“Can Canada’s Past Electoral Reforms Help in Understanding the Current Electoral Reform Debate?”

John C. Courtney
Scholar in Residence, Diefenbaker Canada Centre
University of Saskatchewan

(1/1/08 - 31/05/08: Canada-US Fulbright Scholar, The Brookings Institution, Washington, D.C.)

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"It's not the voting that's democracy, it's the counting."

Tom Stoppard, *Jumpers* (Act One)

Can Canada's Past Electoral Reforms Help in Understanding the Current Electoral Reform Debate?

To answer that question this paper asks four questions:

(**a**) what were the electoral reforms of the past?

(**b**) what prompted them?

(**c**) what did they collectively establish as the "unwritten rules" of electoral reform in Canada?

(**d**) what is different about the current electoral system debate from previous ones?

(A) Five principal electoral reforms since Confederation: [Courtney 2000 and 2004]

- **Franchise**: 1867 – 2002

All Canadian citizens 18 years of age are eligible to vote in federal and provincial elections. That has not always been the case. Changing social values led at the end of the First World War to female enfranchisement and following the Second World War to accommodations with an increasingly diverse population. Since 1945 the right to vote has been extended to groups previously denied it, such as Indians, Inuit, Chinese, and Japanese Canadians. Court rulings based on the *Canadian Charter of Rights and Freedoms* (adopted in 1982) explain a further widening of the franchise. In the past decade-and-a-half the Supreme Court of Canada has struck down a number of statutory restrictions to the franchise. Citing the "right to vote" section of the *Charter* [3], the Court has extended the vote to mentally handicapped persons, judges, and prisoners. There are now no groups (or for that matter, individuals, apart from the Chief Electoral Officer of Canada) prohibited from voting federally. The expansion of Canada's electorate since Confederation has been dramatic. At the time of Canada's first federal election in 1867, 15 percent of the total population was eligible to vote. Today the figure is in the order of 70 percent. [Note: those figures are of total population, which includes non-Canadian residents and persons less than 18 years of age].

- **Office of Chief Electoral Officer**: 1920

The first parliamentary elections in post-Confederation Canada were often corrupt affairs. The electoral process, though established under statute, was skewed in the governing party's favor. Supporters of those in office were rewarded with election day

jobs, and corrupt practices by election officials and voters alike (though technically a violation of the law) were widespread. Even the counting of ballots was suspect, and reports of election fraud of various sorts were not uncommon. [Ward 1950].

Canadians have now turned to impartial officials to run their elections. At the federal level that has been the case for close to a century and, more recently, it has been true of the provinces as well. To put an end to partisanship in electoral administration, to establish uniform operating standards and rules for the conduct of elections, and to avoid a repeat of the partisan manipulation of federal election laws that Canada had witnessed in the wartime election of 1917, Parliament in 1920 created an institution that operates independently of the provinces, parties, candidates and governments. The Office of the Chief Electoral Officer (as the positions are known federally and in every province) has established itself as a model of its kind. It is charged with ensuring that elections are conducted fairly and without bias or advantage for any party, candidate, or partisan interest. The CEO is chosen by the House of Commons (not the Government of the day) and reports directly to Parliament (again, not the Government of the day). He is charged with several responsibilities. These include making certain that all voters have unimpeded access to the ballot box; enforcing election legislation including election financing laws; maintaining the register of electors; recruiting and training election officials; monitoring election spending by candidates and parties; and ensuring that the broadcasting regulations of the law are adhered to. [Courtney 2007]

- **Electoral Redistributions**: 1964

For 100 years after Confederation (1867) redistributions (electoral redistricting) at both the federal and provincial levels were carried out by elected politicians. To be more precise it was in the hands of the various governments of the day. As in the United States, the results were predictably partisan and self-serving affairs aimed at maximizing the chances of returning incumbents and of defeating political opponents. The most gerrymandered seats in Canada were often markedly smaller in population than a province's average per district population, and although the degree of malapportionment was pronounced in many jurisdictions Quebec serves as a case in point of a highly malapportioned provincial legislature. Measured in the early 1960s by the Dauer-Kelsay Index (a then fashionable, but crude, way of gauging district inequality), 26 percent of Quebec's population could, theoretically, have elected a majority of the members of the National Assembly. By that measure Quebec was more malapportioned than Tennessee, at roughly same time, when in 1962 the United States Supreme Court (accepting Dauer-Kelsay as a valid measurement of malapportionment) issued its historic *Baker v. Carr* decision.

Partisan gerrymanders are now in the past in Canada. Starting in the 1950s and followed soon by other provinces and the federal parliament, Manitoba adopted a fundamental reform designed to remove partisanship from the construction of electoral districts. The model of an independent electoral boundary commission was copied from Australia and New Zealand. For federal redistributions the commissions (one for each province following each decennial census) are composed of three-members. The Chair,

by law, must be a judge; the remaining two are typically academics and retired public servants with no overt partisan affiliations. These commissions (with which Canada has now had five decades of experience) have brought a needed sense of legitimacy to a process long tarnished by its political gamesmanship. They have also reduced the population disparities among the districts to the point where the overwhelming majority of federal and provincial districts have been constructed with populations within +/-10 percent of that jurisdiction's average population. Commissions nonetheless have the authority under the enabling legislation to design seats within +/- 25% of the province's mean population and, in extraordinary circumstances, to exceed those limits in districts that deserve special attention because of their geography or particular social characteristics. Rarely do they do that.

- **Election Financing**: 1874 –

Corruption, illegal transfers of money to candidates and parties, solicitation by politicians (or their bagmen) of sizeable donations for party coffers, and other practices defined the financing of Canadian elections for decades. Consider a financial transaction, and what prompted it, during Canada's second federal election (1872). The prime minister at the time, Sir John A. Macdonald, telegraphed a Montreal rail magnate who had recently been awarded the contract to build the Canadian Pacific Railway: "Immediate and private. I must have another ten thousand – will be the last time of calling. Do not fail me; answer today." When, inevitably, the contents of that telegram were leaked, the Government resigned, and Alexander Mackenzie and his Liberals came to power. The ensuing election (1874) left the Macdonald Conservatives on the Opposition benches for another four years. Canada's first laws requiring the reporting of election expenses resulted from that "Pacific Scandal."

Since then the laws governing party finance have been augmented and refined many times. They have not always prevented corrupt and illegal practices, but for the most part the level of probity in the financing of politics in Canada has been high. At the federal level (and in many of the provinces) the basic elements of the current law are public disclosure, tight spending controls, modest contribution limits by individuals only (not corporations or unions), generous tax credits for political contributions, tight spending controls on independent advocacy groups, and a substantial measure of public funding through reimbursement of candidates and parties. As well, since 1 January 2004 all qualifying federal registered parties have received quarterly allowances from the public purse.[1]

- **Voter Registration**: 1997

Canadians had long been accustomed at both the federal and provincial levels to door-to-door enumerations that compiled voters' lists in advance of an election. From the

[1] To be eligible, a party must have received in the general election preceding the quarter at least 2 percent of the valid votes cast, or at least 5 percent of the valid votes cast in the electoral districts in which the party endorsed a candidate.

early 20th century enumerators were hired at the outset of a campaign for a few days' work in each of the thousands of polling divisions in the country. Their job was to assemble the lists of eligible voters for each electoral district. The system had three great advantages: currency, completeness and cost-effectiveness. It is estimated that between 95 and 97.5 percent of the eligible voting age population was enumerated federally in the elections following the Second World War. As lists were compiled only when needed, costs were minimized.

A little more than a decade ago Parliament approved Government-sponsored legislation that replaced door-do-door enumerations with a regularly updated electronic register of voters. The principal reasons given for the change were that advances in technology made such a register feasible; enumerators in large, ethnically diverse urban districts had faced increasing difficulties in constructing lists at election time; and, to the relief of both politicians and the general public, electoral campaigns would become shorter in the absence of the need to set aside several days for enumeration and revision of lists at the outset of an election. The so-called "permanent" electoral roll has not always live up to its advance billing, but based on experience to date it is within the 93-95 percent accuracy range – only marginally less complete than enumerated lists had been. [Black 2000, 2002, and 2003].

(B) Those five changes resulted from a mix of: [Courtney 2000 and 2004]

- **Progressively more tolerant social values** (electorate gradually expanded with extension of the franchise to non-property owners, women, Aboriginals, Chinese, Japanese, South Asians, 18-21 year olds)

- **Successful campaigns of advocacy groups** (most notably, the Prohibition movement [esp. WCTU], progressive farm organizations, and suffragette associations created awareness of and support for extending the right to vote to women)

- **Successful modeling of electoral reforms in the provinces: [the "demonstration effect" of federalism]** (redistribution reforms in Manitoba, 1955; election finance reforms in Quebec, 1963; Aboriginal enfranchisement in several provinces, 1950s)

- **Public and political reaction against brazen manipulation of electoral institutions and election laws for partisan advantage** (reaction to the discriminatory wartime elections acts of 1917 led to the subsequent creation of the office of the Chief Electoral Officer of Canada; 100 years of self-interested redistricting by MPs ended with the acceptance of independent electoral boundary commissions)

- **An accepted "statist" approach by Canadians to electoral institutions and administration** (widespread support for a measure of public funding of parties and candidates; redistricting by independent arms'-length commissions, not

elected politicians; electoral administration controlled by a single autonomous central agency, Elections Canada) [on "statism" in Canada see Lipset 1990; Kingdon 1999; Perlin 1993].

- **Technological advances** (enhanced reporting and monitoring techniques provided the means to ensure adherence to a tough election finance regime; electronic data assembly and management systems enabled the establishment of the National Register of Electors in the 1990s).

- **Supreme Court interpretations of s. 3 of the Charter** (formulation of an "effective representation" as opposed to a "one person, one vote" doctrine in redistributions; extending the franchise to previously disqualified groups – judges, mentally incapacitated, and prison inmates).

(C) Collectively the five reforms:

a. ensured **centralized operational and regulatory control** of the machinery of federal elections;

b. established **uniform national rules** for the conduct of federal elections;

c. guaranteed that **Parliament** - not the executive branch and not the provinces – was the institution with the **ultimate authority** over Canada's electoral system, with statutes subject to judicial interpretation; and

d. were, with rare exceptions, adopted with the **unanimous support** of the parties in Parliament. This became, in effect, the *sine qua non* of electoral system reform in Canada. It provided compelling evidence of "cartel-like collusion among parties in Parliament." [Young 1998, 348; see also Katz and Mair 1995].

(D) What is different about the current electoral reform issue from previous ones?

• Four events converged more-or-less simultaneously to prompt a debate over Single Member Plurality elections. No previous electoral reform had been preceded by a similar confluence of events:

1. A Decade of Front Burner Elections:

The issue of electoral system reform has simmered on the fringes of Canadian politics since the 1920s. Occasionally, though only sporadically, it has moved from the **back** to the **front burner** where it goes from a simmer to something approaching a boil. I define back burner elections as those in which a majority government is elected with a sizeable share (possibly, though rarely, a clear majority) of the votes cast and the remaining parties are either discriminated against or benefit from the

translation of votes into seats depending upon their support base – weak national, or strong regional. The number of elected parties (two, three or four) is on the small side, or at least not totally out of line with the historic pattern to that point, and lends support to Duverger's explanation of the conversion of votes into seats in the Canadian parliamentary system.

Front burner elections, by contrast, are found typically at the cusp of major shifts in the party system, in terms of either or both the numbers of parties elected and/or their respective support base. The elections of the 1920s, starting with the critically transformative one in 1921, and those of the past decade and a half, starting in 1993, exhibit classic front burner characteristics. Compared with back burner elections, the number of parties elected to the Commons increases, the winning party's share of seats is more radically disproportionate to its share of seats, and the remaining parties' respective vote share may bear an even odder relationship to their share of seats than would otherwise have been expected. [Appendix A compares back (1917 and 1988) with front (1921 and 1993) burner elections.][2]

2. Activity at the Provincial Level:

Between 2002 and 2004 five provinces (British Columbia, Ontario, Québec, New Brunswick, and Prince Edward Island) established inquiries (extra-legislative Commissions, Citizens' Assemblies, or les États généraux) to look into the desirability of replacing the Single Member Plurality (SMP) system. In every case, if a change were recommended an alternative method of voting was to be proposed. The three principal reasons for the establishment of these investigations were:

(a) lopsided provincial election results;

(b) inequitable translation of popular vote into legislative seats; and

(c) the newfound appeal of a package of populist institutional changes. These included fixed election dates, open cabinet meetings, legislative recall, referendums, and replacing the plurality vote with some form of proportional representation.

3. "Democratic Deficit" Debate:

The "democratic deficit" burst onto the political landscape in Canada and abroad in the 1990s. The term has since gained wide coinage and has a certain obvious utility as a rhetorical device. As if to underscore its definitional imprecision, however, "democratic deficit" lends itself to multiple uses. A variety of institutional, electoral and managerial issues and practices have been faulted for contributing to Canada's democratic deficit. Among these are:

(a) an unequal and unelected Senate;

(b) excessive control by the Prime Minister's Office of cabinet ministers, the legislative agenda, and government operations generally;

(c) an overly stringent parliamentary whip;

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[2] It is worth noting as well that the 1993 election produced for the first time a "non-coalitionable" party, in the Bloc Québécois, with control of the second largest number of seats in the House of Commons.

(d) a demonstrated failure of Commons' committees to act independently of party leadership;
(e) a general decline of citizen confidence in government, public officials, and the electoral process; and
(f) an electoral system faulted for plunging levels of voter turnout (Appendix B), the under-representation of women and minorities in elected office, and facilitating "non-majoritarian" election outcomes (i.e., governments elected with a majority of the seats but not a majority of the votes, and/or parties winning more seats but fewer votes than other parties).

4. The appeal of faraway political pastures:

If more women and minorities get elected under proportional than under plurality systems, why not make the change? If New Zealand, Italy, Japan, and Scotland can change their electoral systems, why not Canada? If Mixed Member Plurality (MMP) has worked so well in Germany since the late 1940s, why not import it?

- ***In contrast to earlier electoral reform initiatives the stars are not now aligned on the issue of electoral system change. There are several reasons for this:***

1. Issue complexity:

Extending the vote to women and racially defined groups, or establishing a central elections office with administrative and oversight responsibilities, or regulating the election finance regime, were single dimension issues. They were resolved by invoking doctrines or concepts of "rights," "transparency," "fairness and equity," and "impartiality." Even though much the same language is employed in the debate over electoral systems, the issue has a complexity that previous electoral reforms did not have. Earlier reforms were about making Canada a more democratic country, or making Canadian democracy more efficient, or fair, or transparent, with widespread agreement about what democracy and the tools or building-blocks of democracy meant. This debate, however, is about the meaning of democracy and the kind of electoral system that best suits that democracy.

Deliberations on electoral systems invariably lead to discussions about different concepts of representation (mirror, delegate, trustee) [Pitkin 1967; Law Commission of Canada 2002; Mansbridge 2006] or about the relative merits of multi-party coalition governments vs. single-party governments. These are themselves complex issues not given to a single right/wrong answer, which adds to the difficulty of reaching a widely shared consensus about the correct course of action. The BC Citizens' Assembly demonstrated that with time, expert advice, and careful study and deliberation, a group of 160 individuals after a full year could reach agreement on a preferred method of voting (in their case, STV). But even with the time, effort, public education drive and publicity that went into the BC project, 43% of British Columbians voted against the STV proposal in a province-wide referendum on the

Assembly's recommendation. A Citizens' Assembly followed by a referendum may prove to be an ineffectual (or at least a highly problematic) set of institutional arrangements for bringing a population as diverse and complex as Canada's to overwhelming agreement on an alternative method of election when the issue is layered with complexities.

2. Fractured elites:

Media commentators, academic experts, political actors and opinion leaders in Canada do not speak with one voice about electoral systems. This is unlike debates about, for example, independent commissions replacing elected politicians as the agents responsible for electoral redistributions, or the Chief Electoral Officer reporting directly to all Members of Parliament rather than to the Government of the day. In the earlier electoral reforms, elite opinion almost invariably pointed in one direction. Debates about the electoral system, on the other hand, have been marked by a diversity of opinions about elections and electoral systems. This is especially obvious at the level of the political elites, for there the debates about electoral system preferences are conducted by competing, often entrenched, partisan interests and actors both within the same parties and regions and across them.

3. Absence of a single alternative to SMP:

No single universally agreed upon alternative to SMP has yet emerged, as was evidenced in the proposals advanced by the five provincial inquiries earlier this decade. The Single Transferable Vote was the preferred option of BC's Citizens' Assembly; different variations of MMP were favored by the commissions in the four other provinces. Many informed commentators and politicians speak loosely about "Proportional Representation" without specifying which model, if any, they have in mind.

4. Divided public opinion:

The fate of each of the five provincial initiatives has varied. In two provinces (Québec and New Brunswick) the Governments have shown no sign of proceeding with either a legislative initiative or a referendum to implement their respective inquiry's proposal. In the remaining three, where province-wide referendums were held between 2005 and 2007, the public was divided. In Ontario and PEI proposals to adopt MMP were rejected by 63% of those voting. In BC a clear majority voted for STV, but even so the BC percentage fell 3.4 % shy of the legislated requirement of 60% approval province-wide. The provincial Government has pledged to hold a second referendum in 2009. The upshot of the differences among the provinces and the variable fates of the proposals advanced by the five provincial inquiries is that there is no successfully implemented model of a proportional system from which the "demonstration effect" of federalism could inform or, indeed, could influence the deliberations at the federal level.

5. Electoral rules create electoral incentives:

What is sauce for the political goose is not necessarily sauce for the political gander. Those who stand to benefit from a particular set of election rules have an understandable predisposition to keep them. [Ostrom 1990]. By contrast, those disadvantaged by those rules understandably have reason to want to change them. The difficulty for advocates of electoral system change stems from the fact that the levers of power are controlled by those least likely to want to change the system. This has been demonstrated in surveys of Canadian MPs and candidates [Courtney and Wilby 2005] and in recorded votes in the House of Commons on resolutions calling for SMP to be replaced by a proportional electoral system.[3]

6. Number of players:

The 1993 election brought five parties into the House of Commons. Apart from a short period in the 1960s, this was a first in Canada's 140-year history. The 1993 election marked the beginning of a fundamental transformation of the Canadian party system. [Carty, Cross and Young 2000]. From two or three (or occasionally four) parties in Parliament as had been the case in the past, the number has been consistently four, and sometimes five, for a decade-and-a-half.

The growth in party number has been matched by an increasing regionalization in their respective support base. In contrast to the two major parties of the past that attempted (not always successfully) to build broadly-based coalitions across the country as a whole, the Liberals are now largely a party of Ontario, the Conservatives (Reform/Alliance) of the West, the Bloc Québécois exclusively of Québec, and the NDP of two or three major urban centers.

The post-1993 situation at the federal level (the transformation of the party system combined with the increased regionalization of party support) might be seen as presenting an ideal opportunity for electoral reform coalition-building between or among the parties. That has not proved to be the case, however, even when two consecutive minority Parliaments (2004 and 2006 elections) brought inducements for inter-party cooperation. Why not? Explanations are no doubt numerous. One helpful line of reasoning draws on path dependency theory [Pierson 2000, among others] in which sequencing of events and processes are critical to political actors and "cost reversals are very high." [Levi 1997, 28]. One hundred and forty years of federal elections fought under the rules of plurality voting have contributed massively to the shaping of attitudes to, and the institutional arrangements around, elections,

[3] There is circularity here worth noting. The regionalized party system contributes to the "fracturing" of elites [noted above], and vice versa. Even if a more proportional electoral system did not cost any national party any seats in aggregate (which, given the "Duverger" distribution of votes into seats, it would for at least some parties), it would cost each party seats in the provinces in which it is strong. But the very people who would have to vote "aye" in Parliament to get the process underway to reform the electoral system include the ones sitting in those seats.

parliamentary representation, and party structures. These are not likely to be easily changed.

7. Level of citizen "affectedness":

There is a sense in which the instruments and institutions of electoral administration make an imprint on a citizen in little more than a peripheral way. That is not to say that electoral machinery is immaterial to an election's legitimacy. Quite the reverse, in fact. But when the nuts and bolts of an election are in place and are known to provide ground rules that are widely accepted as valid and fair (as is the case in Canada), citizens have no reason to try to understand them or to delve into institutional alternatives.

Arguably the most contentious post-Confederation electoral reform has to have been the franchise. Understandably the question of who should be entitled to vote generated prolonged and heated debates whenever it surfaced in Canadian history. But in the final instance the issue was resolved either by legislative changes or court rulings based on the reasonable presumption that in a democracy the franchise should be inclusive, not exclusive, and subject only to minimum age and citizenship requirements.

Save for the issue of the franchise (which has now been settled in Canada, although there are still voices of dissent on prisoners having been given the vote), voter registration, electoral districting, election financing, and electoral administration are, at best, distant and probably largely unknown facets of elections to the great majority of citizens. In other words citizens (and, for that matter, a sizeable number of Members of Parliament) are not explicitly or consciously aware of how directly "affected" they are by these institutional arrangements. All that really matters is that the arrangements made by the state for the casting of a ballot are accepted as fair and legitimate and that they work.

But the question of changing the ballot, or changing the way in which votes are distributed amongst parties or lists of candidates, or changing the representative relationship between citizens and elected Members, brings to the fore issues that directly affect how the voter sees and understands the very purpose of elections. Accordingly (as argued in #5 above), views of what elections are about differ among the electorate in ways that contrast starkly to how the five earlier electoral reforms were seen.

8. Referendums:

None of the electoral reforms of the past had to pass through a referendum hoop. They were simply debated by the parties in Parliament and voted upon, often following all-party behind-the-scenes negotiation to ensure unanimous approval. Based on the experience of the three provinces (Ontario, BC and PEI) to have put to the voters via a referendum the question of replacing SMP with an alternative

electoral system, the referendum process is not problem-free. Voter complaints of not "knowing" enough about the issue or the options or of not being "well-enough informed" of what was at stake were common, particularly in Ontario. That suggests that the referendum device (for which the precedent has now been firmly established on electoral system change – a precedent that would be difficult for any future government to ignore) may create a situation within which a significant number of individuals, being called upon to make a choice, will opt for what they know rather than what they don't know. Paradoxically, one of the institutional reforms credited with helping to reduce Canada's democratic deficit (the referendum) may, in turn, have created an unintended hurdle to bring about change to another institution that too has been faulted for its contribution to the democratic deficit - SMP.[4]

9. Studied to death:

Is there much that has not been written or said, often *ad infinitum*, and certainly repetitively, about electoral reform in Canada over the past decade or so? To paraphrase Lytton Strachey's aphorism about Britain's Victorian Age, a full account of electoral reform in Canada may never be written because we know too much about it. There is no harm in having bountiful supplies of information about electoral systems instantly available to the public on every conceivable print and electronic medium, except for an obvious problem associated with much of it: it is either wrong or misleading or contradictory. Little wonder many citizens (and, once again, many Members of Parliament) are confused. The material broadcast and/or disseminated in one form or another stands as proof of the complexity of the issue and the common misunderstandings surrounding it. On that note it is not unreasonable to voice a concern about the possibly of unrealizable expectations being created about the presumed benefits that would flow from electoral change. [Macfarlane 2005].

10. Electoral system debate highlights something absent from all previous electoral reform initiatives: it is marked by fundamental disagreements about the very purpose of elections:

Changing an electoral system does not lend itself to an "either – or" or a "yes – no" zero sum solution. Parties, leaders, candidates and voters see elections differently.

To some, elections in a democracy are about one thing and one thing only – producing a government and ensuring a means whereby acceptance of that government can, if deemed necessary, be withdrawn by the electorate at a subsequent

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[4] The referendum was no bar to electoral change in New Zealand in 1993 when 53.4% voted to replace SMP with MMP, but had the BC and Ontario requirement of 60% approval been in place in New Zealand, the change would not have been made there. The 60% referendum rule in Canada, combined with the mechanism of the citizens' assembly, suggests as a possibility a blocking strategy on the part of governing elites – that is elites appearing to do something to reform an institution while, at the same time, creating a "democratic" framework that makes the reform's adoption far from certain.

election. To them, elections are about governing, responsibility, and accountability; their predisposition is to the plurality vote. [Schumpeter 1942].

To others more favorably disposed to Proportional Representation, elections are about producing policies based not necessarily on the will of a majority but rather on the "will of the people" (however that might be determined) and on ensuring that the share of popular vote is translated more-or-less equitably into the share of legislative seats.

To yet others, elections are about "mirroring" identified components of the larger society. Among these, support for some variant of Proportional Representation is overwhelming. [Law Commission of Canada 2002].

PR supporters include as well those who see non-plurality elections as offering a structural answer to the problem of declining voter turnout; by contrast, this is a problem that others identify as more an issue of political culture and civic society than electoral systems.

The three principal theories of legislative legitimacy that co-exist as part of politics and governance in Canada are nowhere more evident than in discussions about SMP: parliamentary democracy, constitutional democracy and electoral democracy. [Smith 2007].

Clearly the way in which individuals or groups understand or define the relationship between elections and democracy influences their preference orderings of electoral systems. This, in turn, makes agreement on a single most preferred alternative highly problematic.

Conclusion

The federal political scene of the past 15 years (the period in which "the democratic deficit" has become a favorite talking point among students of Canadian politics) has been marked by several developments which bring into question the appropriateness of the electoral reform "model" of the past to the current debate about replacing SMP with some variant of PR. The provincial "demonstration effect" is so far absent, which may in itself (based especially on the Ontario experience with its MMP referendum) offer a possible clue about the complexity of electoral system reform compared with other reforms of the past. There is at present no widespread agreement at the elite or mass public levels about the need to abandon SMP or, indeed, about a clearly preferred alternative to plurality voting. The courts, so far at least, have not been called upon to pass judgment under a section 3 ("right to vote") *Charter* challenge on the fairness of SMP to individual voters and (we're speaking of Canada, after all) groups.

Reforms of the past (expanding the franchise, ensuring non-partisan electoral administration and independent boundary commissions, establishing strict election

financing rules, and replacing door-to-door enumerations with a continuously updated national registry of electors) naturally called for strategic moves on the part of parties and leaders as they negotiated with one another over the specifics of an acceptable reform package. But the compromises were made on a series of specific single issues, not complex ones that are the core of elections, representation and governance.

The post-1993 change in the party system (and, coincidentally, the "democratic deficit" debate for which it was partly responsible) introduced some of the conditions that could be expected to lead to replacement of SMP with a proportional voting system. Principal among these were an increase in the number of parties in Parliament, a more manifestly regionalized party system, two consecutive minority Parliaments, and inequitable conversion of votes into seats. But ironically, it also created the context within which it has so far proved impossible to achieve the support necessary to proceed with electoral system change.

Appendix A
Federal Election Results of 1917 and 1921, 1988 and 1993

The first **back burner** election followed by a **front burner** election:

1917	Seats	Votes
Unionist	153 (65.1%)	57.0%
Laurier Liberal	82 (35.9)	40.1
Other/Independent	-	2.9
Total	235	

1921	Seats	Votes
Liberal	116 (49.4%)	40.7%
Progressive	64 (27.2)	22.9
Conservative	50 (21.3)	30.3
Other/Independent	5 (2.1)	6.1
Total	235	

A recent **back burner** election followed by a **front burner** election:

1988	Seats	Votes
Conservative	169 (57.3%)	43.0%
Liberal	83 (28.1)	31.9
NDP	43 (14.6)	20.4
Other	-	4.7
Total	295	

1993	Seats	Votes
Liberal	177 (60%)	41.2%
BQ	54 (18.3)	13.5
Reform	52 (17.6)	18.7
NDP	9 (3.0)	6.9
PC	2 (0.6)	16.0
Indep.	1	-
Total	295	

Appendix B

Voter Turnout – Canada
1958-2006

Election Date	Population	Electors on Lists	Ballots Cast	%
31 March 1958	16,073,970	9,131,200	7,357,139	79.4
18 June 1962	18,238,247	9,700,325	7,772,656	79.0
8 April 1963	18,238,247	9,910,757	7,958,636	79.2
8 November 1965	18,238,247	10,274,904	7,796,728	74.8
25 June 1968	20,014,880	10,860,888	8,217,916	75.7
30 October 1972	21,568,311	13,000,778	9,974,661	76.7
8 July 1974	21,568,311	13,620,353	9,671,002	71.0
22 May 1979	22,992,604	15,233,653	11,541,000	75.7
18 February 1980	22,992,604	15,890,416	11,015,514	69.3
4 September 1984	24,343,181	16,774,941	12,638,424	75.3
21 November 1988	25,309,331	17,639,001	13,281,191	75.3
25 October 1993	27,296,859	19,906,796	13,863,135	69.6[5]
2 June 1997	27,296,859	19,663,478	13,174,698	67.0
27 November 2000	28,846,761	21,243,473	12,997,185	61.2[6]
28 June 2004	30,007,094	22,466,621	13,683,570	60.9
23 January 2006	30,007,094	23,054,615	14,908,703	64.7

Source: Elections Canada
http://www.elections.ca/content.asp?section=pas&document=turnout&lang=e&textonly=false

[5] This percentage rises to 70.9 when the number of electors on the lists is adjusted to account for electors who had moved or died between the enumeration for the 1992 referendum and the election of 1993, for which a separate enumeration was not carried out except in Quebec, as the 1992 electoral lists were reused.

[6] The turnout of 61.2% in 2000 was adjusted to arrive at the final turnout of 64.1%, after our normal maintenance of the National Register of Electors to remove the names of deceased electors and duplicates arising from moves.

Works Cited

Black, Jerome H. 2000. *The national register of electors: Raising questions about the new approach to voter registration in Canada.* Montreal: Institute for Research on Public Policy.

____. 2002. The permanent voters list vs. voter enumeration. Paper presented at the Transparency, Disclosure and Democracy Conference, Ottawa, ON, 27 February.

____. 2003. From enumeration to the national register of electors: an account and an evaluation. Occasional paper. *Choices* 9 (7). Montreal: Institute for Research on Public Policy.

Carty, R. Kenneth, William Cross and Lisa Young. 2000. *Rebuilding Canadian party politics*. Vancouver: UBC Press.

Courtney, John C. 2000. *Commissioned ridings: Designing Canada's electoral districts.* Montreal and Kingston: McGill-Queen's University Press.

____. 2004. *Elections.* Vancouver: UBC Press.

____. 2007. Canada's chief electoral office: responsibilities and independence." *Canadian Parliamentary Review.* XXX. Spring. 32-35.

____ and Drew Wilby. 2005. Staying the course or changing? Perceptions of electoral reform of parliamentary candidates in the 2004 federal election in Canada. Paper presented at the annual meeting of the American Political Science Association. Chicago. 1-4 Sept.

Katz, Richard S. and Peter Mair. 1995. Changing models of party organization and party democracy: the emergence of the cartel party. *Party Politics* 1 (1): 5-28.

Kingdon, John W. 1999. *America the unusual*. New York: St. Martin's/Worth.

Law Commission of Canada. 2002. *Renewing democracy: Debating electoral reform in Canada. A discussion paper.* Ottawa: Law Commission of Canada.

Levi, Margaret. 1997. A model, a method, and a map: Rational choice in comparative and historical analysis. In *Comparative politics: Rationality, Culture, and Structure.* Mark I. Lichbach and Alan S. Zukerman, eds. Cambridge: Cambridge University Press. 19-41.

Lipset, Seymour Martin. 1989. *Continental divide: The values and institutions of the United States and Canada.* New York: Routledge.

Macfarlane, Daniel. 2005. *Media coverage of electoral reform in Canada 1 January-31 December 2004.* Unpublished research paper. University of Saskatchewan, Political Studies.

Mansbridge, Jane. 2006. *Political representation.* Stanford Encyclopedia of Philosophy. On-line: http//plato.stanford.edu/entries/political-representation/. 1-20.

Ostrom, Elinor. 1990. *Governing the commons: The evolution of institutions for collective action.* Cambridge: Cambridge University Press.

Perlin, George. 1997. The constraints of public opinion: diverging or converging paths? In *Degrees of freedom: Canada and the United States in a changing world.* Keith Banting, George Hoberg, and Richard Simeon, eds. Montreal and Kingston. McGill-Queen's University Press. Ch. 3.

Pierson, Paul. 2000. Increasing returns, path dependence, and the study of politics. *American Political Science Review* 94 (2): 251-67.

Pitkin, Hannah Fenichel. 1967. *The concept of representation.* Berkeley: University of California Press.

Schumpeter, Joseph A. 1942. *Capitalism, socialism and democracy*. New York: Harper and Brothers.

Smith, David E. 2007. *The people's house of commons: theories of democracy in contention*. Toronto: University of Toronto Press.

Ward, Norman, 1950. *The Canadian house of commons: Representation*. Toronto: University of Toronto Press.

Young, Lisa. 1998. Party, state and political competition in Canada: the cartel model reconsidered. *Canadian Journal of Political Science* 31 (2): 339-58.