

How and Why Electoral Reform Fails: Evaluating the Canadian Experience

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About a decade ago, Dick Katz wrote an article directed at a Canadian readership entitled “Electoral Reform is Not as Simple as it Looks.”¹ While he anticipated many of the difficulties that would subsequently confront Canadian reformers, he might not have foreseen either that the electoral reform movement would gather considerable political momentum in Canada or that the effort would fail so completely. In this paper, I assess the failure of the Canadian electoral reform initiatives of the past few years and attempt to determine what lessons these outcomes may hold both for Canadians and for reformers in other countries. When electoral reform moves from the venue of academic debate into the realm of political conflict, the obstacles to its success become both more visible and more difficult to overcome. The Canadian experience will demonstrate that electoral reform is indeed difficult to achieve, in part because it inevitably involves a real political battle fought on multiple fronts against opponents with considerable resources.

The case for electoral reform in Canada is compelling, in part because the first-past-the-post electoral system inherited from Britain was never really appropriate to the Canadian polity. The single member plurality model has consistently made it more difficult to manage Canada’s many regional, ethnic and linguistic divisions – an observation which has been made on many occasions over the course of Canadian political history.² Were Canada a new democracy able to choose an appropriate electoral model today without reference to the past, it would almost certainly not adopt first-past-the-post. However, it is quite a different matter to reform an institution that has been in place for 140 years than it is to design one from scratch. Canada’s long struggle to reform its constitution – for which there is likewise a compelling case – can also be cited as a similar example of institutional inertia.³ But inertia alone does not explain the failure in Canada of either the constitutional initiatives or the electoral reform movement. In the latter case

1. in Henry Milner (ed.), *Making Every Vote Count: Reassessing Canada’s Electoral System* (Toronto: Broadview Press, 1999), pp. 101-08.

2. See especially Alan Cairns, “The Electoral System and the Party System in Canada: 1921-1965.” *Canadian Journal of Political Science* 1 (1968), pp. 55-80

3. On Canada’s long and complicated struggle to reform its constitution, see Peter Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?*, 2nd edition (University of Toronto Press, 1993).

particularly, the impediments to change can be more readily identified. In this paper, I consider particularly the case of Ontario, where a reform proposal recommended by a Citizens' Assembly was put to a referendum vote in October 2007. In spite of the near unanimity of the Assembly in favour of reform, the proposal was soundly defeated in the referendum.⁴ I will also attempt to draw comparisons with New Zealand, where a reform movement succeeded in spite of similarly formidable obstacles, and with reform efforts in other Canadian provinces, as well as at the federal level. Together, these experiences will demonstrate the many difficulties that predictably arise when a reform proposal that stands any real chance of success moves into the political arena and becomes part of a larger struggle for power.

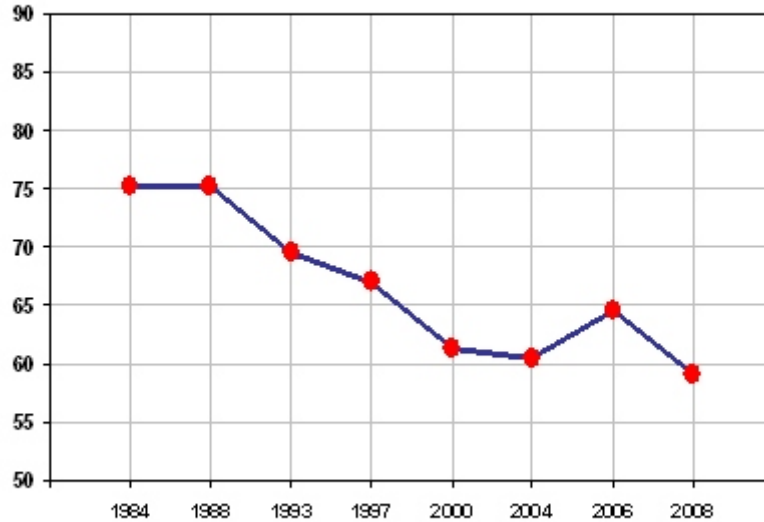
The evolution of the electoral reform issue in Canada

Discussions of electoral reform in Canada go back at least to the 1930s, but they became more intense following the changes in the party system brought about by the 1993 federal election.⁵ In that election, the virtual destruction of one of Canada's two major political parties ushered in a period of effective one party dominance, but it also produced a much more strongly regionalized configuration of parties. For the rest of the decade, the West would be the domain of the Reform party (later, the Canadian Alliance), while Quebec would become the stronghold of the separatist Bloc Québécois. The Liberals, with their support concentrated in Ontario and the East, were able to form consecutive majority governments with vote totals near or even below forty percent. In the 1997 election for example, the Liberals won 155 of the 301 seats in the House of Commons with 38 percent of the national vote. In gaining this victory, they took 101 of Ontario's 103 seats, while the Bloc captured 44 of Quebec's 75 seats and Reform (which formed the Official Opposition) won all of its 60 seats in the western provinces. This extreme regionalization of Canada's politics also coincided with a period of declining turnout in federal elections, with participation (which up until 1993 had generally averaged about 75 percent of the electorate) declining to new record lows (figure 1). It became commonplace to connect these two phenomena, as there was little incentive to cast a vote in a constituency based system in which an ever increasing proportion of seats were considered "safe." In such an environment, electoral reform began to be thought of not merely as part of an overdue modernization of Canada's creaky political institutions but as a matter of some urgency in confronting what came to be known as the "democratic deficit". As Brian Tanguay observed:

4. The referendum vote was 63 percent in favour of retaining the existing first-past-the-post electoral system, 37 percent for the Citizens' Assembly's MMP proposal.

5. For purposes of this paper, I exclude the issue of Senate reform. Proposals to abolish or reform Canada's appointed Senate go back even further, but they involve a different set of issues than those relating to the first-past-the-post electoral system used in electing members of the House of Commons and the provincial legislatures.

Figure 1. Turnout in Canadian Federal Elections: 1984-2008



“Even if the term [democratic deficit] has been cheapened through overuse, it does seem to apply to the current state of affairs in Canada, where voters stay home in droves, seem less interested or engaged in politics, and are reflexively hostile towards the political class and traditional political institutions.... The issue of electoral reform is inexorably making its way onto the political agenda, not only at the federal level but in many of the provinces as well.”⁶

The debate on electoral reform in Canada intensified following a third Liberal majority victory in the 2000 election. In that election, the Liberals won 172 of the 301 seats with 41 percent of the total vote. The Canadian Alliance, successor to the Reform party, formed the Official Opposition with 66 seats, all but two of these in the West. The Bloc retained its grip on Quebec, winning 38 of the province’s 75 seats, and Liberal hegemony in Ontario continued as the party captured 100 of that province’s 103 seats. Turnout declined even more dramatically to a new record low of 61 percent. As he neared the end of his third term, Prime Minister Jean Chrétien

6. “Reforming Representative Democracy: Taming Canada’s Democratic Deficit.” in James Bickerton and Alain Gagnon (eds), *Canadian Politics*, 4th edition. (Toronto, Broadview Press, 2004), pp. 282-83.

began to more actively embrace a reform agenda, bringing in a new proposal for party finance reform and creating a parliamentary standing committee on democratic renewal. But it was Chrétien's successor, Paul Martin, who raised the profile of the reform issue by making the "democratic deficit" an integral part of his campaign for the party leadership. When Martin succeeded Chrétien as Prime Minister in December 2003, expectations rose accordingly. While the pursuit of "democratic renewal" was always somewhat vague, and electoral reform was not necessarily its dominant theme, the initiatives in this direction came to an abrupt halt with the reduction of the Martin government to minority status in the June 2004 federal election. Following that setback, the government's preoccupation was with political survival rather than democratic renewal. The defeat of the Liberal government in the election of January 2006, effectively ended these initiatives, as the new minority Conservative government of Stephen Harper came to power with a mere 36 percent of the national vote. While electoral reform would continue to be discussed and debated among academics and interested groups, any new movement in this direction could not be expected to come from government.⁷

While it can be said that the political changes in 2004-06 effectively ended the prospect of electoral reform at the federal level, the period just prior to the Liberal defeat produced what could be considered the most detailed and most serious proposal for electoral reform that had yet been seen in Canada. In tandem with the initiatives taken in the federal Parliament, the Law Commission, a government funded think tank, launched a major inquiry into democratic renewal in 2001. In 2003 the Law Commission tabled a discussion paper entitled *Renewing Democracy: Debating Electoral Reform in Canada* and a year later published its definitive report on the subject *Voting Counts: Electoral Reform in Canada* which recommended replacing the first-past-the-post electoral system with an MMP alternative. The Law Commission proposal was highly detailed, making specific recommendations with respect to the number of constituency and list seats, the structure of the lists, the procedures for implementation of the new system, and its representational goals. The Commission was also specific in setting out the rationale for its proposed reform, noting that:

"...for the past decade or so [Canada] has been in the grip of a democratic malaise, the symptoms of which include declining levels of political trust, declining voter turnout, increasing cynicism and hostility toward politicians and traditional forms of political participation, and growing disengagement of young people from politics."⁸

The Commission report went on to state that while there was no simple solution to this long list of problems with Canadian democracy, an important starting point was electoral system

7. Although the Harper government would continue to pursue the idea of Senate reform, which had long been a part of the Reform-Alliance agenda and held greater appeal in the western provinces.

8. Law Commission of Canada, *Voting Counts: Electoral Reform in Canada*, p. 3

reform.⁹ However, by the time that the Law Commission report was published in 2004, the short-lived Martin government was already nearing its end, and the window of opportunity for electoral reform at the federal level was closing. The Law Commission itself was disbanded by the Harper government shortly after its election in 2006.

Electoral reform in the Canadian provinces

While a serious proposal for electoral reform at the federal level never came close to implementation, there were a number of important initiatives undertaken at the provincial level during the same period. The rationale for electoral reform at the provincial level in Canada is rather different than that found in the federal debates, as the sort of extreme regionalization that has bedevilled Canadian federal politics does not, for the most part, exist in the politics of most provinces.¹⁰ There has however been increasing dissatisfaction with first-past-the-post for a number of other reasons. In several of the smaller provinces, particularly in the Maritimes, the relative homogeneity of electorates and the small size of the legislatures have not infrequently produced wildly distorted seat distributions. In the 1987 provincial election in New Brunswick for example, the victorious Liberals won all 58 legislative seats with 60 percent of the vote. In Prince Edward Island, elections of members to its 27 seat legislature also tend to produce this type of highly distorted result, not uncommonly leaving an opposition party with only one or two legislative seats.¹¹ Alberta, with its long history of one party dominant politics, has often produced similarly one-sided electoral outcomes. During the years that Social Credit was in power in Alberta, the party often won more than ninety percent of the seats in the provincial legislature with vote percentages in the mid-fifty percent range. Since the Progressive-Conservatives came to power in Alberta in 1971, that party has exerted a similar degree of legislative dominance. In the 1979 election for example, the Conservatives won 74 of the 79 legislative seats with 57 percent of the total vote. In provinces where these types of electoral patterns persist, the effect is that elections produce lopsided majorities with very weak opposition, and voters who cast their votes for parties other than the governing party find that they have little or no representation in the legislature.

The issues in other provinces are somewhat different. Both British Columbia and Quebec have experienced "wrong winner" elections, in which the party that secured the largest number of votes won fewer seats and therefore failed to form the government. In Quebec particularly, the political implications of such outcomes have been quite important. 1998 stands out as the most

9. *Ibid*, p. 4

10. Although there is a strong urban/rural divide in the politics of several provinces, notably Ontario and Quebec.

11. In the 2000 election in Prince Edward Island for example, the Conservatives won 26 of the 27 legislative seats with 58 percent of the total vote. In the most recent (2007) PEI election, the Liberals won 23 of the 27 seats with 53 percent.

significant case, in which the separatist Parti Québécois won a second consecutive majority government with 42.9 percent of the vote, while the federalist Liberal party finished slightly higher with 43.6 percent. British Columbia, the province in which electoral reform has been most actively debated, has experienced both of these extreme electoral patterns. In 1996, a “wrong winner” election in British Columbia yielded a majority NDP government with only 39.5 percent of the total vote (compared with 41.8 percent for the Liberal party), while in the following (2001) election, the BC Liberal party secured 77 of the 79 legislative seats with 57 percent of the vote.

No fewer than five of Canada’s ten provinces have undertaken serious initiatives on electoral reform over the past decade. New Brunswick appointed a Commission on Legislative Democracy in 2003 which put forward an MMP proposal in 2005 together with a recommendation that it be put to a referendum. The Conservative government that had appointed the Commission however was defeated in 2006, and no action has been taken on the Commission’s recommendation by the new Liberal government. In Quebec, the Liberal government elected in 2003 tabled a proposal within a year of taking office for an additional member system consisting of 77 single member constituencies and 50 additional seats to be allocated from 27 regional groupings of the districts based on the aggregation of votes cast for the constituency candidates within those regions. With the 1998 election in mind, this proposal appeared to be crafted to maximize the efficiency of the Liberal vote in producing National Assembly seats and to greatly reduce the chances of a “wrong winner” election, particularly one that might be more likely to produce a Parti Québécois government with less than a majority of the votes cast.¹² The government proposed that the reform could be enacted by simple legislation, without a referendum but following a series of public consultations. The proposal however was never implemented, and the reduction of the Liberal government of Jean Charest to minority status in the 2007 election, together with the sharp decline in electoral support for the Parti Québécois has, at least temporarily, taken electoral reform off the political agenda in Quebec.

Three other provinces – British Columbia, Prince Edward Island, and Ontario – developed proposals that were put to a referendum. The Prince Edward Island and Ontario proposals – both of which advocated MMP – were soundly defeated by the voters.¹³ The British Columbia proposal recommending STV, which had been developed by a Citizens’ Assembly, was approved by 57 percent of the voters in the 2005 referendum, but it failed to reach the 60 percent threshold imposed by the government. The government has agreed to put the proposal to a second referendum (with the same threshold) in the provincial election which will take place in May 2009. However, for reasons that will be suggested later in this paper, the prospects for its passage are not good. In the event that the proposal fails to reach the 60 percent threshold for a second time in the

12. In addition to the “wrong winner” election of 1998, majority PQ governments were elected in 1976 with 41 percent of the vote, in 1981 with 49 percent, and in 1994 with 45 percent. In both instances when the PQ came to power, referendums on Quebec sovereignty followed shortly thereafter.

13. In the Prince Edward Island referendum, which took place in November 2006, the MMP proposal was rejected by a vote of 64 to 36 percent. Turnout in the referendum was 33 percent.

forthcoming referendum, it will likely mean that British Columbia will complete the list of failed reform proposals. Given the optimism which initially surrounded these various electoral reform initiatives – all of which represented serious and well structured efforts to bring about change – the rapid turn against them in each instance is puzzling. The task of this paper is to develop a better understanding of the forces that produced this rather consistent record of failure, in spite of the compelling arguments in favour of reform and the careful structuring of processes seemingly designed to produce a favourable outcome. We turn now to Ontario which, along with British Columbia, represented perhaps the most elaborate and most serious effort at bringing about reform. Understanding the reasons for its failure will provide a valuable window on the dynamics of the electoral reform process more generally.

Ontario

Electoral reform was first raised as an issue by the Liberal party at the time that it was in opposition. The impetus for this initiative was, at least in part, the experience of the province under two previous governments – NDP (1990-95) and Progressive-Conservative (1995-2003). The NDP government of Bob Rae had won a majority of seats in the 1990 election with only 38 percent of the total popular vote. The government of Mike Harris, elected in 1995 with 45 percent of the vote, initiated a program of sweeping changes in public services, including health, education and municipal government. A feeling developed in each instance that these governments lacked a sufficient democratic mandate to justify their bold policy actions. Yet, under the first-past-the-post system, any majority government wields nearly absolute powers, no matter how thin its electoral plurality.¹⁴ Elected in 2003 with a majority of seats won with 46 percent of the popular vote, the Liberals' commitment to electoral reform might have been suspect, and the McGuinty government did not move very quickly to initiate a debate on the subject. Three years into its mandate, and already looking forward to the next provincial election, the government announced that it would commission a Citizens' Assembly to study the issue of electoral reform.¹⁵ The Citizens' Assembly would have the power to make a recommendation to be put to a referendum coinciding with the next provincial election.

In addition to fulfilling a campaign promise, the government was undoubtedly influenced by the process that had unfolded in British Columbia two years earlier, and by the electoral reform debate which had been taking place at the federal level and in other provinces. There were however substantial contextual differences between the setting in Ontario and the forces that had been driving the electoral reform debate elsewhere. Aside from the controversial legacy of the

14. Canadian journalist Jeffrey Simpson characterized Canadian politics as a “friendly dictatorship.” Jeffrey Simpson, *The Friendly Dictatorship* (Toronto, McClelland & Stewart, 2002).

15. The government announced the creation of the Citizens' Assembly on August 19, 2005. It had previously adopted fixed dates for provincial elections, specifying that the next provincial election would be held on October 10, 2007.

Harris and Rae governments, the case for electoral reform in Ontario was on the surface less compelling than that at the federal level or in other provinces with more highly distorted electoral outcomes. It was never entirely clear whether the McGuinty government's initiative was driven by a real desire to reform the electoral system, or by an interest in experimenting with a new model of citizen deliberation – or both. Setting up the Citizens' Assembly fulfilled a campaign promise and allowed the government to showcase its democratic credentials by empowering a body of ordinary citizens to consider a major issue of institutional change. But, as later events would disclose, the commitment to electoral reform itself on the part of the Liberals was perhaps considerably weaker. As has been the case with most governing parties that have confronted this issue, internal divisions and partisan self-interest would prove difficult to overcome.¹⁶ A few prominent cabinet ministers spoke out publicly in favour of reform, whereas others were silent, and the Premier himself rather ostentatiously announced his "neutrality" on the issue. Nevertheless the deliberation process which took place prior to the recommendation was a revolutionary experiment in democratic citizen engagement – along with British Columbia one of the first of its kind in the world. Allowing a body of ordinary citizens to craft a reform proposal could be interpreted either as an innovative experiment in citizen deliberation or as an indication of the government's seriousness in creating an environment that was more likely to produce a successful result.

The Citizens' Assembly

Electoral reform is perhaps the ideal type of issue for which to consider an alternative type of deliberative process. Such matters cannot easily be discussed or debated within the normal structures of parliamentary politics. Governments typically see proposals for institutional change either as threats to their position, or sometimes as opportunities to advance a partisan agenda. In the former case, proposals that are put forward by organizations or groups outside of government are easily ignored or sidelined. The Martin Government for example, did not act on the recommendations put forward by the Law Commission in spite of its commitment to confronting the "democratic deficit". In Britain, the Jenkins Commission report met a similar fate. However, when governments do decide to act on a reform proposal, they often do so from a perspective of gaining political advantage over their opponents. Recent struggles over the electoral law in Italy, for example, illustrate this aspect of the problem, as to some degree does the debate on electoral reform in Quebec. The long running saga of Senate reform in Canada contains elements of both of these scenarios, demonstrating not only that institutional reform is difficult to accomplish, but also that it is equally difficult to insulate it from partisan politics. Opposition parties often express

16. Part way through the process, a 60 percent threshold was established by the government, leaving skeptics to wonder if they were genuinely interested in electoral reform or instead were attempting to guarantee its failure. However, the 60 percent threshold was consistent with what had been required in British Columbia and Prince Edward Island, and a case could be made for some sort of "super majority". Nevertheless, the Secretariat staff and Citizens' Assembly members were taken by surprise when this requirement was imposed.

support for reforms while they are in opposition, then lose interest in the same ideas when they are in government. In the case of electoral reform of course, their political success is closely tied to the electoral system that enabled it.

The solution to this problem may very well lie in turning these complex issues over to a body which can act independently of government. Among parliamentary systems in the British tradition, a royal commission has typically been the vehicle chosen to undertake deliberation of major reform proposals. While royal commissions may bring expertise to the process of deliberation, they are lacking in one essential ingredient – democratic legitimacy. Attempts have been made to compensate for this limitation by conducting extensive public hearings, as the Spicer Commission did in the early 1990s.¹⁷ However, placing this power more directly in the hands of the people is now often more widely viewed as essential, particularly when the issue involves constitutional matters, or in this case the rules governing the most fundamental democratic institution – elections.¹⁸ Yet grafting new forms of popular participation onto a previously elite driven process is not easy, even when the process is initiated or managed by elites.¹⁹ The New Zealand case, often cited over the course of the electoral reform debate in Ontario, demonstrates many of these difficulties.

The Ontario Citizens' Assembly was modeled after the British Columbia Citizens' Assembly, which had taken place two years earlier. In many respects the Ontario Assembly process was identical to that in British Columbia. But there were also differences in both structure and process. The Ontario Assembly had a total of 103 members, one from each of 103 constituencies (with half of the districts being represented by women and half by men) and one native member. The BC Assembly was larger (160), with one male and one female selected from each of the 79 constituencies in British Columbia, plus an additional two native members. In both assemblies, members were randomly chosen. Both assemblies were diverse in their demographic makeup, and age distribution was reflected in approximate proportion to the population through stratification.

The education phase of the Ontario Assembly's work, which lasted from September through November 2006, included lectures, reading, panel discussions, simulations, and frequent small group discussions of electoral systems and related topics. A number of the plenary lectures were given by the Academic Director of the Assembly, Jonathan Rose, while others were by

17. The Spicer Commission was part of the process of consultation leading up to the 1992 constitutional referendum in Canada.

18. See Matthew Mendelsohn, "Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics." *Canadian Journal of Political Science* 33 (2000), pp. 245-272. Mendelsohn later became the Deputy Minister for Democratic Renewal in Ontario, and his department was charged with the task of setting up the Citizens' Assembly.

19. Grace Skogstad, "Who Governs, Who Should Govern? Political Authority and Legitimacy in Canada in the Twenty-First Century." *Canadian Journal of Political Science* 36 (2003), pp. 955-973.

visiting academics and other guests.²⁰ Academic lecturers included Political Scientists such as André Blais, Jennifer Smith, Louis Massicotte, Ken Carty and Sarah Birch, among many others. Members were given a wide selection of books, documents and reports including the Law Commission's 2004 report and David Farrell's *Electoral Systems*.²¹ The Ontario Assembly included four working groups that presented on the final weekend of the learning phase. These were women and underrepresented groups, political parties, government stability, and geographic representation. The working groups served to keep these specific issues further up on the agenda than they had been in the BC Assembly; especially that of women's representation. A fifth working group was also established to focus on ancillary issues which they deemed important to include in the final report. In addition to the working groups on substantive issues, the Assembly also added four advisory committees on process issues: final report, consultation submissions, deliberation planning and monitoring and evaluation.²²

Following the learning phase, both the Ontario and BC assemblies consulted widely with the public during a two-month consultation phase. In Ontario the consultation phase, which began in late November and continued through January, involved public meetings throughout the province at which citizens could make presentations to a group of several Assembly members and discuss issues and principles of representation and related topics. The consultation meetings were structured in a way similar to the process used in British Columbia, with scheduled speakers allotted ten minutes for a presentation and a few minutes for questions from Assembly members. The Ontario Assembly held 41 public consultation meetings and received 2152 written submissions.²³ In addition to the public consultation phase, the Ontario Citizens' Assembly had two additional consultative elements: special outreach focus groups and a presentation by the Students' Assembly on electoral reform which was funded by the Provincial Ministry of Education and the Trillium Foundation. Four special outreach focus groups were conducted in different parts of the province as a means to broaden the debate to include or hear from those of lower socio-economic status who are often left out of policy development. These groups consisted of low income earners, recent immigrants, and people with disabilities. The reports from the focus groups were made available to all members of the Ontario Assembly at the onset of the deliberation phase. In addition to the focus groups, the Students' Assembly on Electoral Reform delivered a copy of its final report (which advocated MMP) to the Assembly. The Students' Assembly was a parallel process set up for High School students, designed to engage youth and incorporate the perspective of youth into the consultation process.

20. Rose is a Political Science professor at Queen's University.

21. Farrell was also one of the invited academic lecturers.

22. Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform* (Queen's Printer for Ontario, 2007), pp. 141-142.

23. Citizens' Assembly (Ontario) < <http://www.citizensassembly.gov.on.ca> >.

After the comprehensive consultation phase, both assemblies entered a deliberation phase that spanned six weekends. The Ontario deliberation phase began in mid-February, and lasted until the Assembly completed its work at its final meeting on April 28th. The first major deliberative task of each Assembly member was to determine the three top values they would use to assess the suitability of any given electoral system for the province.²⁴ Interestingly, both assemblies came to the consensus that the three key values that an electoral system needed to reflect were: effective local representation (referred to as ‘geographic representation’ in Ontario); proportionality; and voter choice. These value priorities were chosen from a list provided to the assemblies by the Secretariat. Unlike the BC Assembly, the Ontario Assembly had the option of adding additional values to those outlined in the Regulation.²⁵ Early in the learning phase, they chose to add simplicity and practicality as additional values that they wanted to see reflected in an electoral system. Ultimately, both assemblies modelled the MMP and STV electoral systems as the two systems which best reflected their key values. A straw vote taken on April 1st found 75 members in favour of MMP and 25 preferring STV. MMP was seen as the most viable alternative because it retained the concept of one representative per geographic district while adding a list tier to ensure greater proportionality. Although there was some support for STV’s ordinal ranking, many members were concerned with how electoral districts in Ontario would be redesigned to accommodate multi-member constituencies. Some members from Northern Ontario were concerned that, despite having additional members, larger constituencies would be difficult to manage. Also, there were fewer relevant precedents for the STV system than there were for MMP. The Ontario Assembly’s early ‘tilt’ towards MMP came partly from knowledge gained in the education phase, but also because MMP appeared to many to address a wider array of the values held by members or that came through in the consultations. Elizabeth McLeay from New Zealand was one of the visiting lecturers, and many members were keenly interested in the New Zealand experience because it brought empirical rather than purely theoretical evidence into the discussions. The New Zealand example illustrated that the introduction of MMP would not necessarily sacrifice either accountability or effective government. Assembly members were also aware that Scotland had adopted MMP in its new Parliament, and that the Law Commission had recommended MMP as a model for the federal Parliament. It was viewed by many members to be “the best of both worlds.”²⁶ This was not the case in BC where Assembly staff recommended that of the two models, they should start by modelling STV as it had fewer design elements, and thus

24. I am particularly grateful to Catherine Baquero, who served as a member of the Ontario Citizens’ Assembly, for some of the insights into its operation contained in this section of the paper. See Lawrence LeDuc, Heather Bastedo and Catherine Baquero, “The Quiet Referendum: Why Electoral Reform Failed in Ontario.” paper presented to the annual meeting of the Canadian Political Science Association, Vancouver, May 2008.

25. Regulation refers to Ontario Regulation 82/06: Election Act, Citizens’ Assembly on Electoral Reform. . Ontario Citizens’ Assembly Secretariat, *Democracy at Work: The Ontario Citizens’ Assembly on Electoral Reform* (Queen’s Printer for Ontario, 2007), p.201

26. Matthew Shugart and Martin Wattenberg (eds.), *Mixed-Member Electoral Systems: The Best of Both Worlds?* (Oxford University Press, 2000).

would be easier to design.²⁷ This was in contrast to the Ontario process, which held a vote to determine which system should be designed first, and a further vote to determine if a second system should be designed. Ontario chose to look at MMP first, and STV second. The Ontario Assembly thus had more independence in choosing which electoral system to model, and in deciding at which point in the process to make this determination.

Selecting MMP as the preferred system to design was only the first step in the final part of the process however, and in some respects the least difficult. To be effective, MMP systems tend to require a larger legislature. Assembly members had been aware from the beginning that increasing the size of the Legislature might present them with a political problem, even though it was clearly within their mandate to recommend such an increase.²⁸ The reduction of the size of the Ontario legislature by the Harris government in 1999 from 130 to 103 seats had been popular with the public at the time, and there was apprehension among many that increasing it substantially might provoke a voter backlash.²⁹ But reducing the number of constituencies to accommodate list seats while maintaining the legislature at its existing size was also unattractive. What the Assembly probably would have preferred would have been to keep the existing constituencies intact, while adding a sufficient number of list seats to attain proportionality.³⁰ This would have required a substantially larger body, and although Assembly members were aware that the Ontario Legislature had significantly fewer MPPs per capita compared to other provinces, they were uncomfortable with the prospect of a large increase in its size. Similarly, the Assembly chose not to allow overhangs because of the uncertainty that would add to the issue of legislature size. In the end, perhaps the most difficult decision that the Assembly members made was to reduce the number of constituency seats to 90 within a 129 seat legislature. To the outside observer, a reduction in the number of constituencies from 107 to 90 might have seemed trivial. But for the Assembly members, it was a painful choice, because it meant altering the existing constituency structure. This might not have been so difficult had it not been for the fact that each Assembly member in fact represented one of those constituencies. The addition of 39 list seats was about the minimum that could have been chosen in order to assure a reasonable degree of proportionality. For many, the limit was argued to be 130, which was the size of the legislature before the 1999 reduction.

27. Amy Lang, "But is it for Real? The British Columbia Citizens' Assembly as a Model of State-sponsored Citizen Empowerment." *Politics and Society* 35 (2007), pp. 35-70.

28. As it was not in British Columbia. .

29. The bill that reduced the size of the legislature in 1999 was titled the *Fewer Politicians Act*.

30. The number of members was already scheduled to rise to 107 in the 2007 election due to population increase.

There was much debate and discussion on this issue both inside and outside plenary. The Chair of the Assembly, George Thompson, also shared a concern over the marketability of a larger legislature, and conveyed his reservations to the Assembly. The Chair did not instruct Assembly members specifically on what the limit should be, nor did he advise them directly on this question. Nevertheless, some Assembly members thought this intervention by Thompson may have influenced the direction of discussion regarding specific MMP design elements, including the decision not to include overhangs in the final design. However, others within the Assembly also believed that the ability to sell the proposal to the public in the referendum was an important concern, and ultimately their view prevailed. The BC Assembly avoided such a debate as the Assembly Chair interpreted their mandate (which made no specific mention of legislature size) more narrowly. As a consequence, the BC Assembly was working with a legislature fixed at seventy-nine seats, and size was not an issue for consideration by the Assembly.

Other issues were contentious, but not quite so difficult. The Assembly decided on a 3% threshold – lower than both New Zealand and Germany’s 5% threshold. This difference ensured greater proportionality and was due partly to the nature of the existing party system in Ontario. The Green Party, for example, had obtained a mere 2.8% of the vote in the preceding (2003) provincial election. It was seen to be a good balance between ‘having more parties in the legislature and preventing parties with little public support from winning seats.’³¹ The decision to allow dual candidacies was also heavily debated. In the end, dual candidacies were permitted in part to allow parties the freedom and flexibility to choose a strategy that worked best for them, maximizing the skills of each candidate and respecting the value and role of both list and constituency MPPs. Notably, if a seat became vacant in the list tier, the Assembly decided that the seat would be filled by the next candidate on the party list. The decision that list members should be elected from one province wide list rather than regional lists was also partly a function of the limited number of list seats available – 39. The decision that the lists should be closed rather than open spoke to the members’ desire to assure that, within a 129 member legislature, the addition of such a small proportional component would achieve at least some of its representative goals, such as improvement in the number of women elected.

Having decided that the MMP model was preferable to both STV and the status quo, the final weekend of deliberation in Ontario was dedicated, in part, to approving both the content and design of the recommendation. In the final vote, 94 members voted in favour of recommending the MMP proposal to the people of Ontario and 8 voted against.³² This result demonstrates that the Assembly had indeed reached widespread consensus through its elaborate process of deliberation. After the vote was held approving the final report, the Assembly burst into applause, bringing to a conclusion a highly successful experiment in deliberative democracy.

31. Ontario Citizens’ Assembly Secretariat, *Democracy at Work: The Ontario Citizens’ Assembly on Electoral Reform* (Queen’s Printer for Ontario, 2007). p. 154.

32. *Ibid*, p. 131

Public opinion on electoral reform

As was the case with Assembly members at the time of their selection, public opinion in Ontario for the most part was open to the idea of electoral reform, but relatively unformed. Questions on the subject that have been routinely included in past surveys generally tend to show a public that is aware of, and critical of, problems in the electoral system, and somewhat positive toward the principle of greater proportionality, although not necessarily favouring any specific proposal for reform. The public thinks about issues involving elections mainly at election time, but not on any continuing basis. Hence, voters may often be frustrated at the choices presented to them in a given election, but when the election is over there is little lingering desire to engage in a continuing debate on electoral reform. In New Zealand, there was genuine public anger at the electoral system, and the unrepresentative governments that it tended to produce.³³ But in Canada, and particularly in Ontario, we do not find an underlying climate of opinion that would necessarily facilitate the passage of a reform proposal. Nevertheless, one can also say that opinion was not entirely unreceptive.

Table 1 displays responses to three questions that were included in the 2004 Canadian Election Study. The majority of respondents across the country expressed “satisfaction” with the electoral system, while about a quarter expressed varying degrees of dissatisfaction. The percentage expressing satisfaction was slightly higher in Ontario, and slightly lower in British Columbia. However, when asked to state opinions about proportionality as a general principle, there is more agreement than disagreement (table 1b). Differences among the provinces in this regard are small, and there are of course also high levels of uncertainty as represented by the substantial proportion of “don’t know” responses. The public is somewhat more divided in its responses to a question asking if democracy would “work better” if there were more political parties (table 1c), but there are again relatively high levels of uncertainty about such an idea. This is an area in which public opinion is, understandably, relatively unformed, and the underlying attitudes suggest a “show me” mentality among much of the mass public.

Such a climate of opinion might have been positive for a public debate on electoral reform had such a debate actually taken place. But the debate that did ensue, taking place mainly in the print media and among elites, occurred largely in a vacuum insofar as much of the public was concerned. The small amount of coverage that the Citizens’ Assembly received over the eight months of its deliberations meant that the public was largely unaware of its existence, or that a debate on electoral reform was taking place. A poll commissioned immediately following the conclusion of the Assembly and the public release of its recommendation found that four out of five of those surveyed across the province had heard “little or nothing” about the Assembly and its recommendation (table 2a). Awareness was only slightly higher in the Toronto area than in the province as a whole.

33. Jack Vowles, “The Politics of Electoral Reform in New Zealand.” *International Political Science Review* 16: (1995), pp. 95-115.

Table 1. Attitudes toward electoral reform in three provinces*

a) *How satisfied are you with the way the electoral system works in Canada – very satisfied, fairly satisfied, moderately dissatisfied, very dissatisfied?*

	<u>VS</u>	<u>FS</u>	<u>MD</u>	<u>VD</u>
Ontario	14.6%	60.4%	21.1%	3.9%
BC	6.5%	53.3%	32.6%	7.7%
PEI	9.4%	66.0%	20.8%	3.8%
All Canada	10.8%	60.1%	23.9%	5.3%

b) *Can you tell me whether you strongly agree, agree, disagree, or strongly disagree with the following statement: “In an election, a party that gets ten percent of the vote should get ten percent of the seats.”*

	<u>SA</u>	<u>A</u>	<u>D</u>	<u>SD</u>	<u>DK/NA</u>
Ontario	11.3%	33.0%	28.7%	8.4%	18.6%
BC	8.7%	38.3%	22.0%	6.8%	24.2%
PEI	11.3%	28.3%	35.8%	9.4%	15.1%
All Canada	10.1%	34.6%	28.2%	7.9%	19.2%

c) *Can you tell me whether you strongly agree, agree, disagree, or strongly disagree with the following statement: “Our democracy works better when there are more political parties “*

	<u>SA</u>	<u>A</u>	<u>D</u>	<u>SD</u>	<u>DK/NA</u>
Ontario	5.9%	31.4%	38.5%	9.8%	14.5%
BC	5.7%	32.6%	34.8%	7.2%	19.7%
PEI	7.5%	32.1%	43.4%	9.4%	7.5%
All Canada	5.9%	31.7%	37.8%	9.0%	15.7%

*2004 Canadian Election Study, Mail-back wave. N (All Canada) = 1674.

Table 2. Public Awareness of the Citizens' Assembly and Referendum, April 2007

a) *As you may have heard, the Citizens' Assembly on Electoral Reform, established by the Ontario government, has recommended a new proportional representation voting system for elections in Ontario called Mixed Member Proportional (MMP). How much have you seen, read, or heard about this?*

(%)	<u>Toronto area</u>	<u>All Ontario</u>
A lot	8.2	4.5
Some	21.3	14.6
Little or nothing	70.6	80.7

b) *There will be a referendum question with the Ontario provincial election this fall where voters will be asked if we should change the way we elect our politicians. Please tell me if you would vote 'yes' or 'no' to the following referendum question that will be on the ballot: "**Should Ontario adopt the Mixed Member Proportional electoral system as recommended by the Citizens' Assembly on Electoral Reform?**"³⁴*

(%)	<u>Toronto area</u>	<u>All Ontario</u>
yes, definitely	26.8	7.0
yes, maybe	21.6	24.6
no, maybe	10.9	14.0
no, definitely	8.4	10.2
DK, undecided, etc.	31.1	33.4

StratCom Research, April 21-27, 2007. N=611. Poll commissioned by Fair Vote Canada.
By permission.

34. Note: The actual wording of the referendum question was not known at the time of this survey.

In spite of this relatively low level of awareness, the same poll also found that a plurality of respondents might have voted “yes” to a referendum question on reform, based on their understanding of the issue at that time (table 2b). But at least a third of the respondents at that early stage had not yet formed an opinion. And even many of those that had some view on the subject might have been persuaded by a vigorous campaign. The poll data show that, when presented with coherent arguments in support of either the YES or NO side, opinion was quite malleable. Presented with arguments that might be used in support of, or in opposition to, the proposed reform, many respondents found the arguments “convincing”. Many of the arguments that were later put forward by the YES side resonated with the public, particularly the desirability of a second vote, the wasted votes and unfairness of FPTP, recognition of new parties such as the Greens, and the need to modernize political institutions and processes (table 3). Even one of the main arguments that would be used extensively in the campaign by MMP’s opponents - the probability of minority or coalition governments – had, for some respondents a positive connotation, expressed as the desirability to put an end to adversarial politics and force parties and politicians to “work together”. The most persuasive argument of the NO side (table 4), in the view of the poll respondents, was the “lack of sufficient information”, a condition that of course might have been overcome by a more vigorous public information campaign. But, as would later become clear, the public’s frustration at a lack of information would continue to bedevil proponents of MMP right through voting day. It was in the end, for many, a sufficient reason to vote against the proposal.

The media discourse

While public opinion demonstrated a relative openness to debating the issue, the mainstream print media were all but uniformly opposed to both the Assembly process and the MMP proposal. The *National Post* did not even wait for the campaign to begin before staking out its editorial position, in spite of the fact that one of its own columnists, Andrew Coyne, who had followed the Assembly process closely, was among the few journalists supportive of electoral reform.³⁵ In its editorial, published on April 17th, only two days after the Assembly finalized its recommendation, the *Post* painted a horrific picture of the damage that might be inflicted on Ontarians should they lack the good sense to reject such a terrible proposal. Headlined “PR is a Bad Idea”, the *Post* editorial identified PR as the system that “had elected the Nazis in Weimar Germany” and was responsible for Israel’s current political problems.³⁶

35. The following is drawn from a content analysis of all articles published in the three largest Canadian newspapers from March 28, 2006 (the formation of the Citizens’ Assembly) to October 10, 2007 (the date of the referendum). I would like to thank Heather Bastedo, Catherine Baquero, Saman Chamanfar and Tyler Sommers for their work on this section of the project.

36. *National Post*, April 17, 2007. p. A16

Table 3. Arguments in support of MMP

YES ARGUMENTS, "VERY CONVINCING"	
The proposed new system gives each voter more choice and makes the system fairer because everyone gets two votes	39.9
In our current system, votes are wasted because many people cast votes that don't elect anyone.	39.5
The current system stifles new ideas and new parties . We should have a voting system like MMP that gives new ideas and new parties a fair chance.	37.9
Canada is one of the few major Western countries still using our current system. It's time we modernize our system .	36.8
Election results under the current system are not fair . The winning party will often get minority of the votes, but win a majority of the seats.	32.7
Proportional representation will cause more coalitions or minority governments to form and that forces parties to work together to find common interests.	32.3
The people who don't like the proposed new system are the old Ontario political establishment . These elites want to preserve the system that keeps putting them back in power.	32.3
Proportional representation helps under-represented groups such as women get elected and that is good reason to have MMP.	26.7
The current political system in Ontario isn't working. This new system might not be perfect, but it's time for a change .	26.3
The new system was created by a group of 103 average citizens who were randomly selected for the Citizens' Assembly on Electoral Reform. Since they no vested interest, and intensively studied this for seven months, we can trust what they recommend.	19.2

StratCom Research, April 21-27, 2007. N=611. Poll commissioned by Fair Vote Canada. By permission.

Table 4. Arguments in opposition to the MMP proposal

NO ARGUMENTS, "VERY CONVINCING"	%
Not enough information about MMP. It is too important a change to make to our voting system without knowing more about it.	42.2
The new system is going to increase the number of politicians and cost us more. We do not need more politicians or added costs.	41.6
The new system would give too much influence to "party bosses" , because they would determine who gets on their parties' list.	31.4
List members would not be elected to represent a specific riding, and therefore would not be accountable to voters.	24.5
The new MMP system would produce more minority or coalition governments , and would cause more frequent elections.	23.2
With MMP we would end up with a lot of small, special-interest fringe parties in the Legislature.	19.7
The new system seems too confusing . We should stick with something simpler like what we have now.	17.3
The existing system is not perfect but it works , and there is no need to experiment with the way that we elect our provincial politicians.	16.1
This new voting system was proposed by a Citizens Assembly of average Ontario voters who are not experts . I do not believe we should make important decisions in this way.	15.6

StratCom Research, April 21-27, 2007. N=611. Poll commissioned by Fair Vote Canada. By permission.

Under PR, the *Post* continued, political parties would “breed like rabbits”.³⁷ Barely acknowledging that what the Citizens’ Assembly had proposed was in fact a mixed system, the *Post* drew all of its examples of the perils that awaited Ontarians from Weimar Germany, Israel and post-war Italy, and referred to the Citizens’ Assembly proposal as the “so-called mixed member proportional system”, contrasting it unfavourably with “tried and true” first-past-the-post.³⁸ Electoral reform in Ontario, the *Post* opined, citing the British Columbia experience, might set loose an “interprovincial epidemic” of reform. There was, the editorial concluded, “still time to stop it”.³⁹

There was indeed plenty of time to stop it. The coverage in other papers was almost as hysterically negative, in part because so many of the regular political columnists opposed the proposed reform at an early stage. One of Canada’s most prominent political journalists, Jeffrey Simpson, in a *Globe and Mail* column on May 16th, ridiculed both the proposal and the process that had produced it.⁴⁰ Comparing the debate on electoral reform to esoteric discussions of constitutional amending formulas or Senate reform, Simpson suggested that McGuinty had initiated the Assembly process for “no reason”, and that the Assembly, once commissioned, was bound to recommend “some sort of change” and thus came up with “something called Mixed Member Proportional”.⁴¹ “It is to be hoped”, Simpson maintained, “that Ontarians will say NO”, although he also suggested that “no one may vote” because the subject was so boring.⁴² Simpson also wrote a somewhat more serious and less dismissive, but equally negative, column on the subject that appeared in the *Globe* a few days before the referendum.⁴³

The *Globe and Mail* itself weighed in against the MMP proposal on its editorial page on October 4th. Like other papers, the principal political columnists in the *Globe* had published articles both on the Citizens’ Assembly and on the reform proposal that were strongly negative.⁴⁴ But the *Globe* also published some op-ed pieces by academics and others supporting MMP, and it did

37. *Ibid*

38. *Ibid*

39. *Ibid*

40. Jeffrey Simpson, “Chill the Beer, Pass the Ketchup.” *Globe and Mail*, May 16, 2007, p. A21

41. *Ibid*

42. *Ibid*

43. Jeffrey Simpson, “MMP Wins Representative Test, But Fails on Accountability and Stability.” *Globe and Mail*, October 5, 2007, p. A27

44. See, for example, Murray Campbell, “Proportional Option Would Do Little To Enhance Democracy.” *Globe and Mail*, September 17, 2007, p. A8

not formally take an editorial position on the referendum until near the end of the campaign.⁴⁵ In a tortured editorial (“Ontario’s Missed Opportunity”), the *Globe* sought to position itself on the side of reform while at the same time urging voters to reject MMP. The editorial criticized nearly all of the specifics of the MMP proposal, indicating that it would have preferred a parallel model to MMP, a 5% threshold rather than 3%, a different method of constructing the party lists, and even a referendum held at some other time.⁴⁶ It also suggested that a reform proposal should have been developed by a “small panel of experts” rather than a citizens’ assembly, which the *Globe* characterized as “populist pandering”.⁴⁷ Remarkably, the editorial concluded that Ontario’s next government should “take a more serious stab” at the issue.⁴⁸

The *Toronto Star* staked out its position against the MMP proposal in its editorial of October 9th (“Electoral Reform Fraught With Risk”), having provided consistently negative coverage of the issue throughout much of the campaign.⁴⁹ Under MMP, the *Star* editorial argued, the winning party would have to “cut deals” to stay in power. The editorial then went on to describe in florid detail some of the potential “deals” that the Liberals might make with their opponents or with fringe parties. It urged a vote in the referendum for first-past-the-post, which had “proven its worth since Confederation” and delivered “strong, stable government”.⁵⁰ A week earlier, the *Star*’s principal provincial political columnist, who had written on the issue a number of times both during the Citizens’ Assembly deliberations and over the summer, had worried that MMP might “sneak to victory”, because voters were so poorly informed on the issue.⁵¹ The *Star* received much criticism for the tone of its coverage from supporters of MMP – enough that it felt compelled to publish a defence of its handling of the issue a few days after the referendum.⁵²

45. See, for example, Tom Kent, “And the Future is ... a Two Vote Electoral System.” *Globe and Mail*, October 4, 2007,

46. “Ontario’s Missed Opportunity.” *Globe and Mail*, October 4, 2007, p. A20

47. *Ibid*

48. *Ibid*

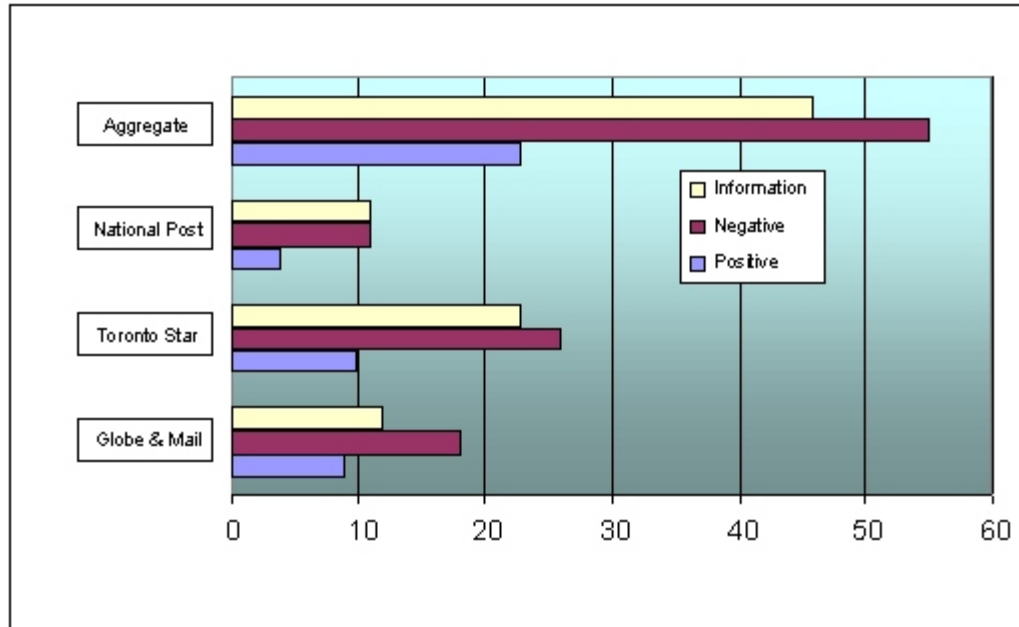
49. “Electoral Reform Fraught With Risk.” *Toronto Star*, October 9, 2007, p. AA6. Another *Star* editorial, published a week earlier, was equally negative with respect to electoral reform. See “Electoral Reform a Backward Step.” *Toronto Star*, September 30, 2007, p. A24

50. *Ibid*

51. Ian Urquhart, “How MMP Could Sneak to Victory.” *Toronto Star*, September 28, 2007, p. A13

52. “Sparkling Needed Debate on MMP.” *Toronto Star*, October 13, 2007, p. AA6

Figure 2. Content analysis of articles in three major newspapers



As is seen in figure 2, when the press did choose to write on the Assembly process, the electoral reform recommendation, or the referendum, its tone was overwhelmingly negative, and the editorial boards of the major newspapers were aligned in opposition from the beginning. While only 19% of the articles written could be considered positive, 37% were classified as neutral, or informational, and 45% of the articles were essentially presenting arguments against either the Assembly, the referendum, or the proposed reform. Notably there were no articles in support of the referendum at all. It was largely dismissed as too complicated, not of interest to the public, or unnecessary.

In total the three major newspapers covering the Ontario referendum ran 124 articles or columns on the Assembly, the electoral reform issue, or the referendum, compared with 180 written by the *Vancouver Sun* alone during the British Columbia referendum process.⁵³ Although it was not until late in the campaign that the *Sun's* editorial board weighed in to support the

53. Note that these totals include the op-ed pieces written by academics and other interested parties. Because these tended to reflect different points of view, they have the effect of increasing the total number of positive articles. The totals do not include letters to the editor.

proposed change to STV, it still covered the debate rather extensively.⁵⁴ In the end the *Vancouver Sun* even went so far as to thank the Assembly members for their work, whereas papers in Ontario saw Assembly members as largely invisible or often maligned them, sometimes referring to them as government appointees or political pawns. For example, Ian Urquhart of the *Toronto Star*, one of the newspaper's veteran legislative reporters, described the Assembly as being, "comprised mostly of retirees, part-time workers, students, homemakers and computer nerds looking for some excitement in their humdrum lives..."⁵⁵ In British Columbia, the press was more supportive of change, with at least 30 newspapers endorsing the STV proposal. Not uncommonly, the rationale advanced for such support was that the Citizens' Assembly had recommended STV, thereby providing an important degree of legitimacy to the proposal. In Ontario, almost the exact opposite mentality seemed to predominate.

The low level and poor quality of information on the issue was itself a frequent subject of the print coverage.⁵⁶ One writer rather perceptively pointed out that the media, having provided little coverage of the Citizens' Assembly or the electoral reform issue until after Labour Day, was now framing the lack of information as a reason to vote NO.⁵⁷ In an op-ed piece published just a week before voting day, Dennis Pilon called for a TV debate on the issue, arguing that the public information campaign and media coverage had been ineffective in adequately informing the public on the issue.⁵⁸ In fact, no real debate of any kind took place, in the media or elsewhere. This appears consistent with the actions of a government that had begun to back away from the idea of reform almost as soon as the Assembly was commissioned. These circumstances were quite different than those found in British Columbia, where the Citizens' Assembly received better (and more favourable) coverage, and where arguments presented in favour of or against the STV proposal were, as noted earlier, more balanced and positive.

Voters were poorly informed both because the media coverage was so one sided and the public information campaign run by Elections Ontario inadequate. Elections Ontario interpreted its information mandate quite narrowly, and did not deal either with the substance of the proposal or the competing arguments in favour of or against it. Rather, the public information campaign was

54. "With So Many Flaws in the Current System, It's Time to Try BC-STV." *The Vancouver Sun*, May 7, 2005, p. C6.

55. Ian Urquhart, "Beware Citizens' Assemblies on Electoral Reform." *Toronto Star*, Sept. 9, 2006, p. F5

56. See, for example, Karen Howlett, "Referendum? Now What Referendum Would That Be?" *Globe and Mail*, September 24, 2007, p. A8; or Roy Macgregor. "Ontario Referendum Flying Under the Radar." *Globe and Mail*, October 1, 2007, p. A8

57. Ivor Tossell, "What's That Second Question on the Ballot?" *Globe and Mail*, September 21, 2007,

58. Dennis Pilon, "Needed: a TV Debate on Ontario's MMP Referendum." *National Post*, October 2, 2007, p. A20

directed towards informing the public that there would be a referendum on electoral reform and that their vote in it was “important”. During the campaign, if citizens wanted to understand the issues, or learn more beyond what they read in the press, they were advised by Elections Ontario to visit various websites. Other than through internet access, the Citizens’ Assembly’s Report, which explained how and why the recommendation was developed, suddenly became unavailable to the public after the campaign began. These were curious actions coming from the very government which had commissioned the Assembly, and the original printing of its recommendation, in the first place. It was almost as if the government distanced itself from the process at its most vulnerable point, leaving it in the hands of a hostile press. The Liberals, not surprisingly, were internally divided on the merits of the proposed reform, with a few members speaking in support and others against. Most MPPs simply kept quiet on the issue, preferring to concentrate on their own re-election campaigns. In fact the government had made no effort to publicize the deliberation process, or to defend or explain its rationale while the Assembly was in session. Little was understood about why the government felt it had needed to construct this body in the first place, or why this group of citizens made the recommendation that they did. As a result, the wider public that had to make the final decision in the referendum was almost completely isolated from the deliberative process that had preceded it.

The referendum

From the outset, there was little doubt that MMP was headed for defeat. The 60 percent threshold imposed by the government set a high bar for success, the press was hostile, and the public information campaign inadequate. A Strategic Counsel poll published in the *Globe & Mail* on October 9th suggested that a clear majority would vote against the proposal, although the poll also continued to find nearly a quarter or more of all voters undecided only a few days before the vote (table 5). Remarkably, three quarters of those polled in the first week of October indicated that they had heard “only a little” or “nothing at all” about the issue. While the proportion of “undecided” voters had gone down only slightly in comparison to a poll taken by the same organization about three weeks earlier, it also suggested that MMP had failed to win many converts over that period.⁵⁹ An Angus Reid poll taken at about the same time predicted defeat for MMP by a margin of 58-42.⁶⁰ In the end, the defeat of the MMP proposal was even more decisive than the polls had predicted (table 5). Only 37% of Ontario voters supported MMP, while

59. Karen Howlett, “More Voters Understand Proposed Electoral Changes, but Fewer Support Them.” *Globe & Mail*, October 9, 2007, p. A10

60. Robert Benzie, “Polls Show Liberals Winning; Suggest PCs not Helped by Reversal on Schools.” *Toronto Star*, October 6, 2007, p. A16.

63% cast their ballots in favour of FPTP.⁶¹ Only five of the 107 constituencies returned a majority in favour of MMP – all of these in the Toronto area. Although MMP did slightly better in urban areas of the province than in rural areas, it failed to win a majority even in the Toronto area (table 6). While turnout in the election registered an historic low for the province at 52.8%, most election voters also cast a ballot on the electoral reform proposal. The proportion of votes cast in the referendum was, at 51.1%, only slightly lower than in the election (table 6). In spite of the seeming lack of knowledge and interest in the issue, there was no significant “drop off” of voters such as often occurs on American state ballot propositions that are typically held in conjunction with general elections.⁶²

Table 5. Public opinion on the electoral reform proposal, September-October, 2007

a) Knowledge of the proposed changes (%)

	<u>A lot</u>	<u>A little</u>	<u>Nothing</u>	<u>DK/NA, etc.</u>
October 6-7	24	51	24	1
September 10-13	12	41	47	--

b) Probable vote (%)

	<u>For MMP</u>	<u>Against</u>	<u>Undecided</u>	<u>DK/NA, etc.</u>
October 6-7	32	35	22	11
September 10-13	27	23	29	21

Strategic Counsel, as reported in the *Globe & Mail*, October 9, 2007

61. The ballot question was as follows:

Which electoral system should Ontario use to elect members to the provincial legislature?

- *The existing electoral system (First-Past-the-Post)*
- *The alternative electoral system proposed by the Citizens' Assembly (Mixed Member Proportional)*

62. Lawrence LeDuc, *The Politics of Direct Democracy* (Toronto, Broadview, 2003), pp. 137-152. Note that the “drop off” in the British Columbia referendum was similar (2%).

Table 6. Referendum results

(%)	<u>Toronto area</u>	<u>All Ontario</u>
FPTP	56.3	63.1
MMP	43.7	36.9

	<u>Total votes cast</u>	<u>Turnout (%)</u>
Election	4,421,628	52.8
Referendum	4,284,336	51.1
Drop off	137,292	- 1.7

Source: Elections Ontario (www.elections.on.ca)

Post election analyses of the vote emphasized many of the points noted earlier in identifying the kinds of information that filtered through to the electorate in a campaign that was largely invisible to many voters. The negative arguments that resonated were the simplest ones – the lack of sufficient information about the proposed new system, the increase in the size of the Legislature, and the oft-repeated charge by opponents of MMP that the lists would be controlled by “party bosses” (see table 4). There was some degree of receptivity to the more attractive features of MMP – the need for greater fairness in elections, the appeal of proportionality, and the desirability of a “second vote” (table 3). But an electorate that did not feel itself to be adequately informed found it difficult to overcome its uncertainty about how the new system would actually work. Cutler and Fournier argue that a more fully informed electorate might have been persuaded, based on evidence from a post election survey.⁶³ But, as they also note, voters would have needed greater knowledge of and confidence in the process that had produced the proposed change. The Citizens’ Assembly was an unknown entity for most of the electorate, and this lacuna deprived the proposed reform of the legitimacy that greater knowledge of the deliberative process that had produced it might have conferred.

63. Fred Cutler and Patrick Fournier, “Why Ontarians said NO to MMP.” *Globe and Mail*, October 25, 2007, p. A21

In considering whether MMP might have ever had a chance of passing, even with better information both about the proposal and the Assembly, we need to also consider the role of the campaign. The late start and near absence of any real campaign for the proposal meant that the bulk of the electorate was poorly informed. The anti-MMP campaign, confined largely to the mainstream print media, mattered, but it resonated only with small segments of the electorate. The “public information campaign” was directed narrowly at advising people to vote, in the process counseling them to seek out information elsewhere. There was, in short, relatively little information to be had, and only the most pro-active voters were likely to find it. The Ontario campaign contrasts sharply with that in New Zealand, where there was both a highly effective public information campaign and intensive campaigns waged by well organized and well financed umbrella organizations.⁶⁴ In hypothesizing other possible outcomes in the Ontario referendum, one needs to consider what a more active campaign might have looked like. Certainly, it would have had to have been better financed, both on the public information side and on the part of those advocating the reform. Elections Ontario would also have had to interpret its mandate much less narrowly, informing voters about the content of the proposal and the nature of the arguments for and against it, rather than merely telling voters that there was going to be a referendum and that their vote was “important”.

Modern campaigns cost money, and the lack of any serious funding of the campaign for MMP undercut its effectiveness and deprived voters of the information that they needed to properly evaluate the proposed reform. However, the anti-MMP campaign was also largely non-existent, being confined primarily to the occasional columns by political journalists found on the inside pages of the major newspapers. These two observations are of course related. Given the ineffectiveness of the pro-MMP campaign, there was no real need for an organized effort against the proposal. The doubts raised by skeptical journalists more or less did the job. Had there been a well organized and well financed campaign, and any real chance that MMP might pass, there almost certainly would have also been a serious NO campaign. This is essentially what happened in New Zealand. After the first referendum, momentum for reform continued to build until the realization that the MMP proposal might actually pass triggered an effective and well financed NO campaign, waged largely with business funding by the Campaign for Better Government, an umbrella organization created to bring together business groups and opponents of MMP from within the major political parties. The fact that they succeeded in driving support down from well over 70% to the 53.9% obtained in the 1993 referendum is testimony to the effectiveness of that campaign. Had they been operating under a 60 percent rule like that imposed in Ontario and British Columbia, electoral reform in New Zealand would not have happened.

This illustrates how difficult it is to secure passage of almost any type of reform proposal in a referendum. The more complex the issue, the greater the difficulty of putting it across to voters in a short campaign. The 2005 referendums on the European Constitutional Treaty in France and The Netherlands, the 2001 Irish referendum on the Nice Treaty, and the 1992 Canadian constitutional

64. Alan McRobie (ed.), *Taking It to the People: The New Zealand Electoral Referendum Debate* (Christchurch NZ, Hazard Press, 1993).

referendum all resulted in the defeat of proposals that initially appeared to enjoy broad public support. What these cases have in common are the complexity of the issues involved, the relatively short duration of the campaigns, and the inherent effectiveness of negative campaigning. The political advantage in referendum campaigns, particularly those dealing with unfamiliar issues, often rests with the NO side. Those opposed to a proposal do not necessarily have to make a coherent case against it. Often, it is enough merely to raise doubts about it in the minds of voters, question the motives of its advocates, or play upon a natural fear of the unknown.⁶⁵

Conclusion

Deliberative democracy and direct democracy are different processes, and the dynamics of a referendum campaign are very different than those of a deliberative body such as the Citizens' Assembly.⁶⁶ Research on other referendums demonstrates that it is no easy matter to persuade the public to embrace change – even in New Zealand where a successful reform did take place. Were it not so, the constitutional question in Canada would have been settled long ago, Swedes would be using the Euro, and Australia would be a republic. Nevertheless, we do know that if electoral reform is to succeed, the public needs to be better informed and more completely integrated into the larger deliberative process. One important difference between the British Columbia and Ontario referendums was that, in British Columbia, it was the recommendation of the Assembly that helped to legitimize STV for many voters.⁶⁷ In Ontario, more or less the opposite occurred. The Assembly was an unknown quantity for most voters, and its negative portrayal in the media made it more of a liability than an asset in generating public support for electoral reform.

The role of government in the process also needs to be recognized. Given the natural conflict of interest of governments with respect to reforming the very electoral system that elected them, one should not be surprised to find that they continue to be important actors in the process, however it is structured. Creating and empowering a Citizens' Assembly to deal with the issue represented an important first step in creating a new type of institutional environment different than that of the royal commission or parliamentary committee. But it could not completely remove the hand of government from the larger process. The timetable and funding of the Assembly's work

65. Lawrence LeDuc, "Voting NO: the Negative Bias in Referendum Campaigns." paper presented to the ECPR Joint Sessions Workshops, Helsinki, May 7-12, 2007.

66. See, for example, Arthur Lupia and Richard Johnston. 2001. "Are Voters to Blame? Voter Competence and Elite Maneuvers in Referendums." in Matthew Mendelsohn and Andrew Parkin (eds.), *Referendum Democracy: Citizens, Elites, and Deliberation in Referendum Campaigns* (Basingstoke, Palgrave, 2001).

67. Frederick Cutler, Richard Johnston, R. Kenneth Carty, André Blais, and Patrick Fournier, "Deliberation, Information, and Trust: the British Columbia Citizens' Assembly as Agenda Setter." in Mark Warren and Hilary Pearse (eds.), *Designing Deliberative Democracy: the British Columbia Citizens' Assembly* (Cambridge University Press, 2008).

rested upon decisions taken by the government, and it was not accidental that the Citizens' Assembly received so little attention or recognition during its deliberative phase. Having created the Assembly, the Ontario government essentially abandoned and isolated it. Government decisions taken subsequently regarding the establishment of a "super majority" threshold, designing the ballot question, setting the rules governing the campaign, the funding (or lack thereof) of campaign activity, the structure and funding of the public information campaign, and the role played by the electoral authority in administering it, all had some effect on the outcome. While the magnitude of these effects is not measurable, their direction is clear. Having fulfilled its commitment to democratic reform by setting up the Citizens' Assembly, the Liberal government had no interest in seeing electoral reform actually happen. One could almost sense the Premier's relief the day after the referendum in announcing that "the people have spoken."

There is no particular reason to treat Ontario as anything other than a typical case with regard to the conflicting objectives of government in organizing and managing the electoral reform process. In New Zealand, both Labour and National governments actively tried to undermine and sabotage the reform process to which they were seemingly committed in principle. In that instance, reform succeeded only because of their mismanagement of the file and miscalculation of the degree of public revulsion that their actions provoked.⁶⁸ The process in Prince Edward Island, in which a proposed MMP reform was also rejected by a wide margin in a referendum, followed a similar dynamic, in spite of the fact that the PEI reform was developed by an appointed commission (as in New Zealand) rather than by a citizens' assembly. In that case, the government that appointed the commission also began to distance itself from the recommendation, and proceeded to structure the referendum that followed in a way that made passage of the proposal unlikely.⁶⁹ The process in British Columbia was less constrained in this regard, and the more positive outcome of the 2005 referendum in that province suggests that at least some of these obstacles to reform might be overcome through a better structured and more elaborate process of public deliberation. However, as the date for the second referendum in British Columbia approaches, there is evidence accumulating that the government's enthusiasm for the project has diminished, and the prospects for public approval of the proposed STV reform may well be lower today than they were in 2005 in the immediate aftermath of a successful deliberative process. If the second referendum fails in the one jurisdiction where prospects for reform have been more hopeful, the epitaph for electoral reform in Canada will surely have been written.

68. Peter Aimer, "From Westminster Plurality to Continental Proportionality: Electoral System Change in New Zealand." in Henry Milner (ed.), *Making Every Vote Count* (Toronto: Broadview, 1999), pp. 157-69.

69. Jeannie Lea, "The Prince Edward Island Plebiscite on Electoral Reform." *Canadian Parliamentary Review* 29 (2006), pp. 4-8.

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