Special Committee on Electoral Reform

EVIDENCE

Wednesday, July 27, 2016

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Chair

Mr. Francis Scarpaleggia

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● (1400)

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Good afternoon to all committee members.

Welcome to all the witnesses here this afternoon.

We welcome Leslie Seidle, Research Director, Canada's Changing Federal Community. We welcome, as individuals, Larry LeDuc, Professor Emeritus at the University of Toronto, and Hugo Cyr, Dean, Faculty of Political Science and Law at the Université du Québec à Montréal.

I will briefly touch on the witnesses' credentials.

[*English*]

Professor Leslie Seidle is research director for the Canada's changing federal community program at the Institute for Research on Public Policy, and a public policy consultant. He was also senior research coordinator for the Royal Commission on Electoral Reform and Party Financing, and is author of *Rethinking the Delivery of Public Services to Citizens* and numerous articles on immigration issues, electoral and constitutional reform, public management, and political finance.

Professor Larry LeDuc, as I mentioned, is professor emeritus at the University of Toronto. His publications include *Comparing Democracies*, *Dynasties and Interludes*, *The Politics of Direct Democracy*, *Absent Mandate*, *How Voters Change*, and *Political Choice in Canada*, as well as numerous book chapters and articles in journals such as *Electoral Studies*, *Party Politics*, *Political Science*, and *Canadian Journal of Political Science*.

Dean Hugo Cyr is a member of the centre of interdisciplinary research on diversity and democracy, of the Quebec association of constitutional law, and of the UNESCO chair for the study of the philosophical foundations of justice in democratic society. He was a visiting scholar at the European Academy of Legal Theory in Brussels and has served as legal aid with the Honourable Justice Ian Binnie of the Supreme Court of Canada.

So I think we're going to have a very interesting, stimulating, and rich discussion this afternoon. I believe our witnesses have 10 minutes each, and then what we typically do is have two rounds of questions in which every member around the table gets to ask a question and you get to answer for five minutes. So the Q and A for each member is five minutes, and then we do a second round in the same format.

Without further ado, we'll start with Mr. Seidle.

[*Translation*]

Dr. Leslie Seidle (Research Director, Canada's Changing Federal Community, Institute for Research on Public Policy): Thank you, Mr. Chair.

I would like to thank the committee for their kind invitation to contribute to their important work. I can see that you are working hard this summer.

I will start by saying a few words about the Institute for Research on Public Policy.

Founded in 1972, the Institute is a national independent, bilingual, nonprofit organization. Although it publishes studies recommending changes to public policy, it does not issue opinions on such issues.

In that respect, the comments I will be making today are mine alone and do not constitute a position taken by the IRPP.

[*English*]

Before I address some of this committee's mandate, I want to express a concern about a broad question that is not addressed in the mandate, namely, what is the overall objective that a new federal voting system would serve? What is the problem that is meant to be rectified? Put another way, how would Canada's democratic life be changed, one assumes for the better, by replacing the present voting system with another? To me this question hasn't been answered and I think it's front and centre in the work you have in front of you.

If you look a little further for an answer, you find in the Liberal Party platform from last year three sentences on electoral reform, one of which is the commitment that the next election will be the last one under the present electoral system. There's a heading before that sentence and it says "We will make every vote count". This doesn't take us very far.

The Minister of Democratic Institutions has referred to the present voting system as "antiquated". By this I assume she means it is no longer suitable for the purpose, rather like a piece of furniture that no longer goes with new decor in a room. But what is the purpose that the word "antiquated" is being linked to? Although political institutions need to be adapted to changing circumstances and we have done this in Canada in many ways, including through our federal arrangements, I believe they should be assessed on criteria other than age. After all, continuity and stability are important virtues in democratic arrangements.

Now turning to your terms of reference, you are asked to study viable alternate voting systems to replace the present system and "to assess the extent to which the options identified could advance" the principles for electoral reform that are enumerated in the terms of reference. When I read them over, it seemed to me—and I concluded this quite quickly—a logical impossibility for your committee to identify one alternative system that would serve all the principles equally well.

But maybe you're not working to that end. After all, your terms of reference referred to options with an "s", not a single option. This leads me to my first main point today, that there's a need to prioritize the principles that alternative electoral systems are meant to serve. If you present one alternative, you should know what that alternative is meaning to do. If you present more than one, the same argument follows for the other systems.

I'm not going to prioritize those principles for you, I don't have time to do that. I'm going to engage in a more modest exercise today that begins by choosing—and rewording slightly—two of them that, in my view, should be given high priority. The first one is strengthening the representation and inclusion of Canada's diversity. The second is encouraging voter choice and participation.

The first one concerns in part representation of various groups within Canadian society. I'm not talking about party representation here, because I know that my colleague will be covering that and you've heard from, or will be hearing from, various people like Henry Milner and Dennis Pilon. But the representation of groups is not a mere counting exercise. We look and we see how many visible minorities have been elected in comparison to the population: that's valid. Why do we do that? We do it because as the composition of a decision-making body changes, so do the decisions. If we value responsiveness in decision-making, we should be concerned when certain groups are not well represented in our legislatures.

Let's start with women and see how well they fare in this House and other legislatures elected under different systems. You have two tables that have been handed out and if you look at the first one, I'll make a few points.

● (1405)

The first table is about gender representation. We see that in the four countries with majoritarian systems—Canada, the United Kingdom, the U.S., and Australia—there is no example in which women represent even one-third of the members of the lower house, so they're not doing very well there.

In proportional and mixed systems, only a few of which I've included here, women are often better represented, sometimes significantly so, as in Sweden where 44% of the national Parliament are female. However, this is not always the case.

I've put in Hungary. Hungary is a democracy. It's having some problems at the moment, but nevertheless it's part of the European Union, and it was once a vigorous democracy before it was part of the Communist bloc, and so on. In Hungary only 10% of the members are women, and there's a proportional system in Hungary as well.

Taking the single transferable vote, there is only one major country that uses that for its lower house, Ireland, and women count

for 22% there, a bit lower than the rate in Canada and a bit higher than in the U.S.

Now, turning to the second table that I handed out, but still on the principle of representation and inclusion, here I've provided data on racial and indigenous minorities in the four oldest Westminster-type democracies and the U.S. We can't look at PR systems in the same kind of detail, mostly because either we don't have data, as in the case of France, or there are no indigenous peoples, or they're almost not significant, or they're not measured, so I have taken countries mostly like ours.

In Canada, visible minorities are now quite well represented, with 14% of MPS compared with 19% of the population. That's from the 2011 National Household Survey.

This is considerably better than the case in the U.K. where non-whites are 13% of the population but have only 6% of House seats. In Australia the contrast is even sharper, although the measure is a little different. Some 28% of the population was born outside of the country. Now, a large share of these people are non-white, because of the source countries for Australian immigration. Following the 2013 election—we don't yet have data for the last one—only 9% of MPs were born outside Australia, so there is an almost 1:3 ratio there.

Looking at indigenous peoples, we have three examples. In New Zealand we have the Maori, who are now 14% of the population but have 18% of the seats in the House of Representatives. This is partly because there are designated seats in New Zealand for the Maori. There are at the moment seven of those seats.

In Australia there is only one indigenous member, and that member was elected in 2013. In fact, this was the first aboriginal ever elected as a member of the Australian House of Representatives.

In Canada, with which I'm sure you're familiar, we're doing relatively well, though still not comparably with the population, which is 4.3% indigenous, and 3% of the House are now indigenous members. There has been progress, as there has with visible minorities. There was significant progress between the 2011 election and the very latest one.

What does what I've just run through tell us?

First of all, and this is the first of the two additional main points I want to leave with you, voting systems are not determinist. They are not a set of gears that turn one way, and they are not always going to give you the same result when you put in the same kinds of input as you would in a factory. Just to take one example, we see that PR is often associated with better representation of women, but this is not automatic. I'll have a word about that when I conclude.

Secondly—and this one I really want to emphasize—political parties' rules and commitments, particularly at the candidate nomination stage, have an important influence on the representation of diversity, including representation of women. In Sweden, parties have for a long time placed a premium on nominating women. Some of them have voluntary quotas, and they place them relatively high on their lists, and therefore they are represented almost in parity in the Swedish Parliament.

This is a better result than happens in some other countries, because in those other countries often women are not placed as high on the list, and the result is not as favourable, all other things being equal.

● (1410)

Turning to the racial and indigenous minorities, we don't have as large a sample to draw on, but there's a point about our own system that needs to be remembered there, which is that we have moved in Canada, under a system which is antiquated, according to one person, and maybe some other people, to a stage where racial and indigenous minorities, visible minorities, are represented almost in relation to their share of the population. Our system doesn't do that badly. We don't do as well on women. One of the main reasons that this happened is that the parties, particularly the Liberal Party, and the NDP also, put up greater numbers of candidates from visible minorities and from indigenous backgrounds.

I'm going to conclude with just a short comment on the other principle that I mentioned, encouraging voter choice and participation. This is a huge area, but I'll just make a few points.

The alternative vote, as in Australia—I assume you know what these are all about, so I won't explain them—allows voters to rank candidates, but there's only one candidate per party. In some ways you have a little more choice because you're doing a ranking as opposed to just putting one "x", so it gets a few points on choice.

The Chair: Mr. Seidle, if you could wrap up in the next 20 seconds, that would be appreciated. There'll be questions after and there will be lots of time to explore.

Dr. Leslie Seidle: I just have three bullet points otherwise the logic will be lost.

The Chair: Sure.

Dr. Leslie Seidle: The single transferable vote allows ranking, but it also allows people to go within the party lists, so their choice is greater there. Closed proportional representation has a limited choice because people vote only for the list. It's a bit like ours: you vote for one candidate, they vote for one list, and the order on the list determines who gets elected according to the support for the parties. In PR systems with open lists, you can go within the lists, and in some systems you can actually go within the lists of other parties, so you have greater choice there. Then in mixed systems you have that similar choice, depending on how the proportional side is organized, but you also have the vote for the single member MP.

I'll just conclude with the point that if you were to assess on the basis of choice, the alternative vote wouldn't give you much of an advantage over where we are right now. I don't use that as a way of saying where we are right now is totally broken, because we are making some interesting forms of progress.

PR with closed lists, also, to my mind, should be rejected. If we are going to change our system, why would we move to a system where you have only one vote for the closed party list?

● (1415)

[*Translation*]

Thank you very much for your time and attention.

[*English*]

The Chair: Thank you very much, Mr. Seidle.

We'll continue with Professor LeDuc, for 10 minutes, please.

Professor Larry LeDuc (Professor Emeritus, University of Toronto, As an Individual): Thank you, Mr. Chair.

Thank you to members of the committee for inviting me here today.

I was trying to decide how to start, particularly in a 10-minute beginning. I was going to start by saying that I think it's very unlikely that electoral reform will happen in Canada. And then I thought that was too pessimistic a note to begin on, given all your hard work on this topic, and also because I'm a reformer. I would like to see it happen, but I'm very pessimistic about the prospects.

I thought instead that I'll be slightly more cheerful and simply emphasize that it is really difficult to accomplish, in almost any jurisdiction. It isn't a Canadian problem. It's the problem that you run into when you're trying to change an institution like an electoral system that people have grown up with and are accustomed to.

Whenever I make this argument to students or to others in the course of the various debates in Canada, someone always brings up New Zealand. They say that New Zealand did it, why can't we? I'm always happy when they bring up New Zealand because usually they know a bit about New Zealand, but not very much.

In New Zealand, it's important for us to know what they did and how they did it. It is a case study on electoral reform because they actually accomplished it. It took them nine years. It began with a government that came to power. The new prime minister boldly announced the end of "first past the post". Then nine years later, after three elections, a royal commission, a parliamentary committee, and two referendums on the topic, they accomplished it. If you guys are in for the long haul, then it's possible that you might be able to follow the New Zealand track, as long as you can identify its various twists and turns along the way. But New Zealand doesn't show us how easy it is to reform a first past the post system that's been well established; it shows us how hard it is.

I'll come back to New Zealand later maybe in the Q and A because there are a couple of lessons we can take from New Zealand besides the sheer pessimism. Those lessons are about the process. Someone is sure to ask me about a referendum, for example. We can look at how the referendums fit into the New Zealand process and what they accomplished or didn't accomplish.

We can also look at Japan, but I don't have the time today to talk a lot about Japan. Japan is the other major democracy that did accomplish electoral reform. It took them 20 years, not just only nine years. The debate in Japan began in 1973, and 20 years later in 1993 they got it done. The process was very different from New Zealand. It took place solely within the parliament and solely via bargaining among the various political parties. A watershed election broke the grip of the LDP on Japanese politics in the early 1990s. The LDP government was succeeded by a seven-party coalition. That seven-party coalition essentially became the vehicle for accomplishing electoral reform, but only after they were able to secure the agreement of all seven parties. It was a long, difficult, complicated drive to consensus. They also got it done using a different process.

I could also talk about some of the provincial cases in Canada. Those are cases of failure, by and large, where they started out on an optimistic note and then ended up not being able to accomplish the reforms. Just mentioning these cases leads me to one of the major points that I want to make in my presentation and discussion today, which is to emphasize process over substance, especially at the stage that this committee is at in its deliberations.

There's a tendency in electoral reform debates—and I've seen this many times—for people to start with the system that they like or think they like. They say, "Oh, STV, that's pretty good" or "Maybe we should have PR" or "What about MMP? It works nicely in Germany." They're attracted to a model because they know something about that model and its virtues, and then they try to develop a process that would get you there, and the preference drives the process. So people will say, "Well, this one might sell" or "We might be able to get there by doing X and Y."

I think it should be the other way around. I think if you start with process and don't get trapped into discussing too much the virtues and vices of various models, particularly models in other countries, you have a better chance of success.

● (1420)

I think this committee, to its credit, has already to some degree started that way, first because of the representation on the committee and second because of the enunciation of the principles on which your discussion is based. I suspect, however, that lurking in the background is a preference among many people for a particular system and a tendency to gravitate toward that discussion or at least to gravitate there too quickly. You're going to end up there eventually, of course, but that's not where we need to be. If we could get consensus on a process, then we could use that process to build consensus on reform. It's much harder to do it the other way around. I think that's one of the things the Japanese case tells us.

That brings me to the point on which I want to conclude, which is simply a restatement of what my colleague Peter Russell said to the committee yesterday, and that is that the basic principle of an electoral system should be to reflect the voices of the voters as expressed in the election. That's the core principle. It's also the core principle of democracy, and I thought he stated that principle very well.

We're often looking for electoral systems to do a lot more than that: we're trying to second-guess what the voters want or think they want or what their votes mean. But if the election gives you a

reading on what the voters have chosen or what their thinking is at the time of the election and a system can then efficiently translate those voices into representation in the Parliament, an election then is not just a one-day affair that chooses a government; it is a continuing process by which the voices of those voters continue to be reflected in the representative process.

That's the principle I would stress the most, and it's partly why I will try to make a case, which I do in my brief—and I'm not going to talk about the brief in this opening presentation, but I will be happy to talk about it later—for list PR: I believe that list PR is the system that most efficiently performs that core task of an electoral system; also because it is the most widely used electoral system in the world and therefore we ought to take a look at it. Why start with hybrid models or models that are not used in very many places?

Every time I get involved in one of these debates, I hear a lot about STV, for example. It seems to be a fascination of certain of my academic colleagues in particular, especially the ones from British Columbia. There's nothing wrong with STV. STV is a very interesting model, but it's a largely theoretical model, and it's only used in Ireland and Malta. I probably couldn't pick out two cases that are much more different from Canada than those two. Consequently, the problem with STV that I often have is that we don't have enough empirical evidence on it and the way it might work in a geographically large, multicultural society like Canada.

We have plenty of evidence on PR systems of other kinds, because they're used in all kinds of different countries, large and small, east and west. As the most widely used and also most adaptable electoral system, adapting list PR is not just choosing someone else's electoral system; it is choosing a model that can then be adapted to the Canadian environment and made to work in the Canadian environment to accomplish many of the objectives that this committee has felt are the objectives an electoral system in Canada in 2016 should strive to accomplish.

I'm sure my friend and colleague Henry Milner already made the case for PR this morning, because he's been making it for years, and I cite him many times in footnotes to things that I've written. I won't restate what he has said, but I would certainly reinforce what I suspect he probably said. I think we have paid too little attention to the principles of list PR in the Canadian debates and too much attention to hybrid models that are theoretically interesting but not as proven in practice as many of the PR systems of Europe and elsewhere.

I'll stop there. Thank you, Mr. Chair.

● (1425)

The Chair: Thank you very much, Professor LeDuc, for that very interesting approach to the issue, which is, I think, one that we haven't really seen yet. Thank you for contributing to broadening our perspective.

We will now go to Professor Cyr, *s'il vous plaît*.

Professor Hugo Cyr (Dean, Faculty of Political Science and Law, Université du Québec à Montréal, As an Individual): Thank you very much for your invitation. You are certainly keeping busy in the middle of a very hot summer, which is greatly appreciated. You are working for all Canadians.

This special committee is mandated to study electoral reforms in order to replace the current first-past-the-post system with another that would increase public confidence among Canadians in that their democratic will, as expressed by their votes, will be fairly translated.

The new electoral system that will emerge from this reform process could result in more frequent minority or even coalition governments. A number of individuals have expressed the concern that this could encourage more frequent general elections and lead to political instability.

However, recent events in Scotland and Wales show that it is possible to modernize and streamline our parliamentary system while maintaining its intrinsic traditions and political stability. The parliaments of Scotland and Wales both elect their respective members through a form of mixed-member proportional representation known as the additional member system. While they have had minority and coalition governments, these two parliaments have not had to hold elections more often than every four or five years since they were created, namely in 1999, 2003, 2007, 2011 and 2016.

The parliamentary system possesses a number of simple and proven legal measures to stabilize minority and coalition governments. Drawing from measures implemented by the United Kingdom and several other countries, I would like to suggest some minor modifications that could be made to our procedures to ensure the stability and political legitimacy of the governments formed following the anticipated electoral reforms.

These changes will also have advantage of bringing more clarity and transparency to our procedures. They will serve an educational purpose because it will be important to ensure that any changes made to our electoral system are accompanied by the public's better understanding of our political system. They might incidentally enhance the role and significance of a member of Parliament.

I will list four proposed changes that were all inspired by concrete examples drawn from other countries. Please refer to the appendix of my report for a list of the legislative and constitutional provisions on which they are based.

First, I propose to amend the Standing Orders of the House of Commons to provide for the nomination of the Prime Minister by a vote in the House of Commons, to be held between the election of the Speaker of the House and the Speech from the Throne—with the appointment of the Prime Minister remaining the prerogative of the Crown, of course.

This proposal is based on the examples of Scotland, Wales, Germany and Spain, where, when there is no clear majority government, they make sure to have a clear decision on who should form the government and who should be its leader—who will have to appear before the Governor General to form government.

Second, I propose to establish the requirements for voting on non-confidence motions through legislation or amendments to the Standing Orders of the House of Commons and restrict these motions to what are known as "constructive" non-confidence motions or, at a minimum, explicitly provide for the possibility of a successor government following a non-confidence vote.

Let's start with the requirement for a constructive non-confidence motion. This type of confidence motion is required in Belgium, Spain, and Germany, for example. I would specifically refer you to the Spanish example, where the use of the non-confidence motion has been clearly regulated. Non-confidence motions may be moved a limited number of times and only during a certain period.

● (1430)

What is a constructive non-confidence motion? When a motion is passed to indicate that the House has lost confidence in the government, the motion must simultaneously provide for a successor government. Should the motion pass, this successor government automatically receives the confidence of the House. This is a mechanism to prevent the opposition parties from joining forces to overthrow a government and from taking advantage of an early election to increase their number of seats.

With regard to the possibility of a successor government should the House of Commons pass a non-confidence motion, I relied on the United Kingdom legislation. The Fixed-term Parliaments Act provides that where the government is defeated on a vote of confidence, an election will not be called until 14 days later, if there is no subsequent resolution to restore confidence in that same government or in the successor government that would have been formed in the meantime.

Third, I propose to amend section 56.1 of the Canada Elections Act to allow for the early dissolution of Parliament with the approval of two-thirds of the members of the House of Commons. This enhances the role of members of Parliament. Once again, this proposal is based on an example of the British Fixed-term Parliaments Act. This is intended to give more weight to members of Parliament.

My fourth proposal builds on the third; in other words, if it can be done for the dissolution of Parliament, it can be done for prorogation as well. We can also make this requirement mandatory.

Therefore my fourth proposal is to amend the Standing Orders of the House of Commons so that asking for Parliament to be prorogued or dissolved without first obtaining the approval of the House of Commons automatically results in a loss of confidence in the Prime Minister. Consequently, the Governor General would not be bound by a prime minister's advice requesting the early dissolution or prorogation of Parliament without first obtaining the approval of the House of Commons.

I emphasize that the current Standing Orders of the House of Commons stipulate that the election of the Speaker of the House does not constitute a question of confidence. The current Standing Orders already allow for some say about confidence.

The Standing Orders of the National Assembly of Quebec explicitly stipulate what are the issues that may be subject to a vote of confidence. There is a precedent in one of the provinces. In British law there is a clear provision on the conditions under which the vote of confidence can be exercised.

We would have the opportunity to provide for the specific conditions under which a government, which would be a minority government, could request the dissolution or prorogation of Parliament, to help stabilize the whole situation.

In closing, to ensure that this reform is successful, and while we are engaged in a major change, we have to consider an important public educational issue. A study showed that most Canadians think that they vote directly to elect a prime minister. Therefore there is a need for an education component to clarify how our system works.

Following the example of the United Kingdom and New Zealand, I propose that we capitalize on this electoral reform to clarify, in some sort of Cabinet manual drafted by consensus, all the expectations associated with forming a government and proroguing Parliament.

● (1435)

The British experience showed us how effective and useful such a manual can be when in 2010 none of the parties won a majority of seats. That evening, there were no rushed media calls of the type, "If the trend holds, the next government will be formed by...". The political parties were given the time they needed to negotiate among themselves who would form the next government, rather than allowing the media to decide that very evening who would be the next prime minister. This is a step forward for democracy.

The Chair: Thank you.

We will start the two rounds of questions with Ms. Sahota.

[*English*]

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Mr. Cyr, Dr. Seidle, and Dr. LeDuc for being here today. You all have excellent credentials, and they're quite diverse, so I think we'll get some interesting discussion going.

This question is for you, Dr. LeDuc. You have suggested in your previous work that a referendum may not be the best way to engage citizens. Could you suggest some other ways in which we can properly engage people in this process?

Prof. Larry LeDuc: I don't think I've said anything particularly negative about referendums per se. It depends on what you want out of a referendum. One of the lessons I wanted to try to draw out of the New Zealand case is that the referendums—and they actually had two of them—were part of a larger process. They came at different times, so the debate in New Zealand went on for a long time.

Now whether it would have been different with or without referendums is hard to say; it's a counterfactual we can't really test. However, a referendum could fit in somewhere.

I think the model that's been proven not to work—and not just on this issue, but on other kinds of constitutional or quasi-constitutional issues as well—is where a small group behind closed doors comes up with a proposal then tosses it out there for the people to vote on,

and in a three- or four-week campaign it's usually possible to pretty much put an end to it.

Ms. Ruby Sahota: You published a paper, have you not, on 12 different shortcomings or deficiencies that referendums have had or can have?

Prof. Larry LeDuc: Yes, have had or can have, but that doesn't mean that they have to.

Ms. Ruby Sahota: Can you list some of those shortcomings?

Prof. Larry LeDuc: My negative example...I wrote that paper right around the time of the British referendum on the alternative vote. You have to understand, first of all, the government's purpose —or at least the Conservative half of the government's purpose—in that referendum was to basically defeat the proposal. That was its agenda. Second, the campaign was almost as chaotic as the Brexit campaign: loaded with disinformation. I'll give you a little example. This is more of an anecdote, I guess, but it says what I mean.

They won. They tried to have some controls on the British campaign in 2011—spending controls as well as advertising controls and so on. The campaign started on a particular date, when the rules came into effect. On day one of the campaign, the leader of the "no" campaign held a press conference, and she announced that they were against AV because it would cost three billion pounds to implement it. People had no idea what they were talking about. But the signal beginning of the campaign was not whether this was a good system or a bad system or desirable or an improvement or anything; rather, it was this out-of-left-field assertion that it was going to be very expensive.

Then, they tried to figure this out over the next few days. It turned out that what she was saying was that they would need voting machines to implement it, and the purchase of voting machines for the whole country would be very, very expensive. Well, it took three weeks, basically, to get rid of that assertion, but the damage had already been done.

I wrote a piece on a blog at that time, before I wrote the paper that you've referenced, which referred to that as the disinformation campaign. The main tactic that was used to defeat the proposal was simply disinformation. You can put out this nonsense, in many cases, and it sticks. It sticks, and you don't have enough time to recover from it in a short campaign.

That's the kind of risk of a referendum. In the piece I wrote that you quoted—and thank you for citing it—the point I wanted to make is that referendums, to be effective as a democratic device, have to be more deliberative. You have to really engage citizens and get them to seriously think about or deliberate an issue. That takes time, it takes information, and it often takes a very extensive publicly funded information campaign. But referendums are contests to win. When you get involved in a short referendum campaign, one side or the other is trying to win, and we saw that again with Brexit.

Disinformation is the main vehicle. We're used to negative campaigning in elections. There's plenty of negative campaigning in referendums as well. It's a very, very effective tactic. If you're setting out to defeat a proposal, disinformation is one of your best tools. So I tried to think about how to limit that, or prevent it, if possible.

● (1440)

The Chair: Thank you very much.

We'll go to Mr. Kenney.

Hon. Jason Kenney (Calgary Midnapore, CPC): Thank you, Mr. Chair.

And thank you to all three of our witnesses for being with us on this humid Ottawa day and for the wisdom you're shedding on this very important subject.

I was very pleased, particularly, Professor LeDuc, with your exhortation for us to focus on the process at the beginning and not rush into becoming partisans of our own preferred models. You've given us historic precedent where that's gone wrong.

As I read it, in most comparable jurisdictions, some of which you've cited, such as New Zealand, but also British Columbia and Ontario and, to some extent, Prince Edward Island, there was a more gradual and indirect process to arrive at a decision than what is being proposed here. As far as I understand it, what's being proposed is a parliamentary committee making a recommendation, which may or may not be accepted by the cabinet, which will then put forward legislation. That seems to me rather pre-emptory as compared to the experience of other jurisdictions and runs the risk of bypassing the kind of democratic consent and legitimacy that I think is broadly understood is necessary to pursue electoral reform.

Yesterday, we had one witness testify that he felt, according to the Jennings test, that there is now a constitutional convention in Canada requiring a referendum in order to endorse electoral reform. Professor Peter Russell said whether or not there's a constitutional convention is an abstract question, but it's a requirement in terms of political legitimacy. Could all three of the witnesses comment on those remarks that we heard yesterday?

Prof. Larry LeDuc: I'm not sure I would use the word "requirement". If it's a constitutional question, the constitutional lawyers are better qualified to comment on that than I am. I've heard the words "constitutional architecture" tossed around more recently and that goes in circles, and no one is quite sure what that means, including me. Whether the court would pick up a concept like that and use it to express an opinion, I'm just not sure.

We've only had three referendums in our entire history: two of them have been on public policy questions, and one of them has been on a constitutional proposal—

● (1445)

Hon. Jason Kenney: You mean nationally.

Prof. Larry LeDuc: National referendums, yes.

Constructing an argument that it is a requirement somehow of a major change is a bit of a stretch for me. Whether it's a good idea along the line you were suggesting to build legitimacy, that's a normative question. We could probably kick that back and forth. I think building legitimacy is certainly one of the criteria that's been mentioned in the committee documents, and a referendum could be a tool to build legitimacy, but you have to think about how to use it, how to make it do that, because there's nothing in referendums inherently that automatically makes them do that.

Citizens' assemblies, of course, have been the tool chosen in a couple of the provinces. I was very close to the Ontario citizens' assembly. I thought it did a terrific job in terms of deliberating the issue. It was really inspiring for a student of democracy like me to see 102 people in a room, who came in knowing almost nothing about this topic, often with some preconceptions or misconceptions about it, and watch them build consensus.

Hon. Jason Kenney: I just want to make sure the other witnesses get a chance to....

Prof. Larry LeDuc: Yes, okay.

Dr. Leslie Seidle: I lean towards a referendum for an eventual model. I realize that's answering in the abstract and without any consideration of what might happen between today and some point later on in the process. I do so for a couple of reasons, one is a question of democratic legitimacy.

The New Zealanders did it in a country that is smaller and much less complex than Canada. They did it twice, in fact, as my colleague has said. Three provinces did it, and New Brunswick would have done it if there hadn't been a change in government. Premier Lord had committed to putting the model recommended by the commission to a vote, but that didn't ever occur.

I want to respond just very quickly to the view that a referendum is an automatic way of killing reform. First of all, I find it's rather cynical. I think it sets aside the democratic legitimacy arguments and reduces everything to a question of political tactics, but more importantly, there are important counter-examples. In British Columbia, 57% voted in favour of reform. It didn't happen, because the government had said it had to have a 60% majority. It would have happened in a simple majority system.

In New Zealand in the first referendum, 85% of voters rejected first past the post. Then they had a second question. They had to choose from four options, and 70% chose mixed member proportional, which was the system that was eventually implemented in New Zealand.

The Chair: Thank you.

Dr. Leslie Seidle: Just to finish up, I reiterate Professor LeDuc's comment that you cannot divorce a referendum from a public education campaign. In B.C. they did quite well in that regard, in some other jurisdictions not so well, including in Ontario.

The Chair: Okay, we're going to Mr. Cullen now.

Thank you.

Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP): Thank you very much to our witnesses.

Professor Seidle, it wasn't just the minister who suggested first past the post was antiquated. I'll read you a quote. "...Canada is now the only complex multiparty democracy in the developed world which still relies on a 15th century voting system designed for medieval England" said the slightly younger Jason Kenney at one point.

We agree in terms of the design being somewhat antiquated. It doesn't fit the updated House that we hope to design here in Canada with that radical notion that I think you've all since supported that the House of Commons should reflect the voices of the voters. It's been put forward as almost a radical notion, so we seek out that system and a process that can validate it.

To Professor LeDuc, Japan and others did take a long road. I think the first House of Commons committee met in 1921 here in Canada talking about electoral reform. So we're coming on to nearly a century, which proves your point that it isn't easy to get done, yet shouldn't dissuade us from trying if we are to approach that radical concept of actually reflecting what voters want.

Mr. Seidle, at the very end of your testimony you talked about one of the models. I may have gotten this wrong, so I want to clarify it. You said that AV, the alternative vote, the listing, doesn't give you an advantage over the current system. Can you expand on that a little?

● (1450)

Dr. Leslie Seidle: Okay. I said it doesn't give you "much" advantage—

Mr. Nathan Cullen: I understand. Excuse me.

Dr. Leslie Seidle: —because you rank one candidate per party, whereby it doesn't give you any advantages to go within the party. Open party lists and STV in a sense incorporate some of the principles of the primary into the electoral system. You get to express preferences among parties' candidates.

On the point about its being antiquated, I didn't throw that out to be frivolous; I threw it out to make a point, which is that first of all, we don't know why you're looking at this. Is it only because it's old? If it's not for that reason, we should be told. The flaw in this is not at your table; the flaw starts in the program of the Liberal Party, because it has not explained what the public good is here. That's my purpose.

Mr. Nathan Cullen: I would be loath to defend the Liberal platform in its vagueness, which somehow worked, but it is what it is and we're here where we are. This building is old, and we're going to keep it, but we're going to take the asbestos out of it over the next couple of years, because that seems like a good idea, since, having built it, we've learned that it kills people. There is not something so extreme in our voting system, but updating is not a bad idea.

Mr. Cyr, you've approached the question of stability. I would suggest that in your comments and your recommendations you're also talking about accountability. You've made very explicit suggestions that we should make it more difficult for the government of the day to game the system. By gaming the system, I mean using tactics such as prorogation to avoid a confidence motion, as a previous Conservative government did.

Is this to build confidence in any electoral system that would lead to more sharing of power, lead to more minority parliaments? Is that your effort?

Prof. Hugo Cyr: The reason I mentioned these elements is that when there are criticisms or fears dealing with reforming electoral systems, oftentimes there are fears that there will be minority governments or coalition governments that will make things less stable. All the suggestions that I'm putting in this brief are meant to find ways for the elected officials to maintain and ensure a stability of the institutions.

[*Translation*]

If there is a mechanism in place to make sure that a majority or two-thirds are needed to dissolve Parliament, we can ensure stability. The goal here is to carefully examine the mechanisms that will ensure, regardless of the electoral system, the stability of a government, whether it is a minority, majority, or coalition government.

[*English*]

Mr. Nathan Cullen: In approaching this question, we recognize and have heard testimony that there's a general resistance to change amongst people: this is not a uniquely Canadian event. Yet we've also heard testimony that the productivity of governments that we have had even under our system has been quite good, under minority situations. The policies that come forward, the institutions that have been enduring, have come out of these.

Is there anything to fear out of any system that leads to a greater chance of these similar minority parliaments in which power is not the exclusivity of one party?

The Chair: I think we'll have to defer the answer to another opportunity.

We'll go to Mr. Thériault.

[*Translation*]

Mr. Luc Thériault (Montcalm, BQ): I have said many times to witnesses that I found these panels very inspiring. I have many questions but too little time.

Mr. LeDuc, about a possible referendum, you claimed being concerned about spurious arguments. However, that is how we can lose elections. During the 2007 Quebec election, Mario Dumont said, on the subject of the Caisse de dépôt et placement du Québec, that $40 billion was about to "go up in smoke", which went against the "economy first" Liberal slogan. He was absolutely right, but nobody believed him and he was called a clown. However, he was right: $40 billion was about to burn to nothing. The outcome was that he lost his election.

It might be possible to ensure a process for conducting an education campaign independently from political parties. It would certainly be much more legitimate. Indeed, why do we do this? We don't do it for political parties, or for insiders, or for academics. We certainly don't do it for ourselves. We do it to ensure that when the rules of democracy are changed, the people can feel they are an integral part of this change process. This could have a positive impact on the outcomes and on stability.

I would like to hear your thoughts not only on legitimacy, but also on the need to have the public give us answers on this debate, so that we can really accomplish something, and to take the time required to get it done.

What's the rush? Considering that we have been following this procedure for about 200 years, we might as well take the time we need for this process. I have the feeling that we are being told to hurry because we have been talking about this for 21 years. Let's stop for a moment. I wouldn't be able to find anyone on the street who could tell me the difference between the proposed models or indeed anyone interested in the subject. In short, we should take all the time we need.

I would like to hear your thoughts on this.

● (1455)

[*English*]

Prof. Larry LeDuc: I agree with almost everything you have just said. I think it reinforces Leslie Seidle's point about the importance of public education, which he made in response to the earlier question. On an issue like this, you can't really expect people to know a lot about different electoral systems. First of all, most voters think about elections only at election time. They aren't people like me who are talking about them and writing about them all the time, or people like you who are living the life of politics. They're interested in elections. They think about some of these questions, but only on election day, not over the whole electoral cycle.

Also, one of the things I've learned, looking at some of the other referendums on these topics that have taken place in other countries particularly, is that voters are not comparativists. I am a comparative political scientist. In addition to studying Canada, I study Europe. Most of the structures we use for students are comparative, to understand the similarities and differences between different countries, different political environments, different political processes, and so on.

Voters don't think that way. They're not sitting around thinking about first past the post versus list PR or STV. If you want to engage them, you have to give them the materials to work with. I think that's the point you have made, which I completely agree with.

[*Translation*]

Mr. Luc Thériault: Witnesses told us that, because people were not interested in this issue and they weren't aware of all the relevant differences, it would be appropriate for a committee like this to take action and propose something.

However, I think that by doing that we would be setting ourselves up for failure. No one can do things this quickly. In Quebec, a draft bill proposed a specific model. In this case, we want to consult Canadians across the country, but we have no specific model for them to consider.

There are steps to follow. The process followed by New Zealand is interesting, but there is an inherent resistance to change in every political system. This may well explain why the change process takes a long time in general, as was the case in New Zealand.

We have to recognize this and do things properly.

The Chair: Okay.

We now go to Ms. May.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Once again, I am totally engrossed in Mr. Thériault's questions.

[*English*]

I'm drawn to the points that Professor Seidle made, but I see an answer to the question of why we are now engaged in this in the testimony of Professor LeDuc.

I want to draw you to something that I don't think you said out loud and ask whether you think that now is such a moment. Near the closing of your written testimony, you say:

> The first-past-the-post, single member plurality, electoral system, which we inherited from Britain rather than choosing for ourselves, has produced a dismal record of misrepresentation, distortion and impaired governance....

The fact of the matter is that not only the Liberal platform, but the NDP platform and the Green platform together—the three parties, obviously us the least—attracted 63% of the votes in the last election. People will say they didn't care about first past the post when they were voting for your parties, but I actually found it, on the hustings, quite a significant, salient issue.

Do you think, having studied it and being someone who calls for electoral reform, that we need to start actually with explaining first past the post and why it is an unacceptable system in a modern democracy?

● (1500)

Prof. Larry LeDuc: I think we certainly need to do that.

Some of the polling evidence, which perhaps others have cited in testimony before the committee—I know André Blais was here this morning, but I did not hear his testimony, so whether he was able to cite some of this or not, I'm not sure.... I think some of the reservations that people have about elections in Canada and the way they are conducted touch on that point: people's feelings, especially if you live in a constituency that is considered a safe seat where the levels of competition are low from election to election and where you're told how important the election is, but you start to realize that your vote is not going to make much difference or the choices you're being presented with are not the choices you would like to see.

Now, those things don't come out explicitly in polling, but they're there. You can see that people have that feeling that they're being told the election is really important and that they should go out and vote, but yet their vote is not going to do anything; it's not going to accomplish anything in the place where they live and given the choices they're presented with.

You're trying to some extent to counteract that.

Also, in the line that you quoted from my brief I was citing Alan Cairns, who wrote in 1968, so these arguments have been around for a long time. I could have cited other things, but I cited the Cairns article because it is the single most widely cited article in the *Canadian Journal of Political Science*.

A student did a tally of this some time ago, a listing of how often articles are cited, and Alan Cairns' article on the electoral system and the party system, written in 1968, was the most-cited piece in Canadian political science. My colleague Peter Russell yesterday stressed the idea that this argument, as Mr. Thériault has also just mentioned, goes back to 1921. So these arguments have been around for a long time.

Now, we know why we have first past the post in Canada: the British gave it to us. And they didn't just give it to us; they gave it to every other British colony and dominion in the world in the 19th century. It is an electoral system that has worked okay in some places and not so well in others. It's probably not a good system for India, for example. The reason India has first past the post is simply its British colonial heritage.

But the British didn't differentiate; they didn't do studies of their colonies and conclude that in colony *X* or colony *Y* STV might be a better model, or maybe PR. They just thought that the British system was the best system and gave it to everybody, no matter when this happened or what the venue was.

Well, then societies change, as Professor Russell pointed out yesterday. Canada became a multi-party system in 1921, and it has been ever since. This system doesn't work as well in that environment. First past the post doesn't work very well anymore in Britain. Look at the cleavage with Scotland.

The idea that there's this glorious 19th-century British model that should be our first preference.... It has never been chosen in Canada and doesn't even work very well in the place that is its ancestral home.

Ms. Elizabeth May: Professor Seidle, I hope I have time to get the question out. In a paper you wrote in 2002, you said that the opportunity for reforming our electoral system in Canada was unlikely to come.

We may need to get to an answer in the next round for me, or another MP could pick it up, but you cited John Courtney's criteria or conditions, in his book *Reforming Representational Building Blocks*, saying that in order to change our electoral system in Canada, which you didn't think would happen, we need an opportunity, the opening of a policy window, which I suggest we have; an agreed-upon alternative, which I think is the job of this committee; and political will, which is the big question.

I think, looking at the chair, that we're going to have to hope that somebody else will ask this, or I'll come back to it in my next round.

The Chair: Great. Thank you, Ms. May.

Dr. Leslie Seidle: Was that a question to me?

The Chair: Yes, but we have run out of time.

Dr. Leslie Seidle: I thought we were having a panel here.

The Chair: We are having a panel.

Dr. Leslie Seidle: Normally on a panel the presenters are allowed to come in, here and there—

The Chair: Well, no—

Dr. Leslie Seidle: —instead of this very rigid back and forth, as if we were in a court, as expert witnesses.

The Chair: This is the model we've been using throughout, and it's the typical model that committees use on the Hill. There will be opportunities. Ms. May will have another round, so we'll be able to address the issues.

Right now we'll have to go to Mr. Aldag.

●(1505)

Mr. John Aldag (Cloverdale—Langley City, Lib.): Thank you.

In case you're not aware, many of us have been following feedback coming in on Twitter, just as an opportunity for Canadians.

Professor LeDuc, there has been a bit of interest in the list PR system that you put forward, so I have some questions and comments I'd like to get your thoughts on. In no particular order, here is some of the feedback that's come in. Why do you feel this is appropriate? This seems to work well in Denmark, but would it apply in Canada?

Another comment is that this seems to be the system used in Spain, and yet six months after their first election—they've had two elections, I think—there's still no government. So what are the strengths or shortcomings of the system, and how would that work in Canada?

The other one was whether you are talking about an open or a closed list.

There are a bunch of things there, and you may want to tackle any of those in the limited time we have.

Prof. Larry LeDuc: Yes, in making the case for list PR, I tried to make the case in terms of principles and not in terms of any particular country. Because it is the most widely used electoral system in the world today, we know a lot about it. There is plenty of empirical evidence in different countries, different societies.

We don't just have to look at Denmark. Now, Denmark has one of the highest voting turnouts in the world, so if you are looking at turnout, you could say that Denmark has been pretty successful with it, but we don't have to look at just Denmark or Spain or any other country.

What I tend to like about list PR is not only that there is a mountain of evidence for it, drawn from different places, but that it is a very flexible and adaptable system. In other words, you can construct a Canadian model of list PR that might be quite unlike the exact model used in any other country, but it would be designed for the Canadian environment. I don't try to do that in a 2,500-word brief, but I could do it.

I taught a course at U of T a few years ago on electoral systems. This was a graduate course, and I had three really bright graduate students. I had them each design an electoral system for Ontario. One was list PR, one was STV, and one was MMP. They worked at that for the semester and wrote a nice paper on it. I'd be glad to send any of you the paper, if you're interested. It was titled, "Three Options for Electoral Reform in Ontario".

The point was not that we were adopting the Swedish system or the Spanish system. The point was that we can take the principles based on the evidence from a number of different places, and not just one country, and apply them to a Canadian environment and get the kind of representation in Canada that we think we should have, and the kind of responsiveness to voters that we think a parliamentary system should provide on an ongoing basis, and not just on election day.

Mr. Hugo Cyr: If I may step in, you express a fear that government formation can last for some time. That's exactly why I suggested the investiture vote that has been adopted in Wales and Scotland, because they set a time limit for that vote to occur.

It really creates the incentives for parties to come together and come up with an agreement out in the public. Because it is a vote and people can enter into the House and give speeches and explain why they're going to support this or that coalition or this or that party to form the government, it makes things transparent for everyone. You have a set time limit so you're not afraid of waiting for extra months, and the people understand that it's the House that actually gives confidence to the government, and not the government that has to give confidence to the House, which is quite something.

The Chair: You have about a minute.

Mr. John Aldag: Okay.

Well, within that minute I will say that, on the point about the work that your students had done—and if anybody has any additional information—you are allowed and invited, in fact, to send that information to us through the clerk's office.

With that I'll move on to the next person.

The Chair: Thank you, Mr. Aldag.

Mr. Deltell.

[*Translation*]

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Thank you very much, Mr. Chair.

Gentlemen, welcome to Canada's Parliament.

Mr. Seidle, we can understand that it would be far more interesting for everyone to talk directly to each other, but there you have it, there are too many of us and we have to meet with dozens and dozens of experts. We have to proceed in an orderly manner.

Mr. Chair, I have to commend you on the way you are chairing this meeting. You are doing a really good job in rather difficult circumstances.

Mr. Seidle, rest assured that you will have all the time you need to express your views to the leader of the Green Party.

The quality of our discussions here today is evident. Once again, we have excellent people here, namely three university professors. I will remind you that the committee would greatly benefit from listening to a great academic.

● (1510)

[*English*]

who has a lot of things to say about a new way of doing electoral reform, the Honourable Stéphane Dion. I wish everybody would understand that everybody would win if Monsieur Dion could be a witness at this committee.

[*Translation*]

Earlier, my Bloc Québécois colleague, Mr. Thériault, referred to an event that happened about ten years ago in provincial politics. I agree in part with what he said. Indeed, sometimes people vote for an election platform and the elected party ends up not implementing it. A number of very recent examples come to mind, but I will not address that today, because this is neither time nor the place. I will have the opportunity to do so at another time.

I will, however, mention a specific detail. The event that Mr. Thériault described earlier did not occur in 2007 but in 2008. I remember it very well, because I was a candidate at the time.

Let's now turn to the issues.

Mr. Cyr, earlier you mentioned four changes that could be implemented, including the nomination of the Prime Minister by Parliament, the vote on constructive non-confidence motions and the requirement for the agreement of two-thirds of MPs to dissolve the House. From what I understand, that does not directly pertain to the electoral system.

Can the changes you are proposing to give even more power to MPs be made in the current first-past-the-post system?

Prof. Hugo Cyr: These changes could be made in the current system. A series of witnesses spoke specifically about the electoral system. As I teach my students, the electoral system is not considered purely in the abstract and cannot be taken on its own. It is part of a much larger ecosystem that includes the process of forming the government and the relationship between the executive and the legislature.

Given my area of expertise, my particular contribution deals with the consequences and how to stabilize the situation, should the electoral system we end up choosing lead to minority or majority governments more often than before. I have kept to my field of expertise.

Your colleague asked you whether a referendum is a constitutional requirement. According to constitutional law and in light of the secession reference, I highly doubt it. This reference states that policy initiatives or constitutional amendments are the government's purview, and that the government is not bound by a referendum decision.

Is there a constitutional convention requiring a referendum? I doubt it, since there are three components to a constitutional convention: a practice, a purpose, and the actors' recognition that they are bound by this practice.

Mr. Gérard Deltell: Precisely. The third factor involves an acceptance by the actors that they are bound to the practice. That could not be any clearer. The people who are bound by the practice of the electoral vote are the voters themselves. Therefore they are directly affected by this change. The conclusion is that they must be consulted through a referendum.

Prof. Hugo Cyr: I raised that point to emphasize that there is no requirement under constitutional law. It is not a requirement in terms of a constitutional convention, but my expertise does not pertain to what is politically expedient, fair, or appropriate under the circumstances. That is where my expertise ends. It's your job to figure it out.

Mr. Gérard Deltell: I applaud your great discretion, Mr. Cyr.

The Chair: Thank you, Mr. Deltell.

Thank you, Mr. Cyr.

We now turn to Ms. Romanado.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.): Thank you very much, Mr. Chair.

My thanks to all the witnesses for joining us and making their presentations.

● (1515)

[*English*]

I want to get a little bit into a comment that we don't know what the problem is. I'm just going to throw it out there.

There's a reason this committee was struck: Canadians feel that their vote doesn't count. I'm just going to clarify this, because yesterday a witness told me, yes, votes are counted. That's not what I'm saying. Their voice doesn't count. What they were intending to do at the polls is not reflective of who actually represents them. That's the problem.

There are other issues that we're facing. We're facing issues of low voter turnout. We had an increase in the past election, which we're delighted about, but we still have that issue to address. Now, electoral reform doesn't just talk about the actual voting system, but other issues as well, as you have highlighted. You said there are other problems that we need to address, and that's what we're looking at. Would mandatory voting be an issue? Would online voting be an issue, and so on and so forth?

My question relates what Professor Seidle said. You mentioned in your documentation that regardless of the voting system, the system chosen doesn't seem to address the under-representation of women and/or visible minorities, indigenous people, in office. I appreciate your saying this because we have received other testimony that there is a correlation between the voting system selected and the number of people in these under-represented groups actually sitting in Parliament. So I want to thank you for that.

We've heard about list PR. We've heard about the current first past the post system. What I do want to know is what voting system, in your opinion, would address the problem that I just asked about, that Canadians are not feeling that their vote counts?

Would all three of you give me your opinion which system you feel would address that specific problem?

Thank you.

Dr. Leslie Seidle: The question of whether your voice doesn't count or counts is broader than the translation of the results of the election into seats in the House of Commons. You also need to look at the whole question of governance. One of the advantages of a proportional or a mixed system, particularly in the Canadian context, is that we would be in a perpetual minority government. Now, whether we could learn to live in a culture of coalition governments is an open question.

Our history shows that we might, under most systems of PR, often end up with Liberal and minority coalition possibilities. As for whether or not they could work it out in that way, we had an example in 1972 and 1974, where without a coalition, but with agreements between the Liberal and the NDP parties, some important things were done, including limiting expenses in elections.

However, the issue is broader than just whether 40% of the vote ends up as 40% of the seats in the House of Commons. I think any system should bring us fairly close to that. We shouldn't have huge discrepancies. For example, in 1980 the Liberals had about 22% of the vote in western Canada, and they elected two MPs. That's not a good result, and at that time there was a lot of discussion.

There is another thing we need to remember, and that was why I put the statistics on the table. When we're talking about representation in 2016 in Canada, we need to be attentive to the representation of groups within society: to gender, ethno-cultural groups and visible minorities, and indigenous peoples. I didn't say that there was no relation between systems and these groups. I said that you can find counter-examples. In our present system, the result for aboriginal people and for visible minorities is not a bad result, and that should be taken into account. That's because of what parties do, and because of their candidate nominations and the increasing numbers over time. It doesn't have anything to do with the system as such, because it's been stable.

The Chair: We're out of time, unfortunately. I know it goes quickly.

Mr. Blaikie.

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): I want to talk a little bit more about process. We've heard—I think my colleague here was saying it earlier—the question, what's the rush? I agree that a deadline shouldn't make for bad process. At the same time, I think we've heard from a number of witnesses that Canada actually has been talking about electoral reform for a very long time. As professors, I'm sure you'll appreciate the power of a deadline to get things done and will know that either you or your students, without a deadline, may.... You know: there's always one more book to read or one more chapter to write, and having some sense of urgency can help get something done—in this case, something that many people have been talking about for a long time.

Even if it's not always foremost on the mind of voters, I think there has been a long-standing sense that somehow our elections are not always producing fair results when it comes to the Parliament. Maybe people don't have a well-defined conception of how to produce fairer results or what tweaking would be necessary or how exactly it works out, but I think there is a sense—and some elections produce that more than others—that we don't have a system that is always conducive towards a particularly fair representation of where voters are at.

 I would like to see action on this. We heard one of our witnesses before say that there's been a lot of talk and not a lot of action. It's something that I would like to see action on. I feel that this committee has an important role to play not only in going out and talking to Canadians, although that is important, and not just talking to experts, but in getting something done.

Can you share some thoughts with us on what you think needs to come out of this committee in order to have something that Canadians can see as a legitimate outcome for this stage of the process and that can actually launch us into further action rather than further talk? Do you have some thoughts about what we can do as a committee to precipitate change?

●(1520)

Prof. Larry LeDuc: Yes. I'll mention two things that come to mind that I think could be done. They may not be realistic, but we could at least talk about them.

One is based on what I said earlier about Japan. If this committee could serve as a vehicle for developing any consensus proposal whereby all of you had a proposed reform that you could sign off on and present as an all-party recommendation to the people of Canada, I think you could put it to a referendum and have a reasonable chance of bringing it across.

Now, the campaign would also have to be structured in such a way that people could understand it, had enough information about it, and had proper fora in which to debate and discuss it. But I could envision a process like that.

I don't know your committee well enough to know whether that is even conceivable, but if you could produce a report with a recommendation and say this is what we believe should be done and we all agree, I think it would be very powerful.

The second model that I like is based on the Ontario experience. I thought the citizens' assembly was a brilliant idea—borrowed from British Columbia, so I should give credit there. The citizens' assembly was a relatively new idea at the time that both British Columbia and Ontario adopted it. I thought it worked brilliantly, but then they didn't carry it through.

It got closer in British Columbia than in Ontario. In Ontario, the government basically changed its mind and undercut the assembly at the final stage. It didn't fund the education campaign properly; it allowed the assembly to be demonized in the press; it didn't provide any spending arrangements.

But I could imagine a process like the Ontario process that was extended, or maybe more like an improved B.C. process, and if you were to recommend something like that and then give that body

enough time to work and to develop its proposal, which might then later be put to the people, I think this is a model that would have a reasonable chance of succeeding.

How much time it would take, I'm not sure. I doubt that you could do it between now and December.

There are two fundamental principles, which are quite different. The first one is cross-party consensus, and probably a parliament is a better milieu in which to build that consensus, or a forum like this.

The other is the argument that politicians shouldn't be trusted to tinker with institutions and that therefore you need to set up some kind of extraordinary body, such as a citizens' assembly or a convention that operates at arm's length from the political process as it normally takes place day to day.

The Chair: We'll have to go to Madame Boucher.

Prof. Larry LeDuc: Either of those is workable.

[*Translation*]

Mrs. Sylvie Boucher (Beauport—Côte-de-Beaupré—Île d'Or-léans—Charlevoix, CPC): Good afternoon, everyone. I'm here today as a replacement member.

What I am hearing here today is very interesting to me. I have to honestly say that this is one of the rare times that I agree with a Bloc Québécois member. I completely agree on the referendum issue. I also fully agree that this potential change in the way we vote is a very important issue and that we must take the time needed to study it and determine how to proceed.

As legislators, we often have to act hastily, but this issue should not be rushed. I think we need a comprehensive vision.

I would like to ask Mr. Seidle a question.

Considering that this a very important subject for all of us, I would like you to tell us more about the need to hold a referendum on changing our electoral system.

In January, you wrote an article in Policy Options. I would like to quote two excerpts. I'm quoting loosely—I'm not necessarily very skilled at this—but you wrote that such a fundamental change to how we elect the country's most important legislative institution should require majority support through a national vote. In addition, you wrote that the desirability, or not, of holding a referendum on a proposed new electoral system should be assessed on the basis of the principle of democratic consent, not on attempts to guess the eventual result based on a partial number of cases.

Could you elaborate on these two statements? I would like to share your perspective on this issue.

●(1525)

Dr. Leslie Seidle: I don't really have much to add to what I wrote. I stand by my words. I haven't changed my mind since I wrote that article.

We held a referendum on constitutional reform in 1992. It might be argued that this was much more ambitious than the reform of the electoral system. It is true. Three provinces held a referendum. Why? The reasons had to do with democracy and participation. The results were not favourable to the people who wanted reform. The results in British Columbia were quite respectable, and it is unfortunate, in a way, that the government set the bar at 60%.

I would like to get back to the previous question, namely what this committee should do to move this process forward.

According to your terms of reference, you are not being asked to reach a consensus, to recommend one single option. I do not quite agree with my colleague. Based on what I know about the positions of the parties, I would say in fact that the objective of establishing a consensus, one model and mechanisms, is not very feasible. I do not want to appear cynical, but I have to be realistic.

You can still submit a report with the three options you find most promising. The government could then develop an initiative focusing on public education and debate to help Canadians learn more about the process. All this, however, would be predicated on the condition that the government abandon the idea of holding the next election under a new system.

Mr. Mayrand said that he would need two years to implement a new system. If we add a referendum and then calculate the time left before the next election, we can see that it does not work. It would be possible to develop a process that would provide for more debates and a referendum to be held at the next election. This would not increase costs.

● (1530)

The Chair: Excellent.

Dr. Leslie Seidle: It's an option you can look into.

The Chair: Thank you.

Mr. DeCourcey, you have five minutes.

Mr. Matt DeCourcey (Fredericton, Lib.): Thank you very much, Mr. Chair.

I thank all three witnesses for their presentations this afternoon.

[English]

 I'd like to start with you, Professor LeDuc.

One of the principles that we've been asked to consider as part of our mandate is local representation and how it may work in the preferred system that you've mentioned, or one of the other possibilities under consideration. As a member of Parliament from Atlantic Canada, if you'll allow me to editorialize for a moment, I would say we're very fond of what our part of the country has to add to the public policy conversation in Canada. I wouldn't want, nor do I think people from that region of the country would want, to lose the representativeness that is sent to Ottawa on their behalf. How would local representation potentially work, and what value should we place on that in our deliberations?

Prof. Larry LeDuc: We have to come up with the definition of the word "local", and that's very tricky. I think all list PR systems have districts, except for the small handful that have one single national constituency—and there are only a few of those. They're mostly smaller countries. The Netherlands, for example, has a single national constituency.

Some of them have larger districts than others. Some of them have districts of different sizes. That's why I said that if I were designing a party-list PR system for Canada, I would consider district size to be one of the major considerations to look at. I would also want to entrust that actual task to boundary commissions, as we do now, rather than to try to make it an inherent part of the system design. There are a lot of difficult technical issues related to geography that arise in Canada that you need to pay attention to.

I think as Canadians we want a system that provides effective local representation. How small your districts have to be for us to effectively do that is a more technical issue that needs to be worked out. In Spain, which I use as an example in my brief, but it's only an example—I don't argue that we should emulate the Spanish system here—the districts range in size from the smallest one of two members to urban ones that go up to 12 or 13 members. I think Professor Russell made the point yesterday, although he was talking about the STV system, that he thought that in Toronto you could have districts with larger numbers of members, whereas in other parts of Canada you might not want to have districts so large.

I think those are issues that could be addressed by a Canadian-designed, party-list PR system. One of the attractions of that is that it's very flexible. It's a very flexible system in terms of the number of seats, the number of districts, and so on.

One of the problems with MMP that we discovered in Ontario with the citizens' assembly, or an issue they got hung up on and could never figure out a way to resolve, was the size of the legislature. This was coming in just after the Harris government had reduced the size of the legislature and persuaded people that they needed fewer politicians. But to design an MMP system, you need a bigger parliament. Typically, the people in Canada who advocate for MMP say, "Well, we'll keep the present districts and just add some seats." Well, how many do you need to add to make it truly proportional? Quite a lot. It's not coincidental that Germany has a 600-member parliament, because a half of the seats are district seats and a half of the seats are list seats.

In party-list PR, you can keep a parliament of about the same size as it is now, and then vary the district magnitude as necessary across the country, depending on which province we're talking about or which geographic area. There would still be some large districts, and some people might not like that, but I think that's an area where you have a lot of flexibility in the design. You have much less flexibility under some other models.

● (1535)

Mr. Matt DeCourcey: Maybe with the time remaining—

The Chair: You have 30 seconds.

Mr. Matt DeCourcey: —our other two panellists could quickly address the value that our political culture places on local representation, and how we should move forward keeping that in mind.

Prof. Hugo Cyr: That's precisely why I referred to the examples of Wales and Scotland. They wanted to maintain that tradition of having local people elected there, but as well have a portion of the seats given according to the proportion of the votes the parties get. That's why they have a mixed proportional representation system in both cases, and because of the size of those populations.

The Chair: We'll start the second round with Ms. Sahota.

Ms. Ruby Sahota: I'm going to go back to my original question. A portion of it about engagement has been answered in pieces with other questions. I know we've talked about the citizens' assemblies, which is a great idea.

Coincidentally, about a month ago, I had the privilege of sitting next to somebody who was among the 102 people in the Ontario Citizens' Assembly. We started talking and it was very interesting to hear his perspective, although he doesn't remember a whole lot anymore of what happened at that time.

What other ways can this committee engage people in the process we are currently undertaking? The process is very important to us, and you've recognized it as being an important process before. If we were to end up with a referendum or not, or if we were to implement a system and then go into a referendum two years later, whatever we do, what do we do now to make sure that the people are engaged before we change our system eventually?

Prof. Larry LeDuc: It's a very difficult question.

I'll go back to the original point you made, which was about deliberation. We need to find a process to do this that is more deliberative. Polling doesn't generally do it, because you're asking a question that people often don't understand or in which the question wording shapes the answers. The citizens' assembly was a mechanism for creating a deliberative body that could discuss this and had some legitimacy, even though it wasn't an elected body, in what it represented because it was a microcosm of the larger electorate.

Ms. Ruby Sahota: Can you give examples?

Prof. Larry LeDuc: There is a mechanism called deliberative polling that I was going to mention. It hasn't been used all that much in Canada, but it's more feasible now with the increasing use of the Internet in polling. If you were to draw samples, the way you do for ordinary public opinion polls, and then extend them by having people deliberate the issue online and exchange thoughts about it, the technology is there to do that.

There are several good books in the U.S. written on deliberative polling, and it has been used in various places, but it has been on a model a little different from an Internet-based model. I could, however, see some of its principles being extended, because polls have some credibility, if the sampling is done right. If you could get a sample that was not just an instant snapshot of answers to a question but was based on some kind of built-in deliberative process

that took place over a period of time, I think that's a possibility we might look at.

Someone closer to the polling industry than I am might have better advice on this than I.

Dr. Leslie Seidle: Although the budget that has been allocated to this process wouldn't allow for it, I don't think—but budgets can be increased—the committee could develop agreements with relatively neutral outside organizations, such as research institutes. I'm not making a call for our own, but....

There's a precedent from the winter of 1991-92 leading to the inter-governmental agreements that led to the Charlottetown accord. There were I think five conferences across the country, and they were on a thematic basis. They were organized by research institutes, they lasted for two days, and there were expert presenters, but there were a lot of workshops. It was more participatory.

I commend the work of this committee, even if you may think I'm a bad witness, but there are limits to this kind of forum. It doesn't allow the kind of iterative and participatory development of ideas and proposals that a citizens' assembly does, but it is, in a way, a little too late for a citizens' assembly. If the government had decided to do it, that would have been the first step, rather than a parliamentary committee.

So if you're thinking about suggestions, either for the shorter term or for following up, I think they should lean towards activities that bring in ordinary Canadians who have some expertise available and that allow for participation and debate, which itself is a process of education.

That's the story of the citizens' assembly in B.C. It went on for about six months, and then, when the conclusions were reached, those members went out and most of them were promoting the results they had come to agree on. That's part of the reason the vote was 57% in favour, in my view.

● (1540)

Ms. Ruby Sahota: We will be travelling across Canada, and we will be doing town halls with regular citizens. There are last minute decisions we have to make about exactly where we're going to go, but we have a rough outline—

The Chair: I have to go to Mr. Kenney now.

Hon. Jason Kenney: Picking up on that, Chair, I think Ms. Sahota misses the point, which is that a citizens' assembly is a deliberative process. It's not where parliamentarians stay in a hotel in a city for a day and listen to 10-minute presentations and passively ask a few questions. It's a deliberative process that moves this beyond politicians who have a stake in and, therefore, I would argue, a conflict in choosing the system by which they are elected. I think it's unfortunate that we seem to be operating under an artificial timeline.

Professor LeDuc, you pointed out that in New Zealand, this was about a 12-year process, with a royal commission, a parliamentary committee, two referenda, legislation, parliamentary debate, adoption, and then ten years later, a third referendum. In Japan, I think you said it was 23 years, which ultimately was resolved through classic Japanese parliamentary horse-trading. It seems to me unfortunate that we've leapt past what is normal in other democracies on such a sensitive issue, where democratic legitimacy is at stake, with an artificial timeline, without inviting the....

I just met a fellow here who was in the gallery just to watch. He participated in the Ontario citizens' assembly and was wondering why there was not a similar process to engage in here.

I hope that all colleagues here listen to your exhortation, Professor LeDuc, to not allow the substance to drive the process but to allow the process to come up with a consensual system.

Having said that, and I've made my points about process, I have a substantive question. One option about which preference has been expressed by members of the government is alternative voting, also known as single member preferential voting, also known as the single member instant transferable vote. You know what I'm talking about. This seems to me deeply problematic in that it actually exaggerates the problem with false majorities. Do you think that's a reasonable concern?

Prof. Larry LeDuc: Yes, that's precisely what it would probably do. One problem with all of these lines of argument is that you don't know exactly if voting behaviour is going to change with any change in rules.

We tend to talk about all systems, including that one, as if voting stays constant, and then we see what the outcome is. But voting doesn't always stay constant. One of the things we learned from Germany—this is getting off track—is that the Germans made some assumptions about voting when they invented MMP, and then about 20 years later, the parties discovered a different way to use it and began to pitch their campaigns differently, and voting behaviour began to change accordingly. So if you change the rules over some period of time, you might change behaviour.

If you gave Canadians second preferences, I think we could predict in the very short-term what would happen, because we can see what voting behaviour has been like recently. Maybe over a longer period it would produce some different outcomes. It's hard to know. But certainly, keep the party system constant, have voting behaviour and turnout much like the last election, and I think you can guess what would probably happen under AV.

[*Translation*]

Prof. Hugo Cyr: The way I see it, there is also another factor to consider. We want to make sure that the system is legitimate and well received by the people. This means that it must be sufficiently and easily understandable, to ensure that voters clearly understand how the votes are counted. If the system becomes too complex, there could be questions about its legitimacy.

I agree that there must be education components, but we must ensure that the chosen system will be understandable to everyone. I want to say that I particularly appreciate the comments you made at the beginning of our meeting, namely that political parties obviously have an interest in this whole affair.

That is why I do not agree with my colleague on the idea of holding a referendum in conjunction with a general election. This would become the most significant election issue, and political parties would likely present a reform process catering to their own interests, rather than responding to the interests of the whole population. This would divert attention from the real issues.

In my view, if we must have a referendum, it should be separate and not held at the same time as a general election.

● (1545)

The Chair: Over to you, Mr. Cullen.

[*English*]

Mr. Nathan Cullen: He just cut you off, Professor Seidle. I'm sorry. You're on the short end of the stick.

The Chair: Well, there's the time—

Dr. Leslie Seidle: It's okay. I'm saving it for my next time in front of the mike.

The Chair: There you go. There are always ways around the rules to achieve what we want.

Mr. Cullen.

Mr. Nathan Cullen: Yes, to Mr. Kenney's point, we had actually suggested a form of a citizens' assembly back in February when this process was being discussed. Indeed, the question of legitimacy, I think, has been raised by all of our witnesses and others. It's not just the system that we present or this committee recommends, but also whether it is both legitimate and seen as legitimate in the eyes of the voters—otherwise, resistence will be high.

One small thing I want to pick up on is your comment, Mr. LeDuc, when asked about polling. It's one of those things where the question matters. I would assume this is also true of any process that involves a referendum. The carefulness in which we would approach voters with the question, the tendencies in referendums to misspeak the truth by those who wish to push against....The leading Google question in England the day after Brexit, I believe, was, what is the EU? One assumes complete voter awareness when talking about a referendum, which is a dangerous thing when talking about vested interests in a political question.

I want to talk about both productivity and stability because I'm trying to get to outcomes. I'm trying to get to the voters' position on this. If we put forward a system, it has to satisfy what the voters are looking for, not just that their votes are reflected in Parliament, that they cast their ballots, and it's this way, but also that this Parliament and those parliaments are able to function well.

This is where I got cut off last time, so I'll put my question now. We've had experience in Canada of minority parliaments producing, enduring national policies: bilingualism, the social safety net, medicare, the flag. The list is long.

Is it fair to say that while we certainly don't have a culture of coalition governments—we've only had one—our culture around the sharing of power in minority parliaments, just by results, forget partisanship, has worked for Canadians? Is that an exaggeration of the facts, given our history? Let me throw in the Federal Accountability Act too, as part of that, as something that did come out of a Conservative minority.

Dr. Leslie Seidle: I think it's an exaggeration if you refer to the Harper period. One of Stephen Harper's great achievement, or I should say perhaps the most notable achievement, was to be able to govern in a minority as if he had a majority.

Mr. Nathan Cullen: It was by his threatening to hold a confidence vote on every bill, which I think Mr. Cyr has some suggestions on how to reduce that threat.... I was there. It was intoned to us that if transportation bills and fisheries bills, etc., fell, so would the government.

Dr. Leslie Seidle: His isn't the only party that did that—

Mr. Nathan Cullen: Oh, I'm not saying—

Dr. Leslie Seidle: Jean Chrétien did that all the time, and with a majority—

Mr. Nathan Cullen: Mr. Harper learned well from perhaps some bad examples.

We have a study in front of us, and some experts have spoken to this, that looking back over the last 50 years, countries that have chosen winner take all systems have had on average 16.7 elections in that 50 years. Countries that have chosen proportional systems have had 16 elections on average over that same half century. Is there not a myth associated with proportional systems that they are somehow more unstable? Everyone trots out the example of Italy every five minutes—

Prof. Larry LeDuc: John Ibbitson did it just the other day—

● (1550)

Mr. Nathan Cullen: John did it the other day. We should actually update what Italy's system is right now, because it's anything but proportional. They've concocted some completely unstable, not-proportional, system, so to even equate it....

Mr. Cyr, you wanted to comment on this.

[*Translation*]

Prof. Hugo Cyr: It is precisely because Italy and Israel are always cited as the classic cases. Historically, it has been claimed that there is no stability in these countries. In the literature, there are studies on what is known as rationalized parliamentarism. That's why I wanted to tell you about certain rules or mechanisms that have been developed. There is some experience and expertise out there. There are many cases where the system put in place often results in minority or coalition governments. We know how it works.

We should not restrict ourselves to just our experience in Canada or in our province. There are mechanisms to ensure stability. If we look at all the countries that often have minority or coalition governments, we cannot say that their system is not as good as ours.

[*English*]

Mr. Nathan Cullen: I have one final question, and you can help us on this. We don't have a lot of examples in the world where one political culture uses two voting systems at the same time, except in Australia. We've heard testimony that under that system, women's participation is almost double under the Australian House that uses proportional representation versus the one that uses first past the post. They have two houses. They vote them in different ways, and women are 40% in one and 25% in the other.

Do we have other examples around the world? That just seems like the one striking example to me that we should perhaps pay some attention to in terms of women being more able to participate and get elected.

The Chair: Very quickly, please, does anyone have another example?

Prof. Larry LeDuc: Yes. List PR has proven to be more favourable to women, but it's only a tool, because it depends on the parties. An example that Leslie Seidle gave earlier comparing Sweden and Hungary is telling, because they're both list PR systems. But in the Scandinavian countries they tend to use lists, the parties have quotas, and they make sure that there are sufficient numbers of women on their list to meet the quota. The lists are often "zippered", as they call it, alternating male and female.

The Chair: The question was, are there other examples? Was that your question?

Okay, so it's other Scandinavians countries, I guess.

[*Translation*]

Prof. Hugo Cyr: The United Kingdom, if we look at—

The Chair: Mr. Cyr, we've run out of time.

Mr. Thériault, over to you.

Mr. Luc Thériault: Thank you, Mr. Chair.

Mr. Cyr, your work is very important. As you mentioned, the foundation of democracy is the legislature. There are 338 elections, not just one. Directly, they determine who will represent the people, who will be the holders of parliamentary democracy.

In our discussions, we talk very little about the fact that it is necessary and imperative that the new voting system restore a lot more power to elected officials, in terms of both procedure and the putative change of culture. I would hope that this will to change the culture is not just evidenced by my participation in this so-called special committee. It should also be reflected in the day to day of the other House committees.

How do you think we can improve the rules and parliamentary democracy if we do not examine the Standing Orders of the House at the same time we do this study? We claim we want to increase the plurality of voices and ideologies contributed by the small parties, but this requires a fundamental change of culture in the House, and we need to review the rules.

I put this question to the Chief Electoral Officer, but surely you have an opinion on it. We would also need to restore government funding for political parties. It's fine to have a system that promotes ideological plurality, but if the ruling party and the official opposition are the only ones with the money to make their voices heard, we will not get very far.

Prof. Hugo Cyr: As a law professor, I would tell you that every rule has a specific function. A rule is adopted to respond to an existing need when it is created.

The rules governing how Parliament works have been developed over time according to the type of elected officials, customs, and traditions. If we change the way members are selected, we must conduct an appropriate study to determine whether all the current rules are suited to this new procedure. We will have to review the rules one by one to see if they need to be updated.

With regard to government funding for political parties, I have a lot to say about that. Beyond the political financing, I've heard it said many times that in this or that election, despite the percentage of votes, a party obtained only one seat. We always talk about anecdotal situations, but we forget that, systemically, in other words, not just in any one election, some votes have no impact on the number of seats, depending on the region or the location. We always bring up anecdotal cases, but in the current system, there is a systemic imbalance between the provinces that is much more long term. The issue of political party funding comes on top of this imbalance, which exacerbates the lack of representation in a systemic way.

● (1555)

Mr. Luc Thériault: At least the vote is associated with a government contribution, which benefited the Green Party at that time. This makes it possible, minimally, for a party to make its voice heard between elections and during the election debates. Otherwise, the party's continued existence would be rather difficult.

Dr. Leslie Seidle: Actually, you still have tax credits and refunds after the election. It is not fair to say that the government funding was eliminated. Only part of it was.

The Chair: Yes, that's true. You are correct.

Mr. Luc Thériault: Yes, quite right, but just try to ask people on the street if they know there is a tax refund.

The Chair: Speaking of the Green Party, we now turn to Ms. May.

Ms. Elizabeth May: Thank you.

My question is for Professor Cyr.

I think that the recommendations made here are very important. Yesterday, Professor Russell said that we should consider the idea of only allowing non-confidence motions that are constructive. It was the first time I heard such a suggestion, but I think it's really strong. He also said we should make a recommendation to impose a maximum time that can elapse between elections and the start of parliamentary proceedings.

In your brief, I believe you say that more than half of Canadians think that they vote directly for a prime minister. You also describe what we have to do to educate Canadians about the current system before changing it.

How can we explain our current system if we are getting that kind of response in a poll?

Prof. Hugo Cyr: I've been working on that question for many years. In one of my publications, I identified all the articles that dealt with federal and provincial elections and had appeared in newspapers the day after the election. I also noted the time at which the media announced who would form the next government. Time after time, the media reported that the election pertained to the prime minister or premier and identified who was appointed prime minister or premier that night.

I will give you an example. When the Parti Québécois won a plurality of seats in the Quebec National Assembly and Pauline Marois was the party leader, the next day we read in some newspapers that she was the "first woman Premier of Quebec". However, she had not been sworn in yet and no party had obtained a majority. In such a situation, the premier in office is in principle still premier and even has the right to return to the House to try to regain its confidence.

There is a problem with people's understanding of the rules. That is why I talked about the manual. This is a problem at all levels. It's not just a problem for the public. It also affects the media and how they report information. Those who contributed to preparing the British manual included not only academics, senior government officials, and political parties, but also the media. A lot of hard work went into educating the media to minimize the use of this kind of information, which is an intellectual shortcut and flows faster, but distorts the true nature of our political system.

● (1600)

[*English*]

Ms. Elizabeth May: That media point now actually feeds into something I noted in one of your earlier papers, Professor LeDuc. In 2008 you published "The Quiet Referendum: Why Electoral Reform Failed in Ontario". I was struck by the graph there—perhaps you recall it—on the aggregate of newspaper reporting on the subject of referenda and of the referendum in Ontario. Perhaps you could comment on it.

We have a lot of media reporting on this hearing and on this committee's work, and it's terribly important that we reach Canadians through the media. But what accounts for the fact, or do you have any theories as to why, the preponderance of newspaper reporting was against accepting mixed member proportional in Ontario?

Prof. Larry LeDuc: When we were writing that paper, we tried to explore that question a bit further and didn't get very far with it. I was stunned by the negativity of the press throughout the entire campaign.

It started back with the citizens' assembly. During some of the sessions of the citizens' assembly, I sat next to the *Toronto Star* reporter who wrote some of the negative articles. He had made up his mind very early on that the citizens' assembly was a disaster. He had no use for it. We became convinced that there was a reason why he was assigned to that—so it wasn't just his personal view—and that the *Star* had staked out its ground early on and sent him out there to basically trash it.

The negativity of the press I think fed into the distaste of the business community for the proposed reform, but it was not possible for us to really connect those dots. We kept staring at them. We couldn't really put the finger on it. But the negativity of the press was very strong.

The Chair: Thank you.

Dr. Leslie Seidle: Wasn't the Conservative leader also against it, and wouldn't that have been reported?

Prof. Larry LeDuc: Yes.

The Chair: Mr. Aldag.

Mr. John Aldag: Picking up on that report, "The Quiet Referendum: Why Electoral Reform Failed in Ontario", I've actually been thumbing through it as we sit here. I haven't quite made it to the conclusion, but it has made me think. We've heard today and over the course of these hearings so far that electoral reform is not new. It has been talked about for a number of years in Canada, and in fact a number of provinces have gone down this path.

Professor LeDuc, we've gone around this a bit, but I'd like to spend a bit of my five minutes talking about lessons learned. Why have these previous attempts failed? I think there is some great material in this article, but could you give us some of your observations on why we've been unable to move in Canada?

Prof. Larry LeDuc: I will go right to the heart of it. It reflects what's in that paper, but also the experience with electoral reform in other countries as well.

Electoral reform proposals are generally put forward by parties when they are in opposition, but they can only act on them when they are in government. Now, it would not surprise any of you people to know that there is a little bit of a change in thinking in the way you look at the world when you're in opposition as compared with the way you look at it when you're in government. In Ontario the Liberals were in opposition when they made that proposal. They then came to government. It took them three years to decide whether they were going to go forward with it or not. I phoned up one of my students who worked at Queen's Park the day after they announced the citizens' assembly. I asked why they were doing this now, three years into the mandate, only a year before the next election. He said it was a campaign promise. They were ticking a box. They promised action on this. They were going to have a citizens' assembly. But the citizens' assembly was not necessarily designed to bring in electoral reform. It was designed to debate electoral reform.

Then the government, over the course of it, when it saw the way it was going, changed its mind. It's no mystery why it changed its mind. The Liberal caucus was split on this. I don't have a measure, but probably the majority opposed it. A few Liberals in the McGuinty cabinet supported it. The premier himself was back and forth on it, but eventually came down on the side of being opposed to it, even though he publicly remained neutral. You moved from a position where one party was supporting reform to where it no longer was.

Something similar happened in B.C. between the two referendums. The government was rather enthusiastic about the citizens' assembly at the time of the first referendum, which is why it did

better. They changed their mind at the time of the second referendum, and not so much opposed it as just lost interest in it.

I mentioned that New Zealand took so long, but it's in the context of two governments of two different parties, both of which changed their position on electoral reform over the course of their mandate. It was Labour in opposition that put forward the reform and then appointed the royal commission, but it was also Labour that tried to undercut it. When National came to power, they had criticized the Labour government for its inaction, and therefore they decided to act. When they changed their mind, they tried to basically defeat it in the second referendum and failed.

That's not an unusual story in politics. I'm a student of politics as well as a student of electoral systems, and when you look at it through that lens, why would anyone be surprised?

● (1605)

Mr. John Aldag: If I could, though, this is perhaps a slightly different situation. For sure we had a position as a party in opposition. We're now the governing party. We're not into year three and trying to go for the check mark. We're in our first year. We're trying, I would say fairly aggressively, to move this along. We've been criticized for taking six months or seven months or eight months. I can tell you that is the second special committee I've been on. We've dealt with medical assistance in dying. We're dealing with some very large issues.

I think we are as a government demonstrating a will to move forward. If we can learn from lessons of the past so that we don't repeat the same mistakes, it will be very useful to help us move forward.

Prof. Larry LeDuc: I would imagine there is a division of views within your party.

Mr. John Aldag: No, we're united here.

Voices: Oh, oh!

Mr. John Aldag: Am I out of time now?

The Chair: Almost. We could go to Mr. Deltell, if you like.

Mr. John Aldag: Sure.

The Chair: Okay.

Mr. Deltell.

[Translation]

Mr. Gérard Deltell: Thank you Mr. Chair.

Mr. Cyr, a few short minutes ago, you referred to the election of the Parti Québécois minority government on September 4, 2012. I was a candidate in that election. You talked about the media. I was a journalist for 20 years, so please allow me to provide some context to your narrative.

Technically, you are correct. The day after the election all the media talked about the first woman premier being elected, when in reality we had a minority government and absolutely nothing was official. However, the night before, the outgoing Premier, Mr. Charest, had publicly announced that he recognized his opponent's victory. After that, it could be surmised that things were pretty much settled.

I also want to point out that we have some very nice electoral traditions in Canada. This happens in Quebec, but I am sure that it has also been done for years at the federal level. The loser always calls the winner, and this a wonderful practice that we must preserve. It can sometimes be a bit surprising, but it commands respect. This was beautifully illustrated in the documentary *À hauteur d'homme*, which shows Mr. Landry, after his defeat in 2003, taking the time to call the premier-elect.

I have American and French friends who watched this documentary. They were very surprised to see that our politicians and party leaders talked to each other on election night. I will not name him, but one of my friends said it was unthinkable to imagine that happening in his democracy. So much the better if we are fortunate enough to live in a democracy that allows our leaders to talk to each other in a civilized manner and respect the very foundation of our democracy, namely, the choice of the people.

Prof. Hugo Cyr: There are indeed such exchanges. Usually the leader calls. I will, however, give you the opposite example.

In 2010, in the United Kingdom, the outgoing government did not have a plurality of seats. The Conservatives had the plurality of seats but not a majority. There were negotiations with the Liberal Democrats over who would form the government.

Given the adoption of the manual and the discussions that took place, the media held back. None of the British media that evening announced who would form the next government, although there were good reasons to believe that it would be the Conservatives, since they had obtained the most seats, although not the majority. The media gave the parties the time they needed to discuss things among themselves. There were negotiations between the Labour Party and the Liberal Democrats on the one hand, and between the Liberal Democrats and the Conservative Party on the other.

Keep in mind that during the election the Conservatives and the Liberal Democrats had said they would not form a coalition. However, given the results that night, all the parties concluded that it would be in everyone's best interests to form an official coalition rather than having a minority Conservative government.

This was possible in part because, to some extent, the media let the political parties handle the situation and talk amongst themselves. If that night the media had rushed to announce that Party x was going to form government if the trend held, any other party that tried to form government would automatically be accused of fraud or of attempting a political coup.

That is why it would be useful to have such mechanisms in a context where there are more minority governments, to allow elected politicians to decide among them who will form the next government.

●(1610)

Mr. Gérard Deltell: I will make a comment and talk about three historical events that are quite relevant to what you just said.

Legally, everything stays the same. It is not necessary to introduce additional mechanisms. Legally, Mr. Charest was premier until the day Ms. Marois was sworn in. Therefore absolutely nothing changed.

I would like to refer to three historical events that are relevant here.

First, in 1979, during the federal election, the Liberal Party won more votes than the Conservative Party, but Mr. Trudeau Sr. announced that even though he had more votes, he was ceding power to the Conservative Party because more Conservative MPs had been elected to the House of Commons at the time.

I see that I'm running out of time, but this is worth saying.

Second, in 1966, at the provincial level, Jean Lesage's Liberal Party obtained 46% of the votes while the Union Nationale Party of Daniel Johnson Sr. obtained 40%; however, more Union Nationale members were elected. Mr. Lesage chose to ignore the whole thing. In a live interview conducted by Pierre Nadeau, Daniel Johnson Sr. made a colourful statement. He said: "Mr. Lesage might not know that he lost, but we certainly know that we won."

To conclude, it's not the plurality of votes, but rather the total number of elected members that determines who forms government.

Prof. Hugo Cyr: On that topic, I would invite you to read—this is a bit of self-promotion—my article on forming government, which won the Germain-Brière award. In this article I examine all the cases where this happened. In Canada there was the King-Byng case, for example. King had obtained fewer seats than the Conservatives and he remained in power. When there is no majority, the party that forms government is not necessarily the one that gets the most seats.

The Chair: We understand that quite well. That was an interesting discussion and a good history lesson. I really liked those stories.

Ms. Romanado, over to you.

Mrs. Sherry Romanado: It's my turn now.

[*English*]

Thank you so much.

There's a question I've been asking a lot of our experts, and I think it's incredibly important. My background is in post-secondary education—even our Prime Minister named himself minister of youth—so I'm going to ask you a question regarding our younger voters.

We've heard expert testimony on how we can increase the engagement of our youth in both the voting on election day and the electoral process, including even contemplating running for office later on. We've heard some suggestions, for instance, about lowering the voting age to 16, strengthening civics education, with MPs visiting schools, and so on and so forth. We've heard about online voting and, of course, social media and engagement.

I'd like to get a sense from you if there's anything else you could suggest that would help in terms of increasing youth engagement in the voting process, but also in their quest to possibly run for office as well.

Thank you.

Dr. Leslie Seidle: I'm going to give you a very simple one: restore the public education mandate of the Chief Electoral Officer. It was trimmed under the previous government, and his office is basically confined to supporting groups that promote learning about voting in schools. They are excluded now, for example, from reaching out to young aboriginal electors, young electors of any background, and so on.

I was at Elections Canada for two years, and part of my work as policy and research director was to develop some of the early programs, including what used to be called "student vote". There were a lot of interesting things that were being developed and that have grown up and so on, but now the opportunity that Elections Canada has to support those are limited by the law that they must respect.

It would be very easy to restore the law to the way it was. It had been like that for about 20 years and was not creating any huge issues, so far as I could tell.

● (1615)

Prof. Larry LeDuc: I would agree with Leslie.

I think that some of the things Elections Canada has been doing over the years in this direction have been very helpful, including making voting easier, and establishing voting places on campus and things like that.

I would also caution that the steady decline in voting among young people is part of a larger demographic trend. Demographic trends are very hard to reverse. You just don't reverse them with an administrative fix here and there. I think they do eventually reverse. The significant increase in youth voting in the last election is a very hopeful sign, because it starts to develop the habit of voting. If people do begin to vote early, they will slowly continue, but it takes years for that to be noticed in statistics.

[*Translation*]

Prof. Hugo Cyr: I would just like to make a comment on online voting. We haven't said much about it. Personally, I would advise you to be cautious about this. We know that ballot secrecy protects the voter, but, above all, it also protects the system against fraud. When the ballot is secret, it cannot be sold easily, because buyers have no way of knowing whether the people trying to sell their vote are telling the truth about how they actually voted.

Online voting, which is done remotely over the Internet, basically makes it possible to disclose the information required to vote and makes the vote much more susceptible to horse trading. There is therefore a risk, which is not trivial since we now use social networks a lot more, and so on. I do have reservations about this, and I don't think that simply making it possible to vote online will dramatically increase turnout among younger voters.

[*English*]

Mrs. Sherry Romanado: Do I have some time?

The Chair: For a statement, perhaps.

[*Translation*]

Mrs. Sherry Romanado: Thank you for joining us.

[*English*]

The Chair: Mr. Blaikie.

Mr. Daniel Blaikie: I want to go back to the issue of process. I'll maybe start by thanking Mr. Deltell. By raising some examples of where parties have received a higher percentage of the popular vote and nevertheless may have felt they needed to cede power to another party, he made an excellent case for proportional representation. So I'll thank him for that.

I want to get back to the issue of process and give Professor Cyr the opportunity to weigh in on my earlier question, which Mr. Seidle had an opportunity to answer in his response to another question. There's a commitment by the government to make the 2015 election the last one under the first past the post system. To the extent that we want to help the government keep that commitment, what can this committee do within that timeline to move this process forward and come up with an alternative that would be seen as legitimate in the eyes of Canadians, and something that we could act on? If we don't do something here, it seems to me, barring our heading out into some kind of citizens' assembly process, which poses a challenge, given the particular timeline promised by the government, the alternative seems to be to have cabinet come out with its own suggestion. What do you think needs to happen here to avoid that possibility, which I think has some problems of....

[*Translation*]

Prof. Hugo Cyr: I'll be brief to allow my colleague to speak afterward.

As was previously mentioned, this is not the first time that the issue of electoral reform has come up for debate in Canada. The Law Commission of Canada already released a report on the issue, and Elections Canada prepared several proposals.

With regard to the type of consultation that should take place, I will not go into details, but I would say that at a minimum you should be able to lay out some models or consensual principles, if there is no consensus on one model. There should be very concrete consultations with the public, addressing very tangible issues. If there is an extensive consultation, you have to ensure that it isn't abstract or solely focused on the need to increase proportionality. The model must be concrete, so that people can debate the issues facing them.

● (1620)

Mr. Daniel Blaikie: Do you think that the committee members should at least have an idea of the kind of system they prefer before they start traveling across the country, and that consultations should focus specifically on this model? If not, how do you see this process?

Prof. Hugo Cyr: Much like my colleague, Mr. LeDuc, I think that a consensus would be ideal. However, as the old saying goes, "if wishes were horses, beggars would ride". Therefore, I suggest that you opt for something realistic. If you have two or three models, use them to start the consultation and then see what people think about those.

[*English*]

Dr. Leslie Seidle: My colleague makes an interesting suggestion, which is that whether or not one or more models is agreed to here, it is very important that the committee agree on principles.

The principle that you have in front of you in your mandate are numbered from one to five, but there are way more than five principles listed there, and some of them are not really realistic. A system that is supposed to "enhance social cohesion", I mean, really, isn't that a bit of a stretch for electoral reform? I don't know who wrote these terms of reference. I assume there was more than one person involved. That's fair as far as it goes, but it's not limpid.

You can draw three main principles out of them that you could rally Canadians around for a debate on one or more proposals. That's why I made my point about prioritizing principles. What are the good things that could come out of changing the electoral system?

The Chair: You have about 30 seconds.

Mr. Daniel Blaikie: I'll just throw it back to Professor LeDuc. If we are going to move towards change for the next election, do you think the ultimate proposal for that system ought to come out of this committee, or can it come out of cabinet and have Parliament vote on that? It's going to come down to a vote in Parliament. Is it cabinet's proposal or this committee's proposal that needs to...?

The Chair: Briefly please.

Prof. Larry LeDuc: It's hard for me to imagine that a cabinet proposal would acquire the kind of legitimacy within that timeframe that you were talking about.

The Chair: Thank you.

[*Translation*]

Ms. Boucher, over to you.

Mrs. Sylvie Boucher: Good afternoon.

This is very interesting. I'm very happy to be here today. Democracy is a very important issue to me. In 2006 I had the opportunity to be an election observer in Haiti. When we look at our democracy we can really see how lucky we are.

You talked about consensus. For me, this is not just a matter of consensus. What really matters is what the people tell me. As an MP, I represent a riding and I talk to my constituents. The people of Charlevoix, Beauport or Île d'Orléans do not all think alike. In a democracy there must be choices. We must be able to hear yes or no. First and foremost, we have to be able to explain to people what we want to do. That's what I think.

You said earlier that, to start with, people do not really understand what is involved. In Canada, we fight for not voting, while in countries like Haiti people fight to vote because they want a democracy. Our democracy is not perfect, but we have one, and we can talk to each other. When we leave the House, we can walk together and talk without bashing each other.

I want to understand. You spoke about consensus. How can we make ordinary Canadians, those we meet at Tim Hortons and everywhere, properly understand this issue? It's not just a matter of educating them, but also of knowing what they, themselves, want. I think that requires more than just a small committee of politicians or academics. You have done a great job, but if we want to change democracy, we must listen to the people.

What are your thoughts on that?

● (1625)

Dr. Leslie Seidle: I totally agree. The committee is trying to find out what Canadians think with town hall meetings. However, the members or organizations must still take the initiative to use these tools. I read them and I looked at all of that. It's quite well done, but people still have to take the lead.

Other models have been used, such as citizens' assemblies and special panels. Their aim is to seek out people's views, discuss them and provide opportunities for debate. You tried to adapt this formula with other tools, including the Internet, but that has its limits. I will say no more about it.

You may still suggest, in your recommendations, what should be done after your report is tabled. I agree with my colleague that taking this directly to cabinet without further public discussion or debate is probably not acceptable or a good thing to do, strategically. If the government wants its proposal to be adopted but the process of real public debate is cut short, it is not very likely the proposal will be accepted.

Prof. Hugo Cyr: I would like to clarify something about the consensus.

I did not mean to say that everything would necessarily be finished once consensus was reached here. The idea is simply to have a consensus on a specific subject of discussion, rather than discussing in the abstract, and so much the better if it was more proportional. It would be good to agree on something tangible that could then be discussed. That is a necessary step for moving forward.

The Chair: Thank you, Mr. Cyr.

We will close this very interesting discussion with Mr. DeCourcey.

Mr. Matt DeCourcey: In the first round of questions I asked what value our committee should give to local representation in its deliberations, but Mr. Seidle was not able to answer my question. I would like to give him the opportunity to do so. This has to do with the political culture in Canada.

In your opinion what value do Canadians put on local representation?

Dr. Leslie Seidle: Group representation?

I didn't quite understand.

Mr. Matt DeCourcey: I'm talking about local representation.

[*English*]

What value should we put on it?

Dr. Leslie Seidle: I think the answer to that question is maybe that it's not entirely about what Canadians think about that. I think Canadians do value having a contact with local representatives and so on. As someone who always tries to use realism—and I'm a former public servant, so I haven't always sat in an office in Montreal—you also have to think about the degree to which a proposal might get through this House. That's one of the reasons that so many of the provinces and New Zealand have proposed the mixed system, because it retains a certain proportion—usually at least a majority—of the local districts, and it adds on the proportionally allocated seats.

That can be done in two ways. Let's say you've got 100 seats to be allocated proportionally. They can be allocated to bring the parties up to where they should, in a sense, be by their vote, or they can be just added on a proportional basis. So if the count for each party was 30-30-40 as far as the popular vote went, then it would be 30-30-40 for those additional seats. That's not used in as many countries because it doesn't give you as proportional a result, but it does help to correct some of the gaps in representation that we've seen over our history.

Personally I think that the mixed member model has a lot going for it because it can be structured to allow quite a bit of voter choice. The results for gender representation in the different countries are quite good under mixed systems. They are slightly better under full party lists, but it also preserves those local seats.

I think you and people who study these things have to consider, is it going to fly in the end? Is it going to achieve the principles that we believe in, and is it going to fly?

● (1630)

Mr. Matt DeCourcey: One of the principles you mentioned that should be a priority for us is the idea of inclusion and diversity within the system. In this regard, I note the statistics that demonstrate that while we still have a way to go, we're not doing that badly in terms of the percentage of visible minorities and indigenous Canadians who represent us in Parliament.

Do you have any statistics or research indications that demonstrate how persons of visible minority, or indigenous Canadians, turn out to vote and are involved in the democratic process, aside from those who offer and are eventually elected as representatives? What weight should we place on ensuring enhanced engagement for those Canadians?

Dr. Leslie Seidle: When I cited those statistics, it was partly for the purpose of demonstrating that there's no exact result from any system. You can't say, this will lead to that, because we have this antiquated system—sorry, I shouldn't keep repeating that, as I'll believe it after awhile—or long-standing system that has adapted to our changing demography.

Why do we have more indigenous MPs in Parliament now? We have them for three reasons. One, it's because the parties nominated more candidates this time. They nominated them in places where they could win, and above all it's because indigenous Canadians got out to vote in much greater numbers than they did before. The biggest increase in turnout in the last election was that of young electors—I think it was those under the age of 25—in Nunavut. Nunavut is 90% Inuit.

That gives you two good results, youth and indigenous voters, but there's no magic. People decided to move. There were signals from leaders. The Grand Chief of the AFN voted for the first time in a federal election. That's a pretty important signal. All of that was happening. I'm not suggesting we shouldn't be talking about change, but I also think that we should be fair about what can be achieved under the present system and give credit to the political leadership behind the kinds of change we have seen.

The debate in 2016 is not just about parties and the mathematics of party representation; it's about that social, and racial, and ethnocultural diversity that is within Parliament. That's an important lens to use in whatever you look at as alternatives.

[*Translation*]

The Chair: Thank you very much. I think this was a very instructive discussion. I thank my colleagues, who were able to bring out and discuss the witnesses' ideas. I would also like to thank the witnesses.

We are in the last week of July, but you still took the time to come here, which was not necessarily to be expected.

[*English*]

Thank you very much.

I would remind members that we're meeting tomorrow morning at 8:30. We have a one-hour in camera meeting on committee business and then we have a hearing, and then we're done for the week.

The meeting is adjourned.