

## **Brief to the Special Parliamentary Committee on Electoral Reform**

*Communist Party of Canada, October 7<sup>th</sup> 2016*

The Communist Party of Canada is a registered political party with a 95 year history of fighting for peace, democracy, and socialism. Our party was the first political party in Canada to call for proportional representation. We maintain that any discussion about electoral reform should begin with scrapping the anti-democratic “Un-Fair Elections Act” imposed by the Harper Conservative government, and building from the principle of making every vote count.

In convening the Special Committee on Electoral Reform, Parliament mandated the committee to (1) “study of viable alternate voting systems to replace the first-past-the-post system”; (2) “examine mandatory voting and online voting”; and (3) “assess the extent to which the options identified” would advance democratic principles. This brief presents the perspective of the Communist Party of Canada towards these questions and associated matters, and our policy on electoral reform.

### **Make every vote count**

In presenting this brief, the Communist Party of Canada again goes on record as a strong champion of electoral reform and replacing First-Past-the-Post (FPP) with Mixed-Member Proportional (MMP) representation, without threshold limits.

Since our founding in 1921, the Communist Party has advocated deep-rooted democratic reforms to the Parliamentary system to make every vote count. Our party’s position was reflected, for example, in our extensive submission to the 1937 Rowell–Sirois Royal Commission on Dominion-Provincial Relations. Noting the long battle for the enfranchisement of women (not achieved in Quebec until 1940) our party’s brief to Parliament cited fundamental contradictions in Canada’s supposedly democratic electoral system including the unelected Senate and the racist disenfranchisement of Indigenous people, citizens of Chinese, Japanese and South Asian origin. Our 1963 submission to the Laurendeau-Dunton Commission on bi-lingualism and bi-culturalism formally called for proportional representation (PR). The Communist Party was the first political party to advocate for PR and we have consistently advocated for this position.

Today, the reality is self-evident that the FPP “winner take all” system is undemocratic, entrenching the big business parties. A vast and costly electoral machine is required to win ridings. The big business parties raise tens of millions of dollars through individual donations from bankers and private business. Electoral spending limits are obscenely high, while limiting donations from trade unions, democratic organizations that are already financially transparent. The Conservative Party’s recent “In and Out” scandal further exposed gross violations of electoral funding rules and the 2014 “Un-fair Elections Act”

effectively limited the franchise, gagged Elections Canada, and created further loopholes for election fraud.<sup>1</sup>

Elections are therefore widely recognized as a horse-race largely orchestrated by the corporate media, where small and progressive parties are marginalized. This is not only true for the Communist Party; the exclusion of Elizabeth May, leader of the Green Party, from the 2015 federal election debates had a marked impact on their voter turnout and subsequent vote. This situation is partly created by FPP, which effectively rejects the idea that every vote counts. Most majority governments are formed with less than 50 percent of the vote.

We propose:

- Dramatically cutting spending limits for political parties
- Banning corporate donations
- Permitting donations from trade unions
- Guaranteeing equal time for all registered political parties, including in leaders and all candidates debates, governed by the *Elections Act*, not the *Broadcast Act*

While voting for a party like the Communist Party can send a powerful message regardless whether it wins or loses, voters often feel compelled to “vote strategically,” instead of for the party whose policies they support.<sup>2</sup> Strategic voting results from the FPP system and serves voters very poorly.<sup>3</sup> This choice, as well as the decision not to vote, are nevertheless understandable. Indeed, among the big parties voters have little fundamental difference in status quo ideas. For example, voters seeking to support a peace candidate have no options among the big parties in Canada today, which all clearly support NATO and oppose Palestinian liberation. Likewise, the composition of parliament reflects systemic gender discrimination and white privilege, as Indigenous nations, peoples from racialized communities, women and Trans-persons are all shut out by FPP.

Our party has maintained long-standing and strong support for MMP because it is a much needed and significant reform to the voting system. MMP would help break the stranglehold of the giant corporations over politics. It would help counter the trend to squeeze progressive, small parties off the electoral platform altogether. The peoples of Canada have waged prolonged campaigns to enlarge democracy in this country. Historically, this has included revolutionary struggles to win representative assemblies. Later battles to expand the franchise have fought against class oppression as well as colonialism, racism, sexism, ageism and other structural inequalities. The campaign for proportional representation is all part of this struggle, led by groups like *Mouvement pour une démocratie nouvelle* and *Fair Vote Canada* with support from their allies in labour and the people’s movements, the

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<sup>1</sup> See “Withdraw the Fair Elections Act Now!” at <http://communist-party.ca/statement/168>

<sup>2</sup> In the 2015 election, for example, an anomaly arose in three of the twenty six ridings where our Party nominated. In Calgary Forest Lawn, Vancouver Kingsway and Vancouver East, some voters no doubt recognized that one particular party would likely win overwhelmingly, a unique, small but significant counter-balance to the strategic voting effect. In each riding our candidates broke the one-percent threshold.

<sup>3</sup> See Bryan Breguet, “Did Strategic Voting Work?” *Huffington Post*, November 2<sup>nd</sup> 2015  
[http://www.huffingtonpost.ca/2015/11/02/canada-election-2015-strategic-voting-lead-now\\_n\\_8452212.html](http://www.huffingtonpost.ca/2015/11/02/canada-election-2015-strategic-voting-lead-now_n_8452212.html)

Communist Party, the Green Party, the New Democratic Party, the Bloc Québécois, Québec Solidaire and others. When Prime Minister Trudeau announced the 42nd General Election would be the last under FPP, many people thought his government would bring in some form of PR.

### **Communists fight for democracy**

Our party has extensive experience with the limited and fragile nature of democracy in Canada, having been closely interconnected with the growth and political development of the working class movement in Canada. In this struggle, Communists have faced blacklisting, prison, deportation, physical and psychological abuse and in some cases death. As a result of anti-democratic laws, our party was criminalized from 1921-24, 1931-36, and again in 1940-1942. From 1940 until 1956 it was illegal to operate openly under the name Communist Party. In Quebec, we faced the full force of the Padlock laws until they were struck down by the Supreme Court of Canada in 1957.

Despite this repression, our party has succeeded in electing at the federal and provincial level. Each time our party has faced such repression and been forced off the ballot, public opinion has mobilized to defend and extend democratic rights. These victories are among the foundations of free speech in Canada including, most recently, the landmark *Figuroa Case*. This ten-year legal battle in the courts and public opinion saw the Supreme Court overturn the 1993 de-registration of our party and require new amendments to the Elections Act which has direct bearing on this Committee's study.

As Mister Justice Iacobucci stated in writing for the majority, Section 3 of the *Canadian Charter of Rights and Freedoms* protects not just the right to vote but also provides the right of every citizen to participate in politics. The right ensures that each citizen can express an opinion about the formation of the country's public policy and the country's institutions, and play a meaningful role. The decision was a victory for the principles of democracy itself, and the right of all Canadians, regardless of their political and ideological views and beliefs, to express those views through the electoral process, to come together to form political parties to advance those shared beliefs, and to participate in the political life of the country without undue hindrance and discrimination.<sup>4</sup> The *Figuroa Case* decision underscores a fundamental reason for proportional representation.

### **MMP is the clear alternative**

Mixed Member Proportional representation most accurately reflects majority opinion, while taking into account geographic differences. In contrast, Ranked Balloting and "Single Transferable Vote" (STV) systems mean the first or second choices of only half of the voters are counted, which does not create a parliament that is proportionally representative of all votes cast in an election.

By making the composition of the party list a political concern, MMP could also help elect more Indigenous candidates, people from racialized communities, women and Trans-persons. It will also contribute to the break-up of the dominance of the big parties by fostering coalitions, which are susceptible to public opinion and mass pressure.

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<sup>4</sup> *Figuroa v. Canada* <http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2069/index.do>

The institution of MMP should generally maintain existing Electoral Districts, while being an occasion to eliminate gerrymandering in riding boundaries, including regressive changes in the 2012 redistribution by the Harper Conservatives, and possibly create new ridings.<sup>5</sup> New proportional seats, in equal number to the riding seats, should be added. We strongly oppose any calculation “threshold” beyond the achievement of one proportional seat. Thresholds reinforce the big party system, blocking the entry of small parties and contradicting the principles of proportional representation.

In addition, we propose:

- Enacting the right to recall Member of Parliament (MPs)
- Ensuring MPs receive the average workers’ wages and benefits

### **Make voting more accessible**

The Communist Party supports making voting more accessible including reducing ID requirements, restoring the authority of the Voter Identification Card, and restoring multiple-vouching, to help transient voters (overwhelmingly working class people including young workers and students, the poor, single mothers, seniors, the disabled and people from racialized communities) as well as voters in northern and Indigenous communities. We call for:

- Conducting comprehensive enumeration before every election<sup>6</sup>
- Lowering the voting age to 16

### **Expand democratic rights**

In preparing its consultation, the Committee released an initial report concluding that “Canada’s electoral system is one component in a broader democratic framework.” In this brief we have argued that the electoral system is undemocratic. It also takes place within a broader capitalist framework that is fundamentally anti-democratic.

As noted by the Canadian Labour Congress in its brief, the Canadian state still bears the imprint of its colonial origin: the retention of a monarch of another country as the head of state, and the un-elected Senate is appointed from the privileged class. With the separation of legislative and executive powers, important policy and state affairs are also increasingly removed from the parliamentary arena, and instead decided by Cabinet or its non-elected officials in the state apparatus, by appointed judges and

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<sup>5</sup> For example the new riding of Burnaby North – Seymour, where we ran a young communist activist, encompasses Burnaby north of the Lougheed Highway including Simon Fraser University, but then inexplicably transverses the Burrard Inlet to include North Vancouver.

<sup>6</sup> Federally since 1997, and now in most provinces, neo-liberal cuts have eliminated enumeration. Yet, as a 2013 Elections Manitoba report notes: “Door-to-door enumeration is perhaps the most convenient method of registration for the voters themselves because enumerators visit voters in their homes. This face-to-face interaction provides enumerators with an opportunity to inform voters of an upcoming election, while providing them with the information they need to participate. This advantage of enumeration is often cited by researchers, academics, and political stakeholders.” Cutting enumeration has been decried by many as ‘penny wise, pounds foolish’. See: <http://digitalcollection.gov.mb.ca/awweb/pdfopener?smd=1&did=21897&md=1>

courts, or in conformity with the terms of neo-liberal trade agreements. Charter rights are curtailed in practice and by law, such as Bill C-51. Many other examples could be cited as the central fact of political life in Canada is that state power remains firmly in the hands of big business.

Regarding the *Constitution*, scaremongering by Senator Serge Joyal that MMP could not be implemented without constitutional change has been firmly rejected by Fair Vote Canada, Dr. Dennis Pilon and others. Nevertheless, the *Constitution* of Canada does not recognize the multi-national character of the country and the associated basic democratic principle of equality of nations. The reality is that locked within Canada are the Indigenous nations, the Québécois(e) and the Acadians. Indigenous Treaty Rights are inadequately protected in the *Constitution*, often not upheld nor honored. With legislation such as the *Clarity Act*, only the English-speaking nation has the fundamental democratic right to sovereignty. Quebec has never ratified the Constitution.

For many years, the Communist Party called for a constituent assembly of the people to draft a new constitution based on the equal and voluntary partnership of Quebec and English-speaking Canada, recognizing the national rights of Aboriginal peoples and Québec to self-determination up to and including secession. The Communist Party proposes a confederal republic with a government consisting of two chambers. One, such as the House of Commons today, would be elected through MMP. The other chamber – a House of Nationalities – would abolish the Senate, and be composed of an equal number of elected representatives from Quebec and from English-speaking Canada, with guaranteed and significant representation from the Aboriginal peoples, Acadians and the Metis.

Each chamber should have the right to initiate legislation, but both would have to adopt the legislation for it to become law. Furthermore the Aboriginal peoples must have the right to veto on all matters pertaining to their national development. This structure will protect both fundamental democratic principles: equality of the rights of nations whatever their size, and majority rule.

### **Electoral reform is long overdue**

The Communist Party of Canada has not been alone in advocating for proportional representation. PR has been a long-standing demand of the progressive trade union movement. The NDP, Blocs, Greens and many prominent people in Canada including some Liberals have called for MMP. Globally, socialist and communist parties in around the world have been demanding MMP for well over 100 years. At the turn of the century, labour voices in Canada called for PR, and in 1916 public pressure finally forced the federal Liberal party to appoint a committee examining electoral reform.<sup>7</sup> The call for voting reform was strengthened with growth of the working class forces, the enfranchisement of women, and the October Revolution in 1917. As a result, various forms of PR were adopted in some capitalist and socialist countries around the world.<sup>8</sup> This drive to PR received great democratic impetus after the defeat of Fascism in the Second World War. After the future socialist German Democratic Republic adopted PR in

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<sup>7</sup> F. Leslie Seidle, "Electoral System Reform in Canada," Canadian Policy Research Network, 2002  
[http://cprn.org/documents/16305\\_en.pdf](http://cprn.org/documents/16305_en.pdf)

<sup>8</sup> Denis Pilon, "Explaining Voting System Reform in Canada, 1874 -1960," *Journal of Canadian Studies*, Vol. 40, No. 3

1947, the Federal Republic of Germany adopted MMP in 1949. At the same time, coalition governments which included communist parties achieved PR in Italy and briefly in France.

With the so-called McCarthy Red Scare and the onset of the Cold War, some municipal constituencies introduced “Single Transferable Vote” to block socialists and communists. In the 1952 British Columbia’s ruling parties notoriously changed its provincial election rules to block the Cooperative Commonwealth Federation. Nevertheless, as the labour and people’s movements across Canada continued to support of MMP, public pressure grew.

Reflecting these demands, in 1976 Quebec created the first short-lived Ministry of State for Parliamentary and Electoral Reform which recommended PR. In 1979, the otherwise deeply flawed Pépin-Robarts Commission suggested additional seats be added to the federal parliament and “awarded to candidates from ranked lists announced by the parties before the election, seats being awarded to parties on the basis of percentages of the popular vote.”<sup>9</sup> Both these proposals were ignored by the Quebec and Canadian governments, but the people increasingly asserted that FPP was unfair. For example, in 1983 a petition for PR gathered over one million signatures.<sup>10</sup>

Twelve years ago, after a total of five more provincial public commissions as well as a report by the now-defunct federal advisory Law Commission of Canada which recommended MMP,<sup>11</sup> the federal government was again compelled to launch a specific investigation into “democratic renewal” chaired by the late Liberal MP Mauril Bélanger. In 2004 the Committee recommended a full inquiry into new voting models, with special attention to MMP.<sup>12</sup> This proposal also fell to the wayside. But public concern about the electoral system has continued, particularly following the nine-year rule of the reactionary Harper Conservative government, who won the lion’s share of seats with less than 40 % of the popular vote. This very same imbalance was repeated in 2015, with the Trudeau Liberal majority.

Concern over public confidence in bourgeoisie democracy has clearly pushed the ruling class to consider electoral reform. Other motivations include: (1) big businesses’ desire for stable governments and failure of the current system to consistently deliver; (2) reaction to the crisis of confederation and the growth of the Bloc Québécois by trying to find ways to further contain Quebec sovereigntist sentiment; (3) and the recurring difficulty for the big parties to capture a genuinely cross-Canada electoral base, in the face of regional-based cleavages within the interests of monopoly capital. This dynamic has been developed by Free Trade and the 2007 economic downturn. Internationally, similar factors combined with public pressure have helped contribute to the adoption of PR systems by over half the governments in the world today.

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<sup>9</sup> Report of the Pepin-Robarts Task Force on Canadian Unity, 1978

<http://www.solon.org/Constitutions/Canada/English/Committees/Pepin-Robarts/pr-7.html>

<sup>10</sup> Noted by the Law Commission of Canada, in *Voting Counts: Electoral Reform for Canada*, 2004

<http://publications.gc.ca/collections/Collection/J31-61-2004E.pdf>

<sup>11</sup> Ibid.

<sup>12</sup> Forty Third Report of The Standing Committee on Procedure and House Affairs, Nov. 25 2004

<http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=1936659&File=0>

The people's demands for more democracy are getting stronger. Our party shares the justifiable expectation and impatience by the public for the Trudeau Liberals to get to work. Now is the time to implement Mixed Member Proportional Representation.

The Communist Party has no illusions that much needed electoral reform will comprehensively resolve "the democratic deficit." For our Party, democracy is not only about voting, but the people having a decisive say about the future.<sup>13</sup> But MMP would be a long overdue and important reform, helping the working people in their struggle for a fundamentally new direction and winning a better society.

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<sup>13</sup> For our full perspective please refer to our Party Programme, *Canada's Future is Socialism* (2003) at [www.comunist-party.ca/party-program](http://www.comunist-party.ca/party-program)