

A proportional, modern and democratic reform  
for a code of civic engagement

Brief presented to the House of Commons Special Committee on  
Electoral Reform

Mireille Tremblay, PhD SHA

Associate Professor  
Department of Public and Social Communications  
University of Quebec at Montreal

Montreal

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## **INTRODUCTION**

Having followed the public debate on the various proposals to reform democratic institutions and the electoral process in Quebec and Canada, and having read the evidence presented to the House of Commons Special Committee on Electoral Reform, I will try to briefly answer the Committee's questions and present some proposals respecting the principles of effectiveness and legitimacy, engagement, accessibility, integrity and local representation.

## **PROPORTIONAL REFORM OF THE VOTING PROCESS**

Considering the strengths and weaknesses of the various models, is there a way to have proportional representation in the House of Commons without amending the electoral map, while maintaining the representation of Canada's 338 constituencies?

I think so. It would basically mean changing the way vote results are compiled. The electoral map, the number of constituencies, the number of seats and the process of nominating candidates would remain the same in each constituency and the election campaign would continue to be governed by the same rules.

**I suggest a provincially-based first-past-the-post proportional system, nominating one member in each of Canada's 338 existing constituencies.**

**Votes would be tabulated as follows:**

- **The voter chooses a single candidate from the list for their constituency, as is currently done. The ballot doesn't change;**
- **The total votes for each party, in each province, is calculated and provides the percentage of votes won by each party in each province;**

- **The percentage of votes won by each party (having won more than 5% of votes) in each province determines the number of seats allocated to each party (proportional representation);**
- **A list is drawn up for each party in each province of the relative performance (in percentage) of candidates in their constituency, listing the performance of candidates in descending order (in percentage);**
- **The seats that each party receives are then allocated among the parties, taking into account the ranking of candidates, which allocates one member to each constituency.**

We can certainly play around with other formulas or change some of the parameters of this calculation. For example, the seats won by the party with the least number of votes in a province (greater than 5%, however) could be allocated to that party's candidates with the highest scores (percentage of votes) in their riding. Seats for other parties would then be allocated, ending with the list of the party having won the highest percentage of votes in a province.

I believe the above formula meets the principles of the desired electoral reform and reflects the strengths, weaknesses and criticisms of other systems that have been tested and evaluated. It is a simple and easy to understand system for the electorate, which would be easy to simulate, with the data at our disposal, to assess its relevance and effectiveness or identify shortcomings.

This proposal has several advantages over other mixed member proportional formulas or compensatory ballots that many other groups have proposed to improve the House's representativeness. No changes to the electoral map are required, which would speed up its implementation. In mixed formulas, the electoral map has to be changed by adding a significant number of seats for proportional representation or by merging constituencies, thereby reducing the total number of constituencies. The first case

results in an increase in the House's operating costs and the second, in a loss of local representation.

This type of mixed system also creates two classes of members: members elected by majority and members elected from lists drawn up by parties that are not accountable to any constituency. Many of these mixed systems seem to give rise to conflicts, disparities and inequities between these two classes of members. The above proposal avoids this issue. Moreover, the drawing up of proportional voting lists by parties makes many people fear that they and their establishment may be given undue power. The above proposal avoids this pitfall.

In summary, the electoral process would remain unchanged: the ballot is identical, the system remains first past the post. It is relatively easy to implement, the various stakeholders (parties, candidates, voters) do not have to change their practices, and they already have the skills and resources needed to fulfil their responsibilities under this proposal. This reform has major advantages.

As to the representation of Canada's diversity, no majority models, mixed or proportional, contain the necessary elements to ensure a fair and equitable distribution of seats.

**I therefore recommend, regardless of the model adopted by the committee, that**

- **each party be required to ensure equal representation of men and women who run for office;**
- **each party provide a fair representation of Canadian cultural and ethnic diversity, as well as people with disabilities and people belonging to different age groups.**

As no system is perfect, some voters will be reluctant to accept that in some constituencies a person who has not won the most votes is elected. But the lesser of two evils must be chosen: while the first-past-the-post system runs the risk of giving

power to a government that has not won a majority of votes, the introduction of proportional representation reduces or even eliminates this risk. It is also possible that political parties and elected members will not support this reform, depending on the gains it would bring them. This is one of the biggest obstacles to any electoral reform proposal.

Consideration must also be given to the impact of any proportional type of reform on the transformation of governance, which would go from bipartisan model to multipartisan. But, as democracy evolves in time and space, I believe that bipartisanship, based on the principle of alternation, is outdated, and that multiparty governance would better reflect the complex ethical, political, social and economic aspects of national issues and international challenges of our day. In addition, in recent decades, as a society we have experienced and developed more friendly, inclusive, deliberative and democratic ways of debating and negotiating collective issues involving a variety of stakeholders and interests, and we have the knowledge, procedures and skills needed to have effective multiparty governance.

## **COMPULSORY VOTING**

Introducing compulsory voting does not seem the best way to increase voter participation or the credibility and legitimacy of the Canadian government. I believe that electoral participation is a right and a moral responsibility for all Canadians of voting age to vote.

I am subject to the political decisions, laws and regulations enacted by the state and its government and I am forced to comply. I pay taxes and fees that allow the state to fulfil its duties towards the nation. It's not optional! However, I have the opportunity and responsibility to contribute to designating persons who are authorized to make decisions and govern the state on my behalf. It should not be an obligation with

penalties against a person who refuses to vote. It is up to every citizen to use their right to vote as they see fit, including refusing to vote.

Everyone has the right to assume their civic responsibilities according to the values that guide their personal choices, desire to engage, time and resources. As part of the electoral process, a wide range of options are available to everyone. While political socialization will lead some people to run, voters will pay attention more or less to an election campaign, to studying the various policy options and voting, if they wish.

The decreasing turnout deplored in many Western countries is a symptom of a contemporary phenomenon with multiples causes: loss of confidence in government and its elected officials, a feeling of powerlessness as an individual alone in an anonymous crowd, feelings of uselessness or incompetence by some voters, a lack of interest in public affairs ... Making voting compulsory does not significantly contribute to increasing government credibility and legitimacy. Instead we should look for more appropriate and effective measures to promote and increase political participation and electoral engagement.

## **E-DEMOCRACY AND ONLINE VOTING**

E-democracy, or cyberdemocracy, unquestionably offers a range of tools to promote democratic, political and electoral participation. While in the 1990s e-democracy was associated with government transparency and access to online databases and information of public interest, various levels of government have subsequently developed platforms making “online services” accessible, allowing, for example, a person to complete and submit their tax return, renew their driver’s license or register a business.

Today, in the era of Web 2.0, we have surpassed this type of unidirectional or individual communication to access a much more powerful interactivity: we can discuss, share and negotiate online, which is a real breakthrough for public dialogue and collective

intelligence. Some elected officials are making growing use of social networks and various interactive tools to maintain an ongoing dialogue with their voters and many civil society stakeholders are starting and driving endless debates in the public sphere.

While the use of information and communication technologies can contribute to public opinion, drive citizen intelligence and support democratic debate, their use in the electoral process in general and the voting system in particular must be used with extreme caution to ensure the validity and reliability of results on the one hand and the identification of each voter on the other.

Regarding the compilation of votes, the Chief Electoral Officer must be able to ensure that the data was properly registered, transmitted and compiled, without error and without fraud. Published results must be verifiable. Is this possible?

In terms of the voter, do we have the technological tools, biometric data or recognition procedures that would allow us to confirm the identity of a person voting online? Moreover, how do you ensure the confidentiality of the vote that the booth at a polling station provides? How do you ensure that a person exercising their right to vote online is not under undue influence?

Electronic voting can without question facilitate or even increase voter turnout and reduce some barriers, particularly for people with reduced mobility, people with disabilities or the elderly.

**To minimize the risks associated with electronic voting while reducing barriers for some people who have difficulty moving around, I recommend, as other colleagues have done before me, that:**

- **an electronic voting procedure be developed, tested and validated in the next federal election. This procedure would be available to a list of people in a designated**

**pilot area. Based on the results, a revised model could be applied in the future in other regions.**

### **A DEMOCRATIC AND LEGITIMATE ADOPTION PROCESS**

As other witnesses have already pointed out, the ratification method and the time frame for implementing electoral reform should depend on the nature and extent of the reform, which is not currently the case. Various constitutional and legislative provisions grant certain amending powers to specific actors in the electoral process and I do not have the necessary expertise to discuss this here.

However, ethically, the voting system seems a democratic issue of such importance that any major changes should be ratified by all Canadians, by referendum. I recommend, as warranted by the scope of the reform, that a referendum be held in conjunction with the next election, which would have the advantage of making it a clear election issue.

I am delighted and thank the current government, and I congratulate you for the work you are currently doing that is helping make voter turnout a public and open debate. Several civil society stakeholders and the research community are participating, and many information and communication tools have been made available to the public. However, regardless of the extent of this participation and the quality of the proposals put forth, it cannot legitimately represent the will of the people. As Jacques Godbout<sup>1</sup> said, the only time all citizens can exercise the same power is in an election or referendum: one person, one vote.

While it is desirable that the Government of Canada take action to strengthen democratic governance and electoral participation as quickly as possible, talking about

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<sup>1</sup> Godbout, Jacques T. (1983). *La participation contre la démocratie*. Montréal : Éditions Saint-Martin. (190p)



democracy, discussing how it works and measuring its progress is at the core of democracy and contributes to advancing civic intelligence. Democracy evolves in time and space, its practices are constantly evolving and reflect the maturity and civic skills of citizens. Democracy is deliberative, interactive and iterative, the will of the people evolves, progresses and feeds this ongoing debate, which the work of the Committee is certainly contributing to. However public consultation must lead to action or otherwise risk increasing public cynicism toward government and undermining the confidence and interest of citizens in this type of process.

**In order to reconcile the need to act quickly with the duty to hold a democratic referendum, I recommend that:**

- **the reform proposal be the subject of a referendum in the next election;**
- **before the next election, a simple, clear, well documented and justified proposal for electoral reform, together with simulations, be made public so that citizens can determine its extent and impact;**
- **the proposal include a timetable for implementing the reform, applicable as of the next election;**
- **the proposal be considered by the parties as one of the issues in the next election, which will make it a subject of public debate;**
- **the implementation of the reform be accompanied by mechanisms and evaluation criteria that would identify necessary changes, if any;**
- **voting system reform be included in public, ongoing debate on improving Canada's democratic institutions and that we explore implementing other processes that promote civic and democratic participation for a true code of civic engagement.**