

To: Special Committee on Electoral Reform
From: Robert Bandurka, Humboldt, Saskatchewan
Date: 2016-09-07
Re: Electoral Reforms



The author of this brief is a former Returning Officer (47009 Saskatoon-Humboldt) as well as an OSCE (Organization for Security and Co-operation in Europe) sponsored Election Observer in Ukraine's Presidential Election December 2004. The views expressed here are my own with a humble request for forgiveness for partisan comments.

Challenges:

What is the problem? Some of the symptoms of the problem are:

- Abuse of parliamentary tradition
- Declining voter turnout
- Continuous political advertising
- Vote-splitting
- FPTP created artificial majority governments

How can we fix it? There are and will be many wiser proposals before you. My concern is that the committee has divergent views and that no consensus will emerge to offer the Canadian public which will result in a national referendum where the status quo will prevail.

Instead, why don't we try to reduce and limit the power of the Prime Minister's Office incrementally, starting now.

Background:

Canada has managed to elect reasonable and democratic governments for nearly 140 years (longer if we consider the original colonies.) Democracy may be characterized as majority rule, along with the following conditions:

- Governments are selected and replaced through free and fair elections
- Citizens must actively participate
- There must be respect for the human rights of all citizens, especially and including the minorities
- Rule of law must apply equally to all

It is fair to consider the following comments and opinions as politically partisan. The current problem (dissatisfaction with the First-Past-the-Post elections) arose because the legitimacy of the elected government (i.e. Party X won a majority with only 39.6% of the voters – even less if you consider the total population) was called into question. Why were so many people upset? Because one party and their leader did not respect the rights of all citizens, especially minorities.

Whipped votes in both Houses of Parliament, questioning of Supreme Court justices, removing appointed officials who did not accede to the Prime Minister's demands, the use of omnibus legislation, closure, time allocation and even preparing manuals on how to subvert committee meetings along with spurious accusations "either you are with us or you with the

Taliban"; "either you support us or you are with pedophiles" and other similar, divisive attacks rankled many, including myself. The most egregious situation occurred when the **Contempt of Parliament** was just sloughed off as just partisan politics. Anyone found in **Contempt of Court** finds himself in jail. That nothing of consequence happened means another tradition had failed.

Considering we were able to design, and legislate a unique Canadian flag (Pearson 1965 and with a minority government) and Medicare (Pearson again with Medical Care Act in 1966), the dictatorial techniques of the past ten years did more to divide us than to unite us.

Also, this has lead us to the very reason we are debating alternatives to FPTP. While I believe FPTP has validity, many feel we definitely need changes to our parliamentary system. This paper provides some suggestions for consideration.

Recommendations:

1. Parliamentary procedures

Sometimes there is good reason to present Omnibus legislation except such legislation can be (and was) abused. Eliminate the use of Omnibus legislation, but if this is not possible consider countering this abuse by requiring all Omnibus legislation to have a double majority: a majority of the MP's in the House as well as a majority of the political parties. Otherwise the bill should be broken down into separate, debatable bills.

A hypothetical example: suppose the party in power decided to pass an Omnibus bill including electoral reform (changing it to a ranked ballot), no election rebate money for losers, and elections whenever PM decides to call one. Currently, with a majority, this bill would pass easily. Under the double majority concept, passage of such legislation would require a majority of governing party as well as a majority of any two other parties. One of the other parties might be easy to sway, but the probability a majority of one of the other three parties to vote in favour is highly unlikely. What this proposal would do is provide power to the minority and the MP's elected to represent us.

This could be applied not just to Omnibus legislation, but to all of the other debate limiting tactics (closure and time allocation.) Sometimes the best amendments can come from opposition members.

2. Advertising

With fixed election dates, partisan ads are now running continuously. My second recommendation is any ads run outside of the Writ period must be fully paid for by the Party, not the taxpayer. In other words, for every dollar in ad purchases, another cheque must be made payable to the Receiver General for three dollars (to reflect the fact that most of the donation to any political party is rebated by current tax rules.) Taxpayers should not be funding 75% of the ad expenditures.

3. Ten per centers

When the ten per centers were originally offered, the intention was to provide opposition parties a small, albeit limited opportunity to present their message. The government of the day has all of the power and money to make announcements, provide money for projects, etc. My strong, very strong, recommendation is government MP's be prohibited from using Ten per centers as it gives the majority even more money for communication as well as all their other avenues.

4. Financing:

Revise the rules for political donations to report the names of all donors, not just those who donate over \$200. Political parties are only required to report to Elections Canada the identities of contributors that have given a total of over \$200 to any one riding association or the central organization. For donations of \$200 or less, receipts must be kept by the individual riding associations, but we at Elections Canada had no way to keep track of them. At the moment, completely anonymous contributions of \$20 or less are permitted. Much more transparency, not less, is needed.

Bring back the per-vote-subsidy. Admittedly, money, while the root of all evil, is necessary to communicate. Right now the poor do not have the same ability to assist their choice of political parties. A per-vote-subsidy has the ability to reduce Vote-splitting as your vote puts money in your party coffers even when your candidate is not elected. In locations where a certain candidate has no hope of winning, the funding could even encourage a better turn-out just for the money.

However, the per-vote-subsidy if brought back, should be contingent on the total number of candidates running across Canada. The example being the Green Party usually runs a full slate of candidates; other parties like the Bloc Québécois only run in Quebec. Green would thus qualify for 100% of the Federal subsidy while the Bloc Québécois would only qualify for 25% on this basis. Increased funds would allow small parties access to better research and communication.

5. Advertising

Third party advertising must follow all of the same rules as political candidates (limits and identification) with only one major condition – no tax payer funded rebates, whatsoever. Otherwise we will soon see Super PACS (Political Action Committees) distorting the playing field like in the U.S.

Another advertising limitation should be that all Government of Canada sponsored ads must clear a House of Commons double majority or at minimum a House committee reflecting such a view to prevent abuse.

Conclusions:

My only concern with the current electoral reform schedule is that it is perhaps too much, too soon. Ten years of abusing tradition versus one hundred forty years of living with the limitations on power. Assuming the legislation does go to a referendum and is defeated, will this eliminate the abuse of power? I would rather we take time, debate, educate, debate some more until there is clear majority support in our elected House of Commons. If this takes several electoral cycles, so be it. We need to ensure more power to the backbencher; less to the Prime Minister's Office.

Reforms:

Alternatives such as MMP, ranked ballots, run-off elections need time to develop. Electors need time to appreciate all of the nuances and consequences.

Definitively NO to electronic voting. While banks and other institutions can manage hacking threats, a once-every-four-years institution (local Elections Canada personnel) just do not have the ability to manage such threats.

Summary:

Just as a ship needs time and space to turn around and/or change direction, so does our government. I recommend gradual and incremental changes. In the nineteen fifties and sixties the Prime Minister's Office had under a dozen assistants. Now it is in the hundreds. Power has flowed from the elected MP to the unelected PMO staff. We should at least attempt to reduce the power of the PMO and increase the power of the backbench MP to reverse this trend.

Key steps to reversing that trend are:

- Double majority House votes
- Per-vote-subsidy returned
- Transparent financing
- NO to electronic voting
- Advertising outside Writ Period funded entirely by party
- Ten per centers only available to opposition MP's
- Eventually a fairer/better system for electing our MP's.

The real question facing us is whether the Liberal government under the Right Honourable Justin Trudeau will be willing to cede much of the power currently held by the PMO.