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# *Electronic Petitions: A Proposal to Enhance Democratic Participation*

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*Declining rates of political participation demand practical reforms to enhance citizen engagement in our democratic institutions. Tabled in the House of Commons on February 13, 2013, Motion 428 aims to modernize and improve Canada's antiquated paper-based petitioning process by establishing a system for electronic petitions. It further proposes allowing petitions to trigger short debates in Parliament if they receive a certain threshold of signatures from the public and are sponsored by at least five Members of Parliament. After providing comparative information on similar reforms implemented in other jurisdictions, this article argues that empowering citizens to initiate and sign petitions online will make our democracy more accessible, participatory, and responsive. It concludes with a brief discussion of the prospects of success for a motion submitted by an opposition Member during a period of majority government.*

There are few issues today as critical as democratic decline. Record low voter turnout rates and declining membership in political organizations demonstrate fewer and fewer Canadians consider engaging with our democracy a pursuit worth undertaking. Only 55 percent of Canadians now say they are satisfied with their democracy, a 20-percentage point decrease from 2004.<sup>1</sup> These trends should trouble all Canadians as they call into question the vitality and integrity of our system of public governance.

A central part of the problem is the disconnect citizens perceive between the issues that are important in their lives and those that dominate the Parliamentary agenda. The legislative priorities of political parties and the government often fail to reflect the needs and concerns of the general public, leaving many Canadians feeling excluded from national politics. Citizens come to believe their elected representatives are more influenced by party leaders and corporate lobbyists than their constituents. Governments need

to take immediate action to counter this growing sense of disenfranchisement and restore confidence in democracy.

One practical way to empower citizens is by strengthening our longstanding petitioning process. Scholarship on this topic suggests robust petitioning systems enable “the voices of petitioners to be heard, and this in turn, may help underpin the legitimacy and functioning of representative institutions and the policies they implement.”<sup>2</sup> A recent review of reforms undertaken by legislatures over the past ten years concludes the “importance of petitioning extends beyond simply delivering requests made by individual petitions ... and it is possible for a petitions system to enhance the relationship between parliament and citizen.”<sup>3</sup>

Under current rules, Canadian residents can initiate, draft, and submit paper petitions to Members of Parliament. If a written petition meets certain technical criteria and has garnered at least 25 original signatures, it can be certified by the Clerk of Petitions and tabled by an MP on the floor of the House of Commons. The federal government is then obliged to provide a formal response to the substance of the petition within 45 days.<sup>4</sup>

Tabled in Parliament on February 13, 2013 by New Democrat MP Kennedy Stewart, Motion 428 proposes

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to modernize and improve Canada's antiquated petitioning system.<sup>5</sup> It instructs the Standing Committee on Procedure and House Affairs (PROC) to conduct a study and make recommendations within one year for how best to implement electronic petitioning. While the right to petition is a centuries-old parliamentary tradition, modern technology now provides an opportunity to engage more citizens in this crucial part of the political process. Allowing Canadians to sign official petitions online would supplement the existing system in place for paper-based petitions. Indeed, it is difficult to believe that in the digital age we continue to use the same rudimentary process that British citizens used to petition their Parliament nearly 300 years ago.<sup>6</sup>

Motion 428 also proposes the petitioning process be further reformed to enhance the role and impact of petitions in Parliament. In particular, the motion requests the committee also consider allowing petitions to trigger short debates – similar to “take-note” debates – if they receive substantial support from both the public and within the House of Commons.<sup>7</sup> Short debates could occur in instances where a petition has garnered a certain minimum number of signatures – for example, 50 000 – and has been sponsored by at least five MPs. Requiring that popular petitions be seconded by elected representatives serves as a crucial safeguard against truly frivolous issues being brought forward for debate. While Motion 428 proposes this basic framework, it would ultimately be up to the members of the committee to study and recommend what specific changes to the Standing Orders are needed to establish an e-petitioning system that is fair, efficient, and responsive.

### International Experience

Electronic petitioning is already widely used in countries around the globe. In fact, a decade ago the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons recognized the “interesting innovation” of e-petitions and recommended the Clerk begin developing such a system for Parliament.<sup>8</sup> Many jurisdictions have since incorporated electronic petitioning into their democratic processes with great effect. Motion 428 is based on recent initiatives currently enhancing citizen participation in Australia, Britain, the European Union, Germany, Scotland, Quebec, the United States, and Wales. While e-petitioning has been implemented in numerous democracies, the systems and rules governing these mechanisms vary considerably across jurisdictions, including in regards to:

- whether e-petitions are submitted to the legislature or the executive;

- the rules to ensure online signatures are verified as authentic;
- the safeguards and procedures in place to prevent abuse and misuse;
- the minimum number of signatures needed to trigger further action;
- and whether the government must respond with an official statement, parliamentary debate, or public hearing.

In the United Kingdom, the House of Commons Procedure Committee published a 2008 report recommending Parliament begin accepting petitions electronically. The committee argued such a system would offer the public “a simple, effective and transparent way ... to tell the House and its Members about what matters to them and to indicate the levels of support for their concerns.”<sup>9</sup> Subsequently, in 2011, a national e-petitioning system was launched by Conservative Prime Minister David Cameron. From the beginning, this new initiative was never intended to replace, but rather to supplement, the existing system for paper petitions. Under current rules, an online petition garnering at least 100 000 signatures becomes eligible for debate in the House of Commons. Once this threshold is reached, the Backbench Business Committee decides which e-petitions will move forward for debate. Along with requiring at least one MP appear to argue a debate is warranted, the committee considers the following criteria in their decision-making: importance of the topic; the number of MPs likely to participate; and whether a debate has already been held on the topic or is likely to occur through other legislative routes. Of the over 40 000 e-petitions launched by British citizens to date, only 21 have surpassed the 100 000 signature threshold, with 15 of them having been debated in the UK Parliament.<sup>10</sup>

In 2011, President Obama launched *We The People*, an online platform allowing Americans to create and sign petitions on the White House website. Rooted in the First Amendment's protection of the right to petition, it was intended to provide “a new way to petition the Obama Administration to take action on a range of important issues facing [the] country,” while also helping the White House “understand the views of the American people and have a focused and civil conversation with them.”<sup>11</sup> Participants are required to set-up official accounts to ensure authenticity. If a certified e-petition receives 100 000 signatures within 30 days, the White House sends it to the appropriate policy experts and issues an official response. To date, e-petitions hosted on *We The People* have garnered nearly ten million signatures in total – with more than one hundred receiving sufficient signatures to warrant a formal response.<sup>12</sup>

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## Enhancing Democratic Engagement

Electronic petitioning provides an additional avenue for Canadians to make their voices heard and contribute to the democratic process. Historically, the ability to petition has been vital for citizens to raise awareness on specific issues, draw attention to existing injustices, and put forward concrete policy proposals. Extending this longstanding practice in Canada using online platforms – as suggested by Motion 428 – has the potential to encourage broader citizen engagement. Signing an official petition electronically is a straightforward and convenient way for citizens to publicly express their support for a cause. By reducing barriers to political participation, e-petitioning is part of an emerging trend to use new communications technology to make public institutions more accessible.

Though seeming trivial to some observers, the simple act of signing an e-petition functions as a crucial entry point for further action. A virtuous cycle may be generated whereby initial participation fosters greater and more involved engagement in politics over time. After signing an online petition, a concerned citizen could be motivated to discuss the issue with their neighbours, write a letter to their local newspaper to raise awareness, attend a meeting with their MP, join a civil society group working to implement solutions, or vote in an upcoming election.

Furthermore, the system proposed by Motion 428 would give Canadians direct access to the political agenda in Ottawa. Allowing e-petitions to trigger short debates in Parliament would partially circumvent the power of political parties and force attention on issues that would otherwise not be discussed. This serves to directly link the public's concern for an issue with what is addressed in the House of Commons. Signing an e-petition becomes a way for citizens to not only signal their support for an issue, but also to vote that it should be debated by their elected representatives. Empowering Canadians through petition-initiated debates is a concrete step towards improving the responsiveness of our democratic institutions.

More generally, political scientists have conceptualized e-petitioning as an institution resting somewhere between traditional *representative democracy* and *direct democracy*, in a distinct category often deemed *advocacy democracy*.<sup>13</sup> Advocacy democracy strives to provide citizens with ample opportunities to actively engage with, and attempt to influence, the processes of representative democracy. This is accomplished, however, without weakening the power of elected legislatures to ultimately pass laws and approve government spending – standing in contrast to forms of direct democracy like binding referendums.

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## Reply to Critics

Critics of electronic petitioning often point to instances where frivolous issues are given undue public attention in other countries. In the United States in particular, a number of e-petitions of a dubious nature have gained enough signatures to warrant an official response from the White House. For example, in a highly publicized and oft-cited example, the Obama administration was required to explain to 35 000 petitioners why it is opposed to constructing a Death Star.

While a valid concern, this criticism merely highlights weaknesses in how e-petitioning has been implemented elsewhere, not the concept itself. Attention must be given to designing the system properly – including mechanisms to prevent misuse by filtering out petitions that are indisputably frivolous in nature.

Motion 428 suggests two crucial safeguards should be in place. First, the existing rules and guidelines for written petitions should be maintained. In order to be certified by and tabled in the House of Commons, petitions must currently meet certain guidelines in both form and content. Among other requirements, petitions are to include a request for the addressee to take some action or remedy a grievance, should be clear and to the point, must be respectful and use temperate language, and must concern a subject within the authority of the federal government.<sup>14</sup> The requirements for e-petitions would be the same, unless otherwise decided by the Procedure and House Affairs Committee. Second, the requirement that at least five MPs serve as sponsors before a petition-initiated debate is triggered would serve as an effective check against frivolous issues being brought forward in Parliament. Indeed, politicians will be averse to the public criticism and derision of being responsible for triggering an official debate on a questionable subject. This innovative component of Motion 428 would ensure a new e-petitioning system in Canada avoids the pitfalls experienced in certain jurisdictions.

A second related criticism suggests e-petitioning is a form of crude populism giving voice to the lowest common denominator of politics. In the words of columnist Terry Glavin, Motion 428 would “turn Parliament into an audience-participation reality show.”<sup>15</sup> Online petitions receiving the most signatures, as the argument goes, would not have particular policy significance – but instead be those invoking a visceral response among the general public. For example, much attention has been given to an e-petition in the UK calling for welfare recipients convicted on charges related to the

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August 2011 riots to be stripped of their benefits – and which received a staggering 250 000 signatures.

This vein of criticism fails to recognize the fundamental value of citizen participation in a democracy. Simply put, either public participation is something to value, cherish, and encourage – or it is not. If participation is something to value – because it leads to greater public scrutiny, more responsive governance, a dynamic civil society, or is merely an inherent “good” – then there is a need to reform our shared institutions to facilitate its growth. In the case of e-petitioning, the relevant question becomes: should Canadians be able to readily express their views, concerns, and preferences to their elected representatives? If so, then this must be the case regardless of whether one agrees with the content of those concerns. For those wary of drifting too far towards populism, it is important to note that the petition-triggered debates proposed by Motion 428 would not be subject to votes, and therefore could not be used to pass substantive bills or motions. The domain of elected representatives would not be infringed upon. However, e-petitioning would serve as a powerful signal to Canadians that the Commons is “Their House” and would go some way to turn words about the importance of participatory democracy into action.

A third and final criticism suggests e-petitioning will not empower the general public, only those already engaged in the political process. According to this argument, an e-petitioning system either would allow Parliament to be co-opted by established interest groups with resources to launch petition-based campaigns or would be used primarily by individuals who were highly politically active to begin with. This implies e-petitioning will merely amplify existing inequalities in political participation – with access and influence being even further biased in favor of those with higher socio-economic status.<sup>16</sup>

Motion 428 will not on its own eliminate longstanding political inequalities in Canada or erase our democratic deficit. However, e-petitioning has the potential to lower some barriers to participation and widen the pool of participants in politics. As the digital divide lessens with time, Canadians have an equal opportunity to express their concerns by creating and signing petitions online. Compared to other activities such as hiring professional lobbyists, paying for national advertisements, or volunteering for an interest group, e-petitions are simple, inexpensive, and convenient – and thus can be accessed by more citizens. In addition, a system for e-petitions is likely to reach one key demographic that is often cited as more

disengaged from politics than any other. Youth are increasingly organizing their personal and professional lives online, and e-petitions enable them to participate in Canadian politics, perhaps for the first time, through their medium of choice. As a final note, e-petitioning has the potential to mobilize remote communities and geographically dispersed individuals sharing common interests, who might otherwise lack opportunities to come together and express their views at the national level.

### **Prospects of Success**

Fully modernizing Canadian democracy will require large-scale changes to our political institutions, including: making our electoral system more proportional; ensuring the House of Commons is demographically representative; restoring the primacy of individual MPs; abolishing the unaccountable Senate; and enhancing the transparency of government decision-making. Many of these crucial reforms are fraught with their own challenges and obstacles, notably constitutional and legal questions, opposition from political parties, and disagreements over which reforms to pursue. History shows these challenges may take decades to overcome.

An alternative, pragmatic approach to democratic reform is to focus upon less prominent, often overlooked, features of our political institutions which might be more amenable to change. Small-scale improvements have the potential to incrementally advance our democratic process with relatively low levels of risk. Introducing a robust electronic petitioning system where topics of concern to Canadians are represented through Parliamentary debate is a step in this direction.

In our current situation of majority government, achieving reform requires working across party lines and finding agreement between those who, on most days, are staunch adversaries. If changes to our democracy are to move forward and be viewed by the public as legitimate, they must be supported by representatives from all sides of the political spectrum. In this spirit, though being proposed by a Member of the Official Opposition, Motion 428 was seconded in the House by NDP, Conservative, and Independent MPs – and has been spoken of favourably by the Liberal critic for democratic reform.<sup>17</sup> It has also been endorsed by a wide range of civil society organizations – including the Canadian Taxpayers Federation, the Canadian Centre for Policy Alternatives, Samara, Egale, and Leadnow. Finally, two elder statesmen from opposing political traditions have found common ground in endorsing Motion 428. Former NDP leader Ed Broadbent states

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that “bringing electronic petitioning to the House of Commons is a 21st century idea and one I fully endorse. Empowering Canadians to come together and help set the Parliamentary agenda will breathe fresh air into our democracy.”<sup>18</sup> While past Reform Party leader Preston Manning says “to be able to petition one’s elected representatives, and to have such petitions addressed, is one of the oldest and most basic of democratic rights. Affirming and re-establishing this right in the 21st century through electronic petitioning is an idea well worth pursuing.”<sup>19</sup>

This early level of cross-partisan support bodes well for this initial step to make politics more accessible for Canadians. The first hour of debate on Motion 428 took place on June 12, 2013, and it will come forward for a vote in the upcoming fall session. If passed, the Standing Committee for Procedure and House Affairs will be tasked with developing recommendations over the next year for how to establish a system for e-petitioning in Canada. It is hoped that the implementation of Motion 428 will be the first of many democratic reforms initiated by this Parliament.

#### Notes

- 1 Kendall Anderson, Jane Hilderman, and Allison Loat, *Who’s the Boss?: Canadians Views on their Democracy*, Samara, Toronto, 2012.
- 2 Catherine Bochel, “Petitions systems: contributing to representative democracy?” *Parliamentary Affairs*, 2012, 1-18.
- 3 Richard Hough, “Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?” *The Journal of Legislative Studies*, 18 (3-4), 2012, 479-495.
- 4 Private Members’ Business Office, *Petitions: Practical Guide*, House of Commons, Ottawa, October 2008.
- 5 The full text of Motion 428 reads: “That the Standing Committee on Procedure and House Affairs be instructed to recommend changes to the Standing Orders and other conventions governing petitions so as to establish an electronic petitioning system that would enhance the current paper-based petitions system by allowing Canadians to sign petitions electronically, and to consider, among other things, (i) the possibility to trigger a debate in the House of Commons outside of current sitting hours when a certain threshold of signatures is reached; (ii) the necessity for no fewer than five Members of Parliament to sponsor the e-petition and to table it in the House once a time limit to collect signatures is reached; and (iii) the study made in the 38th Parliament regarding e-petitions, and that the Committee report its findings to the House, with proposed changes to the Standing Orders and other conventions governing petitions, within twelve months of the adoption of this order.”
- 6 Peter Fraser, “Public Petitioning and Parliament before 1832,” *History*, 46 (158), 1961, 195-211.
- 7 Audrey O’Brien and Marc Bosc (Eds.), “Chapter 15 – Special Debates,” in *House of Commons Procedure and Practice*, Second Edition, House of Commons, Ottawa, 2009.
- 8 Special Committee on the Modernization and Improvement of the Procedures of the House of Commons, *Fourth Report – Recommendations*, House of Commons, Ottawa, 2003, 15-18.
- 9 UK House of Commons Procedure Committee, *e-Petitions: Call for Government Action*, House of Commons, London, April 2009, 3.
- 10 UK Government, “e-petitions – create and sign petitions online,” website, accessed April 2013, <http://epetitions.direct.gov.uk/>.
- 11 The White House, “We The People: Your Voice in our Government,” website, accessed April 2013, <https://petitions.whitehouse.gov/>.
- 12 *Ibid.*
- 13 Peter Cruickshank, Noella Edelmann, and Colin Smith, “Signing an E-Petition as a Transition from Lurking to Participation,” in *Electronic Government and Electronic Participation*, Trauner, Austria, 2010, 275-282.
- 14 Private Members’ Business Office, *Petitions: Practical Guide*, House of Commons, Ottawa, October 2008, 1-4.
- 15 Terry Glavin, “Rise of democracy by petition could be a bad sign,” *The Ottawa Citizen*, February 21, 2013.
- 16 Ralf Linder and Ulrich Riehm, “Broadening Participation through E-Petitions? An Empirical Study of petitions to the German Parliament,” *Policy & Internet*, 3 (1), 2011, 1-25.
- 17 House of Commons Debates, “Private Members’ Business: Electronic Petitions”, *Hansard*, 146 (268), June 12, 2013.
- 18 Peter O’Neil, “Preston Manning and Ed Broadbent find common ground,” *The Vancouver Sun*, February 25, 2013.
- 19 *Ibid.*