



DEMOCRATIC  
REFORM

Democratic Institutions Minister Maryam Mosef says the Liberal government is committed to an open dialogue on parliamentary reform and democratic renewal. Will a referendum on proposed reforms be part of the dialogue? Adam Scotti photo

# Electoral Reform: Referendum, Yes or No?

David Mitchell

*The good news is that the federal government's pledge to do away with our existing system of voting is sparking a lively national debate on democratic renewal. The bad news is that that debate may be drowned out by the debate over how to ask Canadians what they think of it.*

The Liberal promise to reform Canada's electoral system before the next election has already provoked extreme and divergent views, including threats of political opposition, extra-parliamentary protests, Senate filibusters and court challenges. In fact, the electoral reform debate could become a proxy for pent-up frustrations and emotional turmoil not witnessed in our country since the trying constitutional battles of a generation ago at the time of the Charlottetown Accord.

And a key question seems to be whether or not a proposal for changing our system of voting will be put to a vote in a national referendum.

It's a vexing question, combining all of the important elements of major democratic reform: process, constitutionality, morality and effectiveness.

Of course, first we'll need to see the results of the work of the prospective parliamentary committee on this important file. They'll be studying different balloting options, as well as the possibility of implementing mandatory voting and online voting. Significantly, the process includes promised consultations with Canadians, although how this will be managed is not yet clear. The government's goal is to introduce reform legislation by the spring of 2017, well in advance of the 2019 federal election.

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**W**here would a referendum fit into this scenario—and would it actually be necessary?

While it may seem premature to contemplate the need for a referendum before seeing what might be proposed by the parliamentary committee, advocates in favour have already cloaked themselves in the robes of protectors of our democratic rights.

They've argued, for instance, that no changes should be made to the essential features of our democratic franchise without broad public support—and that the only way to test this would be by means of a referendum. They've also defended the status quo as a steady, reliable system that has served Canada well for a century and a half, with good governance and orderly transitions. It has even been

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suggested that changing the way we vote may be the equivalent of a constitutional amendment, requiring provincial consent.

It's not as if Canadians have been clamouring for change. However, most citizens would likely approve of the idea that our governments should reflect the views of a majority of Canadians. And advocates of reform have long argued that our current system is fundamentally undemocratic, with majority governments often being elected with much less than 50 per cent of the popular vote. (In the last 60 years, the winning party has exceeded 50 per cent of the vote only in the Diefenbaker and Mulroney landslides of 1958 and 1984). Now, with a government elected on the promise to reform the electoral system and eliminating these “false majorities,” would a referendum on any planned change be necessary?

There appears to be support at this stage for a referendum to approve changes to the way we vote. An InsightsWest online poll published Feb. 9 showed that 65 per cent of respondents think a change in the current electoral system should be put to a nationwide referendum, while 17 per cent believe a vote in the House of Commons is enough to settle the issue.

Changes to voting systems by referendum are rare. In Canada, for instance, the British Columbia experiment with a ranked ballot in 1952-53 was effected by legislation, with no referendum. Internationally, such changes have usually occurred without being ratified by referendum.

**R**eferenda can be seen as a tool of so-called “direct democracy,” going beyond our leg-

islatures and elected representatives to directly seek the views of citizens, with some arguing that it's inconsistent with parliamentary democracy. However, in modern times, a referendum was conducted for the Charlottetown Accord in 1992. And, of course, Quebec organized referenda in 1980 and 1995 on questions related to the sovereignty of the province.

What we have learned from such exercises is that when referenda are used to seek public input on large, galvanizing issues, rather than providing meaningful public deliberation, they can become opportunities for a heightened polarization of views and public mischief as well. Referendum campaigns can easily become hijacked by partisan interests and demagoguery, especially when those calling for a referendum are often the same people who are resisting change.

The specific issue of electoral reform has actually been put to referenda in three Canadian provinces: Prince Edward Island in 2005, Ontario in 2007 and British Columbia in 2005 and 2009. In each case, the reforms presented to provincial voters were accompanied by only weak commitments to change or to educating or informing the public about those changes by both the governments and the news media. In all three provinces a “super majority” of 60 per cent approval was required, with each referendum failing to reach that perhaps unreasonable level of support. B.C. came the closest with 57 per cent approval in 2005.

**W**hat have we learned from experience? A referendum can be a reliable means to kill a reform proposal.

It's possible, however, that a clear and understandable alternative to our existing voting system, fairly presented and intelligently discussed, might produce a different result.

There may not be a legal requirement for a plebiscite, but is there a moral imperative to determine public approval through such means? Or are there other ways to engage the public, seeking their views through consultation and dialogue?

The Liberal government has committed itself to democratic renewal and restoring trust in public institutions. This is no mean feat and certainly suggests the need for a national dialogue on an important issue like electoral reform.

A true test of the government's openness to such a dialogue will be the approach taken by the parliamentary committee appointed to spearhead this issue. If the special committee is actually provided

with the independence and resources to thoughtfully and imaginatively engage with Canadians of all regions on this issue and report back to the House of Commons with a strong consensus on specific reforms, it may prove sufficient. Of course, this will depend upon the authenticity of its deliberations which will need to be very different from some of the phony forms of engagement and "drive-by consultations" that have too often characterized similar government efforts over the past generation.

The parliamentary special committee's work on this issue will also be a litmus test for the willingness of our parliamentarians to work together collaboratively on an important issue. If they can do so, in a spirit of independence, without being whipped into line by their party leadership, they will have achieved something quite remarkable, regardless of the outcome of the electoral reform issue. On the other hand, given the spirit of optimism and generational change infus-

ing our body politic today, it will be deeply troubling if the process breaks down into partisan squabbling.

In the meantime, if we're to have any chance of renewing our trust in public institutions, we should be willing to suspend our disbelief, and trust the work of the committee as it seeks a better way to elect our representatives, including the question of whether reform itself should be approved by a national vote.

If it's any consolation, the election of October 2015 was a referendum of sorts on this question. Three of the parties campaigned in favour of changing our electoral system: the Liberals, NDP and Greens. Sixty-three percent of Canadians voted for these parties on a combined basis. That's not a bad place to start. **P**

*Contributing Writer David Mitchell is an author, political historian and Senior Fellow with the Angus Reid Institute. [david@davidjmitchell.ca](mailto:david@davidjmitchell.ca)*

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