responded to in distinctly regional ways. Sarah Birch's work on Eastern Europe reveals that, when the soviet system fell apart, each of the many successor states quickly developed its own response to the problem of creating an electoral system – and no two of these new countries adopted the same system.² Not surprisingly, much the same story is being repeated in Canada.

Of course the federal character of Canada permits, some might even say encourages, regional responses to common policy challenges. And as the provinces have taken initiatives, the distinctive character of their responses has emerged at three levels: *first*, in the definition of the problem for which electoral reform might be a solution; *second*, in the processes adopted to advance the issue; and *third*, in the specific reform proposals that have emerged and are now on their individual provincial agendas. An examination of each of these dimensions of the electoral reform processes in four provinces in which the agenda has been furthest advanced – New Brunswick and Prince Edward Island, Quebec and British Columbia – reveals much about how the issue is being played out across the country and provides a glimpse of possible electoral futures.

Defining the Problem

The contemporary democratization era, like its counterpart in the early decades of the 20th century, appears to privilege Proportional Representation. In Eastern Europe, every new country has a proportional element in their electoral system. And the western countries (except Italy) that have reformed their electoral regimes have

also moved towards greater proportionality. This reflects a widespread conception that modern elections are essentially party elections in which legislative outcomes ought to reflect party vote shares. Since only under PR do party seat shares reflect vote shares, for many this makes proportional systems the only 'fair', and hence democratic, electoral system. In Canada, as in many other established democracies, voter turnout has plunged over the past two decades. For those who see this development as a threat to democratic legitimacy, evidence that turnout is somewhat higher under proportional rules has reinforced the attractiveness of such systems.³

This general movement towards PR colours the debate in Canada so that, in all the provinces, the assumption seems to be that positive electoral reform means moving to some kind of proportional system. But what kind? Here the consensus quickly breaks down for there are a large number of possible proportional systems, each designed for different purposes in response to distinctive needs. Identifying the specifics of each region's political challenges quickly moves us beyond a simple preference for PR and into the design of a particular reform proposal.

Quebec has been debating electoral reform for several decades but it has become clear what its fundamental problem is. Louis Massicotte has rightly defined it as a permanent 'linguistic gerrymander'.⁴ Given the geo-demographics of the province, the single-member plurality system permanently discriminates against one of the two major parties: Massicotte estimates that for the Liberals to win an election they now need to have somewhere between 5 to 7% more of the votes than their opponents. This not only guarantees a basic inequity in Quebec politics, it also seems to ensure the recurrence of wrong winners: in their turn and time, Maurice Duplessis, Daniel Johnson and Lucien Bouchard all led their parties to office despite being outpolled by the Liberals. Thus a central goal of electoral reform in Quebec is to find a proportional arrangement that will end this fundamental disparity without disrupting the existing basic pattern of provincial politics.

In the two Atlantic provinces the issue that has seized reformers is quite different. Both PEI and New Brunswick have had a series of elections in which the distorting effects of the plurality electoral system have counted so heavily against the opposition party that it has been reduced to the merest shadow in an already small legislature. And it is clear that this is simply dysfunctional. A healthy working parliamentary system depends on the give and take between government and opposition. Without an opposition governments are not easily held accountable; without a legislative presence opposition

voices are not heard, the public sees no alternative and opposition parties are poorly prepared for the moment when shifting electoral fortunes return them to office. Thus, in these provinces, the real challenge has been a find a way to strengthen the presence of the opposition in the legislature. In New Brunswick this task is compounded by the linguistic division that cuts across the provincial society and the desire to ensure that both communities can find a place in the legislative caucuses on both government and opposition sides of the House.

British Columbia has experienced both wrong winners and eviscerated oppositions in recent elections but neither phenomenon appears to be at the heart of the popular discontent that underlies its concern for electoral reform. There, a long history of polarized debate, and an aggressively adversarial style of political competition that seems remote from the every day experience of most citizens, fosters a belief that the province needs to find a way to do politics differently. In this sense, electoral reform is seen as part of a wider provincial agenda for political change that has included establishing the first fixed election dates in Canada, and opening some of its cabinet meetings to the public. British Columbia's electoral reformers aim to discover if they could reform the electoral system in a way that would complement efforts to strengthen public confidence in the province's democracy.

Each of these provinces was caught up in the same general movement for change: each appeared to be embracing a contemporary consensus that defined proportional representation as the more democratic form of electoral system. Yet, when it came to identifying the specifics of their representational problem, and so what they needed from a reformed system, each answered in distinct and quite particular ways. And it was those detailed answers that then structured their approach to the problem and ultimately governed their recommendations for change.

Approaching the Issue

However they defined the problem with their electoral systems, politicians in all of the provinces recognized that there had been an important, common shift in the political culture. No longer could they safely negotiate among themselves changes to such a fundamental democratic institution as the rules governing the conduct of public elections. Canadians are no longer so deferential or so trusting, and the very purpose of reform – to enhance democracy – now requires active public participation in the process. In most provinces this has meant adopting referendums, although the Quebec government has resorted to the device of drafting a group of citizens onto a legislative committee. This new, rather

populist, participatory world sits uneasily with traditional parliamentary decision-making and has inevitably altered the politics of the issue.

As we noted, Quebec's core problem is defined as essentially a technical one – the linguistic gerrymander. Public debate over three decades had not led to an agreed reform proposal so the government decided to see if it could generate a solution. The project was put in the hands of a skilled deputy minister to manage and it engaged a prominent political scientist to produce a comprehensive report on how a proportional system might work in Quebec under a large number of electoral scenarios.⁵ After careful consultations, their work emerged as a draft bill in the National Assembly and then was referred to a special enlarged committee of the legislature charged with holding extensive public consultations.

In the two maritime provinces the issue is one of essentially getting more voices heard in the political system, particularly in the legislatures. In both cases the governments turned to independent commissions-of-inquiry which they directed to consult widely and then propose appropriate electoral reform. In Prince Edward Island the task was assigned to a single judge; in New Brunswick, with its more complex linguistic cleavages and political geography a carefully balanced (in terms of age, gender, partisanship, language and region) commission was struck. Both commissions conducted independent research but also traveled their province to gather public views. The New Brunswick commission was charged with a broad agenda but at its heart was the same question, namely what electoral system would provide for a fairer representation of voters' preferences in the legislature.⁶ After receiving their Commissions' reports, PEI's Premier Binns created a second, electoral futures, commission charged with drawing up the details for a public plebiscite which was held on November 28, 2005.⁷ New Brunswick's Premier Lord has been slower to act but has made it clear that any final decision to change the electoral system will have to include a referendum.

Despite the more vaguely defined agenda in British Columbia, Premier Campbell believes that the electoral system is so fundamental to democracy that ordinary citizens – not established politicians or academic experts – should decide how it should operate. Thus a randomly chosen 'Citizens' Assembly' of ordinary voters was given the task of assessing what electoral system the province should have. They spent several months learning about electoral systems, conducting a large number of public hearings around the province, and then engaging in a sophisticated modeling exercise which led to their final debates and decision.⁸ The Assembly concluded that the province ought to adopt a Single Transferable Vote form of proportional representation and

they drafted a referendum question to that effect which was then put to the public in May of 2005. The legislature had set a 60% threshold for change so, with just 58% support, the measure narrowly failed to pass. Since then the government has said the issue will go back to the public in a second referendum in 2008 when the proposal will be accompanied by a detailed electoral map and supported with a full information campaign.

All of these provinces were determined to deal with the sticky political issue of electoral reform: all were convinced that they needed to do so in a way that was more inclusive than established legislative processes allowed. Yet no two of them approached the challenge of articulating a reform proposal in the same way. Indeed, there were very striking differences among them that ranged from the relatively closed and professional in Quebec to the unprecedentedly open and amateurish in British Columbia. Not surprisingly, these differences had an impact on the specific reform proposals that emerged.

Recommending Change

British Columbia, Quebec, New Brunswick and PEI began to discuss change at a time when there seemed to be a growing transnational agreement on *the* electoral system for the 21st century. New Zealand, Japan, Wales, Italy, Scotland and a good number of the new Eastern European systems have all recently adopted some form of mixed system, an arrangement that some political scientists claim provides the best of both worlds. While recognizing the arguments underpinning this general consensus, the regional realities of their situations led the provinces to respond with proposals for unique electoral systems which, if adopted, would have quite distinct impacts on their political parties and patterns of electoral competition.

Mixed-member systems are the most complex kind of electoral regime because of the large number and variety of ways in which the various parts of it need to be fit together. Quebec's proposed MMP system is designed to provide for proportional outcomes and thus break the back of the one-sided discrimination in the current system. However, by doing this through a large number of small regions and providing electors with only one vote, it would be tough on minor interests and so unlikely to threaten the predominant position of the two largest parties. Voters would not have much more choice than they do now, and politicians would likely discover even more safe seats in the legislature than in the past. For many electoral reformers this PR proposal could safely be described as a comparatively conservative scheme, one designed 'not to frighten the horses'.

PEI's recommended mixed system is quite different. In sharp contrast to Quebec's large number of small regions, PEI would have only one province-wide list. Voters would get both constituency and list votes, but the provincial lists would be closed and voters would have to live with the candidates as ranked by the parties. Since candidates could run both on provincial lists and in local ridings, it might be very difficult for voters to turn-out the parties' preferred personalities. New Brunswick's linguistic divisions make province-wide lists politically unacceptable, so its version of a MMP system calls for party lists in four carefully-crafted, demographically-balanced regions. Like Quebec and PEI, those lists would be closed (though created in open, participatory and regulated conventions), but candidates would not be allowed to contest seats in both parts of the system – they would have to choose one or the other. That unique element would have significant consequences both for voters' ability to defeat local politicians as well as for the structure and character of intra-party competition.

Despite this common enthusiasm for mixed-member systems, British Columbia's Citizens' Assembly opted for a significantly different form of proportional representation – the Single Transferable Vote. In many ways it is the most radical of all the provincial proposals. It would give voters a chance to rank order all the candidates as they liked, it would eliminate all safe seats for politicians, and it would undoubtedly transform the character and location of intra-party competition. The story of why BC chose such a different system has been told elsewhere but essentially it reflects the fact that the authors of the proposal were individuals whose focus was that of ordinary voters, not politicians or party managers.⁹ And it was the recognition of just this fact – that STV had been recommended by their fellow citizens – which drove the positive vote in the provincial referendum held in May 2005.¹⁰

Regional Responses to Democratic Challenges

There are some important common elements to these stories of provincial electoral reform. *First* is the too easy to overlook fact that they have taken place simultaneously. There is no sequential policy demonstration effect at work here. Rather, a set of independent jurisdictions responded, more or less independently, to a common challenge of renewing their fundamental democratic institutions. *Second*, the reform impulse is pushing changes to our electoral systems in a common direction – towards some form of proportional representation. *Third*, most of our cases appear to be opting for a kind of mixed-member proportional system of the sort widely advertised by contemporary reformers as offer-

ing a compromise between the politics of geography and the politics of party interest. *Finally*, the provinces all seem to agree that the days of politicians confidently deciding on the rules of the game themselves are over, and that democratic change to basic institutions requires public involvement if it is to be legitimate.¹¹

This is not just a Canadian story for many of the same patterns characterize the experience of a significant number of contemporary democracies in eastern and western Europe. Yet for all the power of these trends, no two jurisdictions, like no two of our provinces, have adopted the same electoral system. The reality is that general problems invite regional solutions that are rooted in the realities of location, history and community. The four Canadian stories tell us something about such responses and how important aspects of them – the definition of the problem, the approach to finding a solution, and the reform proposals themselves – are intimately connected.

Consider the continuum that structures the provinces' contemporary electoral reform exercises. At one end we have Quebec. As the province with the narrowest agenda, it used a team of political and professional insiders to fashion a reform that would be comparatively safe for its existing political class. At the other end of the spectrum is British Columbia. The province with the most general reform goals, it adopted an exceptionally open process that gave real power to political outsiders who promptly surprised everyone by proposing the adoption of a system that could significantly change the way its representative democracy is organized and practiced. The experience of the two maritime provinces falls somewhere in-between. By comparison, their agenda was neither as limited nor as open as the other two. They entrusted their reform planning to neither complete insiders nor outsiders (though if truth be told they were closer to being insiders) who produced a pair of reform models which went further than Quebec's but look much less radical than British Columbia's.

It is too soon to tell if one of these scenarios ultimately provides a better prospect for successfully reforming our electoral systems. There seems no inherent reason to think Quebec's *narrow agenda-insider crafted-conservative proposal* is any more or less likely to end in a reformed system than British Columbia's *wide agenda-outsider built-big change proposal*. British Columbians voted 58% in favour of their option (it wasn't enough under the legislature's rules), Quebec has yet to put their proposal to a legislative vote. If my general argument is right, neither approach ought to be inherently superior. Every jurisdiction needs to find its own way to deal with common issues and in finding their own path they are more likely to be successful.

As we develop genuinely regional responses to this common challenge, one of the consequences may well be that the electoral systems of the provinces will differ considerably from one another, and from that used in national elections. Political scientists seem bound to delight in this for it will provide much fodder for comparative studies. Party organizers and strategists may be less enthused for under different systems the gap between parties and party competition at the two levels will only widen. Citizens will adapt quickly and easily to systems designed to meet their communities' distinctive realities. They know that the very reason they live in a federation is to allow and even encourage regional responses to national, and transnational, challenges.

Notes

1. A. Blais, A. Dobrzynska & I.H. Indridason, "To Adopt or Not to Adopt Proportional Representation: The Politics of Institutional Choice", *British Journal of Political Science*, 35 (1) 2005, pp 182-190.
2. S. Birch, "Lessons from Eastern Europe: Electoral Reform Following the Collapse of Communism". A paper presented to a conference on Electoral Reform in Canada, Mt. Allison University, May 10-12, 2005.
3. See the Law Commission of Canada's report *Voting Counts: Electoral Reform for Canada*, 2004, p 38-40.
4. Louis Massicotte, "Éclipse et retour du gerrymander linguistique", in A.G. Gagnon & A. Noël eds., *L'Espace québécois*, Montréal: Québec/Amérique, 1994 pp 227-44.
5. L. Massicotte, *Electoral System Reform: In Search of a Compensatory Mixed Electoral System for Quebec*, Working Document, Government of Quebec, 2004.
6. New Brunswick Commission on Legislative Democracy, Final Report and Recommendations. It can be found at: <http://www.gnb.ca/0100/FinalReport-e.pdf>
7. See Jeannie Lea's account of the organization and outcome of the PEI plebiscite in this issue of the *Canadian Parliamentary Review*.
8. R.S. Ratner, "British Columbia's Citizens' Assembly: The Learning Phase" and "The B.C. Citizens' Assembly: The Public Hearings and Deliberations Stage", in *Canadian Parliamentary Review*, Summer 2004 pp 20-26, and Spring 2005 pp 24-33.
9. R. K. Carty "Turning Voters into Citizens: The Citizens' Assembly and Reforming Democratic Politics", the 2005 Mel Smith Lecture. It can be found at:
http://www.iigr.ca/iigr.php/site/publication_detail?publication=384
10. See the paper by Richard Johnston and Fred Cutler, forthcoming in M. Warren and H. Pearce, eds., *Designing Democratic Renewal*.
11. See R.K. Carty "Doing Democracy Differently", the 2004 Timlin Lecture, University of Saskatchewan.