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Chair

Mr. Francis Scarpaleggia

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● (1405)

[*Translation*]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Today is July 7, 2016, and we are beginning the fifth meeting of the Special Committee on Electoral Reform.

Esteemed colleagues, I would like you to be a bit more quiet.

Mr. Kingsley, welcome and thank you for making yourself available to meet with us, on this July afternoon, and to talk to us about electoral reform.

[*English*]

Thank you for being here, Mr. Kingsley. The floor is yours.

[*Translation*]

Mr. Jean-Pierre Kingsley (Chief Electoral Officer, 1990-2007, As an Individual): Mr. Chair, I want to thank you and the committee members for providing me with the opportunity to appear before you today, especially since you are beginning work that is of vital importance for Canadians.

[*English*]

I must commend you for sitting during the summer. I know how demanding your work is as MPs. It's something for which I have always had the most profound respect. I know the sacrifices you make.

It's a pleasure as well to have met a number of you, but I want to mention Mr. Christopherson and Mr. Reid. We did a lot of work together at the other committee, procedure and House affairs, so that is the answer to "When shall we three meet again?"

I heard Mr. Kenney speak yesterday of the strength of Canada, of the fundamental values of Canadians, and of the strength of our institutions. That includes a functioning Parliament with a well-funded loyal opposition; an independent judiciary, as incorporated in our Supreme Court and the other court systems; the Auditor General; the Chief Electoral Officer, to be blunt; freedom of the press; and political parties. I attribute importance to that; that's part of the right of assembly and the right of free speech.

Civil society—the right for us to organize ourselves as we wish in the courts, with legal objectives—is also a necessary adjunct to our Canadian values.

I also heard President Obama say that the world needs more Canada. Because of the quality of our democracy, we rank at the highest level, along with a very small handful of other countries.

I agree with both Mr. Kenney and President Obama.

Because of our international reputation and the quality of our electoral processes, Elections Canada, when we were invited, visited or received visitors in a myriad of delegations from around the world. I can't remember if it was 80 or 100. We met with different countries that came to us or invited us because of the quality of our democracy and the quality of our electoral processes.

Still, a number of questions are being raised in our society today about the role and the appointment of senators, the functioning of parliamentary committees, the authority of the Prime Minister, and our electoral system. The very strength of our democracy lies in our ability to question its functioning and to seek ways to improve it always. This is at the heart of the quality of our democracy.

That brings me to why we are here. We have given ourselves, we claim, a system of representative democracy because we have not yet found a way to govern ourselves by obtaining the participation of the electorate on every societal question, every societal decision. We haven't found the way yet to have direct democracy, as opposed to representative democracy.

Since Confederation, the two main parties have served us well and have been well served by our first-past-the-post system of representation. Third parties, as I call them, are not third in the sense of the Elections Act; other parties have existed or were permitted right from the start. There was never an interdiction on third parties, and we could accept the results of elections because those parties were not garnering a lot of electoral support. We could say to ourselves, "Well, this party got 52% of the votes, 60% of the seats; that's not an issue, since they got 52% of the vote."

However, for some time now the third parties have been having much more success and have effectively become the victims of our own success in allowing different ways of expressing themselves beyond what I've called the two main parties historically.

The awareness of Canadians—and I'm talking about many civil organizations such as Fair Vote Canada and others with whom I have had the pleasure of meeting—of the "distortions" of the results compared to the expressed will of Canadians has been growing over time. The minister, academia, and the media have all given examples. I don't intend to reiterate them and waste the committee's time, because they were here yesterday. Fundamentally, the issue of 40% of the votes getting 60% of the seats has begun to raise questions among Canadians.

The other distortion lies in the fact that it can take 700,000 votes to get one seat under our system, or in another case it can take 30,000 votes, if you're in the governing party, to get one seat. One member, 30,000 votes; one member, 700,000 votes. This is the type of disproportion that is beginning to raise questions. We owe more and more people an explanation, and we owe them the opportunity to review what we could do differently or better.

Other systems of representation have been tried, each with its strengths and its weaknesses. By the way, some of the strengths are viewed as weaknesses by some, and vice versa. There's not even going to be agreement on the strength of a system, but there will be and can be general agreement about general strengths. I would recommend to the committee that each one must be weighed, and the three or four main advantages and disadvantages of the different systems that will be presented to you should be focused on. If you try to focus on the fifteenth factor, you will find yourselves spending a lot of time on what will be disproportionately useless work.

A number of criteria or factors have been put forward for the enlightenment of Canadians. As the minister said, you cannot broaden this. I would like to submit several for your consideration.

The first one is what I would call the relative simplicity of the system or the ballot that we would replace, if we replace the present system. By the way, nothing will be viewed as being as simple as the present system, because we've been at it for 149 years. I don't care what you propose. This is part of the woof and fabric. This is part of the DNA of being Canadian and being born Canadian.

The real point is that the elector must understand the choice that he or she is making. How does my vote translate into our system of representation? Canadians must understand that. At the same time, they must understand how that translates into the establishment of a government and a functioning Parliament. This is at the heart of it.

The second one is the rapport, the link, between the elector and the elected, both for the representation of the electors, collectively and individually, and for the accountability of the elected representatives. These are the two factors that, in my view, exist together and are related to that link between the elector and the elected. Canadians are well accustomed to that rapport, that link. It has to be weighed very carefully if there's going to be any change.

The third factor that I wanted to bring forward is the tendency or the need to reinforce or to favour coast-to-coast-to-coast representation within political parties. I'm talking about national parties that would be of broad orientation and would have representation across the country. In other words, there would be representation in caucus from across the land, and blocks of the country would not be missing or significantly under-represented. I think that is essential for caucus. I'm not sure that we've always obtained that. We may not even have it today. Of course, the same applies to cabinet, but I'd put more emphasis on the caucus because I know what happens at caucus, and this is vital to our system of representative government.

A corollary to that would be to try to avoid intraparty competition between candidates at election time. If you have candidates from the same party vying for the same seat and they're in competition with one another, I think that affects party unity, and that aspect should be weighed very carefully.

The fourth factor is the ability to obtain parity between women and men. I heard all your conversations, by the way, both yesterday and today. I was glued to my television set. What can I say?

Some hon. members: Oh, oh!

Mr. Jean-Pierre Kingsley: I couldn't stay away; you were so fascinating. It is important.

● (1410)

The fifth one is that the Canadian reality must be reflected in the system of representation. By that I mean we simply have to take into account that there are 36 million of us in the second-largest country in the world in geographical expanse. We're sparsely populated in many of those areas—as a matter of fact, across most of the country—and yet we're significantly urbanized for the population we have. Ingenuity and compromise will be required. In other words, we may have to borrow from one system for one part and another system for another part. Nothing prevents us from considering this.

Canadians must be able to see themselves in their representatives and in the system by which they choose them. This is what I mean by “must reflect the Canadian reality”. This is what we're aiming for. That's why I'm talking about parity between men and women. The corollary to the constitutional right to vote is effective representation. It's all right to have the right to vote—section 3 of the charter—but it has to mean something. It has to be effective representation, and the Supreme Court has used that expression in citing our right to “effective representation”.

I have a few words about compulsory voting. Compulsory voting is, first of all, a misnomer, or at least it should be made a misnomer. No system should be contemplated whereby electors must choose only among candidates. That is unthinkable. There needs to be the right to have a choice in the marking of the ballot. “I do not wish to vote” should be one of the choices, okay? In this way you would no longer have compulsory voting, but compulsory attendance at the polls. You have free choice. If you don't like any of them, you don't even have to say you don't like any of them. If you're not aware of the issues, you don't have to be aware of the issues, and you can just say, “I do not wish to vote”, or words to that effect.

Some people will consider it—and I can hear the arguments, because this is a value-laden consideration—as opposing a fundamental human right not to participate. One can only wonder what debate would be taking place in Australia if compulsory attendance at the polls was being debated over there and they wanted to go to the system we have. I can only assume the debate would centre on the civil obligation to fulfill one's civic duty. I can hear them discussing it: “Why do we want to leave our system? Right now our system's citizens have an obligation to let us know what they think, and this is all part of....” It is not.

The point I'm trying to make is in Canada and in Australia it is not the fundamental value of our system. We have to answer the question of what best fits the temper of Canadians and what minimal level of electoral participation gives legitimacy to our elected representatives and to our government.

Legitimacy is tied to participation; it is not tied to legality. Legality is, of course, subsumed. It is assumed. If you don't have legality, you don't have legitimacy. However, even if you have legality and you have the best processes, at what stage do we say, “Pftt, we flipped. There's doubt about this government's legitimacy in terms of participation.”

What else can we do about participation?

Online voting is coming fast. That light at the end of the tunnel is a train. The manner and speed of its implementation are critical. The analogy with online purchasing and banking—and I heard the arguments this morning—is flawed. The argument is flawed, and Marc Mayrand answered that question. Banks and other institutions hedge the risk and they remove the risk, at least most of the time, from the individual. A margin of error is acceptable, against which they successfully hedge, but what margin of error is acceptable to us with the electoral system?

Online voting should be considered initially—and I repeat what Marc said this morning—for electors with mobility difficulties. I will add one: Canadians who are not in their riding. Maybe one day we'll have voting in the riding, as opposed to being tied to a poll—that should be coming, and let's see what Marc has to say about it—but from one end of the country to the other, if you're not in your riding, you should still be able to vote, and this would be one way of doing it.

● (1415)

For Canadians abroad, there's still a legal case before the courts as to whether or not this applies universally to Canadians or to those who have been gone for fewer than five years.

The question we have to ask ourselves is this: the moment we start to introduce it, what are the ID requirements going to be? When I want to register, what do I have to give? Is it my driver's licence, my fingerprints—Mexico has fingerprints, all 10—a photograph of my left iris? Then, how do we check that identification when people are voting? What do we have at the centre?

What's required at the beginning, then, is one issue about security of voting. The other one is is the security attached to the transmittal of the vote and then the transmittal of the results. Here I'm going to suggest that we will have to consider doubling systems, and having separate systems whereby we control that.

I may be completely wrong. There may be a new technology that will be invented, but at this stage I'm thinking one way of introducing it would be in that way. Eventually we will see it. People of a certain age have less of a tendency to live at the end of their gizmos, but there are several generations who are living at the end of their devices now. They're going to be old people one of these days, and they're going to say, “How come I can't vote on this device? This is my only way to relate.”

Those were comments I wanted to make. Again, I appreciate the opportunity.

● (1420)

The Chair: Thanks very much.

If members don't mind going past four o'clock by a couple of minutes, we can do two rounds of five minutes—a very tight five minutes—for each MP. Is everyone good with that?

It's going to be tight five minutes, and the five minutes cover both the question and the answer.

We'll get going with Mr. DeCourcey.

[*Translation*]

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

Thank you, Mr. Kingsley, for joining us today. I applaud the devotion you have shown to this issue over decades and the work you have done for Canada, Canadians and our democratic institutions.

As I already told you, in my student days, I had the tremendous honour to hear you speak, here on the Hill, on various uniquely Canadian themes.

[*English*]

I had the opportunity to hear you speak at length about the importance of civic engagement, about the importance of casting a ballot. It's ever since impressed upon me the fundamental role that Elections Canada and the chief electoral officer have to reach out and sensitize Canadians, and educate Canadians about the importance of their electoral system.

I wonder if you can speak a little about the role that you saw in your time as chief electoral officer in reaching out to Canadians, about the current mandate of Elections Canada, maybe about how that incapacitates some of those opportunities, and about what opportunities could be available with a more robust mandate for Elections Canada.

Mr. Jean-Pierre Kingsley: First, thank you very much for reminding me of those wonderful times that I had with the Forum for Young Canadians. I enjoyed each one of those opportunities, and it's good to be reminded.

Second, with respect to the present mandate, Mr. Mayrand explained this morning just what he can do, so I won't elaborate on that. You know how that came about. The curtailment of the role of Elections Canada and the chief electoral officer in reaching out to the actual electorate occurred only two years ago.

When I was chief electoral officer, Elections Canada both perpetuated and built upon what my predecessor had done when he was advertising about the right to vote and how to go about it, and participating in forums where he could effectively propagate this importance.

What is important for young people is to understand not how we do it—that's essential—but to understand what democracy is about and why this is so important to them and their future. That's missing in a lot of cases. If we succeed in translating that to them, we will succeed a lot.

I think it was in 1997 that Parliament put it in the statute that the Chief Electoral Officer may reach out particularly to groups that are significantly disadvantaged, blah, blah, blah, about this. That's when we embarked upon particular missions with minority groups and did more intensive things with the people who were disadvantaged because of their inability to reach the polls, people with what we consider disabilities, and aboriginal Canadians.

We met with these groups to find out how to reach out to their membership. We didn't try to reach out directly. What we found to be particularly useful, by the way, when we reached out to the aboriginal groups, was to have them transmit the message. This occurred particularly in the 2004 election, when we got the National Chief of the Assembly of First Nations, as well as other leaders, to mount campaigns with Elections Canada to speak to the people.

This is what we set out to do, and as I understand it now, this is no longer possible under the present mandate.

● (1425)

The Chair: You have about a minute.

Mr. Matt DeCourcey: Thank you for the answer. You spoke about any other system not being as simple for Canadians to understand as the one we currently have, so I think the need is being impressed upon us to have a robust education and outreach and sensitization strategy for Canadians. I hope someone else will pick up on this when their time comes.

You mentioned the link between electors and the elected. I wonder, in the brief time you have, if you can start to expand on what you mean by that.

Mr. Jean-Pierre Kingsley: The Canadian reality now is that we vote for one person among a group. A linkage exists. If you don't know who your MP is, you can find out. If you need to be represented in the bureaucracy for some reason, you can reach your MP. That's an important value, and you can hold that person accountable at the next ballot.

The Chair: We have to go to Mr. Reid now.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you.

Thank you, Mr. Kingsley, for being here. You're right in saying we go back a long way. I don't want other members of the committee to read too much into this, but I actually have known you longer than I've known my wife.

Some hon. members: Oh, oh!

Mr. Scott Reid: I've always respected the depth that you brought to the role when you were chief electoral officer and also the way you contributed to the national debate on various aspects of democracy since that time.

I wanted to start by asking you about a quote you made in an interview on June 5. It was regarding the Referendum Act. I'll start by quoting the Referendum Act and then I'll come back to your quote.

The Referendum Act says in subsection 3(1), “Where the Governor in Council considers that it is in the public interest to obtain by means of a referendum the opinion of electors on any question relating to the Constitution of Canada, the Governor in Council may, by proclamation, direct that the opinion of electors be obtained by putting the question to the electors of Canada” in a referendum. That's the end of that quote.

On June 5, on CTV's program *The West Block*, you made comments that I think have been misinterpreted in some of the media. What you said, and I'm quoting again here, is “legislation would have to be significantly changed” in order for there to be a referendum on electoral reform, “And the number one consideration: you can only hold a federal referendum in Canada on a constitutional matter. And changing the electoral system is not a constitutional matter.”

Then, finally, just as a representative example, I see coverage like this—I'm quoting again from a story—which said that many people were left “to wonder if the opposition Conservatives failed to actually read the rule book before calling loudly for a national vote on electoral reform.”

This was based upon their reading of your comments, but I think that writer and some others misinterpreted what you were saying. You can correct me here, but I think what you were saying was simply that in order to have a referendum on a non-constitutional matter like electoral reform, you would have to amend the Referendum Act and allow other non-constitutional questions to be placed. Am I right in my interpretation?

Mr. Jean-Pierre Kingsley: Sir, you're absolutely right, and that's exactly what I meant. I wanted to thank you for the question you raised yesterday, which made it very clear that I was speaking in a non-partisan manner when I said this. I do not care what political parties say or do as individual political parties in any respect, so you're absolutely right about that.

Mr. Scott Reid: Thank you for that.

Mr. Jean-Pierre Kingsley: The fact that some writers interpreted it to mean that some people did not do their work is not fair. It's as simple as that.

Mr. Scott Reid: Actually, I must say that I don't think any reasonable person could have interpreted you as taking a partisan position at all, but if you read just the coverage and not your comments, it did look as if you were saying that you can't get there from here, whereas I think you were actually saying that you have to do the following thing to get there from here.

Mr. Jean-Pierre Kingsley: The very fact that you're raising the question is an indication that I did perform a public service, effectively.

Mr. Scott Reid: That is true.

I wanted to ask this other question, and I have a feeling it will take more time than we have, so I'll pose the question now, and if you can't answer it now, then I'll just remind you of it when I get my second round.

You were the chief electoral officer when the last referendum took place in 1992. I just want to go through some facts that are relevant here. The Referendum Act received royal assent on June 23, 1992. A referendum was held on October 26, 1992, four months and three days later. The actual question was one that was crafted at the tail end of August. Specifically, the question in the referendum was "Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?"

When I look at that, I see a much more compressed timeline than we had contemplated, a four-month timeline. I wanted to ask how you made that happen and whether such a feat could be replicated today.

The reason I ask this is that Mr. Mayrand has indicated it would require six months to organize and carry out a referendum, so is it possible to go below that, or were there circumstances in those days that made it different and made it possible to have a more compressed timeline in order to hold a referendum?

● (1430)

The Chair: Would you like, Mr. Kingsley, to answer that when it comes around again, because our time is up?

Mr. Jean-Pierre Kingsley: Sure.

The Chair: Thank you.

Mr. Christopherson is next.

That will be a very interesting answer. We're looking forward to hearing it.

Mr. David Christopherson (Hamilton Centre, NDP): Are you setting me up?

The Chair: No, not at all.

Mr. David Christopherson: Mr. Kingsley, take a minute of my time and give an answer to that question.

The Chair: Well, there you go.

Mr. David Christopherson: There you are, Chair. You got what you wanted.

Voices: Oh, oh!

Mr. David Christopherson: Go ahead, please.

Mr. Jean-Pierre Kingsley: I heard Mr. Mayrand talk this morning about the six months' minimum that he would require, and I generally would agree with that.

One must remember that the experience of the 1992 referendum is easy to trace. There's a lot of documentation at Elections Canada, in the media, and elsewhere, so a lot of the provisions of the statute could easily be replicated.

There's a lot that would have to be changed. As I said, one would be the constitutional reference, if it's not a constitutional question, as well as references to the Canada Elections Act. There are only 40 sections to the Referendum Act. When you hold an election, there are 300, 400; I don't remember how many. In any case, there were references that would need to be refreshed.

The reason we were able to succeed was that it was such a high political imperative at the time. Initially, most of the members of government—the prime minister and others—did not want a referendum. That changed when the provinces started to say that they had to hold a referendum. People started to get concerned about what the provincial question would be. Would it be the same? By holding a federal referendum, the question was the same.

In terms of the ability to carry it out, it was because I was able to take the Elections Act, the organization of Elections Canada, and just make it work for the referendum. We went at it as if it were an election, with the same returning officers and the same hiring patterns. Everything was just replicated. That simplified matters within a reasonable six-month period.

Mr. Scott Reid: Thank you.

And thank you—

Mr. David Christopherson: You owe me two. All right.

In the time I have left, Chair, perhaps I can squeeze in a question.

First of all, sir, everything I said about Mr. Mayrand I apply to you. Thank you for your contribution. You still continue to provide guidance for us, and I thank you for that.

In addition to being our chief electoral officer from 1990 to 2007, you were also the president and chief executive officer of the International Foundation for Electoral Systems, a Washington-based NGO. One of the beauties of having you here is that you have all the informed knowledge that Mr. Mayrand has, but you also have the ability to give opinions, which is more difficult for him while he's in office.

I want to ask you at a basic level about the whole notion of a 39% vote. The current government actually got less of the popular vote than the previous government. It was by a small amount, but it was smaller nonetheless. The idea that 39% of the vote gets you 100% of the power is a problem for some of us.

We can take my own riding as an example. The government talks about moving to a majority. They talk about that as a preference, an alternate vote. This term I got 47%, but last election I got 57%. Fair enough; that's a nice clear majority. However, the 43% who didn't vote for me had no voice. Their votes had no effect. I just walked away with everything, as did everyone who won on first past the post.

Can you just give a civics lesson to Canadians as to why, from your international experience, it makes sense that we would move from our comfort position, our comfort zone of first past the post, into something that more accurately reflects the will of the people?

● (1435)

Mr. Jean-Pierre Kingsley: Well, sir, from my international experience, since you raised it, I can't think of a country that went with a first-past-the-post system when they were installing a democracy, because of known difficulties. Now, there may have been one, so I can't say there were none, but you're getting the gist here.

That was why I indicated that I think we need to look at this. Canadians have to come to an agreement on how we do it, and if we maintain the present system, the people will simply have to lump it.

Mr. David Christopherson: Sorry? Do you want to expand on that? You're basically saying that if we don't make a change, Canadians will be left with a system that doesn't as accurately...? Am I understanding you there?

Mr. Jean-Pierre Kingsley: Given the fact that Parliament is focusing on this in such great detail, if you do not come out with a new system, then the people who are complaining about the system that's in place now will simply have to understand that this is the way the matter has been settled and it is part of the compromises that Canada is willing to make.

Mr. David Christopherson: Right.

Mr. Jean-Pierre Kingsley: Do I agree with that or do I not agree with that? That is another issue. I wish to see a fair process undertaken here, which is why I'm here.

Mr. David Christopherson: You have a preferred model that you've talked about. Can you expand on that for us a little?

Mr. Jean-Pierre Kingsley: What it was, and I know—

The Chair: Very briefly, please. Mr. Thériault is waiting to ask a question.

Mr. Jean-Pierre Kingsley: Okay.

May I come back to that later, sir?

Mr. David Christopherson: Well, let's see what the next person who has the floor does.

The Chair: I told you they'd be tight five-minute rounds.

[*Translation*]

Mr. Thériault, the floor is yours.

Mr. Luc Thériault (Montcalm, BQ): Good afternoon. I really appreciate your testimony.

Would it not be crucial, according to the spirit of the Supreme Court's Figueroa decision, that, in addition to establishing a voting system that reflects the plurality of representation and the will of the people, state funding be made more equitable?

Mr. Jean-Pierre Kingsley: State funding has been more equitable in the past, back when a subsidy of $2 per vote cast for a party was given to that party, every year, on a quarterly basis. I think that was a significant improvement. I personally recommend going back to that formula, but without necessarily keeping it at $2.

At first, the figures we had at Elections Canada easily justified a subsidy of $1.50. That amount may be $2 today, but I would gladly accept $1.50. That is a more equitable way to proceed, even though it's not perfect. It is not possible to establish a perfect mechanism to maintain fairness within the electoral system. Invariably, some people benefit and others are disadvantaged. It's a matter of minimizing that inequality and making the situation acceptable from the perspective of a reasonable Canadian.

Mr. Luc Thériault: That would at least help small parties hold on to their votes in an election. By receiving that funding, they could make their voice heard between elections and participate in the democratic debate. That is one of the aspects highlighted in the Figueroa decision. The decision indicates that Parliament does not necessarily have to have a Green candidate—and I apologize to Ms. May—but that the Green Party or other fringe parties must from the outset be equal and have the same means to have their voice heard during that democratic debate brought on by an election, and thereafter. Otherwise, this disappears.

It is clear that you have a bias toward a diverse system. You say that this system contains an important element, which is the relationship between elected representatives and the electorate.

I know that, for the first aspect, there would be a first-past-the-post system, but what would you recommend for the other aspect?

● (1440)

Mr. Jean-Pierre Kingsley: Do you want to know where I would introduce proportionality in the results?

Mr. Luc Thériault: Yes.

Mr. Jean-Pierre Kingsley: That brings me to answer the question that was put to me. I would now like all the media to listen carefully. I was not making a proposal, but rather a suggestion, since I have not had the time to develop it.

That being said, here is my suggestion. Since Canada is so vast, we would keep the first-past-the-post system for remote, rural or large ridings. About 40, 50 or 60 members would be elected using that system.

As for urban areas, we could cluster four or five current ridings and ensure that four or five members are elected by the voters based on the vote results. I will not defend the following to death, but according to my way of thinking, a voter would vote for a party or a candidate. The candidates would be selected by the new cluster association of the four or five ridings. So the people would be choosing.

As for gender parity, let's say that there are five seats to fill. I would ask that three men and three women be elected, and that the party choose, at a local level, one man, one woman, one man, one woman, one man, one woman, and so on, so that it would always be one, two, one, two, one, two.

In short, the voter would choose. They would vote, as they currently do, for a candidate or a party. It would be the same thing. There would be only one vote. From there, it would be determined, for instance, that 60% of people voted for a given party, and that there are three seats. So we would be talking about 20%.

The Chair: Thank you.

[*English*]

Madam May is next.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

It's an honour to have you here, Mr. Kingsley. Thank you so much.

I will come back to your proposition. Since we do have the possibility of asking you something pretty direct, I wanted to know if you believe, with your experience as our chief electoral officer in the past, that given the distortions we experience under first past the post, our democracy will be improved when we get rid of first past the post?

Mr. Jean-Pierre Kingsley: I'm not going to hedge and I'm going to say what I think. I think that our democracy will be improved once the work of your committee is done and the decision is made by Parliament and Canadians about what the best system is for us—or the least worst system, as Shakespeare would have said.

I attach a lot of importance to the process that's being followed here. I have raised issues, values that I think are fundamental, but how you address them....

You represent the people; I don't. That's your job, and I don't want to pre-empt that by saying one thing or another. Democracy will be improved once we make a final decision.

Ms. Elizabeth May: Thank you.

You concentrated in your opening statements on the distortions within the first-past-the-post system, in that 40% of the vote gets 60% of the seats, or as Mr. Christopherson puts it quite rightly, 100% of the power.

You noted in your introduction that another preoccupation of Canadians lately has been concern about the power of a prime minister's office. I wondered if you wanted to expand on that, because that's an almost unique feature of the Canadian system, even as compared to other Westminster systems.

● (1445)

Mr. Jean-Pierre Kingsley: I was highlighting several aspects that have come forward for a number of years about how power is concentrated. The system that was established by Prime Minister Pierre Elliott Trudeau—and I was a middling public servant at the time, but I was participating in it—was meant to ensure that there was a unity of direction on the part of the government, as opposed to ministers flying off in directions that were contrary to what the party wanted. Presumably this must have been occurring, because he saw this system as a necessity, but over time, various prime ministers utilized that machinery more to centralize the authority of the prime minister, and a lot of people consider that to be problematic in our democracy.

That's not directly related to the particular issue here, but it is part of what is feeding into—and I consider this to be natural and part of democracy—the need to review certain elements of our democracy. The strength of our democracy is the ability to review it, including a review of that particular issue.

Ms. Elizabeth May: Thank you.

I wanted to go back to the line of questioning that my friend Scott Reid was asking and clarify your view on our current Referendum Act.

Just to clarify, it's your view that while Parliament can certainly decide to hold a referendum on electoral reform, we would have to revisit, revise, and amend our current Referendum Act before we could do that. Is that a correct statement of your view?

Mr. Jean-Pierre Kingsley: We would have to do that even if we were to raise it as a constitutional question, because there are references in there that no longer apply and they need to be rectified by Parliament. At the same time, it would allow an opportunity to review the financing regime and other aspects.

By the way, I will say that regime was exceedingly good in the allocation of free broadcast time. I think it set Canada apart so well in its Referendum Act . It set us apart with the one hour and a half to both sides, and the broadcasting arbitrator being able to allocate time to everyone who was interested in getting broadcast time. They had to get the money to put up their ads and to prepare their ads, but they did not have to pay the broadcasters. This was such a deep strength of our Referendum Act.

Ms. Elizabeth May: I think I have about 40 seconds left.

I wanted to ask about your comment around our section 3 charter right to vote and the fact that we also, as you put it, have a right to "effective representation", and that the Supreme Court has commented on this.

Is it your view that under our current system of first past the post, some voters have a right to wonder whether their vote was an effective representation?

The Chair: We have 15 seconds.

Mr. Jean-Pierre Kingsley: It is my view that we owe an explanation to the people who feel that way, and they are numerous. There are many people. There's Fair Vote Canada, and they encompass a lot of other organizations. We need to bring them into the fold somehow.

The Chair: Thank you.

Go ahead, Ms. Romanado.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.): Thank you very much. Thank you, Mr. Kingsley, for being here. While I haven't known you as long as Mr. Reid has—we've just met—I did appreciate your presentation.

You mentioned a couple of criteria or suggestions for us. One was relative simplicity of the ballot. The second was the link between elector and elected—and you elaborated a little on that—and the third was the tendency or need to reinforce coast-to-coast representation in political parties, cabinet, and caucus. Could you elaborate a little more on that?

Mr. Jean-Pierre Kingsley: I'm alluding to the fact that right now in the western provinces people voted one way. There's representation here, and some parties are under-represented. This body's missing in caucus.

If we go to eastern Canada, the reverse is there. If we go to Quebec, it's the same thing: there are fewer Conservatives than should be there. I'm saying we lose out, because national decisions are made at the caucus, at least by the parties that have a national ambit, and that's part of what they want to do. They don't want to represent regions. I'm saying we need to facilitate that, and one way would be to do some kind of proportional or mixed proportional system, including the suggestion—not the proposal—that I've made, which would allow us to achieve that to a large degree, although not to a full extent. Again, we must realize that no system we devise, no matter what it is, will be perfect.

Mrs. Sherry Romanado: Okay. You answered the second part of my question, which would have been if you had a suggestion on how we could address that.

How would coast-to-coast representation affect intraparty competition?

Mr. Jean-Pierre Kingsley: Intraparty?

Mrs. Sherry Romanado: Yes, you mentioned avoiding battles—

Mr. Jean-Pierre Kingsley: I was making an allusion to what is called an open list, which is where the electors rank, within the same party, which one they prefer.

I've never been a candidate, but I'm saying that if I were a candidate and my name was fifth on that list, and I'm expecting only four to be elected, I would really bust my proverbial to be among the first four.

There would be some temptations. I'm sure you face some temptations in your electoral things when it comes time to do certain things. Of course, party discipline might come in, but we know what that gives us.

That's what I meant. If you want to see that introduced into the whole game, so that within the same party at election time people are choosing among the candidates of the same party, I'm really saying you have to think very seriously about what that does to the campaign at that level.

● (1450)

Mrs. Sherry Romanado: Do I still have some time?

The Chair: You have two minutes.

Mrs. Sherry Romanado: You also talked a little about the importance of that rapport between the elector and the elected. I had seven candidates in my riding, including me, and I benefited from first past the post. That's the reality. Regardless of who voted for me or who didn't vote for me, I represent them all, in my view. I keep that direct representation. I think that the onus is on the elected official after the fact to maintain that rapport, regardless of who voted for them.

I'm curious about what system you think would address that aspect, if we already have that commitment. I'm pretty sure my colleagues around the table have that commitment. Regardless of who voted for us or who didn't, we have that rapport already established.

Mr. Jean-Pierre Kingsley: There are systems that would allow for some kind of direct rapport. What I'm saying to you is you must weigh very carefully if it's going to be a system that is equated with, mainly, proportional representation. In other words, if 30 seats are going to be decided in this particular province by a proportional system, and there are 210 candidates if you multiply by seven or whatever, then what is the link between the elector and the elected among those 30?

To come back to the suggestion that I made, if you're choosing four or five, is it possible to consider that to be an acceptable linkage? Can the elector know and easily reach one elected MP? Might the elector even be able to choose among the four or five the one he or she prefers to carry his or her issue, or appeal to all five when it comes time to represent a particular point of view of national import?

The Chair: Thank you.

Mr. Deltell is next.

[*Translation*]

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

It's a great honour for me to meet you. I have known you for decades, but, unlike my colleague Mr. Reid, this is the first time I have shaken your hand, just like my colleague Ms. Romanado, whom I also wish to greet.

Mr. Kingsley, you said earlier that

[*English*]

if we make any change, we need “a fair process”.

[*Translation*]

What do you mean by this term, more specifically in the context of changing the voting system?

Mr. Jean-Pierre Kingsley: Mr. Deltell, it was also a great pleasure for me to meet you. I have actually been watching your evolution on the provincial stage, in Quebec, with a great deal of respect.

For me, a fair and equitable process is exactly what you are currently doing: considering the possible choices, the weight of major factors associated with each of them, assessing the advantages and the disadvantages—and we know that there is no perfect system—and, finally, determining which system is best for Canadians in your opinion.

This committee must ensure that Canadians know about your deliberations, so that anyone who is interested may not only know what your recommendations are, but also have an opportunity to be heard.

In other words, I anticipate two-way communication. I would even go further by saying that it is important to analyze the feedback you are getting from Canadians intelligently. Some companies specialize in providing an intelligent analysis of what Canadians are saying to us. They do more than simply provide a report without a real assessment. Things can be assessed. That is what I am trying to say, Mr. Deltell.

Mr. Gérard Deltell: Thank you, Mr. Kingsley.

You say that Canadians must know about our deliberations. I personally do a lot of work in my riding, on the ground. But people were quite surprised to learn that I had to come to Ottawa twice a week in July to sit on this committee. That said, I love what I do.

You also say that we should carry out an intelligent analysis. Yet we have only a few months. Our schedule is very tight.

In that sense, do you believe this is a fair procedure?

We have just a few months to carry out this analysis, which you consider so important.

● (1455)

Mr. Jean-Pierre Kingsley: As we say in Latin, *tempus fugit*. In practice, you have a very tight schedule. I grant you that, and I agree. However, as members of a Parliamentary committee, you have access to everything that has been done in Canada by various citizen assemblies, to the systems they considered and to those other Canadians will talk to you about.

I believe that you have to consider them very seriously and then come to a decision. In my opinion, it's possible to do so, but it will require you to be here this summer. Then we will see. I cannot guarantee it. I cannot say that I am absolutely sure, but I think it is possible.

Mr. Gérard Deltell: Just a few seconds ago, you insisted on us, parliamentarians, knowing which system is the best.

Do you sincerely think that an electoral reform of such importance should be left in the hands of parliamentarians? Should it not rather be left in the hands of Canadians?

Mr. Jean-Pierre Kingsley: I also referred to Canadians in my comment, Mr. Deltell. I should have perhaps mentioned it first, but I was thinking logically in terms of the procedure you have to follow here. That's all.

When it comes to ways to find out how Canadians feel, we are in a representative democracy, and we encourage you to consult your constituents to give you some food for thought.

It's a matter of figuring out how Canadians feel about what you are doing and what you will propose.

Mr. Gérard Deltell: The least we can say is that the schedule is very tight. Like you, I recognize that. I also recognize that, as parliamentarians, we have a job to do, but Canadians will ultimately be the ones to provide us with insight and, more importantly, inform our decision.

Let's take the exercise further. As you have been in charge of Elections Canada for 17 years, I would like to know whether you feel it is more important to hold a community consultation process, in front of a café, or rather hold a referendum where all Canadians will have a vote.

The Chair: You have 10 seconds left. The schedule is indeed tight.

Mr. Jean-Pierre Kingsley: I cannot answer in 10 seconds.

Could I answer this question in the second round?

The Chair: Okay.

Ms. Sahota, go ahead.

[*English*]

Ms. Ruby Sahota (Brampton North, Lib.): Thank you.

Thank you, Mr. Kingsley, for being here today.

At the 2000 federal election we saw a very low voter turnout, and you had stated that perhaps requirements should have been made at that time. What do you think about the decrease in voter turnout? However, I think in this 2015 election we have had a little bounce back in voter turnout, which is great.

Do you believe that participating in electoral reform and perhaps getting a new system in place would increase voter turnout? In your introduction, you talked about perhaps not compulsory voting, but compulsory attendance, so you can frame it in those terms if you like.

Mr. Jean-Pierre Kingsley: I wanted to frame it in those terms because that should be the reality. If there are five candidates and you must vote for one of the five, I don't believe in compulsory voting in that situation. I made that very clear.

In the year 2000, when I expressed myself in the media—and it took me 16 years to come back to that particular issue, in a sense—I said that we should be considering it. I did not say we should do it.

I wanted to send an alarm, and I sent that alarm again today because of the need for legitimacy of the results. I don't know if 50% attendance at the polls is sufficient to lend legitimacy to a government. If 50% of the people voted, and 39% voted for the governing body, and it got 58% of the seats, at some point in time you start to ask what's going on. That's why I made that comment at the time. It was branded as though I had recommended it, but that is not the fact. I am not recommending it today either. I have given you what I consider to be things to consider. I don't make these decisions on behalf of other people, but I will express my views about the factors to take into account and about the values that are assumed in that.

I've overlooked another part of your question.

● (1500)

Ms. Ruby Sahota: Do you think voter turnout would increase? I have a question from Twitter too. I should give a shout-out to Andrew Campbell, who asked me a Twitter question: “How much higher is voter turnout in countries with proportional representation?”

Do you have those facts? What is your opinion? If we have a change, would voter turnout increase? Essentially, that's what we want. We want people to participate in the democratic process. We want their voices to be heard, so we need an increase in voter turnout. Would proportional representation bring about that increase?

Mr. Jean-Pierre Kingsley: I remember reading some studies. There was one, I think by Professor Blais, and I think initially there was a view of about 7%, but I don't know if this has been sustained over time. I may even be wrong about the percentage I'm talking about.

There was a view that it might tend to increase it. I think that is it. However, there is also a view that it would be marginal, so I don't know where the answer is on that front.

Ms. Ruby Sahota: In your opinion.... That is the reason we have you here as a witness: not to impose a system on us, but to get your expert opinion, because you did serve us for so many years.

You talked about simplicity of the ballot, so would a certain system be more prone to getting more people out to vote?

Mr. Jean-Pierre Kingsley: It's possible that one system as opposed to another might have a slight increase or a slight impact on voter turnout. Because you're asking me the question directly, what really matters is that if we're going to keep a voluntary system of voting, we simply have to get to young people. They were voting at 38% at the previous election, and it was on a downward trend. It went up to about 58% at the last election, and that made a difference, by the way. I'm not saying that only young people were among that group, but the 58% were young people.

We're simply not reaching out to them. We're not succeeding. You, the candidates, are not succeeding, and you and we, the political parties, are not succeeding in reaching out to them where they live. They no longer communicate as we communicated, and they have to have an appreciation of what it's all about. I alluded to this in my earlier remarks.

If we're going to keep a voluntary system of attendance at the polls, we simply need to do more to reach out to people about the importance of voting, and not only about how to do it, but about why this is tied to democracy. That means engaging the educational system and the relationship between young people and how they relate to one another. They don't relate to television; we know that. Why do we still do television?

[*Translation*]

The Chair: Thank you.

We will now go to Mr. Boulerice.

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Thank you very much, Mr. Chair.

Thank you, Mr. Kingsley, for joining us this afternoon.

I won't be making an overly personal confession by telling you that I began my political involvement in 1990 as a volunteer. Let's just to say that you were always Mr. Election during my first years of volunteering.

We are talking about an extremely complex and important issue that has consequences on political choices and on the way Canadians express their choices. However, this issue is pretty unknown. We, here in the room, and the people watching us at their office, are interested in the voting system and the electoral reform. However, it is not always easy for ordinary people to understand. In fact, even the current system is often poorly understood. People feel like they are voting for the prime minister, while they are actually voting for a member, a local candidate. Those are things we hear when we go door to door and shake hands on the street.

Don't you think that, as part of this important reform—which we want at the NDP, let me be clear—the government has a responsibility that goes beyond the public consultations we will all conduct? Don't you think we should implement an education and awareness-raising program to explain exactly what this is about? That won't be done simply through the work of this parliamentary committee, as our work is not followed by the majority of Canadians.

What do you suggest?

Do you not think that the government would show some consistency by investing the time, the means and the money necessary to better explain what this is about?

Mr. Jean-Pierre Kingsley: Yesterday, I heard the minister explain to you why $8 million or $10 million had been allocated to her department, the Privy Council Office, and $300,000 was allocated to you. I think that the committee should play a leading role. I agree that the government has a responsibility, but the government is the government. I am talking about a parliamentary institution—you. I believe that Parliament should try to reach the country's electorate directly.

I think that the solution doesn't lie in asking the government to take on this responsibility. It will do it, and that's great, but you should have a much more imposing structure, including mechanisms for sharing and receiving information, as well as analyzing in depth what you are hearing from Canadians who are tuning in.

At some point, things will stick and people will understand that significant changes are being considered. That will be accomplished through the media and your work. If you use social networks, which many people are involved in—be they younger or older—there will be a snowball effect. When people learn about a change to the voting system being currently considered, they will be surprised, they will tell themselves that they would benefit from staying tuned and they will learn about what is happening.

I have personally believed my whole life that Canadian voters are reasonable. If that's not the basis of our system, what is? Canadians are capable of understanding what is at stake in our democracy. If that's not the case, what is the point of democracy?

● (1505)

Mr. Alexandre Boulerice: That's a good question, Mr. Kingsley.

Last December, the Broadbent Institute conducted a survey, which was insightful. In fact, it could be noted that people felt it was a priority to ensure that the voting system makes it possible to represent plurality, as well as the diversity of voices and political opinions within Parliament, and to reduce the major distortions created by the first-past-the-post system.

Another priority was to make the voting system simple and make it possible to have direct access to a member representing a particular region or a community.

I would like you to draw on your experience and tell me what international voting system could address these two concerns of Canadians, in your opinion.

Mr. Jean-Pierre Kingsley: The question is specifically about certain voting systems, and I am not saying that they are the ones I favour. That said, a mixed system is an option. That system makes it possible to elect a member based on a defined geographic location, while a certain number of other seats are established based on a proportional system. In the case of Quebec, I believe that the first-past-the-post system was used for 75 seats and the proportional system was used for 50 seats.

According to that system, voters can maintain a direct relationship with a member.

I personally suggested another system, but it should be determined whether it would be acceptable for there to be four or five members, whether the relationship would be sufficient. If you are against that, it should be eliminated. Your work will consist in eliminating what you are against.

[*English*]

The Chair: Monsieur Richards is next.

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you, Mr. Chair.

I want to return to something you were talking about. I forget who asked you the question, but you were talking about the system that you had suggested. I know you said it wasn't a proposal you were making, but it's the one about having two different types of systems, one for urban parts of the country and one for what we'll call rural parts of the country. I have a few questions around that idea.

You explained what you would see that system do and how it would work, but you didn't really give us any sense as to why we should look at that system or why it would be a good system for Canada. What would be your rationale for such a system?

Mr. Jean-Pierre Kingsley: Thank you.

I'm pleased to elaborate on what I was saying. The reason I call it a suggestion is that I have not had the resources to analyze this system. It is a huge undertaking to analyze the implications of a system like this across the land. I would be more than willing to do that quite voluntarily if I were provided some resources, by the way, but that's up to you to decide.

Effectively what I'm saying is if there's a new riding of five existing ridings and in all five the winning candidate came in with 40% of the votes and it's all with the same party, assume that, that's 100% of the seats. If that were run with five seats joined—

Mr. Blake Richards: Sir, no; I'm sorry to interrupt you, but I understood that part.

Obviously you're proposing two separate systems. You're proposing one that would be for urban areas and one that would be for more rural or remote areas. I was trying to get a sense as to why you felt that the hybrid of those two things was a good idea for Canada.

● (1510)

Mr. Jean-Pierre Kingsley: I'm sorry; I misunderstood your question.

I'm basing it on a perception that may not be fair. After I have explained or suggested the system, I have had people come up to me who don't agree with my basic thesis, but I'm saying that people who live in rural or remote areas are very accustomed to that direct link between themselves and the elected. To put them into a proportional type of system represents more difficulty for them in accepting that, because already geographically the expanse of those ridings is too huge to be covered by one person. They would see that their vote would be subsumed to all of those urban votes.

I may be wrong about this. Certainly some people have come up to me after I have made presentations and said that they were rural people but would prefer to vote proportionally. I respect that. However, that was the basis for my proposal.

Mr. Blake Richards: I appreciate the comments about the rural seats. I think you've hit on something important.

You mentioned earlier that you figured about 40 to 60 seats might be in the country. I would argue that you're probably quite low in your estimate of the number of rural seats in the country. In my province of Alberta, I would say that at least half of the seats would be done that way, so that would be probably 16 to 18 seats. That's just one province, so you would probably be a bit low.

I'm wondering how you, or if you, have given any thought to this next question. Maybe you haven't, but if you have, can you elaborate for us on how you would see those seats being allocated in the urban areas? In other words, would you set up certain limits of a certain population, and above this population that city would then be multi-member districts, or how would you do that? Have you given thought to that?

Mr. Jean-Pierre Kingsley: I have given some thought to it. Under the present system, we have a quotient, and we would continue to respect the quotient. For rural and remote areas, we would exceed the quotient whenever necessary, because that's what the law allows for those boundary commissions. They're allowed that leeway.

I would take five existing ridings under the present system and bunch them into one. I heard the Chief Electoral Officer say he thought that redistribution might be required as well because of community of interest. I will tell you one thing about community of interest: it is the most nebulous of factors and is the most difficult for those commissions to put into place because it varies depending upon perception. I defy anybody, anybody in Canada, to define community of interest in precise terms. There's just a feeling.

Now, when you regroup five, this is what you would have. You could use the present quotient to stay....

Mr. Blake Richards: You're saying you would defy anyone to define it, but would you agree that's an important thing to consider, the idea of community of interest?

Mr. Jean-Pierre Kingsley: I would agree that it's an important thing to consider. It's important not just to do it without thinking about it. It's a matter to be thought of. Does it necessitate a redistribution? That is the thing that should be considered very seriously.

The Chair: We'll go to Mr. Aldag now.

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

This question comes from Twitter, and I'd like your thoughts on it. The question is, simply, how do independents fit into any sort of new system? A lot of the work we've talked about relates to parties. Do you have any thoughts on independents and the future of our electoral system?

Mr. Jean-Pierre Kingsley: This is a major consideration on the international scene with purely proportional systems. It seems to obviate...and I think some solutions were found, but I can't remember what they are.

In the mixed-member system, it is not an issue, because you can still run as an independent in this particular case.

In the example I've given, you could also have independents. Their chances of being elected, by the way, would probably be the same as they are right now. We can't devise a system—at least, not readily—in which independents would rule the day, but it is important for that phenomenon to be able to express itself under our system, and there are various systems that would allow that quite readily.

Mr. John Aldag: Thank you.

In your opening comments you made a statement that from your perspective, online voting is coming. I'd like to get a bit more of your thoughts on that. We heard earlier today that the current Chief Electoral Officer is not foreseeing online voting for 2019. What makes you think that it is coming, and in what horizon would you say we will be facing online voting in Canada?

● (1515)

Mr. Jean-Pierre Kingsley: It's going to be later than we think, and it's going to be faster than we think. We're living our lives at the end of these gizmos. We're doing everything with them, so it's just a natural thing. I've indicated how important it's going to be to devise the right control mechanisms to ensure that the person who's voting is the person who registered, the person who's entitled to vote. Is it going to be a photo of the iris, as I said, or something else, such as fingerprints? Fingerprints are problematic, because those are tied to our criminal system. Some jurisdictions, new democracies, have no problem at all with doing that.

I'm saying it's coming because it's pervasive and people will expect it to become a reality. If it doesn't, there will be problems.

The Chief Electoral Officer said he cannot do it for 2019. Number one, he needs the permission of the House of Commons and the Senate before he even thinks about it. It used to be just this committee or the PROC committee of the House of Commons. Now it's been extended to the two bodies, so he can't even test it. I don't blame him for saying he cannot do it for 2019.

Mr. John Aldag: Along with the comments we heard this morning on online voting, one suggestion was to pilot and perhaps look at some groups. One group that was mentioned was persons with disabilities. There were others. If we were to do a phased-in approach, would there be an approach that you would prefer or suggest? Would there be a group that you would prefer over another? How could we phase something in if we needed to take that approach?

Mr. Jean-Pierre Kingsley: The initial consideration would be that it not apply generally to a whole group, and by that I mean to the Canadian population and the idea that people could opt in if they wanted to. That would be too broad. You could restrict it to one, two, three, five ridings, or whatever, and to people with differing abilities —by the way, that's a Mexican expression. Instead of “disabled”, they say “differing abilities”. I like that a lot.

It could be those groups that do it, or people who have mobility issues and who would be able to say they have a mobility issue, and we would take their word for it. People don't lie about these things. We would be able to envelop that with control mechanisms that we could then use to check how well we performed and how well received it was by the electors, by the way. How much easier was it for the elector? If it's more burdensome than the present system, then why bother? That's how I would go about it.

I talked about parallel systems, by the way, so that we can ensure that what people are manifesting as their choice is really what is being manifested at the other end.

Mr. John Aldag: Another question I heard you ask—

The Chair: Mr. Aldag, you're almost at the end. You may comment, and then maybe it can come up again.

Mr. John Aldag: Sure.

You simply asked what margin of error would be acceptable. You put that to us, and I was going to put it back to you. What margin of error is acceptable?

Mr. Jean-Pierre Kingsley: Wittingly or otherwise, under the present system there is a margin of error. It is exceedingly slim and it is not mathematically ascertainable, but if we try to convince Canadians as a general population to vote online, they will say they want 0% error. That is going to be their expectation. That's why we need to develop slowly, over time, and then rapidly, more rapidly than we thought, so people have confidence that we know what we're doing and that the sanctity, as I will call it, of our electoral system is being preserved.

[*Translation*]

The Chair: Thank you.

We will now begin the second round, starting with Mr. DeCourcey.

Mr. Matt DeCourcey: Thanks again, Mr. Chair.

[*English*]

Mr. Kingsley, I wanted to come back to the issue that we left off on, which is the relationship between elector and elected.

This, to my mind, correlates nicely with one of the principles that we've been tasked with exploring in the mandate, which is the importance of local representation. I would echo the comments of my colleague Sherry, who spoke to the good-faith effort that I think all parliamentarians undertake to represent the voices of their communities. Being a representative from Atlantic Canada on this committee, I know that we, as elected officials in Atlantic Canada, hold ourselves accountable to our communities quite closely, and our electors well understand the link they have with their elected representatives.

Given that preface, I have two questions. In the proposed system you've mused about a little, how do you envision Atlantic Canada being divided in some of the larger centres versus some of the rural areas in the single-member and mixed-member riding system that you touched on? Perhaps I'll give you a second to answer that.

● (1520)

Mr. Jean-Pierre Kingsley: With respect to your first point about members of Parliament representing the whole population, I agree that this is a reality. I've seen it and I believe it. However, I also happen to believe that when the Conservatives get together to discuss something in caucus, you're not there, and I think that is important. That's what I meant by having representation that globally represents people in Atlantic Canada.

Insofar as how one would handle Atlantic Canada under the suggestion that I've made, first of all I would respect provincial boundaries. Rule one is don't fool around with provincial boundaries. You will get nowhere, okay? This is Canada. Don't waste your time.

Then each province would have to be looked at individually to see what people think of and accept as being rural, and what people think of and accept as urban. I'm not the one who would be making that choice, but I'm suggesting it is a choice that could be made that would reflect what people in each province would do. Does P.E.I. combine all four seats into one, or does it consider itself to be rural in all four seats? Let's ask the people of Prince Edward Island.

Mr. Matt DeCourcey: That's great. Thank you very much.

The second part of my question has to do with the role of an elected representative, elected potentially through a proportional system or a list system, versus a colleague who may represent a similar area who is elected through a first-past-the-post system.

Let's say we're in some sort of MMP. What is the role of that elected official toward the electors vis-à-vis the person who is elected through first past the post and represents a particular constituency? You have a person elected from the riding of Fredericton and you have a person who may be from Fredericton elected through a proportional list. What are the differing or similar roles they have toward the electors?

Mr. Jean-Pierre Kingsley: I will conjecture with you. There will be strong similarities between the two and there will be important differences between the two. The advantage of the system now is that people feel that this member of Parliament represents them and this is the geographical area in which we're contained. I'm not saying people know who that MP is in urban settings, but there's a way of reaching out to that person. There's a way of knowing. I can let that person know that if he or she says that again, I'm not going to vote for them again. That is power.

Mr. Matt DeCourcey: And they do.

Mr. Jean-Pierre Kingsley: And they do, yes.

An election for members at large is where the word “ombudsman” comes from, because those members of Parliament owed less to individual electors. They knew that if it was a closed system and they were on that list, the next time around mattered more.

That doesn't mean they did not consider what was in the best interests of their country; that's not what it meant. It meant that the link with the individual elector was qualitatively different.

The Chair: Thank you.

We'll go to Mr. Reid now.

Mr. Scott Reid: Thank you.

Regarding the system you have discussed, I know you were at a meeting in February that was organized by the Senate and presented to it. Has it been published anywhere? Is there a printed version of what you're describing, or will there be at any point in the near future?

Mr. Jean-Pierre Kingsley: I've been very careful not to publish anything on that front, but as I've indicated, I'd be more than willing to do some work if I were assigned some resources. This is not an easy task to accomplish. It cannot be accomplished by one person, by me, within severe time frames or even over time. It requires concentration, so it's not published.

Some variations exist. I think Minister Dion had something equivalent to this. I would not say it's the same. I do not wish to blame him for anything here. I'm just saying that I think this is something that's on his website. There are variations on it.

By the way, a number of different people and different organizations have gotten in touch with me, some of them in this room, suggesting variations on this theme, and I think they're worth hearing.

In any case, that's the status of it.

● (1525)

Mr. Scott Reid: Okay.

From what you've said and from going through the models that I can think about there, the one that it seems most like is the STV model proposed in British Columbia, the so-called BC-STV model. It was the subject of a referendum in 2005. Am I right in making a rough approximation, or have I missed the point in doing that?

Mr. Jean-Pierre Kingsley: I would have to look at that model again before I would comment on it. I've not looked at it recently, but I'd be willing to do that and give you some of my feedback on it.

I will remind people, by the way, because people keep saying the referendum for change in British Columbia was not successful, that in the first referendum, 57% of the people of British Columbia voted in favour of change. The premier said they needed 60%; otherwise, they wouldn't get it. People say to themselves that it's never worked and that people have never wanted change, but they have wanted it. It was more than 50%, significantly more. To me, 7% means a 14% difference, in my books.

Mr. Scott Reid: Well, you're right about that. Actually, when you say to yourself that it hasn't...I have always defended a referendum, and your comment gives me a chance to say something that I think is important.

In British Columbia, you're quite right that 57% voted in favour, so that was the majority. They were prevented by an artificial 60% threshold from getting their way. I disagree with artificially high thresholds, but additionally, the turnout in that referendum was over 60%. This nonsense that somehow people do not participate in referenda on electoral reform is just not true. Over 80% voted in the New Zealand referendum on changing to an MMP system from first past the post.

What I would notice and point out to everybody on this committee is that when a model has a very low percentage supporting it, such as the Ontario model in 2007, which only had about 35%, it also normally has a very low turnout. I think we can safely interpret many of the people who did not vote as saying, “I'm not even going to vote on this, because I'm so uncompelled by this model.” When people find the model compelling, not only do they vote in favour of it, but they also turn out in very large numbers to vote. I think that's a really important distinction to make, which I would like to have made to the minister yesterday.

I have one minute left, and I wanted to ask you this. You talked about avoiding redistribution by grouping a number of existing ridings together. That of course makes a significant degree of sense as a way of speeding things up. I want to ask the same question that my colleague asked Mr. Mayrand earlier. There is one particular community of interest that appears to have a right to have the retention of riding boundaries in a way that potentially can be used in litigation, and that is official language linguistic minorities.

In the case that arose in Acadie—Bathurst, a number of people, including the incumbent member of Parliament, said they found the change in boundaries to be unacceptable. I guess the concern I have is this: is it a danger that we could find an attempt to merge ridings subject to that kind of litigation, thereby slowing down the process?

The Chair: Very quickly.

Mr. Jean-Pierre Kingsley: The answer is that there's danger legally in practically anything you will do. Some of it will be on constitutional grounds. People will find ways to address it if they're not happy. That is something we will have to live with, and that includes the situation you described.

By the way, that case deserves to be studied much more carefully than we're able to do today.

The Chair: Thank you.

Mr. Christopherson is next.

Mr. David Christopherson: Thank you very much, Chair.

I want to go back to the comments Ms. Romanado made in response to my comments, to the effect that we represent all our constituents.

Yes, that's sort of a given. I have absolutely no doubt in my mind that if someone who is a known New Democrat phones Mr. Reid—I'll use him because he's the longest-serving member of Parliament on this committee—they'll get fantastic service. That person will be treated no differently from his neighbour. I have no doubt about that. If a known Conservative calls my office, I'd be mortified to find out that they felt they got less than fantastic service.

What I'm talking about is something far more important, and that is the actual division of power. You can't get re-elected if you don't represent everyone. What we're talking about is this: here is power in Canada, and how does it get divvied up?

I was on my feet in I believe the 38th, 39th, and 40th Parliaments, prior to the arrival of Madam May—she knows where I'm going here—to stand up and say that hundreds if not thousands of people voted in my riding and across the country for the Greens. At that time the number was about 500,000 people, yet not one member in the House was from the Green Party.

That matters. While Mr. Reid may do a fantastic job representing that constituent on their vet problem or on their Canada Revenue problem or on their EI problem, he will not be there for them when it comes to standing up and saying, “I want proportional representation.” Conversely, in my riding, that same Conservative voter will get that same service from me on those issues, but when I stand up, I will not be defending first past the post.

We just voted on assisted dying. That was an incredibly divisive issue. You can't vote both ways. At the end of the day, whoever got the seat got to cast that vote, either in favour or opposed. It couldn't be both.

That's why I said that 43% of the population in my riding.... They get, I like to think, good service. I'm in my fifth term, so there are enough of them who think that, or I wouldn't be here, but in terms of reflecting the policies of the parties supported by the constituents who voted against me, that voice is not there. I will support doubling CPP from here to the end of eternity, until we get it. Mr. Reid would not. He feels differently about it.

● (1530)

Mr. Matt DeCourcey: On a point of order, Mr. Chair, we're here to question the witness, not to indict Ms. Romanado on her comments.

The Chair: Yes, I would agree.

Is there a question—

Mr. David Christopherson: Really? Really? We're talking about democratic reform, about democracy. I have my five minutes, I'm responding to a comment, and somebody is telling me I'm out of order?

The Chair: I would like it if you directed it through the chair, maybe.

Mr. David Christopherson: Sorry, what is your problem now, Chair?

The Chair: Could you direct your comments through the chair as opposed to—

Mr. David Christopherson: Sure. It will be through you, sir, Mr. Chair—

The Chair: Thank you. I appreciate it.

Mr. David Christopherson: —to Madam Romanado, who I was responding to. Someone may feel that's not the right response, but it's my five minutes, because I'm the one who has the seat.

The Chair: No, I understand that.

Mr. David Christopherson: Fine. I'm done anyway. You spent more time berating me than letting me finish my thought.

The Chair: I wasn't berating you, Mr. Christopherson.

Mr. David Christopherson: I do have a question for our witness —through you, Chair.

The Chair: Thank you.

Mr. David Christopherson: To our witness, you had said earlier, sir, that you weren't aware of any emerging democracies—I've done a fair bit of work internationally too—that have actually chosen first past the post. Can you give us some of the reasons you think they were considering when they didn't go that way? There is a good argument that they would look at Britain and Canada and say, “Hey, it works for them; why wouldn't we go there?”, yet you're right that they're almost all going to some form of a parliamentary system.

Can you give us your thoughts on why they would go that way, in terms of trying to get the best democratic process from the very beginning? When they're designing it, why would they not or why haven't they? What do you think are some of the reasons they might have been considering when they made those decisions, sir?

Mr. Jean-Pierre Kingsley: It's the importance of multi-partyism, to put it bluntly.

You gave an example of 500,000 votes not getting one seat. In my introductory remarks, I said that 700,000 votes only gets one seat. We owe those Canadians an explanation if we're not going to change the system. We owe them that, as we do all the others who are concerned about 39% of the votes getting 50% or 60% of the seats. We need an explanation for those people. This is a democracy.

Mr. David Christopherson: Thank you.

Thank you, Chair.

The Chair: Thank you. Your time is about up, but there will be other opportunities.

Mr. David Christopherson: You're going to force me to go to the end now.

The Chair: No, no.

Go ahead, Monsieur Thériault.

[*Translation*]

Mr. Luc Thériault: Mr. Chair, this morning you didn't tell me when I only had a minute left and I was cut short, so I wasn't able to thank Mr. Mayrand or tell him certain things. However, I will impart them to Mr. Kingsley.

First, I would like to thank you for your immense contribution to maintaining the integrity of our electoral system. Mr. Mayrand said this morning that all voters have great confidence in the integrity of the system. I think that you and Mr. Mayrand have helped to make that happen.

And when I heard my colleague Mr. Boulerice say earlier that we should have much greater means to reach all voters, it was sweet music to my ears. Your response was sweet music to my ears, as well. You are entrusting us with this responsibility, and you said that we, much more than the executive body, are the ones who need to take responsibility for this electoral reform. In your opinion, we should have much greater means, and I agree with you on that.

Given the timeframes we're up against, the responsibility and difficulty we're facing are enormous. We will do our best. You said at the start that no system was perfect, and we agree. I've looked at several. They all have their advantages and disadvantages.

Ultimately, isn't it up to the people to determine what advantages and disadvantages they'd like to take on? Isn't it up to them to settle the debate, given that it isn't a discussion for experts, insiders or politicians? At some point, Canadians need to have their say. While we are trying as much as possible to keep them informed and they are keeping us informed too, we are going to have to present or recommend a model, which will also need to be presented to Canadians to see if they agree and if they are going to accept all the advantages and disadvantages for many years.

In these conditions, wouldn't it be more reasonable to consider holding a referendum at the same time as the next election?

● (1535)

Mr. Jean-Pierre Kingsley: I won't elaborate about the fact that I have run a referendum and know what it involves. I won't repeat the arguments for or against it. However, with a secretariat and solid mechanisms to engage Canadians about what you do, I think you could get their input, which would carry some weight.

We have a representative democracy, and we need to give this system a chance. As strange as it may sound, I see the possibility of a unanimous report from the committee. I also foresee the vast majority of the committee agreeing on a proposal, suggesting it to Canadians and gauging that reaction. That's your task.

But if that doesn't happen and only one party agrees with a given choice, I think other mechanisms need to be considered. However, I don't think it's necessary right now.

Mr. Luc Thériault: How much time do I have left?

The Chair: You have 45 seconds, including the response.

Mr. Luc Thériault: I think you're refreshing and optimistic. We are going to draw on that.

However, my experience is as a Quebecker. We had draft legislation that defined a very specific model. And we visited all the regions in Quebec to find out in the end that there were a number of stumbling blocks related to the mechanics of the voting system. Things weren't successfully completed. I find that we have a long way to go here.

The Chair: Thank you.

Ms. May, you have the floor.

[*English*]

Ms. Elizabeth May: Thank you, Mr. Chair.

Permit me for a moment, Mr. Kingsley, through the chair, to reflect on my own situation.

The Green Party has been used as an example here a number of times. I want to put forward that my reasons for wanting proportional representation are not self-interest. I'm not that interested in seeing how my party does. What worries me is the health of democracy overall, and the risk, which I think is real, of a party with a minority of public support gaining not just 60% of the seats, but in our system 100% of the power. That worries me more. I just want to put that forward.

The other thing I've noticed since I came into politics, which is only in the last 10 years—I was in my 50s before I got involved in a political party, and I'd love your comments on this—is that because of first past the post and because of the risk of strategic voting, we have a system that creates wedge issues and incentives for wedge issues, or what people call dog-whistle politics. It works against working across party lines. It is a force against collaboration.

I wonder if you've observed this or if you think it's just a view of mine that's off base. What's your view of the impact of first past the post on the ability to develop consensus-based politics?

● (1540)

Mr. Jean-Pierre Kingsley: I alluded to this when I said that we need a system whereby people are elected across the land and we have a party of national scope so that we have voices from all regions of Canada. The present system does not lend itself readily to that because of the success of multi-partyism and because our system allows regional parties to come to the fore. As a matter of fact, when some of them come to the fore, they're important because that's the way people in that region feel, but that can almost be viewed as, how come we're in this situation? How come the main parties are not representing those views? That's one observation one could make.

The whole issue of wedge politics has been coming up over time, and I consider it to be a natural temptation under our system. If I'm running for office and I need to get 40% of the votes, why would I not go for 45%, even if I have to start modifying my position on things? I consider that natural.

Ms. Elizabeth May: Thank you.

Forgive me if I say that at this point your proposition of some rural seats remaining under first past the post and others being clustered for what is essentially a single transferable vote is a back-of-the-envelope idea that one would love to pursue. I think its benefit here to us—and correct me if I'm wrong—is in suggesting to this committee that hybrid systems are available to Canada and that we can find a system that works uniquely for Canada. We needn't say we must take Germany's system, or New Zealand's system, or the upper house of Australia, or the lower house of Australia. We should look at the specific Canadian needs.

Mr. Jean-Pierre Kingsley: That is precisely the point I was making in my remarks, Mr. Chair. I don't think we're bound by anybody else's system. I don't think there's anything wrong with anybody else's system; I just happen to think that we have peculiarities in this country that are going to be very hard to reconcile if we just try to take somebody else's system and say we think it can fit. It may be possible, but let us not be bound by that thinking.

There is a way of doing something that is entirely Canadian. That's what we've done with our system. We were the first country in the world to have an independent chief electoral officer. We were ahead of the game before anybody else. I think that came afterward in India in 1948, so it took a long time for people to catch on. We've been at the forefront.

Now we're dealing with a historical reality. We have first past the post. Here are some issues and drawbacks that people feel very strongly about. Do we want to do anything else? I think that's fair.

Ms. Elizabeth May: In the time I have left I'm going to put to you a question from Stephen Harrison from Victoria, B.C., who sent this on Twitter: recognizing that you were chief electoral officer in 2004 when the Law Commission made its recommendation on electoral reform, would you care to comment on what you thought of their work at the time?

Mr. Jean-Pierre Kingsley: Elections Canada collaborated very closely with the law reform commission in the provision of information, and not of advice. It was not appropriate for the chief electoral officer, at least in my view, to participate more actively in that aspect.

In terms of their report, I think it needs to be considered a viable option, something to which Canadians have already given thought, because many people were consulted on that process. This is what I meant when I said we've done a lot of work in Canada before. This is not an idea that has just fallen here and we have nowhere to go to find out about it. We have a lot of stuff here that we can look at.

The Chair: Thank you.

Go ahead, Ms. Romanado.

Mrs. Sherry Romanado: Thank you very much.

Mr. Kingsley, you mentioned that we need to reach our youth where they are and you mentioned they're usually at the bottom of one of these cellular devices. You also talked about how we need to make sure they know the importance of voting and how to vote. You also mentioned a little bit about online voting and that we should start initially with electors with mobility issues, electors not in their ridings, or Canadians abroad.

My thoughts are that if we're trying to reach an audience that had 58% participation in the last election, which was great, and we want to keep them engaged and we want to keep them in the process, would it not make sense to open up potential online voting to them through that channel, because that's where they are? I'd like you to elaborate a little bit on that.

● (1545)

Mr. Jean-Pierre Kingsley: It would make sense in terms of overall objectives of improving the participation of electors. It would be very difficult to say that it makes sense in terms of the numbers that would apply.

We must first of all understand what we're getting into by doing tests that are smaller, more easily controllable, and more easily analyzed. I would not recommend at all that we make it possible for a whole segment of millions of people to apply, because those are the numbers we're talking about.

Mrs. Sherry Romanado: We talked a little bit about mandatory voting or mandatory attendance. In that regard, how would we ensure—and maybe you'll know more about the mechanism—that people are in fact registering? How would we reach them? How would the mechanics work in terms of making sure that we could actually implement mandatory attendance? Also, would it be a reward system or would it be a punishment system if a person did not attend?

Mr. Jean-Pierre Kingsley: It can either be reward or penalty. The Australians have decided that they will impose a minimal fine. I think it's equivalent to $40 or $50, which is not tremendous. If you don't have an acceptable reason for not attending, they can invoke that fine.

In terms of controlling it, that's very easy. You have a list of electors, which is 94% or 95% complete, and someday we will have to find a way to relate to Statistics Canada as well and start.... I'm not saying this in light of whatever we want to do about compulsory voting or attendance at the polls. By the way, we're not going to succeed in changing the terminology, so I'll call it compulsory voting.

Someday we'll have to get more intertwined, because we're picking up information that could be very useful on the electoral front in terms of maintenance of the list. We already have other data banks through which we're feeding information that people voluntarily feed to Elections Canada. No one is put on the list unless they want to be on it. Let's remember that.

Mrs. Sherry Romanado: Okay.

I asked this same question to the Chief Electoral Officer this morning: in terms of our efficiency in leveraging technology to improve our electoral process—for instance, when it comes to a compilation of votes and so on—could you elaborate on how we could at least think about improving the current system or any system we put in place to make it more efficient, more accurate, etc.?

Mr. Jean-Pierre Kingsley: Nothing is free, so I will feel free just to tell you exactly what is possible.

What is possible under our present system is voting machines with a paper copy. That would eliminate a lot of the rejected ballots that we have now or ballots that are not acceptable because they're badly marked. People would have an opportunity to correct their mistakes. They would be told they have made a mistake. If they still want the mistake to go ahead, it goes ahead, and you have a paper copy in order to be able to replicate the results in case there is a recount or a contestation.

As well, it would immensely increase the ease of counting. You press on the button at the end of the day, and the count is there: so many valid votes for this, this, and that. Then the result can be transmitted electronically to the returning office and to other offices as well. It could all be done very rapidly that way. However, that means an investment. That's one thing.

We're going to have to get smarter about allowing people to vote at different places. We can very easily have a list of electors for a riding on this device. We can have the whole of Canada on this little gizmo here if we want to, but at least we could have everything within a riding boundary. There are approaches that technology is opening up for us that I haven't even begun to think about.

● (1550)

The Chair: Thanks very much.

[*Translation*]

Mr. Deltell, you have the floor.

Mr. Gérard Deltell: Thank you, Mr. Chair.

Before continuing my conversation with Mr. Kingsley, I'd like to speak to something that bothers me a little.

For two days, I've been hearing people say that proportionality is important, that it is important to represent everyone and that it is appalling that the Green Party, which got 600,000 votes, has only one MP in the House of Commons.

I would simply like to remind you of the mathematics of this committee. The Green Party had 600,000 votes and has one representative here. We, the Conservatives, got 5,600,496 votes, which is nine and a half times what the Green Party got. Yet there are three Conservative MPs and one Green Party MP on this committee. With regard to proportionality and respect for opinions, this committee is not equitable mathematically either in terms of the House or the votes of Canadians. Let's keep that in mind.

Mr. Kingsley, let's get back to our earlier conversation.

You said that it was important to put Canadians at the heart of our discussions, that this committee was the first step but that, ultimately, we would need to go and visit Canadians, listen to them and hear what they have to say.

You were the chief electoral officer. You presided over, if I can put it that way, five elections and one referendum. What do you think the best way is to gauge the opinion of Canadians? Through a referendum or through town halls in a riding?

Mr. Jean-Pierre Kingsley: If I may, I will say that, initially, an election is the way to do it. We have a representative democracy, which is the foundation of our democracy. Holding a referendum has been problematic in the past. When it came to holding a referendum in 1992, it was insisted that it could only be held on a constitutional matter. No one wanted this to be instituted in our system and for referendums to be used regularly.

You asked me about this process. I responded as best as I could. Just now, I said what I thought about the consensus that this committee could reach and the impact it could have. How can we assess the impact of what you do with Canadians? There are ways to establish these things. I said that there are firms that specialize in these things. I don't mean firms that conduct surveys, but firms that thoroughly analyze people's answers. It has become an art. That's what I recommend you do. I think your committee should be structured based on that.

Mr. Gérard Deltell: How many Canadians should take part in the consultations in our ridings or within this committee? What do you think would be the ideal number of Canadians to properly represent what they think about a change as radical as changing the electoral process?

Mr. Jean-Pierre Kingsley: I can't answer that question. I don't know. It's a feeling that will be established. There are ways of building a consensus.

With the assisted dying bill, a consensus was established in our society. We saw it in newspaper editorials and articles, as well as in exchanges between people. Our society forms an idea of what is acceptable. Personally, I think parliamentarians respect this most of the time.

That's what I think about our system. Fundamentally, we decided that we wanted a representative democracy.

Mr. Gérard Deltell: Actually, Mr. Kingsley, the least we can say is that there is a consensus in society about the fact that this would take a referendum. Many editorial writers, observers and analysts have said that Canadians need to be consulted. Many elected officials feel the same way. In 2012, the former Liberal leader, who is now the Minister of Foreign Affairs, clearly wrote that it would be done by referendum.

[*English*]

Mr. Dion, a very interested and very strong scholar, said clearly in his text that we shall ask Canadians to say what they think of that.

[*Translation*]

Mr. Kingsley, I'm running out of time, and I would like to ask you one last question.

You presided over five elections and one referendum, but I'm more interested in the electoral process and general elections. You made a new proposal that deserves consideration. I don't think that 26 months will be too long to explain to people what you are proposing if we decide to go in that direction.

Do you think that the five elections you oversaw did not represent how the public feels? In these cases, they were majority governments.

● (1555)

The Chair: Please answer very quickly. The five minutes are up.

Mr. Jean-Pierre Kingsley: I feel very strongly that all these elections represented exactly the will of the people, in keeping with the system of representation.

The Chair: Thank you.

[*English*]

Go ahead, Madam Sahota.

Ms. Ruby Sahota: Thank you.

Following the conversation on referendums, previously we had Mr. Reid talk about voter turnout in the last national referendum that we had, and I believe he said it was 60%. To me, that doesn't seem like an overwhelming number. When I was quoting media that had misrepresented you in the past in 2000, you were concerned about the decline in voter turnout, and rightly so. As parliamentarians and as Canadians, we are all concerned about voter turnout. That's why we're trying to improve our electoral system.

In the last election we had 68.5%, and we're still trying to improve on that, so 60% turnout on a referendum doesn't seem to be all that great to me. We need to try to reach out to a lot of people that we're talking about—youth in particular, and those who are disadvantaged, who don't turn out at the polls. How do we get to know what they are thinking and how do we get their input? Going forward, how do we get them to participate in our electoral process?

That's why we're trying to better our system. It's so we can be more inclusive, which is the mandate of this committee. I'd like to get your opinion about whether you think referendum turnout is adequate, and whether that is the best way to get an answer. I've been following what you've been saying, so it seems you are impressed by the depth that we're going into on this committee, and that is definitely a good start. What comment do you have about that referendum turnout?

Mr. Blake Richards: I have a point of order, Mr. Chair.

The Chair: Yes, Mr. Richards.

Mr. Blake Richards: I think it's always important that the record be accurate when anyone has the floor in this committee. I noted Ms. Sahota mentioned an inaccurate number. It took me a second to find the number.

The Chair: What was the number?

Mr. Blake Richards: I just wanted to point out that there was a 72% turnout in the last federal referendum. There were, I believe, over 20 million people—

The Chair: It's not a point of order, but it's noted.

Mr. Blake Richards: I just wanted to make the record clear. It was 72%.

The Chair: Got it.

Ms. Ruby Sahota: Okay. I was just going off a comment that was previously made. Upon googling the numbers, I think you can come to about 70% or 71-point-something. We've done better in elections before too, so I'm not saying it's anything to be—

The Chair: But your question to Mr. Kingsley stands?

Ms. Ruby Sahota: It stands, yes.

The Chair: Go ahead, Mr. Kingsley.

Mr. Jean-Pierre Kingsley: I'm going to be very blunt about this. It was 72% at the federal referendum. That could have been considered satisfactory. Then it was 72% in Great Britain, and that was unsatisfactory.

The point is, how important is the question to society? That has an impact on the turnout and the legitimacy of the results. It cannot be a simple answer of just one number being reached. The gravity of the question weighs on what an acceptable participation rate would be.

Ms. Ruby Sahota: With this matter, what would you think would be an acceptable participation rate, knowing that on our previous referendum we had 72%?

Mr. Jean-Pierre Kingsley: I've not gone in that direction in my thinking at this stage. I've indicated to you before that my wish is for this committee to come out with a unanimous recommendation, and if not, then with an overwhelming majority consensus. If not, I'll be more than happy to come back and tell you what I think.

Thank you.

Ms. Ruby Sahota: Thank you. I think that is really important, because we are trying to make sure that we have good engagement from all sides of the spectrum.

I'd like to get your input about how we can get marginalized people involved, whether it's aboriginal people or new Canadians or young people. I know you talked about electronic voting or online voting, but what are some other methods that can also be used in a new electoral process?

● (1600)

The Chair: You have 25 seconds, please.

Mr. Jean-Pierre Kingsley: I'm sorry. I'm not getting the meaning of your question.

Ms. Ruby Sahota: What strategies can we use going forward? What should we look at?

Mr. Jean-Pierre Kingsley: I'll be very quick.

The Chair: Yes, please.

Mr. Jean-Pierre Kingsley: We need to get more involved in the communities where these people live. As a system we need to do that, as political parties and as candidates. They are regrouped. They're not alone. They don't understand our system, and we could do a lot more citizenship teaching about our electoral system and our system of representation.

The Chair: Mr. Mayrand made the same point this morning—I believe you were listening—about more civics.

Monsieur Boulerice is next.

[*Translation*]

Mr. Alexandre Boulerice: Thank you, Mr. Chair.

I would like to take the opportunity to react to the comments of my colleague Mr. Deltell. He said that the inequalities in the composition of this committee are a reflection of those that existed in the House of Commons. They were caused by our current voting system. The NDP managed to convince the Liberals to withdraw their majority and increase the number of opposition seats, but the Liberals wouldn't have had to do this if our system had reflected the votes won by the Conservative Party, the NDP, the Bloc Québécois and the Green Party.

In 1979, the Pépin-Robarts Commission recommended a mixed member proportional system. The Law Commission of Canada said the same thing in 2004. The National Assembly of Quebec also went in that direction in its work. It was suggested that two-thirds of members be elected directly and locally and that the other third of members be elected through lists.

The German model, which has been in place for decades, comes close to this with 50% of members elected directly and the other 50% through a second ballot where voting is done using a list.

Some people fear that this kind of system would create two classes of MPs and two kinds of legitimacy. In your experience internationally, in countries that use this system, how are these two groups of elected members perceived differently?

Mr. Jean-Pierre Kingsley: I can answer only based on conversations I've had with members from both categories. They see a difference as to who they represent. It's crystal clear: they don't feel they play the same role. This is based on a few conversations and is not an in-depth survey. They told me that there is a difference between them and that their role is not identical.

Mr. Alexandre Boulerice: Concerning the possibility of voting for a party on a second ballot, there are many ways to proceed. There are closed lists, in which the party decides the order of its candidates, and open lists, in which it is voters who choose to vote for the Liberal Party, for example, but who put the candidates in the order that suits them.

In your opinion, in this kind of proportional system, is one way better than the other?

Mr. Jean-Pierre Kingsley: In my remarks, I indicated that you were going to have to be careful with what you were going to decide because Canadians will have difficulty with closed lists, unless they are very short. As for open lists, they raise questions about competition between candidates from the same party.

However, we must not automatically refuse these systems just because of that. We need to determine the advantages and disadvantages of such a system. In fact, every system has its advantages and disadvantages.

Mr. Alexandre Boulerice: The Parliament elected last October has a fairly low representation of women. I spoke about this with Mr. Mayrand this morning. Only 26% of MPs are women, which places us 49th in the world in this area. This isn't something to be proud of. Countries less democratic than ours are doing better.

In your opinion, what voting system should we recommend to ensure better representation of men and women in our Parliament?

Mr. Jean-Pierre Kingsley: In the voting system, you should alternate between male and female candidates to automatically end up with a 40-60 or 45-55 balance one way or another. Currently, the structure of parties and how local associations operate discriminate against the participation of women. It is very difficult for women to take part in political life because of all the lifestyle issues. That's how the system has evolved.

How could we remedy that? This morning, Mr. Mayrand spoke about incentives, which would help to resolve the problem, but I don't think it's the solution. It would take more than that. We need determination and an electoral system that would ensure alternation between male and female candidates. That would put an end to the problem.

● (1605)

The Chair: You have 20 seconds left.

Mr. Alexandre Boulerice: I think that's it for me, as well.

[*English*]

The Chair: Go ahead, Mr. Richards.

Mr. Blake Richards: Thanks, Mr. Chair.

I'm going to turn to this referendum question again briefly because it seems as though we have a Liberal government that has a real aversion to the idea of asking the Canadian public what they think about the changes they want to make to our voting system. We saw it yesterday from the minister. She was clearly speaking with her personal opinion against the idea of a referendum. We're hearing it from members on the other side today, even to the point of mischaracterizing things to some degree, so I wanted to turn to it.

As I mentioned in my point of order, Mr. Chair, in the last federal referendum almost 72% of Canadian eligible voters voted. There were actually 13,725,966 eligible voters, and of that number 9,855,978 voted. Almost 10 million Canadians voted in that referendum.

What I fail to understand is how the Liberal government would suggest that there would be a way they could reach more than that number of voters through any other kind of consultation method they might be talking about. On these ideas of town halls, for example, if we were to have town hall meetings in each of the ridings in the country, to get the same number of people participating there would have to be 29,160 people showing up at each and every one of those town hall meetings. Alternatively, if you consider a more realistic number of people who might attend a town hall meeting, I think you might expect maybe 75 people. That would mean you'd have to have 131,413 town hall meetings to be able to reach the same number of people.

I would be more than happy to cede just a little bit of my time to any of the Liberal members on the other side if they could explain to me how they can potentially expect to consult with more Canadians than they would in a referendum. I'd be happy to cede my time to any of you if you'd like to answer that.

The Chair: You understand that we're here to question the witness?

Some hon. members: Oh, oh!

Mr. Blake Richards: Obviously I'll take their silence as the fact that they don't have an answer.

The Chair: No, the silence—

Mr. Blake Richards: I'll also note that it's not just my question they seem to want to ignore. On this idea of the Twitter questions that we've seen today—and the Liberals have asked a few of them—I just checked a few minutes ago, and today there have been 29 distinct questions by distinct individuals. Of those 29 questions, 16 of them were asking about referendums. I noticed the Liberals asked a few questions but chose to ignore the majority of the people who were asking about referendums by not asking that question.

I hope that they're going to understand eventually at some point that Canadians are not going to take this sitting down. They're not going to just let the Liberals do whatever they want and change the voting system that all Canadians must have a buy into and try to do it without giving Canadians a say in any way through a referendum on those changes. I certainly hope they're going to think better of that and realize that Canadians will not accept that or tolerate it. They will demand to have the right to be heard and to have their vote on any changes the Liberal Party is proposing.

With that, I'll conclude, Mr. Chair.

The Chair: Thank you.

So there's no question for Mr. Kingsley here?

Mr. Scott Reid: Do you want to divide your time with me?

Mr. Blake Richards: Yes, sure, I'd be happy to share the rest of my time with my colleague.

The Chair: Thank you.

Go ahead, Mr. Reid.

Mr. Scott Reid: Thank you.

The issue of voter participation in a referendum does raise a question. I am under the impression that if people find the question to be compelling, they're likely to turn out in a referendum. You had the experience of actually administering the referendum back in 1992, so I'll just.... I'm not sure this is a fair question to you as you're trying to be impartial here, but I assume that your experience was that the high voter turnout was based on the fact that people felt the issue to be a compelling one. That's actually what drove them to the polls, whether they were for or against.

Mr. Jean-Pierre Kingsley: I answered that I thought the turnout was satisfactory for the results that were obtained. Were they optimal? I will tell you one thing: it depends on the importance of the question. I liked 93% in one referendum—

● (1610)

Mr. Scott Reid: In 1995?

Mr. Jean-Pierre Kingsley: Ninety-three per cent is what I like when you're deciding something absolutely major, and we got that in this country. If referendums are the way to go, I don't know why we don't aim for that.

Mr. Scott Reid: Right.

We've heard from the minister that referenda are not inclusive, that certain groups don't come out to vote. In 1992, as compared to the election that you administered that came right after that a year later, was there any difference in terms of which groups participated or did not participate?

The Chair: That's a big question and we have very limited time, but go ahead and give it a shot, please.

Mr. Jean-Pierre Kingsley: That is a matter that was not studied or looked at in detail, sir. It was not studied.

The Chair: Thank you—

Mr. Jean-Pierre Kingsley: I will mention, by the way, that the political parties were not co-operating. The ones that favoured the referendum question being “yes” were a team together, but they were not co-operating. That had an impact on the results.

The Chair: Thank you.

Finally, we go to Mr. Aldag for five minutes.

Mr. John Aldag: Thank you, Mr. Chair.

Early on in your opening comments, you gave a bit of advice to us in saying that we should focus on three or four models instead of going after 15. You don't need to deal with this request now, but I am really curious to know if you've come across what you would consider to be three or four top models that would be worth looking at. Not only that, perhaps there are witnesses we could speak to who would be able to speak to the attributes, positive as well as negative, on each one.

I would just leave that with you. If you have time or you have something that you would be able to feed to the committee, it would be helpful as we move forward, given your wealth of experience.

Mr. Jean-Pierre Kingsley: I read significant pieces of the guide, if not the total document, tabled by the minister with you yesterday. In it there is a good definition, a very good definition, of the various basic models—not the variations upon the themes, but the basic models. I found that to be quite helpful.

In terms of other people to call, we have a whole slew of people in academia in this country who have a wealth of experience to share, with much deeper knowledge about the advantages and disadvantages of the different systems. I would be happy to share those names. They're already well known to people, but I'd be happy to do that.

Mr. John Aldag: If you have something and you'd be able to do that, it would be helpful for us to get it into the official evidence.

Mr. Jean-Pierre Kingsley: Okay.

Mr. John Aldag: My next question is one that I posed this morning as well. You touched on this, but I'll give you another chance to speak to it. It's simply that as we move forward, what would you consider to be, as I termed it earlier today, a Canadian attribute for us to consider? I think you had called it a Canadian peculiarity. What would be a key consideration that you would say we would need to look at, in the Canadian context, as we move forward in revising our electoral system?

Mr. Jean-Pierre Kingsley: In any system we devise, I would consider the need to reconcile the remote and rural areas where the historic linkages with the elected representatives, in my view, have appeared to be different. It could lead us to a very interesting system.

There was another major attribute to which I alluded a little bit earlier, but I would only be repeating what I have already said, so the main one is to reconcile the geography of this country with its system of representation.

The other thing that I consider to be essential is to come up with a system that favours the national aspect of political parties, the coast-to-coast-to-coast aspect that I mentioned, so that we have members of caucus from all across the land and not have significant chunks missing or significant disproportion in representation in caucus.

Mr. John Aldag: Okay. Thanks.

As my final question, I would simply offer you the floor if you have any other final words of advice, thoughts you haven't covered that you'd like to leave us with, or parting thoughts for the day as we move forward.

Mr. Jean-Pierre Kingsley: My only parting thought is to reiterate one thing: this committee must run the process with the Canadian public. You must beef up how you reach out to Canadians and how Canadians reach out to you. This is the most significant piece of advice I can give you. It is not up to the government to do that; the government is entitled to do what it wants to do, but you are the representatives of the people. You are the ones who must take this responsibility and give it life.

● (1615)

The Chair: Thank you, Mr. Kingsley, and thank you for being with us today. You have provided us with a lively session in the doldrums of summer.

Voices: Oh, oh!

The Chair: We appreciate that you have stimulated debate while sharing your wealth of experience. On behalf of all members of the committee, I believe, thank you for your service to Canada and for the ideas you have brought to the committee today. Thank you very much. You have made a great contribution to the discussion.

[*Translation*]

Mr. Jean-Pierre Kingsley: The pleasure was all mine. Thank you very much.

The Chair: Thank you.

Colleagues, we're going to take about a five-minute break and then continue in camera. I hope it will be very brief. We have a few decisions to make. Actually, we need to ratify some decisions of the steering committee.

Thank you.

[*Proceedings continue in camera*]