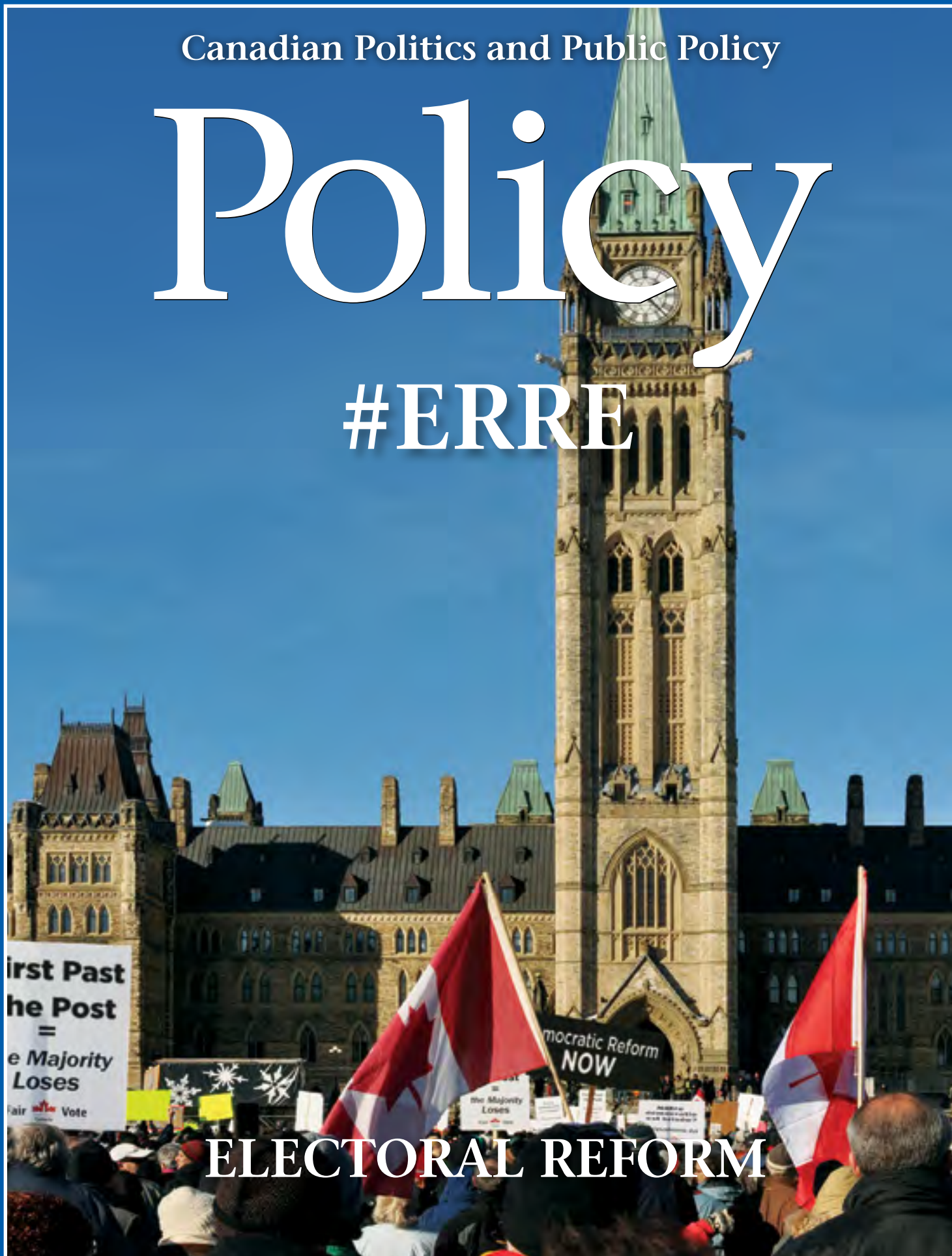## Canadian Politics and Public Policy

Policy

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In This Issue

From the Editor / L. Ian MacDonald

Reforming Democracy

Welcome to our special issue on Electoral Reform, timed to reflect the ongoing debate in Canada over whether and how to change the way in which Canadians choose their elected leaders, including the work of the Special Committee on Electoral Reform (#ERRE). This issue of *Policy* is aligned to our Electoral Reform Symposium on November 2-3 presented by *Policy* and iPolitics, hosted by the Public Law Group at University of Ottawa and broadcast by CPAC.

We begin with a Q&A with Democratic Institutions Minister Maryam Monsef. Having just concluded a cross-Canada listening tour, Monsef shares her sense of the mood of the country on democratic reform beyond "here in the Ottawa bubble", as she put it. She made it very clear the Liberal government would not unilaterally impose electoral reform in the absence of a parliamentary consensus, saying, "We will not move forward with any reforms without the broad support of Canadians."

She also discussed her personal evolution from arriving in Canada as an Afghan refugee with her mother and two sisters to being, at 31, the minister responsible for reforming the way Canada votes. Of the recent revelation that she was actually born in Iran rather than Afghanistan, Monsef spoke of the kindness of strangers, saying her mailboxes of every kind were overflowing with supportive messages from Canadians.

Pollster Frank Graves of EKOS Research was in the field in mid-October and reports where Canadians are on electoral reform.

Contributing Writer Tom Axworthy writes that there's much more to democratic reform than just electoral reform and notes that "each type of electoral system—majoritarian, mixed or proportional representation—has a different set of incentives for our parties."

Contributing Writer David Mitchell sorts through the alphabet soup of electoral options.

David Moscrop, a doctoral candidate in poli-sci at the University of British Columbia, makes the case for PR in an article adapted from a paper he produced for the Broadbent Institute. NDP MP Nathan Cullen, the party's democratic reform critic, also makes an eloquent case for PR. He asks, "why is it, in the 21st century, Canada is still using a winner-takes-all" system?

Green Party Leader Elizabeth May reports in from the #ERRE Special Committee's cross-Canada public consultations. "On the road, we are not sparring for partisan points," May writes. "We hang out together, look out for each other and are all becoming good friends. I know that we hope to reach a decision by consensus."

On the key question of whether changes to our electoral system will require a constitutional amendment, University of Ottawa law professor Sébastien Grammond concludes that's a "no," citing, among other arguments, that section 52 of the Constitution states: "The number of members of the House of Commons may from time to time, be increased provided the proportionate representation of the provinces…is not thereby disturbed."

In an article adapted from their recent paper on Senate reform for the Public Policy Forum, former Senators Michael Kirby and Hugh Segal suggest that newly appointed independent senators caucus along regional lines—the Atlantic, Quebec, Ontario and the West—"originally contemplated by the founders of Confederation".

Michael Pal, Director of UofO's Public Law Group, examines the issues around mandatory voting and writes that there "is no conclusive data that being obliged to vote" makes for better informed choices. On electronic voting, Nicole Goodman of the Munk Centre notes that "voting accessibility is becoming increasingly important for Canadians."

Finally, columnist Don Newman looks at referendums and concludes they "are bad public policy."

In *Canada and the World*, our Robin Sears looks at a new chapter in Canada-China relations following Justin Trudeau's week-long September visit to China, and the reciprocal visit to Canada of Premier Li Keqiang. Sears tells the back-story behind Trudeau's presentation of the same Norman Bethune medallions presented to Chairman Mao by his father in 1973. BMO Vice Chair Kevin Lynch considers the rebalancing of China's economy in a world in which "China alone accounts for over 25 per cent of global growth."

Finally, Graham Fraser looks back on his decade as Commissioner of Official Languages and finds that Canada has moved from ambivalence to embrace of bilingualism—with the poll numbers to prove it. And John Hallward, chair of the GIV3 Foundation, makes a strong case for boosting charitable donations, not only through the tax system, but as a cultural mindset among Canadians. **P**

Q&A: A Conversation With Maryam Monsef

Policy Editor L. Ian MacDonald sat down with Democratic Institutions Minister Maryam Monsef in her Centre Block office on October 5. The conversation touched on referendums, the possibility of a consensus in the Special Committee on Electoral Reform, whether the Liberals would use their majority to impose a preferred outcome, mandatory and electronic voting, and her thoughts on the response of Canadians to the revelation that she was born in Iran rather than Afghanistan.

Policy: Minister Monsef, thank you for doing this. What are you seeing out there in the country? You've been from one end to the other on your tour. What are you seeing and hearing about democratic reform?

Maryam Monsef: What I'm seeing is a breathtaking country. Mountains and oceans and waterfalls and tundra and agricultural land and so much wealth and so many natural resources that we have to take really good care of. I'm seeing people from all walks of life who… some come in reluctant or skeptical, rather, at the beginning of the conversation, and they leave, heard and hopeful, that their government genuinely wants to hear from them.

Policy: And what's the level of interest? Is it really where Darryl Bricker had it in the Ipsos poll—only one Canadian in five had heard of electoral reform, and only 3.5 per cent were following the work of the committee? I think you called these people the democra-geeks.

Maryam Monsef: You heard about that, eh? So that term was affectionately coined by a group of young democra-geeks that I met just before we launched the tour. And this is a group of young Canadians who for years have been meeting every summer at someone's cottage to talk about the state of their democracy. And this year they invited me. And I had the great privilege—

Policy: Did they have some beer?

Maryam Monsef: There was no time for beer! We had so much to talk about. And the quality of conversations is invaluable, especially with young people, who for 10 years, have felt like the doors of their government were shut to them. Suddenly, we're going to them and asking them how we can increase their participation and how we can be more relevant and responsive to them, and they're hopeful. So—I totally understand that it's a time of relative peace and stability. There is no major crisis happening in this country, and people, for the most part, are focused on jobs and raising their kids, and focusing on their grandkids, and I'm thankful to those who do come out and advocate on behalf of those who face barriers when entering those rooms.

Policy: Do you find there's a difference in tone between the quote/unquote expert testimony you hear in this building during/before the committee and what you're seeing outside among the voices of the people in the country?

Maryam Monsef: I have a lot of respect for the experts and academics. Many have dedicated their lives to this, and we can't do this work without them. But there's a reason the prime minister asked me to go and connect with Canadians in every province and every territory, because the quality of conversation, the realities that everyday Canadians experience, whether it's in Iqaluit or Whitehorse or in places like Winnipeg or Saturna, they are different than the realities we experience here in the Ottawa bubble.

Policy: Right. The special committee's road show, you have 12 people spending a month together on the road, and then another month in a room writing up their recommendations. What's your sense of the chemistry of this group?

Maryam Monsef: So the composition of this committee is really important. Form is important when it comes to function, and so the composition of this committee, the only committee in the House of Commons where the Opposition actually has the majority, is really important. We made a decision to listen to Canadians who said there's a better way to compose the committee. We heard from opposition parties, and we wanted to send a signal that, for electoral reform to work, for it to move forward, we're going to have to take a collaborative and cooperative approach.

I'm so proud that the spirit in which the committee was composed continues. I watched some of their deliberations when they were aired on CPAC, and I hear anecdotes here and there.

They seem to be getting to know each other well. And I hope that that same spirit of cooperation will be reflected in the final outcome.

Policy: I should say they also have an exceptional chair in Francis Scarpaleggia.

Maryam Monsef: They do, and every single person around that table has worked really hard throughout the summer. They were in electoral reform boot camp before the road show began. Every single one of them brings a wealth of knowledge and experience, and certainly the chair's leadership has been really important for maintaining that right tone.

Policy: And we should point out that the special committee of 12 with seven Opposition members is distinct from a standing committee of 10 at which the Liberals would normally have a majority of six, right?

Maryam Monsef: Correct.

Policy: So if there is an all-party consensus, the Conservatives would obviously demand a referendum as their bottom line. And perhaps all opposition parties might agree on that as kind of the price of the deal if there is, you know, a deal to be made on something like mixed member proportional or something. Where do you think the cutting edge of the deal might be?

Maryam Monsef: You're asking me if I have a crystal ball…and you're asking me to look into it, and I sure wish I had one. Look, I have a lot of confidence in this committee. And I know that they're working really hard on behalf of Canadians. They're taking into account, naturally, the values that each party has brought to this House. And I've asked them for one report as opposed to each party providing their own minority report.

The question of a referendum has certainly come up from our colleagues in the Conservative caucus. And I personally don't believe that a referendum is the best way to make a decision about complex public policy issues like this. Is it one way to seek broad support

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from Canadians? Sure. Is it the best way? I have yet to be convinced.

Policy: Well the *New York Times* agrees with you. In a major story on page 1 today, the headline is: "Why national referendums are messy tools of democracy." You probably could have written that headline.

Maryam Monsef: They have a tendency to be costly in ways beyond financial, right? They can cause divisions in communities. And this government is more concerned and more interested in building community and a sense of national cohesion.

Policy: Well, the article points out that people sometimes vote in referendums on leadership rather than on the issue that's on the table, as in Britain, for example, in the Brexit referendum sending a message to Mr. Cameron, as they certainly did. Forty-eight hours later, he was gone. We've just been through the Colombia experience, where a referendum to ratify a treaty ending a 52-year civil war was narrowly defeated. And I lived through the Quebec referendum in 1995 when we came within 1.2 percentage points of losing our country over a question hardly anybody understood. So there are cautions about referendums out there.

Maryam Monsef: Absolutely, there are, and referenda on electoral reform have seen about half of the population participating in the past. And what about the other half?

So all of that said, this isn't about my personal opinion. And what the prime minister has asked me to do is to enter this process with an open mind. And if, at the end of really thoughtful

deliberations, the committee comes back and makes a recommendation with a referendum being that tool that we use to determine whether or not their proposed reforms have the support of Canadians then we have to take that seriously.

Policy: If there's no consensus in the committee, would the government rule out using cabinet and its majority in the House to impose a preference of its own?

> **"** *I have a lot of confidence in the people who are on this committee, and I do believe that they will work hard to come up with something that will serve the best interests of Canadians and that everybody can live with.* **"**

Maryam Monsef: So there are two parts to this question. Firstly, as I mentioned, I have a lot of confidence in the people who are on this committee, and I do believe that they will work hard to come up with something that will serve the best interests of Canadians and that everybody can live with.

We will not move forward with any reforms without the broad support of Canadians. So no, we are not interested in leveraging our majority in this place to move any reforms forward because this is not about us. This is

Monsef says that while Canadians are open to e-voting "the common theme across the country is 'do not mess with the paper ballot.'" House of Commons photo

for Canadians, and if at the end of the day we have an electoral system that doesn't have their buy-in then why are we doing this?

> **We will not move forward with any reforms without the broad support of Canadians. So no, we are not interested in leveraging our majority in this place to move any reforms forward because this is not about us. This is for Canadians.**

Policy: There's a lot of alphabet soup, as you know, from FPTP to SMP to PR to PPR to MMP to MSMP. Is it possible people find it's confusing and that first-past-the-post it's the devil they know?

Maryam Monsef: We talk about this in town halls that for some democra-geeks, FPTP and STV and MMP and so on, it's an opportunity to have a delightful conversation about the details of different systems out there. But other nations that have taken on the noble pursuit of electoral reform, the research that's out there, it shows that the best way to enter a conversation about electoral reform isn't through the technical aspects of any given system; it's through a set of principles. There's no perfect system.

The process itself is highly subjective because our democratic institutions and our vote, our right to vote, is so deeply connected to our sense of identity. And so it's about a set of values and a set of principles, and that's why the committee—and myself— are framing this conversation with Canadians around a set of principles, which they easily engage in.

Policy: The government has a timeline of having a proposal in place within 18 months of taking office, so by next May 4th. Is this cast in stone? Because a lot of people think this deadline is unrealistic.

Maryam Monsef: Well, this is a deadline that the House voted on, and it has been agreed upon, and the committee has been asked to provide us with a report on December 1st, and we'll be introducing legislation in the House in May. And I believe that if we continue to work as diligently as we have, if the committee continues to work as collaboratively as they have, then we will meet this timeline and we'll be able to give Elections Canada the time they need to implement the changes.

Policy: That's interesting because as you know, Marc Mayrand, the Chief Electoral Officer, at his final news conference on October 4th, expressed his own doubts about the achievabil-

ity of the May 4 deadline. And he also referred to New Zealand requiring the support of either 75 per cent of the House or a referendum.

So I guess there's two parts to this question, too. Could you comment on his thoughts about the achievability of the deadline?

> **I can't talk about Mr. Mayrand without acknowledging the tremendous leadership and service that he's offered to our country. Some of the really innovative work that he's done, some of the interesting pilot projects like having polling stations on post-secondary campuses.**

Maryam Monsef: I think there's three parts to this question because I can't talk about Mr. Mayrand without acknowledging the tremendous leadership and service that he's offered to our country. Some of the really innovative work that he's done, some of the interesting pilot projects like having polling stations on post-secondary campuses. His advisory group on persons with disabilities. These achievements I hear about on the road across the country, so I just need to acknowledge his great work.

And we have a lot of lessons to learn from places like Australia and New Zealand and Estonia and Germany—other nations that have taken on electoral reform. But Canada is not those countries. And certainly we have a prime minister who is ambitious, who dreams big and gets things done. And so I believe where there's a will there's a way, in the same way that, at first, they said the Syrian refugees, the timeline just simply was not enough. Well, we were able to make really good things happen with support from the public service and come really close to that timeline. So, I be-

lieve that we're on the right track, and if we keep going like this, we should be able to provide Elections Canada with the time they need.

Policy: If the road to reform becomes some kind of modified partial proportional representation or MMP or something like that, there's generally a threshold level for parties to get members' seats, usually around five per cent. Are you on board with that?

> **If you ask me, what ingredients do Canadians want their electoral system to be made up of, I can talk to you about that. I can tell you that Canadians—loud and clear—have said that maintaining their connection to their local representative is critical.**

Maryam Monsef: So I'm not there. So you're going into details that I don't think we're quite there yet. You want to ask me my principles? If you ask me, what ingredients do Canadians want their electoral system to be made up of, I can talk to you about that. I can tell you that Canadians—loud and clear—have said that maintaining their connection to their local representative is critical. And everywhere I go, people talk about the importance of inclusion and accessibility in our voting system so that we stop leaving behind the same groups of people—that we allow them an opportunity to fully participate in our democratic institutions. And they want us to maintain the integrity of the system that we have. This… I can speak about with you, but the details about the design, we have a really thoughtful group of parliamentarians who are working on the committee to do just that, and I'm going to wait for their report before I get into those details.

Policy: One of the things the government has asked the committee to look at is mandatory voting and as well as electronic voting. Can you address those two?

Maryam Monsef: Sure. So, both of those get groups really worked up, whether it's online or in town halls or in our more private meetings behind closed doors. There are some who say mandatory voting is one way to increase participation and engagement.

Policy: Although in Australia you can spoil your ballot.

Maryam Monsef: You can, and in Australia you can show up and not vote, and that showing up is mandatory. There's some people who have a lot of fun with this question of mandatory voting and say: incentives. Instead of penalizing people, why don't you consider giving incentives, like tax breaks? And then there are some who say, you know what, making voting mandatory is not going to get to the heart of why people don't vote. People don't vote because they're either disillusioned or apathetic or they're just too busy. And so perhaps, one way to address that is through information, and expanding the role of the Chief Electoral Officer to help with increasing people's understanding of election time and place that the voting is going to take place.

People talk about some interesting ideas, like a weekend or a holiday dedicated to voting as a way of increasing engagement. People talk about how important it is to have a diverse range of candidates put their name on the ballot. I hear from all sorts of different groups, whether it's new Canadians or indigenous youth or LBGTQ representatives who say 'one of the reasons our communities don't vote is because we don't see people like us in that place. We don't hear our voices in that place.' And so that is something that we need to address.

As far as online voting goes, Canadians are doing their shopping online. They're doing their banking online. In some municipalities they're even voting online. And so they recognize

that we need to consider it. They recognize that for many of us, voting online is a luxury. But for those with mobility issues, for those who aren't able to leave the house for whatever reasons, online voting is not a nice-to-have; it's a must have.

So here's where Canadians are such reasonable people. They also understand that while online voting would increase accessibility, the integrity of the vote needs to be maintained. And so they want us to do research, they want us to make it happen, but they're nervous about the stories they hear, with the integrity of the vote being compromised.

> ❝ *As far as online voting goes, Canadians are doing their shopping online. They're doing their banking online. In some municipalities they're even voting online. And so they recognize that we need to consider it. They recognize that for many of us, voting online is a luxury. But for those with mobility issues, for those who aren't able to leave the house for whatever reasons, online voting is not a nice-to-have; it's a must have.* ❞

Policy: So there are cybersecurity issues around this.

Maryam Monsef: Yes. And Canadians—I think there are two issues with online voting. One is, is the technology there? And I think that—and we were at a conference just a couple of weeks ago with e-Democracy and McMaster, for example, and I think it was Ottawa U, they were hosting a symposium on just this. And I shared with

them: I think there are two things. One is, do we have the technological capacity to make this happen? And if we don't have it right now, I do believe that there's a young person in a basement somewhere working on that technology as we speak, and we will see it very, very soon.

But the second piece is public perception. Canadians want to make sure that they can continue to benefit from the secrecy of the vote. They want to make sure that we can still verify the vote. They want to make sure that there is an audit trail so that if there's a need for a recount, that can happen. They're concerned about the possibility of coercion. That if there's a woman, for example, who lives with—in a violent situation, her partner could intimidate her into voting a certain way. And so balancing the integrity of the vote with the accessibility that online voting provides is a really interesting conversation that Canadians are having.

But the common theme across the country is, "do not mess with the paper ballot". You can add more options to increase accessibility, but people like going to the polling station and waiting in line and meeting their neighbours and having a conversation, and that piece of paper and that pencil, there's something about that ritual in a country like ours where we don't have many rituals that we can all take part in. There's something about that ritual that is sacred and Canadians want to maintain. For 18-year-olds, in a country where there is no rite of passage from adolescence into adulthood, casting that ballot becomes a really important rite of passage. And in every province and territory, I have been asked to, please, do not take away the paper ballot.

Policy: You know, talking about turnout, it has increased from 2008, a record low of 59 per cent, to 68 per cent in 2015. Partly I think because of the fixed election date being the third Monday in October, a week after the advance poll over Thanksgiving weekend, when people are together and

talking about this around the family table. And the turnout in the advance poll last October was nearly 21 per cent of the total vote.

Maryam Monsef: It was high.

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Policy: It was way up. In my voting station in Montreal, people were lined up out onto the street as families at the advance poll.

Maryam Monsef: Same in Peterborough-Kawartha, my riding.

Policy: You came to this country as a refugee with your mother and your sisters, and here you are at the age of 31, responsible for how the country elects the next Parliament. What does that tell you about Canada as a country?

Maryam Monsef: This is a great country. Somebody like me comes here, has the privileges and opportunities to represent a community that supported her that's nurtured her in the House of Commons, but we also have a prime minister who says, here's a really important file, I want you to go listen to Canadians and come back with something meaningful. This is a great country.

And this path I'm walking on, it's been paved for me by a lot of women and men who have worked really hard. Some have given up their lives to protect it. And then the Famous Five statue (on the Hill) every day is a constant reminder of the hard work those women did and their allies did to make sure that women could even vote.

So what does that say about Canada and what does that say about our democratic institutions? They've served us well, those institutions. And if we want them to continue to be relevant, if we want to make sure that we take a responsible and proactive approach at a time of peace and stability, like now, to look at them seriously, come up with ways to modernize them, maintain what's working, then we make sure that we protect this incredible country and these democratic institutions for the next generation, so that the next generation of Canadians who are going to take these seats, benefit from the same opportunities and privileges, and take things one step further.

Policy: How did the Monsef women end up in Peterborough anyway?

Maryam Monsef: My uncle lived in Peterborough at the time. And so it makes sense to go to a place where you know someone who speaks your language who can help show you around and get you settled in. But I don't think that's the question. The question is what kept us in Peterborough? Because I certainly—I'm pretty sure I cried every night for that first year, just wanting to go back to the families we left behind, to the familiarity, and I didn't speak the language, I didn't understand the culture. I was bullied. But what kept us in Peterborough was a really welcoming community. Some kids can be unkind and even cruel sometimes, and an 11-year-old doesn't really understand that. But the 11-year-old in me understood deeply the kindness of strangers when people who couldn't even communicate with us were going out of their way to make sure that we felt like we belonged, that we could start

a new life in Peterborough. So that's what kept us in Peterborough.

Policy: And Peterborough is quintessentially Canadian because as you know it is the home of focus groups in Canada.

> **❝** *Everything I've learned about democracy I've learned in Peterborough. What I've learned about the importance of grassroots and community being at the heart of a healthy democracy, I've learned it in Peterborough.* **❞**

Maryam Monsef: That's right.

Policy: Where, as you know, a lot of public opinion research is done there, and not by accident.

Maryam Monsef: No. We have a really interesting demographic, and everything I've learned about democracy I've learned in Peterborough. What I've learned about the importance of grassroots and community being at the heart of a healthy democracy, I've learned it in Peterborough. What I've learned about the importance of listening to people before making decisions as elected officials, I've learned in Peterborough. I have mentors there who have taught me that, before you start a town hall or any conversation where you're seeking opinion, it's really important to ask who's not in the room. And it's really important to remind the people in the room to not just advocate on their own behalf but on behalf of their neighbours and friends and colleagues who couldn't be in the room. That's Peterborough.

Policy: What have the last couple of weeks, in terms of your birth place being Iran rather than Afghanistan, told you about the kindness of Canadians and the kindness of strangers?

Maryam Monsef: My inboxes, my social media platforms, my physical mailboxes are filled with letters and notes and comments from people who have shared their family stories, some similar to mine more than others, and who've said you are a Canadian. What matters to us is that you were born and that you came here, and that you do a good job with this file you've been tasked with. And look, I think this is the greatest country in the world, and as difficult as the last couple of weeks have been for me and my family, it's renewed... it's rekindled the fire in the belly that motivated me to run for office in the first place. And so I am grateful for all the people who helped rekindle that fire.

And I learned—the revelation I learned about, essentially at the same time as the rest of Canada. And while there is some privilege in privacy, I can tell you that knowing that my story is a common story in Canada, knowing that I am not alone, and knowing that more people are now connecting with me in this place as their minister for democratic institutions—that goes a really long way in motivating me to continue the work that I'm doing. **P**

The Public Outlook on Electoral Reform: What Do Canadians Want?

Frank Graves

A majority of Canadians, 54 per cent, think "there is a need for electoral reform," and a plurality, 47 per cent, think any changes should be put the people in a referendum, versus 43 per cent who do not. These are among the findings of an extensive public opinion poll by EKOS Research in mid-October.

The issue of electoral reform is of great importance to citizens. The issue does not produce the same visceral immediacy as debates about health care, climate change or economic stagnation. It does, however, find its roots in deep historical shifts in the relationship between citizens and their governments.

We are going to try and distill the public preferences for moving forward on these issues. There is no overall consensus and there are those who would be quite content with the status quo. Despite these cleavages, there is a clear overall lean that there is a problem and that it needs fixing. Most citizens agree that the status quo is flawed and change is required. Changes will inevitably leave some unhappy but there would be even more discontent if nothing were to change.

In this discussion, we are sharing the increasingly reflected views of a representative sample of Canadians. Some of the key questions have been asked repeatedly over the years so we can judge the trajectory of concerns and preferences. It is notable that while there is a desire to change the electoral system, the very act of rigorous citizen engagement is seen as one of the most promising ways of renewing trust in government. Consider this research an example of just that and imagine that informed, reflected, and representative engagement became part of routine governance.

We are going to organize the rest of this discussion around five central questions;

1) What is the current state of health of Canadian democracy?

2) How is the public seeing the issue of electoral reform?

3) What should be the next steps? Should we move forward or delay?

4) Should we be broadening the horizon of reforms to consider things other than alternatives to the first-past-the-post system?

5) What would a citizen-built system of democratic reforms look like?

The question of whether or not we need to make changes is rooted in the question of whether the current system is performing adequately or needs to be improved. We know that Canada, like virtually all advanced western democracies, has experienced a precipitous decline in trust in government over the past several decades. The incidence of those who say they can trust the government in Ottawa to do the right thing is less than half what it was in the 1960s. On the other hand, we have seen an impressive rise in this indicator since the change in government last year. However, we suspect that this improvement is not sufficient to deal with the depths of the problems and our respondents also tell us that.

Chart 1: Tracking Trust in Government

Q. How much do you trust the government in Ottawa/ Washington to do what is right?

% who say MOST/ALL THE TIME
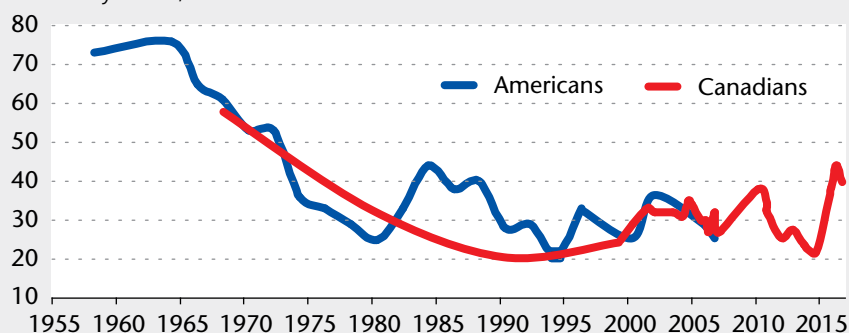
BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

While the bounce is impressive, it has flattened and may well decline again. It is notable how closely Canada and the United States have been following the same trajectory.

Looking at another barometer of democratic health, we have tracked political cynicism for the past 15 years. Once again, we see a significant uptick in outlook on this indicator but it is still the case that, by a margin of 50 to 33, the public agree that the government doesn't care much about what I think. While that is better than the rather shocking 74 to 16 lean we saw in the final stages of the last government's tenure, it is still troubling to think that roughly half of the citizenry think their government doesn't care about them.

Against this rather bleak outlook, we submit our 20 plus years tracking of whether or not Canada has the best system of government in the world. This rather lofty yardstick is satisfied for slightly over half of all Canadians. This represents a slight uptick from the modest down tick that occurred from 2004 to 2015. Like Churchill's wry note that democracy was the worst form of government except for all the others, Canadians exhibit lots of skepticism about our system of government but ultimately think it is world class.

Herein lies a significant challenge.

Canadians believe our system is flawed and needs repairs but they don't think it is a wreck. It is more about how it can be better, fairer, and more responsive in the future. Canadians want to rethink—not reinvent—their democracy.

While we have seen some modest improvements the overall picture is one that suggests there are serious problems to be confronted. Here we turn to what Canadians think of one critical ingredient of our democracy; the first-past-the-post system of electing MPS and governments.

We will look at both preferences and the sense of appropriate pace for making changes. First, we thought it might be helpful to examine what should be the ultimate principles that underpin any electoral system.
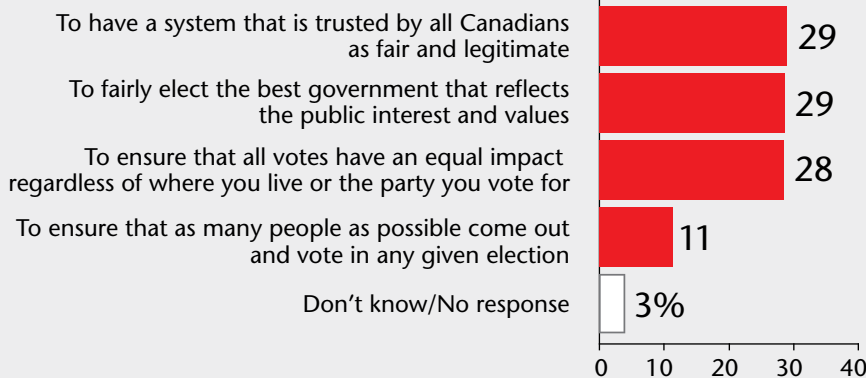
There is no single principle that adequately captures the essence of an ideal electoral system. There are, however, three clear dominant principles that are basically tied as the most important: legitimacy, good government, and equality. The electoral system should be fair and enjoy legitimacy. The system should generate good government (which best reflects the overall public interest). The third part of this ternary system of ultimate principles is equality – all votes should be of equal value. Some feel it should be all about turnout but that is clearly not of the same salience and may be seen more as instrumental rather than an ultimate principle.

Recognizing the importance of equality and basic fairness, the next indicator gets to the essential problem with the status quo. In a nutshell, the public think that a party's success in terms of seats should reflect its share of popular vote.

Despite a bump up in trust since the last election a clear and growing majority think that the majorities achieved in 2011 and last October violate this basic canon of equality and fairness. The public separate their satisfaction with any given election from their conviction that in an ideal

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Chart 2: Most Important Principle of the Electoral System

Q. *In your view, which of the following reflects the most important principle that should underpin the electoral system?*

To have a system that is trusted by all Canadians as fair and legitimate	29
To fairly elect the best government that reflects the public interest and values	29
To ensure that all votes have an equal impact regardless of where you live or the party you vote for	28
To ensure that as many people as possible come out and vote in any given election	11
Don't know/No response	3%

0 10 20 30 40

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

Chart 3: Perceived Fairness of First-Past-the-Post

Q. Please rate the extent to which you agree or disagree with the following statement:
It is unfair that a party can hold a majority of the seats in the House of Commons with less than 40% of the vote

October 2016

4	19	17	61

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

December 2015

4	21	19	56

BASE: Canadians (online only); December 7-10, 2015, n=1,811, MOE +/- 2.3%, 19 times out of 20

☐ DK/NR ■ Disagree (1-3) ■ Neither (4) ■ Agree (5-7)

world half the seats should require half the vote.

While the testing of electoral reform alternatives can be made quite complex we wanted to keep it simple and link it back to ultimate principles. We experimentally tested two versions of the three main alternatives. In one we gave a very basic description that allows us to track it against earlier surveys. A second version was randomly assigned to half the sample. They got a more detailed description and a basic summary of the key pro and con arguments. The two methods produced similar results with the key difference being the relatively better performance of the first-past-the-post in the informed version

Overall, the results are relatively clear but provide no consensus position. In all versions, proportional representation does best. First-past-the-post does worst in the less informed version but the clear advantage of the preferential over the first-past-the-post is more modest in the informed version.

Is the current system broken or sound? The previous seems to suggest it is broken (albeit not structurally).

So should we move forward? The case seems to lean yes to making major changes but there are some pretty stark divisions.

A modest majority think we need to make changes while around a third think the current system is sound. This is highly correlated with party support and age. Older Canada and Conservative supporters think we should leave well enough alone. Everyone else—particularly younger Canada—says change please.
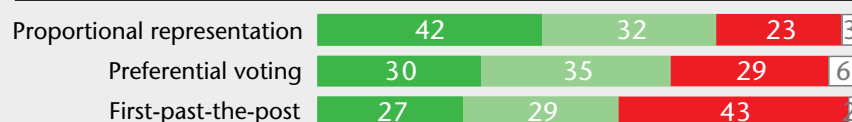
A closely related question provides a similar, if somewhat closer result. What is interesting here is the profound gap between the change and status quo positions across generations. Support for major changes is twice as high among younger voters than it is amongst seniors.

The path forward is relatively clear but the government will need to en-

Chart 4: Preferred Form of Electoral Reform

Q. Please rank these three systems from best to worst in terms of how beneficial you think they would be for Canada.

Brief introduction

	Best	Second-best	Worst	DK/NR
Proportional representation	42	32	23	3
Preferential voting	30	35	29	6
First-past-the-post	27	29	43	2

BASE: Canadians (half-sample, online only); October 12-14, 2016, n=570, MOE +/- 4.1%, 19 times out of 20

Detailed introduction (i.e., 'informed ' respondents)

	Best	Second-best	Worst	DK/NR
Proportional representation	39	33	24	4
Preferential voting	25	34	36	5
First-past-the-post	35	28	34	3
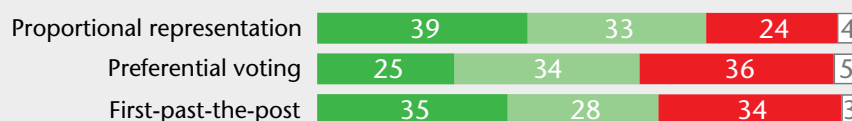
BASE: Canadians (half-sample, online only); October 12-14, 2016, n=528, MOE +/- 4.3%,19 times out of 20

- ■ Best option for Canada   ■ Second-best option for Canada
- ■ Worst option for Canada   ☐ DK/NR

Chart 5: Perceived Need for Electoral Reform

Q. Which of the following views comes closest to your own?

- ■ Canada's electoral system does a good job in representing the will of voters and doesn't need to be changed
- ■ Canada's electoral system does not do a good job in representing what voters want and needs to be changed
- ☐ DK/NR
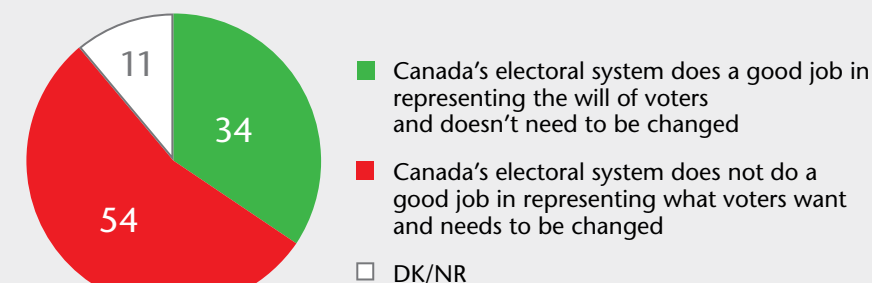
BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

Chart 6: Need for Democratic Change by Age

Q. Please rate the extent to which you agree or disagree with the following statement:

I see no reason to make major changes in how democracy in Canada works

	DK/NR	Disagree (1-3)	Neither (4)	Agree (5-7)
Overall	2	48	13	36
<25 years	1	59	16	24
35-49 years	3	50	8	38
50-64 years	3	43	15	40
65+ years	2	37	11	49

☐ DK/NR ■ Disagree (1-3) ■ Neither (4) ■ Agree (5-7)

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

Chart 7: Views on Electoral Reform

Q. Please rate the extent to which you agree or disagree with the following statements:

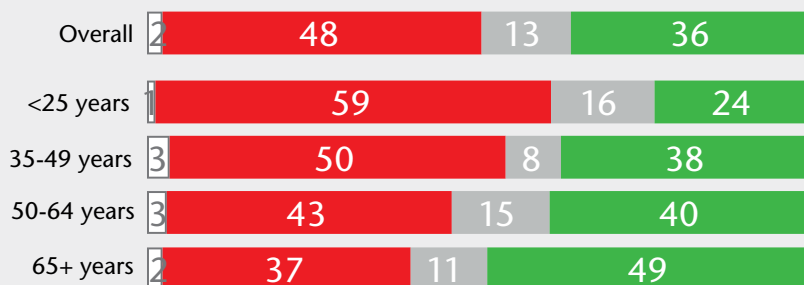|	DK/NR	Disagree (1-3)	Neither (4)	Agree (5-7)
Electoral reform is something the Liberal Party campaigned on, so they should deliver on this promise	2	22	17	59
Electoral reform is too important to be rushed; the process should be slowed down and subjected to more public consultations	2	27	16	55
Electoral reform is crucially important and should not be delayed for another election cycle	2	33	17	48

□ DK/NR   ■ Disagree (1-3)   ■ Neither (4)   ■ Agree (5-7)

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20
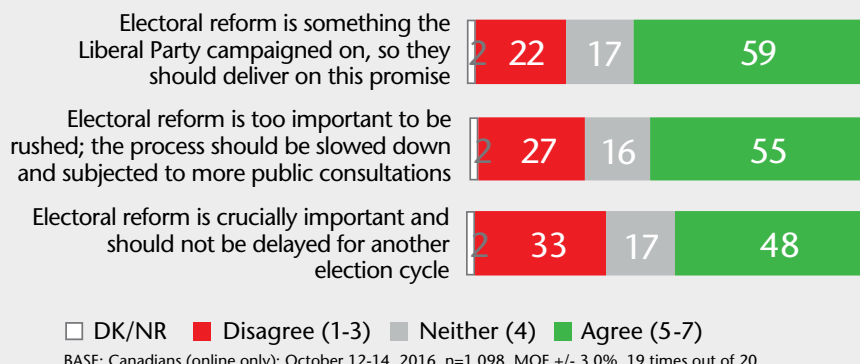
Chart 9: Need for a Referendum on Electoral Reform

Q. Some people say that any change to the electoral system is so fundamental that it would require a national referendum. Others say that a rigorous program of public engagement and Parliamentary review should be sufficient. **Which statement is closer to your point of view?**
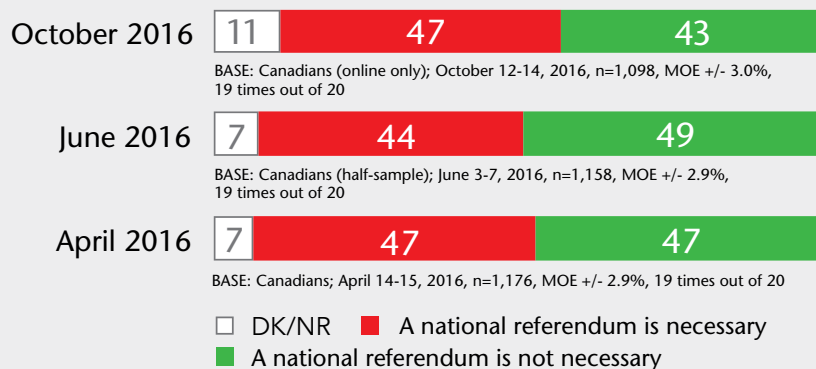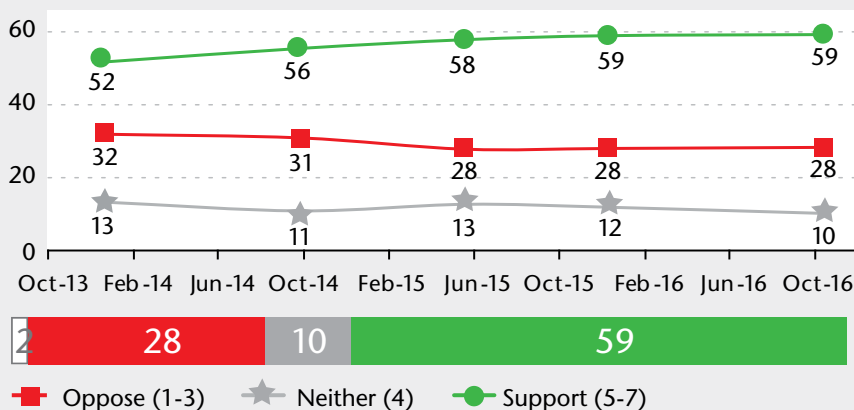
October 2016 | 11 | 47 | 43

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

June 2016 | 7 | 44 | 49

BASE: Canadians (half-sample); June 3-7, 2016, n=1,158, MOE +/- 2.9%, 19 times out of 20

April 2016 | 7 | 47 | 47

BASE: Canadians; April 14-15, 2016, n=1,176, MOE +/- 2.9%, 19 times out of 20

□ DK/NR   ■ A national referendum is necessary
■ A national referendum is not necessary

Chart 10: Support for Compulsory Voting

Q. A number of countries such as Australia and Brazil have implemented compulsory voting, where citizens are required to vote in elections. **Would you oppose or support introducing compulsory voting in Canada?**

	Oct-13	Oct-14	Jun-15	Feb-16	Oct-16
Support (5-7)	52	56	58	59	59
Oppose (1-3)	32	31	28	28	28
Neither (4)	13	11	13	12	10

2 | 28 | 10 | 59

■ Oppose (1-3)   ★ Neither (4)   ● Support (5-7)

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

gage in a cautious approach that satisfies the need for deliberation and consultation. The current government is expected to deliver on this promise (which was loosely supported by the NDP and the Green Party). The public see no need for undue haste, some of which is a desire to see this go away and some of which is a desire for care. There is a clear lean to wanting this solved before the next election but the gap with it could be delayed is not huge.

So how about that referendum? The views here are pretty evenly split. The perceived need for a referendum is much higher among those who don't want change. As someone who worked on Charlottetown and the last Quebec referendum, I can certify that this is a sensible view for those seeking the status quo. Referenda are expensive, divisive, and rarely achieve success.

What if changes to the voting system are not the only or even the most compelling methods for improving democratic health? Our evidence suggests that this is clearly possible. Given the potentially thorny path through what would be a likely futile referendum maybe there are other solutions. Or perhaps electoral reform should be delivered with an ensemble of additional reforms that strike to the heart of the problem.

The public would seem to be equally and perhaps even more receptive to other options.

Let's begin with mandatory voting. Many argue that voting is such a basic civil obligation that everyone must do so, just as they must pay taxes and complete their census form. Australia has been using this since 1924 with good results. Another 21 countries have joined in this approach. The current focus on getting out your own vote and keeping home your and opponent's has led to a fixation on a series of operational approaches that stress turnout rather than policy.

Apparently, a clear and growing majority of Canadians agree with this

approach. Given the inventory of evils associated with the dark ops of the permanent campaign, this might be a more direct routed to democratic renewal. Perhaps it could be tested with a sunset clause to re-evaluate.

Even more obviously, when are we going to get around to an Internet ballot? This could increase turnout and simplify the task of voting. We bank online, buy movies and music online, indeed we do almost everything online now. Why should we trudge to the polling station when we could do the same job on our smart phone? Over half of Canadians say they would be very likely to vote online in the next federal election. The polling station will go the way of the buggy whip and Canadians think it is time to go digital voting.

What about something that isn't really part of the debate about democratic renewal? Is it possible that there is something totally outside of the electoral system that could have a more beneficial effect than any electoral reforms? The public think so, and so do we.

Imagine that we could go into the living room of all Canadian households to discuss the critical issues of the day. Now further imagine that they are given basic information to allow them to provide informed and reflective advice to decision makers on the key issues of the day. Much as we have done in this current exercise. Citizens wouldn't just have a kick at the can every four years; they would have a regular seat at the table on all critical issues—not to direct or control but to provide advice.

Note how appealing this notion is in the tracking below.

Huge majorities say this would be a good idea and would make them feel better about government. The technology to do this rapidly and scientifically is more than available. Our democratic institutions were invented to deal with farmers, miners, and others who had neither the time nor the information to provide such input. That is no longer the case.

So let's put all of this in the hopper and see what happens.

Finally, we look at what Canadians believe to be the most effective means of improving democratic health. A few things are readily obvious. First of all, there is no single magic bullet that will restore trust in government. Second, there is a clear hierarchy of reforms that would make things better. The list is surprisingly topped by citizen engagement, not electoral reform. Proportional representation, online voting, and mandatory voting are all popular ingredients of a citizen-built recipe for democratic health.

In closing, there is a will and a mandate to move forward. The status quo is anachronistic and the public want reforms that will enhance legitimacy, equality and good government, There is no need for recklessness or speed but there is a need to move forward to the next level. **P**

Frank Graves is President and CEO of EKOS Research, a national public opinion research firm. fgraves@ekos.com

Chart 11: Tracking Need for Public Engagement

Q. Please rate the extent to which you agree or disagree with the following statement:
I would personally feel better about government decision-making if I knew that governments sought informed input from average citizens on a regular basis
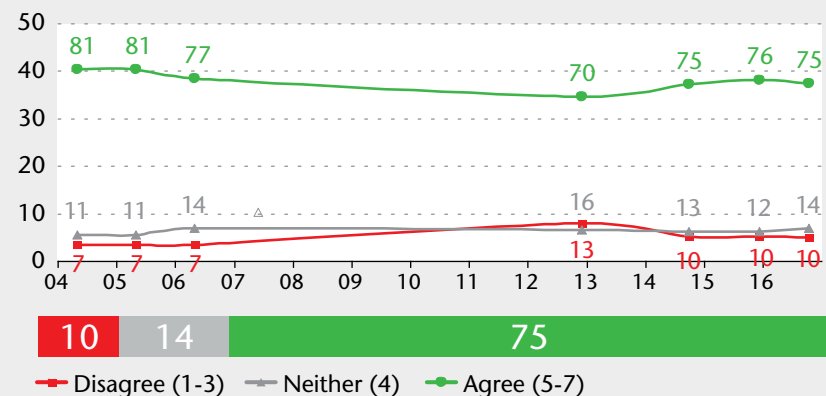

BASE: Canadians (online only); December 7-10, 2015, n=1,811, MOE +/- 2.3%, 19 times out of 20

Chart 12: Best Method for Improving Democratic Health

Q. In your opinion, which of the following would be the best way of improving democratic health in Canada?

Regular government consultation with Canadian citizens that is informed, reflected, and representative	35
Moving to proportional representation	22
Allowing Canadians to vote online	14
Introducing mandatory voting	14
Moving to preferential ranked ballot	10
Don't know/No response	6

BASE: Canadians (online only); October 12-14, 2016, n=1,098, MOE +/- 3.0%, 19 times out of 20

Two voters taking a selfie on Parliament Hill. They are direct stakeholders in the democratic reform debate, which is much bigger than electoral reform. iStock photo

Rebooting Canadian Democracy: More Than Just Electoral Reform

Thomas S. Axworthy

The fact that Canada is not a democracy in crisis raises the question of electoral reform: "If it ain't broke, why fix it?" But, as Liberal Party elder statesman and Massey College Public Policy Chair Tom Axworthy writes, this is also a country of energetic, cyclical consensus building on policy questions that matter. And there's more to democratic reform than electoral reform. This piece is adapted from Axworthy's presentation to the Special Committee on Electoral Reform.

Canada is one of the world's most successful liberal democracies: there is no crisis in democratic practice or outcomes in this country.

Every international comparison puts Canada in the top rank in governance, election outcomes and human development achievement. The World Bank, for example, sponsors a worldwide governance indicators project. In 2014, Canada had a 96 per cent rating in the

category of voice and accountability, 91 per cent in political stability, 95 per cent in government effectiveness, 98 per cent in regulatory quality, 93 per cent in the rule of law, and 94 per cent in control of corruption.

On electoral systems, the Electoral Integrity Project rated Canada in 2015 as "very high" at 75 per cent in electoral integrity overall, holding top place among those employing majoritarian electoral rule. This combination of high achieving governance and political practice has certainly contributed to the most important success of all, the expansion of human development and choice. Here too, for many decades, Canada has been at the top of the list in the United Nations Human Development Index, ranked first in 1985, second in 1995, and, in 2015, ranked 9th out of 183 countries.

> ❝ *Each type of electoral system—majoritarian, mixed, or proportional representation—has a different set of incentives for our parties to assess and is likely to produce different outcomes.* ❞

Our success is due, in large part, to the fact that we are a parliamentary democracy. The Westminster system, when it works right (and in Canada it has mostly worked right) concentrates power in the executive so that things can get done while ensuring that those holding this power are accountable for its use. When Parliament is sitting, the government is accountable to the legislature on a daily basis and its record will eventually be scrutinized and judged by the people at election time. Parliament represents and speaks on behalf of all Canadians in making and questioning governments. Ryerson University political scientist David E. Smith rightly describes our pre-

> ❝ *When Parliament is sitting, the government is accountable to the legislature on a daily basis and its record will eventually be scrutinized and judged by the people at election time.* ❞

eminent democratic institution as, "The People's House of Commons." He is right to, especially in a discussion of electoral systems to remind us that "representative government is about government as much as it is about representation." The electoral system should not be discussed in isolation: it is the system that produces the House of Commons, which in turn votes confidence in a party (or parties, if a coalition) to formulate a government. Each type of electoral system—majoritarian, mixed, or proportional representation—has a different set of incentives for our parties to assess and is likely to produce different outcomes. Incentives for better or fairer representation, for example, may produce equal disincentives for the formation of effective governments. By every international standard of governance and electoral integrity, Canada already has a well-performing political system. So the key questions that must be asked are: What, exactly, is the problem that electoral reform is trying to fix? Will the solution to one type of problem create problems in other dimensions and, if so, how do you weigh the trade-offs? And, lastly, can the problem that needs fixing be ameliorated in some other way or is it only electoral reform that can do the job?

So, Canada has a governance and electoral system that works for us and is admired around the world, but it has taken 300 years to build these institutions with change and adaptation occurring on a regular basis. With every generation since our founding, Canadians have identified an electoral problem that needs fixing. So it is entirely appropriate that, as we begin the 21st century, this generation of Canadian leaders is initiating a serious review.

Six pillars contribute to election architecture: the franchise, voter registration, electoral districting, campaign finance, election management and the electoral system. Since the first representative assembly in Nova Scotia in 1758, Canada's election history has been one of constant innovation, usually inspired by the positive workings of federalism since most of the reforms were initiated in the provinces before being adopted by Ottawa. Think of Canada's first election in 1867: voting was public, staggered over several months to give the government party an advantage, with a restricted franchise of about 15 per cent of the population made up of white, male property holders. Today, 70 per cent of the population is entitled to vote (only those under 18 years of age and non-citizens cannot participate). About 3.5 million people lived in Canada in 1867, today the population is 10 times that number and we attract a quarter of a million immigrants annually from all over the world. Confederation Canada was 80 per cent rural; we are now 80 per cent urban with one-third of our population in the three cities of Toronto, Montreal and Vancouver alone.

As Canada has changed, our election architecture has adapted, too. In 1758, Nova Scotia became the first colony with a representative assembly and in 1848 the first to achieve responsible government with the executive formed from—and accountable to—a majority of the elected members of the assembly. In 1855, New Brunswick introduced the secret ballot subsequently adopted by Canada in 1874 along with single-day voting. In 1867, Canada was created and federalism established. In 1916, Mani-

toba became the first province to give votes to women over 21, followed by Canada in 1918. Over time, the franchise was expanded with property restrictions abolished in 1920, Asian Canadians given the vote in 1948, Inuit in 1953 and Status Indians living on reserves in 1960. In 1970, the voting age for Canadian citizens was lowered from 21 to 18. In 1920, the Dominion Election Act created the Office of an Independent Chief Electoral Officer and from this point forward, the federal franchise was established by federal, not provincial law. In 1956, Manitoba created an independent boundaries commission to do away with the practice of gerrymandering, and in 1964 the national Parliament followed suit by adopting the Electoral Boundaries Readjustment Act to create independent electoral boundary commissions in every province following each decennial census. In 1977, Quebec led the way in banning of corporate and union donations to parties, a reform not adopted federally until the 2006 Federal Accountability Act. In 1968, the first televised leaders' debate was produced by a consortium of the main television networks, with disputes about the criteria for inclusion a perennial issue ever since.

All of these changes were accomplished by legislation, none by referendum. Thus each of the electoral pillars has been significantly reformed except one: the single member plurality or first-past-the-post electoral system. This has remained Canada's way of electing legislators in every province, territory and the national Parliament since our first election in 1758.

In democracy, values contend. So, too, with electoral systems: as political scientist Paul Thomas writes "designing and adopting an electoral system is an inherently political exercise, rather than a technical problem." It is inherently political because all electoral systems create incentives and disincentives for parties, so where you are coming from on this question is largely determined by where you sit. Weighing

The Alphabet Soup of Electoral Reform

David Mitchell

The special parliamentary committee appointed to study and recommend changes to our system of voting has heard from diverse experts and academics about an interesting range of possible voting systems. These systems are often described by an assortment of acronyms unfathomable to the uninitiated. Here's our Policy primer, beginning with the status quo:

FPTP (first-past-the-post): This is Canada's current electoral system and has been used in federal elections since Confederation. It's also sometimes referred to as an **SMP (single member plurality)** system. The provinces and territories are divided into separate electoral districts and each is represented by a member of Parliament. The successful candidate in an election is the individual who wins the highest number of votes in each electoral district, or riding.

Proportional Representation (PR): A system of parliamentary representation in which the number of seats each party has in the House of Commons is in proportion to its share of the popular vote. There are several types of proportional representation voting systems.

Party List PR (List Proportional Representation), open or closed. Both involve parties drawing up a list of candidates for each constituency. In open-list PR, voters choose preferred candidates from the list of the party for which they wish to vote. In closed-list PR systems, the party ranks the names on their list and voters cast their ballots for a party, not a specific candidate.

Mixed member majority (MMM). One example of party list PR. Voters in single-member electoral districts cast two votes: one for a candidate to represent them and one for a party. These two votes are independent of one another and the party seats don't necessarily serve to correct any disproportionate result of the elected candidates.

Mixed member proportional (MMP): In which the number of FPTP seats remains, supplemented by a number of PR seats per province based on parties' share of the popular vote in each province.

Dual member proportional (DMP): Based on electing two representatives in each riding. The first seat in every riding goes to the candidate who receives the most votes, similar to FPTP. The second seat is awarded to one of the remaining candidates so that proportionality is achieved, using a calculation that awards parties their seats in the districts where they had their strongest performances.

Alternative Vote (AV): Also known as instant-runoff voting (IRV), ranked-choice voting (RCV), graduated ballot (GB) or preferential voting, is a voting system used in single-seat elections when there are more than two candidates. Instead of voting for a single candidate, voters rank the candidates in order of preference. Ballots are first counted for each elector's top choice. If a candidate secures more than half of these votes, that candidate wins. Otherwise, whoever is in last place is eliminated from the race.

Single transferable vote (STV): Would use a ranked ballot—but for multiple-member ridings. Under this system, electoral districts would be represented by two or more MPs from among those who received the highest number of first choice preferences.

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the five principles—effectiveness and legitimacy, engagement, accessibility, integrity, and local representation—outlined in the June 7, 2016 Standing Order to guide the Special Committee on Electoral Reform will

produce very different answers to the key question of what exact problem in the Canadian political system you are trying to fix depending on your stake in the process. For example, the value of legitimacy, which places a premium on reducing distortion and promotes fairness in translating vote intentions into results, highlights representation and leans toward the options of a mixed number or proportional representation system. But proponents of producing governments that have the power to make decisions and not be held up by stasis would argue for a majoritarian system like first-past-the-post. The value of local representation outlined in the committee's five criteria is a key requirement because citizens need a clear connection with their MP to help them navigate the shoals and frustrations of modern government. Simplicity and accountability are also important—voters need to know who is responsible for what when they make their choice.

Since electoral changes affect the core mission of our political parties, it is difficult to achieve consensus. Mandatory voting might be less contentious since it brings more voters to the polls, whatever system is used to translate those votes into seats. The possibility of on-line voting does seem to be more of a technical issue than a philosophical one, though the technical challenges are very real, as security must be paramount and who would argue today that the internet is secure? Yet no one should underestimate how difficult it will be to achieve a committee consensus on the key issue of which changes, if any, should be made to our tradition of first-past-the-post.

But there is a precedent for such a crucial committee assignment. In 1980, at the height of the debate over patriation of the Constitution, with the parties and provinces deeply divided, a Special Joint Senate-House Committee on the Constitution was formed. In amending the Constitution, creating the Charter of Rights and Freedoms, and patriating the Constitution from the United King-

dom, the stakes were much higher than in reforming our electoral system. Yet the committee sat for 56 days, heard from 294 groups, and 914 individuals. Prime Minister Pierre Elliot Trudeau had an even tighter deadline in mind than today's schedule on electoral reform, but he twice acceded to the Committee's wish to have more time for its deliberations. On this highest of political priorities, flexibility in timing became more important than ambitious deadlines. And though the parties were divided over the wisdom of the constitutional exercise, once the committee work began, every party made substantial contributions to the eventual Charter. Conservative members put forward 22 amendments (7 of which were accepted by the Liberal majority). The NDP put forward more than 40 amendments, of which more than half were accepted. The government sought real consensus, in part to bolster the legitimacy of the constitutional project as a whole, and the opposition members of the committee responded with hard creative work. Pierre Trudeau was certainly the driver of the process that brought

> " *Canadian democracy is not in crisis but one part of our system was—the Senate. The government should be applauded for giving this issue high priority and moving to transform the Senate into an independent, representative, merit-based institution that can improve legislation and check abuses while always adhering to the ultimate democratic primacy of the House.* "

Canada the Charter, and the federal-provincial negotiations were certainly intense, but what is often forgotten in the story is that the Charter itself is the result of a multi-partisan

parliamentary consensus. What was achieved once can be done again.

There are many ways to improve democracy in Canada: Electoral reform is only one of them. At Massey College, there is a two-year program to focus on the Senate, electoral reform, party financing and policy development, new tools like citizen juries, the role of Elections Canada, and enhancing democracy abroad. The Queen's Centre for the Study of Democracy has brought out reports on accountability, the public service, parties and Parliament, and a new way to organize election debates. The authors of the *Canadian Democratic Audit* recommended reforms and the recent work of the Samara Foundation is impressive.

Canadian democracy is not in crisis but one part of our system was—the Senate. The government should be applauded for giving this issue high priority and moving to transform the Senate into an independent, representative, merit-based institution that can improve legislation and check abuses while always adhering to the ultimate democratic primacy of the House. This reform is in its infancy and many implementation issues remain, but we now have the chance, if future prime ministers abide by current appointment norms, to make the Senate a vital part of our democracy.

Democracy should be about contemplation as much as it is about competition. We should make Election Day a civic holiday and develop forums of education and participation to go along with the act of voting. Deliberation days would help us all be better citizens. Democracy is ever-evolving. Electoral reform is certainly important but there is so much more to do. P

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The False Majorities of First-Past-the-Post

David Moscrop

While the argument that our current first-past-the-post system is the electoral devil we know may resonate powerfully with people more or less content with the status quo, its democratic shortcomings present a persuasive counter-argument for proportional representation. David Moscrop, a doctoral candidate in political science at the University of British Columbia, presented that argument in a study for the Broadbent Institute, excerpted below.

Our current electoral system has been with us since before Confederation. That is, since before 1867. Before automobiles took over our streets, before light bulbs lit our rooms, and before tin cans filled our shelves. It is, with few exceptions, the process we have always used to elect legislatures in Canada. As a colony, we inherited the system from the United Kingdom, along with an unelected upper chamber (the Senate), the common law tradition, and many other legal, political, and cultural practices and institutions. The name "first-past-the-post" comes from a reference to horse racing, where the first horse to reach the finish line—or the "post"—wins. That horse gets to bask in sweet equine glory while the other horses return to the stable, heads hung low in shame.

Formally, FPTP is known as single-member plurality, since each riding or voting district elects a single member of Parliament, who is the candidate who receives the most votes during an election—though not necessarily a majority. In fact, in Canada, the winning candidate usually fails to receive a majority of votes cast. In the 2015 federal election, only 131 of 338 candidates received a majority of votes.
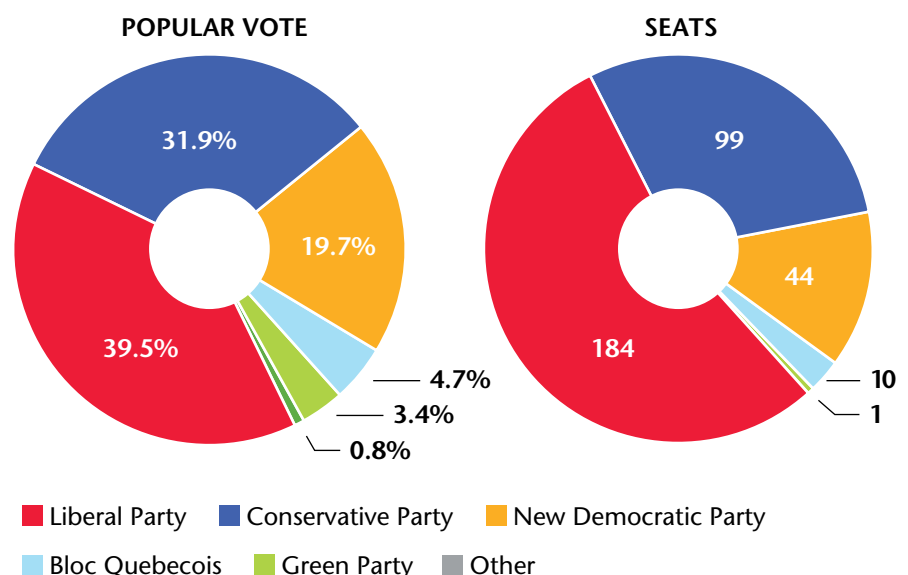
In the same election, the Liberal Party won a majority government of 184 seats (out of 338) with 39.5 per cent of the popular vote. When this happens, it's sometimes called a "false majority." Essentially, this false majority gives the Liberals overwhelming control of the House of Commons and the parliamentary agenda; it also gives them the ability to win

nearly any vote they wish, regardless of the fact that more than 60 per cent of Canadians voted for one of the opposition parties.

If this outcome seems imbalanced or unfair to you, keep in mind that previous election results have been even more distorted. In 1896, Charles Tupper's Conservative Party lost the election to Wilfrid Laurier's Liberals despite besting them in the popular vote (the total vote share) by nearly seven per cent. Laurier even ended up with a majority government. And his face on the five-dollar bill.

This happened again in 1957 and 1979. Once more, and once more again, the party with the second-highest vote share won the election. In each of these two cases, the winner came away with a minority government, having won less than half of the seats in the House of Commons, but

Figure 1: Breakdown of Seat Count and Popular Vote by Party, 2015.

POPULAR VOTE

31.9%
19.7%
39.5%
4.7%
3.4%
0.8%

SEATS

99
44
184
10
1

■ Liberal Party ■ Conservative Party ■ New Democratic Party
■ Bloc Quebecois ■ Green Party ■ Other

more than any other party. In the case of the 1979 election, Pierre Trudeau, who was the Liberal Party leader at the time, lost the election to Joe Clark and his Conservatives despite receiving a hefty 482,760 more votes.

What if we imagined an election not as a horse race to be won or lost by one candidate or party, but as a pie to be divided? An electoral system based on or including elements of proportional representation (PR) is designed to ensure that the number of seats a party wins closely matches the percentage of votes it receives. If this idea seems fair and intuitive, that's because it is. It's in part for this reason that proportional electoral systems are the most commonly used systems in the world. In some countries with PR, there are few districts, while some have many more. For Canada, given that we are a large, highly diverse country in which many citizens, especially outside of our larger cities, have a strong attachment to geographical representation, any form of PR would likely include representation in local ridings, though they would probably be bigger than they are now.

A quick glance at the ACE Electoral Knowledge Network electoral systems map shows that about 38 per cent of countries use some form of PR—including approximately 85 per cent of countries belonging to the Organisation for Economic Co-operation and Development (OECD). In comparison, 26 per cent of countries throughout the world use FPTP, many of which are countries that also inherited the system from Great Britain.

In the 21st century, attitudes towards politics and democratic sensibilities have evolved to include more robust commitments to fairness, representativeness, and engagement. FPTP seems increasingly dusty in a world where our expectations for democracy are changing, fewer and fewer countries are using FPTP, and countries such as Canada have more than two major political parties.

Elections under PR are shared pies. Each party that receives a certain min-

Figure 2: Breakdown of Seat Count and Popular Vote by Party, 1896, 1957, 1979.
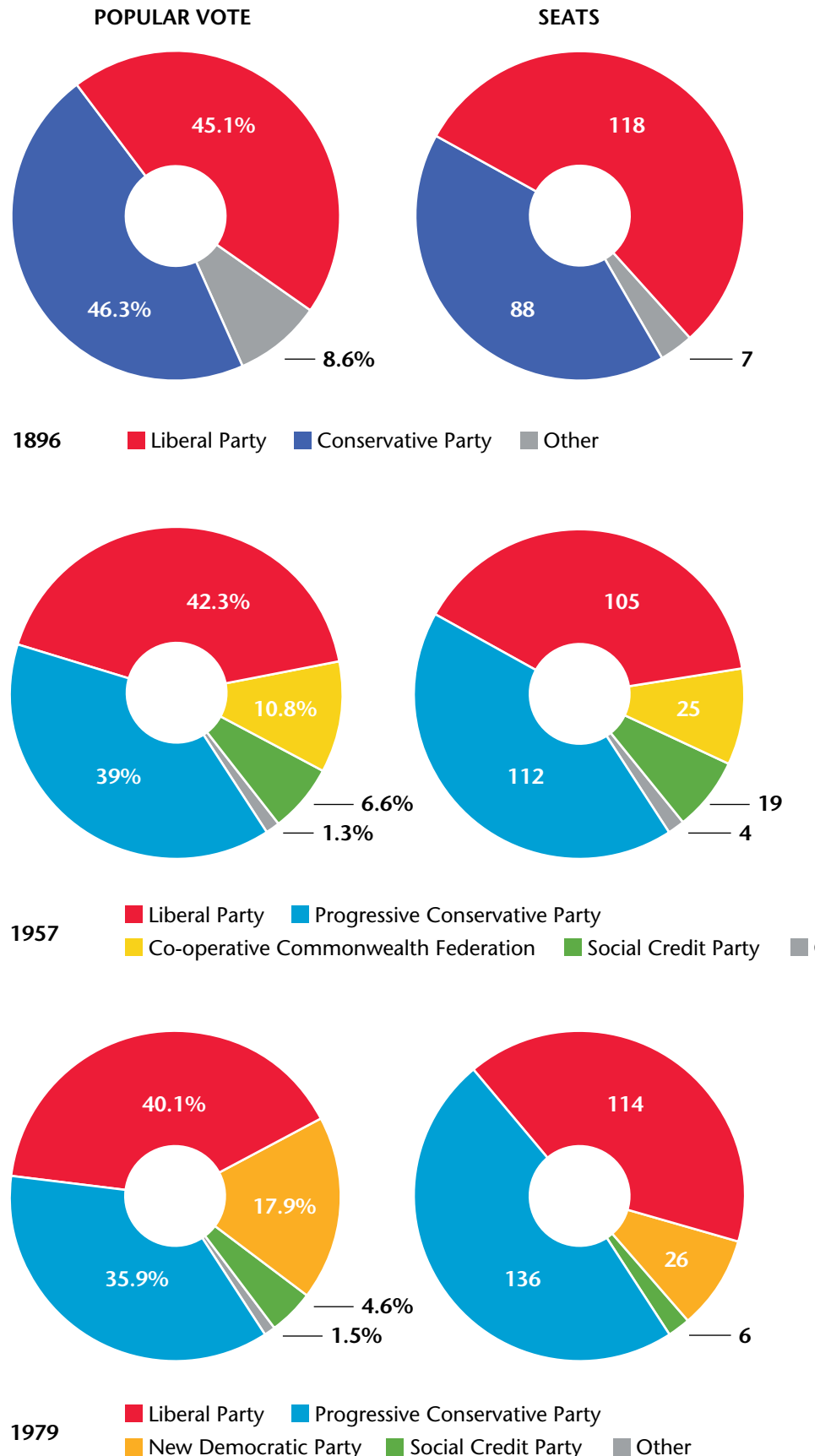
imum level of support gets a piece. While FPTP is a winner-take-all system, leaving nothing for those who fail to win, PR ensures that as many votes as possible count, and that election results closely match the popular vote. So, if a party wins 30 per cent of the vote, it receives roughly 30 per cent of the seats.

In December 2015, Abacus Data released a poll commissioned by the Broadbent Institute. It found that while some Canadians—17 per cent—are comfortable with the current system, a majority believe that our electoral system needs some kind of change. This includes 42 per cent who said there need to be major or complete changes to the system. The poll also showed that 38 per cent of respondents have either considered not voting or have stayed home because they felt that their vote wouldn't change the outcome of their local election. And nearly half of Canadians—46 per cent—indicated that they had voted for a party that wasn't their first choice in order to prevent another party from winning (that is, they voted "strategically").

All of this might help explain why Canadians, by nearly a two-to-one margin (44 per cent to 24 per cent), believe that the Trudeau government should make good on its election promise to change the electoral system. However, 32 per cent had no clear views. Furthermore, 52 per cent of respondents indicated that electoral reform wasn't important to them, including 12 per cent who "couldn't care less" about it. This suggests that there's an important opportunity to reach out to and engage Canadians on an issue that affects us all.

Respondents identified a variety of features they want in an electoral system. They tended to favour an electoral system that has a simple ballot and that produces strong, stable governments with a local member of Parliament—features consistent with FPTP, but that can also be features of PR systems. However, many also indicated a desire for a system in which

the makeup of Parliament reflects the support a party has throughout the country and in which seats won in Parliament reflect the proportion of votes each party receives nationally—two things our current system does not do well, but that PR does very well.

When asked which electoral system they preferred, 44 per cent of respondents chose a proportional system—either pure proportional representation or a mixed-member system—and 43 per cent chose the current system. This indicates a pretty stark divide between FPTP and PR proponents, though we can't be sure how deep or persistent that divide is. What we do know is that the system we now use is more familiar to Canadians, and that people tend to prefer things that are familiar to them. It's likely true that the more Canadians learn about proportional representation, the more they will become comfortable with it, especially once they learn about the virtues of proportionality: fairness, representativeness, and engagement.

Today, a rare and critical window is open for Canadians to engage in the debate over electoral reform, to advocate for an electoral system that includes proportionality, and to seize the opportunity for change.

Our FPTP system does a bad job at translating the votes of Canadians into a distribution of seats that matches the preferences of voters. Instead, it pro-

duces distorted outcomes, perverse incentives, and wasted votes. It's unfair, it's unrepresentative of certain populations, and it contributes to disengagement.

Plenty of races are won by a narrow margin with losing candidates receiving significant support. Some are close two-way races, some are close three-way races, and occasionally, there are even close four-way races. But winning candidates often come away with full control of a single seat in their district after winning by a narrow margin. In 2011, for instance, 93 seats—nearly a third of all seats—were won by a margin of 10 per cent or less, including 52 that were won by five per cent or less. In the 2015 contest, there were 22 ridings where the margin of victory was 1.5 per cent or less, including one race where the winning margin was 0.1 per cent.

When a result like the example above happens in a single riding, it's a bad day for the losing candidate or candidates and those who voted for them. But when it happens across the country, it produces the pronounced distorted outcome of a false majority. This is when a party receives a majority of seats in Parliament without a majority of the popular vote. And it happens a lot. In fact, since the end of the First World War—around the time when third parties became more established—Canadian elections have produced 18 majority governments, and only *four* of those received a majority of the popular vote.

Figure 3

Do you personally think that the Liberal government should change Canada's voting system, that it should keep the existing system, or you have no clear views on this?

32%

44%

24%

■ Should change   ■ Should keep the existing system   ■ No clear views
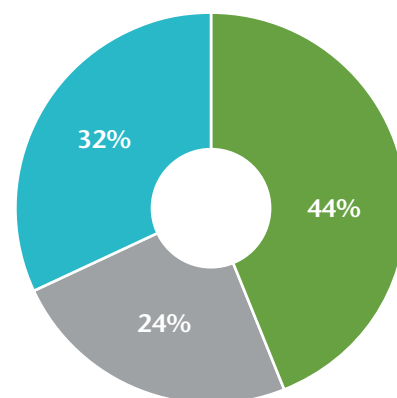
Aside from false majorities, our current system can also result in distorted outcomes for opposition or third parties, while entirely shutting out smaller parties. In 1997, the Reform Party and the Progressive Conservative Party received almost the same share of votes—the Reform Party received less than one per cent more than the Progressive Conservative Party. However, the Reform Party won 40 more seats. And in the same election, the Bloc Québécois, whose support was geographically concentrated in Quebec, won twice as many seats as the New Democrats, despite receiving *fewer votes*.

Results like this happen because FPTP tends to punish small parties whose support is spread out across the country, while it rewards those whose support is geographically concentrated (and it can have the opposite effect on large parties). That's how the Bloc Québécois became the Official Opposition in 1993 despite electing no members of Parliament outside Quebec, receiving *less than 14 per cent of the popular vote*, and taking in fewer votes (by more than 700,000) than the third-place Reform Party. It's also how the Green Party of Canada, whose support is more geographically spread out, has received only one seat in two of the last five elections, and none in the other three, despite receiving between three and seven per cent of votes cast in each contest. (In a proportional system with similar popular returns, the party would likely have come away with 10–20 seats.)

[Distorted outcomes and wasted votes not only correlate with, and possibly cause, lower voter turnout, but may also lead to lower perceptions of fairness, efficacy, and the responsiveness of the system—especially among those who tend to get shut out of the current one. They certainly result in fewer women being elected (and sometimes candidates from minority backgrounds, though FPTP can also favour candidates from minority groups that are geographically concentrated).

Plenty has changed since Confederation. We now have 10 provinces and three territories. The country is vastly more diverse. We have penicillin and cars and the Internet. We have higher expectations about how our government ought to engage with and represent us.

And today, we also have the rare opportunity to adopt an electoral system better suited to the preferences, challenges, and standards of the 21st century. We ought to use that opportunity to choose an electoral system that is fair, representative, and engaging. Canadian democracy and those who live under it deserve nothing less. **P**

David Moscrop is a doctoral candidate in political science at the University of British Columbia. Excerpted from a 2016 paper, An Electoral System for All, *published by the Broadbent Institute (BroadbentInstitute.ca).*

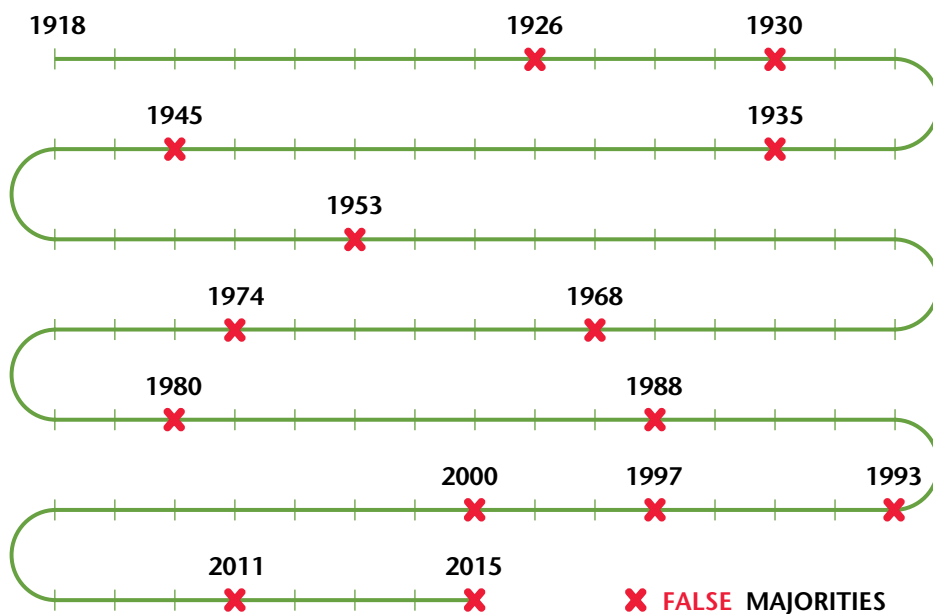**Figure 4: False Majorities in Federal Elections.**

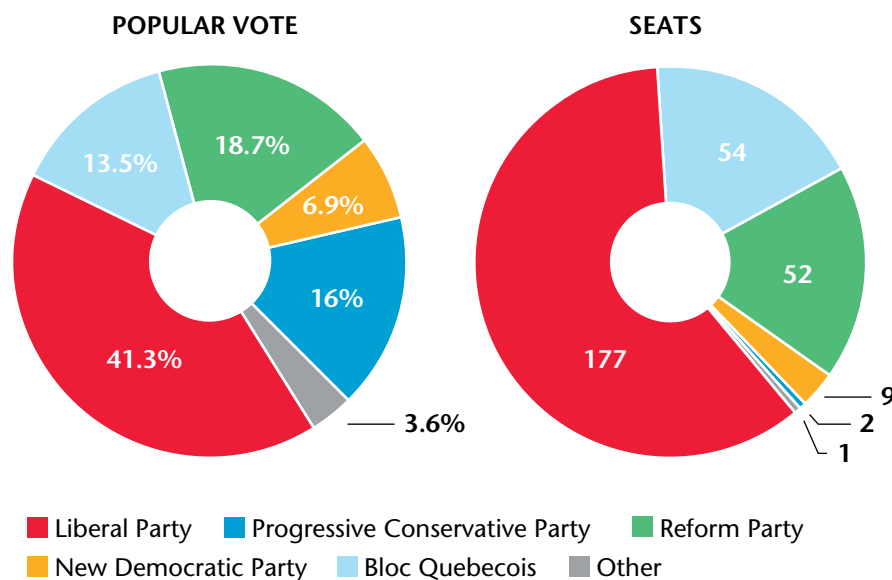✖ **FALSE** MAJORITIES

Figure 5: Election Results by Party, Popular Vote Raw and Percentage, 1993.

POPULAR VOTE

SEATS

Legend:
- Liberal Party
- Progressive Conservative Party
- Reform Party
- New Democratic Party
- Bloc Quebecois
- Other

NDP MP Nathan Cullen at the Special Committee on Electoral Reform with former NDP leader Ed Broadbent and committee chair Francis Scarpaleggia. Hugh Pouliot photo

The Case for Proportional Representation

Nathan Cullen

As one of two NDP MPs on the Special Committee on Electoral Reform, Nathan Cullen supports his party's position that Canada should adopt a system of proportional representation—an option that, had it been in place in 2015, would have given the NDP 68 seats rather than the 44 it won. Cullen cites the committee itself as an example of the benefits of PR.

Canada is a vast and diverse country, with many regional, cultural and linguistic identities at play. We are made stronger because of that diversity and richness and have welcomed profound changes to our national story over the generations.

Some have linked our success to our antiquated voting system but I argue we have been successful in spite that system, not because of it.

We are a principled people and we are also open to compromise and cooperation. So why is it that, in the 21st century, Canada is still using a winner-takes-all, adversarial approach to electing people to represent us? It was designed in medieval times and hasn't changed fundamentally in 150 years.

For those concerned that voting reform is moving too quickly, it bears mentioning that Canada's Parliament first started debating this issue in 1921. If you thought glaciers were slow-moving, "glacial" doesn't begin to describe the pace of this debate.

Since 1977, more than a dozen high-level studies have been undertaken on electoral reform in Canada. Whether citizens' assemblies or federal or provincial commissions, all of them recommended one key change: we need a proportional voting system.

Before, during, and after the 2015 election, Prime Minister Justin Trudeau's promise to Canadians was black and white: the 2015 election would be the last election under the first-past-the-post (FPTP) electoral system. In June 2015, Trudeau channeled his inner New Democrat when he said, "We need to know that when we cast a ballot, it counts; that when we vote, it matters. I'm proposing that we make every vote count."

Canadians are rightfully excited about the prospects for electoral reform. Most recently, they watched four years of Stephen Harper's rampant abuse of his parliamentary majority—won with only 39 per cent of the popular vote. The danger of the so-called "false majority" to brazenly pursue a narrow-minded agenda that is deeply out of step with the views of the overwhelming majority of Canadians has never been so powerfully demonstrated as it was under Harper.

But the history of Canada's democracy is rife with examples of the distortions and abuses that can happen under FPTP.

We've had 17 majority governments since the First World War, but only four of them were earned with an actual majority of votes, and the most recent was over 30 years ago, by Brian Mulroney in 1984.

First-past-the-post (FPTP) also has a bizarre tendency to make the loser the winner. In 1979, the Liberals won the popular vote but lost the election to Joe Clark's Progressive Conservatives. Similarly, second place took the prize in provincial elections in Saskatchewan (1986), British Columbia (1996), New Brunswick (2006) and three times in Quebec (1944, 1966, 1998).

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For average Canadians this question is much simpler: does my vote count, and will my choice be reflected in our Parliament? In the October 2015 election, 17 million people voted, but more than nine million votes elected no one. They may as well have gone straight to the paper shredder.

At every open mic session the electoral reform committee has held, we invariably hear from Canadians who steadfastly performed their democratic duty. They went out and cast ballots in 10, 15, or even 20 elections and not once has their vote ever counted. This widespread perception of powerlessness has been identified by Elections Manitoba as a major factor in non-voters in their most recent election.

What we have repeatedly heard from Canadians in parliamentary hearings in Ottawa and at open mics on the road across the country is this: they want the Parliament they elect to reflect the country that we are. They want their vote to count no matter where they live, or whom they choose to vote for.

They want strong local representation yet they're tired of a system whose only real virtue is its consistent ability to churn out single-party ruling majorities that don't represent a majority of the population.

As the debate has picked up around the country, many Canadians are tuning in and realizing that there's nothing permanent or immovable about our current outdated and unfair system. They're seeing a rare window of opportunity to evolve our voting system and create a more representative and collaborative Parliament that accurately reflects how the population voted.

They're also seeing that most modern and successful democracies in the world use a proportional representation (PR) system—where people can vote for what they want, and actually see it reflected in their government once all the ballots are all counted.

The Conservatives have been calling for a referendum on electoral

reform. They rightly argue that the voting system doesn't belong to political parties or politicians but to the people we seek to represent. Validating whatever reform we recommend is almost as important as the recommendation itself.

Yet only focusing on this one issue allows the discussion to lose sight of why we are even having this conversation in the first place. According to an Abacus survey taken in December, 83 percent of Canadians think our voting system is in need of some kind of reform.

As MPs, our job is to respond to that call for change and to work together, across party lines, to create a made-in-Canada solution. The Liberals' decision to adopt the NDP's proposal to form the committee on the basis of how Canadians voted in the last election was a good start that continues to serve us well.

The same Abacus study also gave us insights about what Canadians want to see in reform: seat counts that match the popular vote more closely, ballots that are simple, and that the governments elected should be stable and able to govern.

It's increasingly difficult for opponents of reform to ignore why opinion polls like these and the many studies conducted in Canada all point towards a proportional system as the best solution for our country.

At the most basic level, it's a more fair and effective way of representing the views and aspirations of the country as a whole. And it's simple: if your party gets about 30 per cent of the vote, you get about 30 per cent of the seats.

Throughout the fall, this sentiment was nearly unanimous as Canadians came out to speak to the committee in cities and towns from coast to coast to coast.

If we view this debate through the lens of what Canadians want in their voting system, the direction becomes clear.

Canadians want to be empowered by their voting system. A proportional system would make every vote count, while systems like FPTP and "alternative voting", send half or more of the ballots to the dustbin. Countries with proportional systems also have as much as a 7.5 per cent higher voter turnout, and much better representation of women and minorities in the legislature.

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Canadians want their politicians to work together for the long-term benefit of the country and not the short-term interests of their parties. Countries with PR tend to outperform in policy innovation and also discourage political pandering through quick-fix policy responses. In the absence of what political scientists call "policy lurch"—whereby newly-elected parties spend years simply reversing the previous government's agenda—governments can focus on a proactive, coherent, long-term vision. That's why, for example, in countries with proportional representation, we tend to see more prosperous economies, where carbon emissions are going down, and much higher scores on the UN Human Development Index.

The committee studying electoral reform is actually a perfect living example of how a proportional system can work in Canada. We have effective representation from every party in the Commons with a broad regional and linguistic mix of members. Because no party holds a majority, no one holds all the power; compromise and cooperation are essential and natural parts of the process. Everyone won't always get exactly what they want, but because we're willing to compromise, we're able to make serious progress in the areas we have common ground.

The government should be credited for having conceded to this proportional and collaborative model. For Canadians looking for a sneak peek into a future where power is more evenly shared, this committee may be showing the way.

Finally, Canadians want governments that are responsive to their priorities, not just the priorities of one political party and the backroom of the Prime Minister's Office. Too often, majority governments in Canada have been able to pursue their own narrow agendas unchecked, with as little as 35 per cent of the popular vote.

A voting system that corresponds to contemporary Canadian reality is within reach right now. The path to reform will not be easy, but worthwhile achievements seldom are.

It's time for MPs—and Liberal MPs in particular—to show courage and belief in this endeavor; to be bold, and to work together to achieve something truly historic for the Canadian people and their democracy.

Let's have a political culture in this country that reflects the diversity, richness and cooperative nature of its people. **P**

Nathan Cullen, MP for the northern B.C. riding of Skeena-Bulkley Valley since 2004, is the NDP critic for democratic reform, and a member of the Special Committee on Electoral Reform. nathan.cullen@parl.gc.ca

Green Leader Elizabeth May and #ERRE colleagues, including the NDP"s Nathan Cullen and Alexandre Boulerice (2nd row right), at a meeting with First Nations elders and chiefs in Tsartlip, B.C., during the committee road show in late September. Photo for Policy

Keeping a Campaign Promise to Seek Major Democratic Reform

Elizabeth May

The Special Committee on Electoral Reform spent weeks hearing from constitutional and political experts, Canadian voters—disgruntled, idealistic and both—in an effort to formulate a response to the Trudeau government's mission of reaching a consensus on electoral reform. As Green Party Leader Elizabeth May writes, that process has been enlightening, pan-partisan and not at all Quixotic.

The Canadian quest for a fairer voting system is one that did not start recently. As a member of the Special Parliamentary Committee on Electoral Reform, I knew that we were not starting from scratch in seeking a fairer voting system; that we could build on a substantial body of work including the 2004 Law Commission report, the New Brunswick electoral reform commission, citizens' assemblies in British Columbia and in Ontario, efforts in Prince Edward Island and extensive work in Quebec. I knew that, decades ago, Manitoba

and British Columbia had, at different times, used multi-member constituencies. But it wasn't until I was named to the committee and really began digging that I discovered that the first time parliamentarians had been convened in a special committee to consider reforming our voting system was 1921.

The conclusion that our first-past-the-post (FPTP) voting system leads to distortions between the will of the people and the seats in the House is not a novel one. In fact, every time a Canadian review of FPTP has come to

a conclusion the conclusion has been that we should get rid of it. Every time.

Politicians of all stripes as well as political scientists have long noted its deep flaws. At one time or another in their careers, former Prime Ministers Jean Chrétien and Stephen Harper had both lamented the perversity of results under FPTP. The reason that the first parliamentary committee met in 1921 was that these deficiencies were well known even then. In fact, 1921 was a big year for proportional representation. As the parliament at Westminster voted to give Ireland its own parliament, it took steps to protect the people of Ireland from the vagaries of FPTP. More specifically, Westminster took steps to protect minority rights of the Protestant population. While Westminster kept FPTP for themselves, Ireland was given a new proportional system, Single Transferable Vote (STV). Ireland has been electing its members of parliament with the STV system ever since.

In 1921, the Canadian Parliament took note of the new Irish system and wondered if it would work in Canada. The committee's work was not completed due to an election but the issue came up again in 1937 with another round of discussions. This was in a time when many women in Canada still did not have the vote, nor did indigenous people, nor Japanese Canadians and other ethnic minorities. Reform of our democratic institutions has been a work in progress. And while over the decades the right to vote was finally extended to all Canadian citizens, the right to have that vote count has been stymied.

The notion that every vote should count is fundamental in a democracy, and while all votes are certainly counted, that is not the same thing as having a vote that has any impact on the outcome. Many of our citizen witnesses in the open mic portions of our hearings lament that after decades of voting, they have not once voted for someone who was elected. Describing himself as a "perennial political loser" in Winnipeg, one witness pleaded for proportional representation to ensure his vote would finally count.

In the course of our hearings, it has become increasingly clear to the MPs on the committee that the choice and preference toward different voting systems aligns with questions of values. The experts in political science who have testified to the committee are very familiar with the trade-offs and value-attachments of different systems. As one of the world's most respected experts, Pippa Norris of Harvard, told us: "Party systems are fragmented and first-past-the-post majoritarian systems try to squeeze what the voters actually want to do in terms of their party preferences into a system that doesn't allow that sort of representation. That's really a very strong argument to say that some sort of reform in Canada is very appropriate."

Bernard Colas, lawyer and one-time Law Commission analyst, testified in similar terms. He proposed that fairness is a fundamental value for Canadians, and a powerful unifier.

When you ask Canadians if it's fair that 39 per cent of the votes can win a party the majority of seats, overwhelmingly they will say it is not. Hence the recommendation of the 2004 Law Commission that it is in the interests of Canadian voters that we move to proportional representation in our voting.

Of course, if you ask a political party if it's fair they just won a majority with a minority of the votes in the election, they'll find it absolutely fair.

That is until this new government. After debating changing our voting system since 1921, for the first time a political party has formed a majority government due to the distortions that occur due to FPTP voting and still been willing to say it is not fair.

Justin Trudeau's election pledge to make 2015 the last election held under FPTP is historic. With only 39 per cent of the popular vote, some may argue Trudeau has no mandate to keep his election promise. After all, many lamented that having never gained the popular support of a majority of Canadians, Stephen Harper had no mandate to destroy climate action, gut environmental laws or enter into the FIPA with China. However, the Liberal mandate for electoral reform rests on very different footing. Not only did Trudeau as Liberal leader campaign on this promise (something Harper never did relating to reneging on climate action or selling us out to China), so too did the New Democratic and Green Party candidates. The popular vote for parties supporting the call that 2015 should be the last election held under FPTP was 63 per cent. That's a mandate.

It is also a moral obligation. The increased voter turnout to 68 per cent in 2015, in my view, had a lot to do with mobilized youth and First Nations voting. As prime minister, Trudeau must not let down the newly engaged. Those who believed his promise did so in a constant battle against cynicism. Their faith in the system and in the promise of electoral reform must be met with a fair voting system

for Canadians for 2019. Otherwise, not just the Liberals, but our society will face the heartbreak of increasing youth cynicism and disengagement.

Our committee is breaking records for public hearings cross-country by a parliamentary committee. I write this from the torture-test travel schedule of a new city every day for three weeks: Regina, Winnipeg-St-Pierre-Jolys, Toronto, Quebec City, Joliette, Whitehorse, Victoria, Vancouver, Leduc, Yellowknife, Montreal, Halifax, St. John's, Charlottetown and Fredericton. We went to Iqaluit after Thanksgiving. In addition to normal committee format in which we hear from invited witnesses, we have also been holding open mic sessions for anyone who shows up, usually until 9:30 pm. And then up in the wee hours to get to the next city. This is a serious effort ignored by the media. But the public is turning out (while frequently complaining that there is not enough public awareness of our process).

On a personal level, it has been nothing but a joy to work so hard, going through such a gruelling travel schedule, while getting to know the eleven other members of the committee from the larger four parliamentary parties. On the road, we are not sparring for partisan points: We hang out together, look out for each other and are all becoming good friends. I know that we hope to reach a decision by consensus. It is frequently flagged by academics appearing before us that the greater the consensus of the parties, the greater legitimacy our process will have in the public mind. At the moment, I am optimistic.

As 12 MPs, we owe it to the people of Canada to set aside partisanship and recommend the electoral reforms that best serve voters, that best meet standards of fairness, and that will increase voter engagement and empowerment. This is a once-in-a-generation opportunity. P

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When it comes to the Constitution, it comes to the Supreme Court. What would it say on parliamentary reform? *Policy* photo

Electoral Reform and the Constitution

Sébastien Grammond

In the wake of the 2014 Supreme Court decisions on Senate reform and judicial appointments, it has been argued that electoral reform is impossible unless the Constitution is amended. University of Ottawa constitutional expert Sébastien Grammond has examined this claim and finds it unwarranted, with the exception of the principle of proportional representation of the provinces, which requires that MPs be elected to represent a specific province.

The Constitution is Canada's supreme law. This means that a certain set of statutes, called the Constitution Acts, cannot be amended without following a rigid procedure that requires the participation of Parliament and at least seven provinces representing at least half of the country's population, the 7/50 general amending formula. Parliament, or so it was thought, could still enact or amend 'ordinary' legislation concerning the

structure of our political institutions, provided that it did not amend the Constitution. However, in two decisions rendered in 2014, the Supreme Court of Canada prevented Parliament from adopting legislation that would have changed certain essential features of the Senate or the Supreme Court, even if it purported to do so without altering the text of the Constitution. Even though the text was left untouched, reasoned the Court, Parliament's unilateral action would have affected the 'architecture of the Constitution,' which includes the fact that Senators are appointed and not elected.

This raises the question: is the first-past-the-post electoral system a part of Canada's constitutional architecture? Can it be changed by Parliament acting alone, or must any reform go through the process of constitutional amendment, involving the provinces? Are there other features of our political system that form part of the architecture of the Constitution, so that they are now beyond Parliament's reach?

Canada has been through something similar before. In 1998, the Supreme Court of Canada handed down its opinion in the *Quebec Secession Reference*. It based its judgment on four 'underlying principles' of the Constitution. In the following years, imaginative lawyers invoked those principles to support an impressive variety of arguments, challenging anything ranging from municipal mergers to special legislation governing tobacco litigation. Most of those claims were rejected, and the Supreme Court had to remind everyone that underlying principles could not be used to limit the powers of legislatures in ways not contemplated in the constitutional text.

The recent decisions concerning Senate reform and Supreme Court appointments were greeted with similar enthusiasm. Several commentators have read them as saying that the Constitution is now composed of the Constitution Acts plus the consti-

> **Is the first-past-the-post electoral system a part of Canada's constitutional architecture? Can it be changed by Parliament acting alone, or must any reform go through the process of constitutional amendment, involving the provinces? Are there other features of our political system that form part of the architecture of the Constitution, so that they are now beyond Parliament's reach?**

tutional architecture. In effect, they are suggesting that an indeterminate number of political principles or current features of our political system have become entrenched. Some have suggested 'tests' to ascertain the scope of this new part of our Constitution. Others have blamed the Supreme Court for making the Constitution uncertain and boundless. However, a better reading of those cases is that the court, far from adding new components to the Constitution, concluded that its amending formula has a protective function, namely that it restricts Parliament's power to change the essential characteristics of some of our institutions. This protective function relates to institutions that were the subject of intense discussions among politicians in the two decades before patriation of the Constitution. During those discussions, federal and provincial politicians reached consensus over the fact that important features of those institutions could not be changed except through a constitutional amendment. The Senate was the main institution concerned. The Supreme Court was added in 1981, when it became clear that the constitutional package about to be adopted would not include a reform of the court. Thus, in its two recent decisions, the Supreme Court essentially gave effect to the politicians' intention that major reforms regarding certain specific subjects would require a large degree of provincial consent.

So, what does the Constitution say about the House of Commons? A few provisions refer to its elected character. For example, Section 3 of the Canadian Charter of Rights and Freedoms protects the right to vote in elections for the House of Commons. Other provisions relate to the distribution of seats among the provinces. But the Constitution does not mention first-past-the-post (FPTP) or any other electoral system. The manner of counting votes is found in ordinary legislation, like the franchise, the delineation of ridings, spending rules and other important features of our electoral system.

Then, what does the amending formula protect? The framers of the Constitution Act, 1982 included two very specific elements that cannot be changed except through constitutional amendment: "the principle of proportionate representation of the provinces" ('rep by pop') and a guarantee, known as the 'Senate floor,' according to which smaller provinces would never have fewer MPs than the number of senators they had in 1982.

The amending formula's focus on the Senate, rather than the House of Commons, is no accident. In federal systems, upper chambers are usually meant to ensure the participation of constituent units in the federal legislative process. That was one of the roles assigned to the Senate in 1867, and whether or not it has been successful in discharging that function, most reform proposals have been aimed at designing a Senate better equipped to perform that role. This justifies the provinces' interest in Senate reform and the Supreme Court's conclusion that major changes to the

Senate may be made only through a constitutional amendment.

> **As stated in section 52 of the Constitution Act, 1867: 'The number of members of the House of Commons may from time to time be increased provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed.'**

In contrast, the role of the House of Commons is to represent the population in its entirety. Beyond 'rep by pop,' it does not have a regional or provincial dimension that would justify a specific provincial interest. Except for 'rep by pop' and the 'Senate floor,' provincial politicians have never thought it useful to claim a specific voice in the process leading to changes to the House of Commons, including the electoral process. Subject to those two exceptions, the Constitution's amending formula does not have a protective function with respect to the House of Commons.

As stated in section 52 of the Constitution Act, 1867: "The number of members of the House of Commons may from time to time be increased provided the proportionate representation of the provinces prescribed by this Act is not thereby disturbed."

Yet, one should not underestimate the constraints flowing from the constitutional status of the principle of 'rep by pop'. To say that provinces must be proportionally represented in the House of Commons assumes that MPs are representing a particular province. Logically, this would require that MPs be elected by the voters of the province they are representing, not by voters in other provinces. Electoral systems that have a proportional component typically rely on lists of candidates drawn up by political parties. The number of candidates on each list who are elected depends on the percentage of votes obtained by each political party. In order to comply with the Constitution, this kind of mechanism would have to be implemented on a province-by-province basis, to ensure that MPs are gen-

uinely linked to a specific province. In other words, political parties will have to draw lists of candidates for each province. The number of candidates elected from each party's list in a particular province must depend on the proportion of votes obtained by each party in that province, not votes obtained in other provinces.

Subject to this constraint, the principles established by the Supreme Court in its 2014 decisions concerning Senate reform and the appointment of Justice Nadon do not mandate a departure from what it said in 2003 in a case dealing with the right to vote: "The Constitution of Canada does not require a particular kind of democratic electoral system, whether it is one that emphasizes proportionality and the individual aspects of participation or one that places more emphasis on centrism and aggregation, to be frozen in place." **P**

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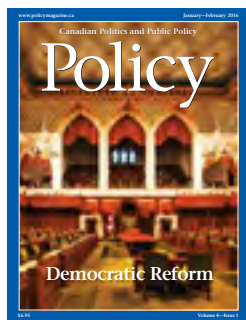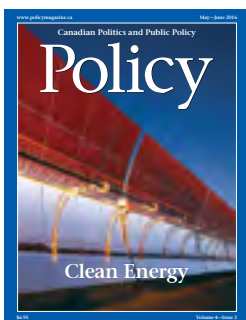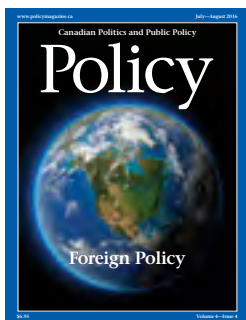
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Former Senators Michael Kirby and Hugh Segal write that the new appointment process provides "the opportunity to rescue the Senate" from partisan furies as well as manipulation by PMO. Saffron Blaze: Wikimedia photo

Sober Second Thought 3.0

Michael Kirby and Hugh Segal

Canada's unelected Senate has experienced its most sustained period of upheaval since Confederation. The expenses scandal, the decoupling of Liberal senators from their party caucus, a new appointments process and the proliferation of independent Senators amount to an institutional revolution. In this excerpt from their Public Policy Forum paper on making Senate independence work, former Liberal Senator Michael Kirby and former Conservative Senator Hugh Segal, highly respected instinctive reformers both, present a blueprint for a post-partisan Senate.

There is nothing in the altered Senate appointments process introduced last January that automatically assures a positive outcome for an independent Senate. Nor is there anything that automatically condemns it to failure. Success will depend on the wisdom and flexibility of the men and women who have been called upon to serve in the Senate: the objectives they pursue, the operational processes they choose, the goodwill they can muster in a house pedigreed with partisan division and—increasingly in recent decades—dependent on direction from

their party leaders in the House of Commons. Today's Senators have an historic opportunity to lift a weakened institution from its torpor and demonstrate its value to good governance in Canada.

The current cohort of Senators can be divided into two basic groups: partisans trying to figure out how their role has been altered while trying to cling to familiar and favoured power arrangements; and appointed or converted independents working their way through the puzzle of how independence and effectiveness will co-exist.

We believe it self-evident that independents are not anarchists and independence is not disorder. As the first trickle of independent Senators grows toward a plurality and ultimately a majority, it is essential to get the right pieces in place sooner rather than later.

The recent reforms to the appointment process of the Senate—from which must flow changes to its rules and procedures—provide the opportunity to rescue the Senate from what it has generally become: a sibling of the House of Commons in partisanship and increasingly a child of the same helicopter parental executive, particularly the Prime Minister's Office. If the Senate is to be little more than a mirror of the House of Commons, it falls short of fulfilling the role envisaged by the architects of Confederation.

Sir John A. Macdonald was prescient in setting out the need for the Senate to serve as an independent actor in order to provide value in calmly considering legislation. As we will see, the Senate has often risen to the occasion in its nearly 150 years, contributing in ways that make it worthy of rescue.

The 2014 Supreme Court decision served to underline that no matter how much the public may desire change, the amending formula necessary to reform the structure of the Senate was clear and precluded

> **" The recent reforms to the appointment process of the Senate—from which must flow changes to its rules and procedures—provide the opportunity to rescue the Senate from what it has generally become: a sibling of the House of Commons in partisanship and increasingly a child of the same helicopter parental executive, particularly the Prime Minister's Office. "**

unilateralism. Unanimity between provinces and Ottawa is required to abolish any part of the three pillars of Parliament (Commons, Senate, Crown) and the concurrence of seven provinces whose combined population is at least 50 plus one per cent of the country's population is required for other substantive changes, such as an elected Senate.

This was consistent with the prolonged negotiations that led to the patriation of the Constitution and adoption of the Charter of Rights and Freedoms in 1982. Neither would have occurred without the amending formula that protected small provinces and Quebec from any tyranny of the majority. This parallels the essential 'protection of the minority role' of the Senate itself, without which Canada, a federal state with two orders of power, would not have come about in 1867.

The Court's conception of the Senate was remarkably similar to that of Macdonald, upon whose writing it drew. The Court referred to the Senate as "a complementary chamber of sober second thought" and argued it was not intended to be "a perennial rival of the House of Commons in the legislative process."

It was not the Supreme Court decision that influenced Justin Trudeau, then the leader of the third party in the House of Commons, to banish Liberal Senators from the national Liberal Caucus in January 2014. Nor was it merely the so-called spending scandals dominating the news at the time. More broadly, these were at-

tached to more profound problems that the narrowly partisan structure of the Senate's rules, procedures and appointments process had conspired to create. As he stated at the time:

"The Senate was once referred to as a place of sober second thought. A place that allows for reflective deliberation on legislation, in-depth studies into issues of import to the country, and, to a certain extent, provide a check and balance on the politically driven House of Commons. It has become obvious that the party structure within the Senate interferes with these responsibilities. Instead of being separate from political, or electoral concerns, Senators now must consider not just what's best for their country, or their regions, but what's best for their party."

The Senate is the master of its own rules. The last time these were subjected to a major overhaul was in 1991, as a result of the debate over the Goods and Services Tax. This was the most comprehensive overhaul of Senate rules since 1906. The amended rules included a time limit on Senators' speeches, time allocation in the Senate, and changes to the Speaker's authority.

We recommend that a major rewrite of the Senate rules once again be undertaken.

The current rules are premised on assumptions that are out of sync with the values that are necessary for the good functioning of an independent Senate. Indeed, the partisan structure of the current Orders of the Senate

leaves no role for independents. The basic organizing principle of the Senate revolves around a "recognized party," which is defined as:

a caucus consisting of at least five Senators who are members of the same political party. The party must have initially been registered under the Canada Elections Act to qualify for this status and have never fallen subsequently below five Senators. Each recognized party has a leader in the Senate.

Embedded in the above wording is the acceptance of a Senate organized around partisan principles. The language represents a direct affront to the fundamentals of an independent Senate: recognized party, caucus, members of the same political party, registered under the Canada Elections Act, never fallen below five Senators, has a leader in the Senate. Current rules also formally set out the positions of government leaders, deputy leaders and whips, and allocate extra compensation and extra budgets for Senators filling these partisan roles.

Everything about how the Senate currently works—membership on committees, allocation of offices, who speaks in the Chamber and in what order, who is permitted to travel with committees—is determined by the party whips based on partisan interests. This includes the much-discussed rules on spending as well as travel and attendance. The Liberals and Conservatives (the only parties present in the Senate) depended for many years on partisan Senators to raise party funds, travel to party events and chair party campaign committees; The Senate rules embraced this reality and allowed for maximum spending flexibility. While the public and the media could not comprehend how no rules could have been broken in the so-called spending scandals, there were actually none to break since rules had always been inconvenient to the Senate's partisan masters.

Given that the rules by and large remain intact and serve as a severe impediment to the good functioning of an independent Senate, the question arises as to how best replace partisanship as the foundational concept for the Senate rules and party leaders and whips as the enforcers.

The answer can be found in the institution's origins.

Clearly, the concept of equal regional representation must remain central to the Senate's workings. Without the agreement to have a Senate, there is no way that the bargain of Confederation would have been reached. Moreover, the Supreme Court has affirmed the Senate's protection in the Constitution, assuring its continued existence as a practical matter. And the smaller provinces and Quebec have continued over nearly 150 years to stand fast for a regionally representative Senate.

Meanwhile, the standing committees of the Senate need to be populated. Who speaks when and in which debates, needs to be determined. Decisions and trade-offs are necessary. Authority must rest somewhere.

As the Senate was originally organized on the basis of regional representation, we recommend this as a sound way to proceed in replacing the prerogatives of partisanship.

With growing numbers of independents in the Senate, the necessary rules changes will be significant. Soon the independents will form a plurality; eventually a majority. Independent Senators must secure proportional rights *vis-a-vis* partisan Senators in order to play a meaningful role in the management of the Senate agenda, rules on committee membership, the way the Senate budget is spent and so on. As things stand now, the independent Senators have no access to funding for research, which is granted to "parties" only. The independent Senators therefore need to work within the existing rules in order to change these same rules so

they can enjoy the same access to support and research capacity as do Senators currently situated within partisan party caucuses.

When implemented, these changes must reduce the massive partisan bias of the present rules governing the chamber. Independent Senators, no matter how some of them may feel about banding together being a contradiction to their independence (a simplistic proposition with which we don't agree) must act in unison at least once—to get the rule changes required to assure their relevance.

> " *The independent Senators either hang together or no meaningful change will occur. It's as simple as that. And hanging together on this one over-arching matter will in no way limit their right to vote and speak independently of each other on any issue, law, motion or committee report that comes before the chamber.* "

On this single question, the independent Senators either hang together or no meaningful change will occur. It's as simple as that. And hanging together on this one over-arching matter will in no way limit their right to vote and speak independently of each other on any issue, law, motion or committee report that comes before the chamber.

We recommend that the key passage from the Senate rules cited above be rewritten to read something along the lines of:

The Senate is organized around the principle of regional caucuses. These groupings reflect the original intent of the framers of the Senate. These regional caucuses

Kirby and Segal recommend the new independent Senators caucus along regional lines, meeting the intent of the Founding Fathers at Confederation. Wikimedia image

will encompass all Senators from the given region regardless of any other affiliation. They will select their own caucus convenors and deputy convenors, who will be responsible as a group for the allocation of membership on standing Senate committees, speaking lists in the chamber, allocation of offices, committee travel and any other such issues. Regional caucuses will meet weekly while the Senate is in session and at any other times deemed appropriate by their convenors.

As for the caucuses in the Senate, these would be based on the four regions originally contemplated by the founders of Confederation—Atlantic, Ontario, Quebec, the West. Each of these currently has 24 Senators, with the exception of the Atlantic, which has 30 (the original 24 allocated to the Maritime provinces and an additional six when Newfoundland joined Canada in 1949). As for the three Senators from Northern Canada, we recommend they be given a one-time election as to which caucus to join.

With an independent Senate already showing signs of being less likely

to content itself as a mirror of the House of Commons, a serious rethink is required as to how to balance the wills of the two chambers when reconciliation proves elusive.

We offer two recommendations:

1. The revival of the long-standing convention of holding conferences between the two Houses in times of deadlock.

2. The legislated self-limitation of the Senate's absolute veto (excepting money bills and certain constitutional provisions) to a six-month suspensive veto.

Conferences between the House of Commons and the Senate sound like a U.S. import. That's because few in Ottawa can recall 1947, the last and 13th time since Confederation a conference was held between a select group of Senators and MPs, usually including the minister or member sponsoring the deadlocked bill. Still, the procedure remains in the rules of the Senate and the standing orders of the House of Commons. Over the years, conferences have fallen into disuse.

We agree the current absolute veto power is not necessary; indeed, the very fact of its absoluteness makes the Senate reluctant to reject any bill, however bad, even temporarily. With only a nuclear weapon at its disposal, the Senate is naturally reluctant to enter into a conflict even when such a showdown may serve the public interest. The Senate would be more likely to fulfill its duty of sober second thought with a more proportionate tool at its disposal.

We recommend that the Senate pass a motion to limit itself to a six-month suspensive veto in place of its absolute veto.

These are exciting times for the Senate and for Senators. They are participating in a bold historic experiment aimed at reviving a wounded institution and improving its contribution to the good governing of the nation.

A chamber with a plurality of independent Senators will, over time, change the relationship for the better with both the House of Commons and the government.

At the same time, it is important to remember as we enter an era with a new political calculus that the independent Senate that is emerging may well become a greater thorn in the side of the House of Commons and executive than in previous times. Such is the way of checks and balances. **P**

Michael Kirby was appointed to the Senate in 1984 as a Liberal from Nova Scotia. He stepped down in 2006, becoming the first chair of the Mental Health Commission of Canada.

Hugh Segal was appointed to the Senate in 2005, and sat as a Conservative. He left the Senate in 2014 to become Master of Massey College at the University of Toronto.

Excerpted from "A House Undivided: Making Senate Independence Work", a paper for Canada's Public Policy Forum. The full paper is available at the PPF's website (ppforum.ca).

Electoral Reform and Online Voting

Nicole Goodman

As more of our lives move online, there has been increasing interest in online voting, as one possible reform being considered among the many before the Special Committee on Electoral Reform. While convenience and accessibility are obvious attractions of online voting, questions of integrity and security—particularly amid recent accusations of foreign hacking in the US electoral process—weigh heavily in the mix. Centre for e-Democracy Director Nicole Goodman takes us through the pros and cons, revealing some surprising statistics about youth participation and turnout.

Discussions about electoral reform in Canada have largely centered upon the possibility of introducing a more proportional voting system while other possible policy changes such as mandatory and online voting have received less attention. These "poor cousins" of the electoral reform debate haven't necessarily been left out by government, but the narrative of proportional voting has been much more attractive for many, including those who have provided testimony to the special parliamentary committee on electoral reform.

Partly, this is because altering Canada's electoral system is a much larger reform than changes to election rules such as compulsory or online voting. Another reason is that discussions of electoral system change are accompanied by a secondary debate regarding whether such reform should first be put to a referendum or some type of deliberative public consultation.

Finally, talk of proportional voting has been stirring for some time. There is a history of failed reform attempts in Canadian provinces. There have been many elections where the po-litical outcomes have been far from a reflection of the will of the voting public; and stakeholders across the country are mobilizing to advocate for the reform. Though online voting attracts its fair share of attention, it has not reached the scale and scope of proportional voting debates.

> ❝ *Canadians seem to prefer online voting. A September 2016 survey of 1,000 Canadians conducted by AskingCanadians asked respondents which of the proposed voting reforms they prefer, or none at all. The largest group, 42 per cent, chose online voting, 25 per cent selected a new electoral system, 20 per cent said mandatory voting and 13 per cent none at all.* ❞

The irony is that Canadians seem to prefer online voting. A September 2016 survey of 1,000 Canadians conducted by AskingCanadians asked respondents which of the proposed voting reforms they prefer, or none at all. The largest group, 42 per cent, chose online voting, 25 per cent selected a new electoral system, 20 per cent said mandatory voting and 13 per cent none at all. If online voting is the preferred reform, and has received less attention, should we not be talking about it more? What are the implications of online voting for Canadian federal elections? Some considerations related to accessibility and inclusiveness, voter engagement, and electoral integrity are discussed here.

Voting accessibility is becoming increasingly important for Canadians. Turnout in federal and provincial elections has experienced a general trend of decline over the past 25 years (notwithstanding a few increases in recent votes which are associated with the particular circumstances of those elections). At the same time, voter turnout during the advanced voting period in the same elections has risen significantly.

Why is this?

While there have been some changes to the advance voting structure that have created additional opportunities to participate, such as extensions in the number of advance voting days, generally it appears to be part of a trend also mirrored in other advanced democracies such as Australia and the United States, whereby voters are opting to vote in advance of Election Day. Voters in these countries are also using other remote voting methods more, notably voting by mail. In the recent Australian federal election for example, overall voter turnout was the lowest it has been since compulsory voting was introduced in 1925

with more than 9 per cent of eligible voters not participating.

Yet advance participation at the polls was around 24 per cent, up from 16.9 per cent in 2013 and 8 per cent in 2010. Taking into account voting by mail, about 34 per cent of votes were cast in advance of Election Day. The fact that voters are so readily making use of the early voting period and other remote voting methods signals that the contemporary voter wants options, or rather choice and convenience, for voting.

There is also evidence that improvements in access can address some of the reasons for non-voting. In recent elections, the frequency of the explanation of 'everyday life issues' is the largest category provided by nonvoters in Elections Canada's Survey of Electors to explain why they did not participate. This includes rationales, such as being too busy, out of town, illness or disability, weather conditions, or transportation problems.

Online ballots can enable voting despite the vagaries of everyday life or health issues. They can also improve access for special groups of electors such as citizens abroad or military overseas, persons with disabilities, young people away at post-secondary school, the elderly, and members of Indigenous communities. Ten countries currently offer online voting and five of these initiated the reform to improve voting access for citizens or military overseas: Armenia, France, Mexico, Panama and the United States.

If Canada adopted mandatory voting, it would also be important to introduce reforms to improve voter access to the ballot box—such as additional advance voting days, vote centers, or remote online voting.

A recent study carried out on internet voting adoption in Ontario municipalities by myself and Leah Stokes, Assistant Professor of Political Science at the University of California, Santa Barbara, finds that the voting reform increases turnout in Ontario municipalities by 3 per cent. These results are consistent with research findings on the effects of voting by mail and early voting.

The other voting reforms being considered, which are larger changes, may not have a much larger impact on turnout. Those providing testimony to the committee noted possible turnout effects from the adoption of a more proportional system would likely be in the 3-5 per cent range. While compulsory voting laws show a larger effect, often between 7-16 per cent, even in places where mandatory voting is already established, such as Australia, there is talk of further improving turnout. Voter participation is complex and no one

> **There is evidence online voting can engage electors with less committed voting histories. Research in Canada, Estonia and Switzerland, shows that online voting brings some infrequent voters into the voting process. Particularly in Canada at the municipal level, there is evidence of non-voters participating when online voting is made available.**

institutional reform is the silver bullet.

While not a panacea, there is evidence online voting can engage electors with less committed voting histories. Research in Canada, Estonia and Switzerland, shows that online voting brings some infrequent voters into the voting process. Particularly in Canada at the municipal level, there is evidence of non-voters participating when online voting is made available.

What about young people? Online voting typically appeals to voters of all ages though not disproportionately to young people, as is often thought. Research on Canada and findings from other countries, such as Norway, show that younger voters are more likely to choose paper over online ballots, perhaps out of symbolism for their first time participating. Emerging research from Switzerland finds that while

older voters are likely to remain loyal to online voting once having tried it, young people are more likely to move back to paper ballots, or abstention, in the next election. This tells us that older voters will make use of online voting, but it is not the solution to engage young people.

Though security, authentication and verification must be managed carefully, our lives are increasingly moving online. The modernization of government institutions seems inevitable and whether online voting is adopted or not we can expect to see technology creep into other aspects of the election process such as voters' lists, voter registration, and ballot tabulation. Thus, we need to give due consideration to research in this area and how voting technologies might apply to the unique contextual circumstances in Canada.

The integrity of elections should be a foremost consideration in reform debates. While decisions to enact reform may raise questions about potential impacts, taking no action (a decision itself) could also affect citizen trust and faith in elections and parliament.

If online voting is implemented, its deployment should be carefully thought out, researched and trialed in a select area or with a particular group of electors prior to broader development.

Finally, process is very important. Electoral reform is not something that can be rushed. It is much better assessed as part of a careful and deliberate process. While a trial would be a practical step forward and change is inevitable, large-scale deployment needs to be well-considered, researched and planned. **P**

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There is "no conclusive data" that mandatory voting encourages citizens to be "better informed" about their choices, writes Michael Pal. Shutterstock photo

Mandatory Voting and Canadian Democracy

Michael Pal

Is forcing people to vote in and of itself anti-democratic? Mandatory voting is on the menu of the electoral reform committee, along with alternative electoral systems and online voting. Other democracies have adopted mandatory voting—it has been in effect in Australia since 1924. Ottawa University professor in comparative law of democracy and election law Michael Pal weighs the social and political implications of adopting the practice in Canada.

In the aftermath of the 2000 federal election, when only 64 per cent of those eligible cast ballots, then Chief Electoral Officer Jean-Pierre Kingsley mused publicly that if turnout descended low enough, the search for democratic legitimacy would lead the country to consider making voting mandatory. Future Prime Minister Stephen Harper, then head of the National Citizens' Coalition, was moved to respond that Kingsley was acting "more

like a state policeman than a public servant," adding, "Would Kingsley's police use the election register to go house to house to force people to the polls or arrest them?"

Whether mandatory voting should be adopted is not a simple question, but it is fair to say that the tenor of the debate has moved beyond the Kingsley-Harper exchange. The Special Committee on Electoral Reform's to-do list includes studying mandatory voting. Anxiety about the democratic legitimacy of elections with low turnouts has led to renewed interest internationally in making voting compulsory. Around 25 per cent of democracies now use some form of mandatory voting. Among their number are countries with spotty democratic credentials, such as Venezuela, but also those with long pedigrees of free and fair elections, such as Australia, which has had mandatory voting since 1924. Proposals for mandatory voting have emerged in Canada in recent years, including in the Senate, and now before the #ERRE Committee.

Millions of Canadians choose not to exercise their right to cast a ballot at each election. Political scientists debate extensively as to why this is so: alienation from the system, the decline of civic duty, dissatisfaction with the options, simply being too busy, and so on. The long-term absence of a significant percentage of electors from participation on Election Day, however, persists regardless of the cause. Turnout was up overall in the October 2015 election to more than 68 per cent, including notable increases among indigenous peoples and youth, who have usually had lower voting rates than the rest of the population. The turnout was up from 61 per cent in 2011, and an all-time low of 59 per cent in 2008. The 2015 election provides reason for optimism about the health of our democracy, but seems unlikely to herald anything close to full voter turnout in the future.

> **The fit or lack thereof between mandatory voting and Canadian political culture is relevant. That the law would oblige citizens to attend a polling station on election day and punish them if they do not rests uneasily with the Canadian liberal tradition that permits individuals to decline to cast a ballot, with no questions asked.**

The nascent debate in Canada about mandatory voting raises several issues that should be the focus of extensive public discussion if the committee and the government are indeed seriously considering the possibility. The fit or lack thereof between mandatory voting and Canadian political culture is relevant. That the law would oblige citizens to attend a polling station on election day and punish them if they do not rests uneasily with the Canadian liberal tradition that permits individuals to decline to cast a ballot, with no questions asked. Canadians face few obligations imposed upon them by the state by virtue solely of their citizenship, with the exceptions of jury duty, paying taxes, and completing the (once again) mandatory census. Mandatory political participation has a whiff of the despotic regime or the sham democracy about it for many, as Harper's comments reveal.

It must also be noted that there is substantial disagreement about the merits and drawbacks of mandatory voting. Advocates argue that it helps democratic legitimacy, because all have participated to determine the outcome. The results on Election Day are also likely to stick more closely to the actual preferences of the citizenry, rather than only those who turn out to vote. No longer would political parties discount the interests of groups, such as youth, with low turnout rates, say the advocates. Parties would have less incentive to focus their energies on turning out the base and may instead engage with the electorate more broadly. Critics claim that mandatory voting is un-

duly coercive, as Harper did in his intervention. They emphasize that it discards the tradition that permits citizens to decide for themselves the appropriate level of engagement with politics.

> **There is no conclusive data to show that being obliged to vote encourages citizens to be better informed about the choices before them. In short, there is no consensus on whether mandatory voting is implementable, desirable, or what exact impact it would have on the quality of democratic participation.**

There is no conclusive data to show that being obliged to vote encourages citizens to be better informed about the choices before them. In short, there is no consensus on whether mandatory voting is implementable, desirable, or what exact impact it would have on the quality of democratic participation.

Any assessment of mandatory voting must give serious thought to the design choices on the table. Should mandatory voting be enforced through "sticks," such as fines, or "carrots," such as modest tax breaks? Does offering financial

"carrots" trivialize the solemn act of voting? Exemptions from the requirement often accompany laws making voting mandatory, such as for those who are sick on Election Day or who conscientiously object to the legitimacy of the state. Should individuals be obliged to offer proof for why they were unable to vote? How broad should the exemptions be? Prominent U.K. academic Sarah Birch has argued that voting there should be compulsory only for first-time voters, for example, in order to inculcate the habit of participation, which may have lifelong effects. There is a range of design choices whose impact must be part of the assessment if the committee is seriously considering mandatory voting.

There are also constitutional issues at play, although these are surmountable. The right to vote is protected in Section of the Charter. It is unclear whether it also protects the right not to vote. There may be a natural symmetry to protecting both

the choice to vote or not to do so. Mandatory voting might also entail some constitutional risk because it could be characterized as compelled speech counter to freedom of political expression. Offering a "none of the above" option or a right to spoil your ballot, exemptions from the obligation to vote for those with valid excuses, and reasonably tailoring any punishments to ensure that there are no draconian outcomes should be sufficient to address any Charter concerns.

The underlying question is whether mandatory voting is a good idea for Canada in 2016. Even if not endorsed by the Committee this time around, it is likely to remain an option on the reform agenda for the foreseeable future as fixes for lower-than-ideal voter turnout are few and far between.

A more proportional system would likely increase turnout, but only marginally. Voter education, easier

voting procedures, early registration for young voters, and many other techniques have not appreciably moved the needle. The merits and failings of mandatory voting deserve to receive a full airing before the committee and in its final report, to assist members of the public in making up their own minds about what would be a fundamental shift in Canadian democracy. **P**

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Column / Don Newman

No to a Referendum

Referendums are bad public policy. Referendums let elected officials escape their responsibilities. Referendums are a precedent for future referendums.

Referendums substitute the judgment of people who have an informed interest in the subject matter in question for the uninformed opinions of people who have only a passing and likely superficial interest in the matter.

And referendums attract many votes that are cast for a variety of reasons other than responding to the main question being asked, effectively distorting whatever public opinion might actually be on the issue.

For all of those reasons, whatever the House of Commons Special Committee on Electoral Reform recommends when it reports on December 1, those proposed changes should not be put to a national referendum.

If all of that sounds like a call for "an elite accommodation" trumping the voice of the people, it is not. What is the House of Commons there for, if not to represent the voice of the people. Since the enactment of the Charter of Rights in 1982, governments and individual MPs have been trying to slough off taking stands on tough issues like abortion or assisted suicide, only acting after the Supreme Court ruled that they had to and outlining what that action should be. Now, if a decision on a potentially controversial issue like how we elect members to represent us in the House of Commons is going to be punted to the public at large, those members of the House will be even further neutered. And they will have done it to themselves.

And why should we allow MPs to dodge what could be a controversial bullet? After all, there have been many changes made to the laws governing elections in Canada since Confederation, some of them more far-reaching than others.

Perhaps the most controversial was expanding the franchise to include women. The suffragettes had campaigned for years for the right of women to vote, often breaking a variety of laws to make their point. But it wasn't until Robert Borden and his Unionist government realized they could use more votes in the conscription election of 1917 that they amended the law to let any woman with a son or brother already serving in the First World War cast a ballot. Mindful of their self-interest, and that of their relatives overseas, women voted heavily in favour of Borden and conscription.

Five years later, the law was amended again to allow all women of voting age to cast ballots. And since then, Parliament has acted numerous times to change the Elections Act.

Among the significant changes: aboriginals were given the vote; the voting age was lowered from 21 to 18; the minimum length of election campaigns was shortened; the hours polls are open in various parts of the country was changed; and election results from parts of the country where the polls are closed can now be broadcast in areas where the polls remain open.

All of these changes were achieved by passing acts of Parliament. So should any change in the way members are elected; whether it is a change to enact proportional representation whereby parties win seats equal to the proportion of the total votes they receive, or to a transferable ranked ballot.

There is a further argument against holding a referendum on any proposed electoral change. In a referendum, what would constitute a win? Would fifty per cent plus one vote be enough?

And if it is anything less than unanimity, think of the reaction in provinces that voted no but then had a new electoral system imposed on them. That would probably lead to court challenges claiming that any subsequent election held under the new system was unconstitutional.

And one further reason for simply changing the electoral system by an act of Parliament: Suppose that once tried, the new system is found to be unsatisfactory. Another act of Parliament, and the system is changed back again. **P**

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Prime Minister Trudeau presents Chinese President Xi Jinping with one of the last two medallions of Norman Bethune, from the same set of medals his father brought to China in 1973, one of which he presented to Mao Tse-tung himself. Adam Scotti photo

A New Chapter in Canada-China Relations

Robin V. Sears

Among its other highlights, the first year of the new Trudeau government has altered the Canada-China bilateral narrative. From the somewhat rocky visit of Foreign Minister Wang Yi in June to Prime Minister Justin Trudeau's rock-star reception in Beijing three months later, the release of Kevin Garratt in September and the subsequent visit of Premier Li Keqiang later that month, it's been an eventful run. Veteran political strategist and policy hand Robin Sears was part of the Canada-China Business Council delegation during Trudeau's visit to China, and shares his take on the relationship.

In the Trudeau team's luggage, on the prime minister's first official trip to China, were two modest little medallions in aging boxes. If you were told that they were to be his personal gifts to China's leaders, you might have been persuaded that Justin Trudeau was really not ready for prime time.

You would have been wrong.

That they were the only two left in the world was part of their magic. More powerful was their status as icons of more than 150 years of history between Canada and China. Canadian mis-

sionaries were building schools and hospitals in rural China before Confederation. Canadian business connections with China in banking and insurance are almost as venerable.

The medallions Trudeau handed to both Chinese Premier Li Keqiang and President Xi Jinping were from the same set that his father had brought on his first official visit 43 years ago. They depict in simple *bas-relief* the role that Canadian physician Norman Bethune played as the Chinese Revolution's military field doctor.

Among some Canadian editorial writers and columnists, it has become fashionable to sneer at the emotional power claimed for the "legend of Norman Bethune," claiming it is irrelevant to today's leaders. They betray their ignorance of Chinese culture and especially Chinese Communist Party history. It was Mao Tsetung himself who elevated Bethune to sainted status shortly after the Canadian's death in 1939. Deng Xiaoping revived it 50 years later.

Bethune's status today rests on three pillars. He was one of literally only a handful of Westerners who died working on behalf of the Chinese revolution. He was a Communist who served tirelessly in a combat field hospital during some of the most fateful campaigns of the early years of the civil war, following the Japanese invasion. He died as a result of infections he left poorly tended, determined to continue to treat the PLA wounded.

A few years ago, members of a high-level Canadian delegation to Beijing were stunned when their senior party host, in his goodbye speech at the end of the visit, revealed emotionally that he still read a few paragraphs of Mao's famous essay, "In Memory of Norman Bethune" most nights, to his eight- year-old daughter at bedtime. In Asian cultures—and especially in Chinese Communist Party culture—Bethune's credentials as a selfless loyalist and martyr do not fade.

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Part of the kudos go to Manulife, whose history in China goes back to the 19th century. The PMO reached out to Canadian organizations with deep roots in China, seeking their counsel about appropriate gift possibilities some weeks before the visit. They asked Manulife's Peter Wilkinson if he had any ideas. He turned to some of his firm's old China hands who remembered the set of medallions they had commissioned for Pierre Trudeau's first official China trip. A hunt in Manulife cupboards turned up the only two remaining that had not been given away. The PMO seized on the appeal of the humble medallions immediately, but kept their existence quiet.

The Chinese leadership signaled that Canada was out of the doghouse, after a decade of chill, by moving the welcome dinner in Beijing from the Great Hall of the People—a vast and rather ordinary collection of banquet halls—that most foreign visitors are treated to. The new venue was across Tiananmen Square in one of the imperial dining rooms of the Forbidden City. This sprawling web of palaces has some areas open to the public, but much remains off-limits. None of the Canadian China hands could remember a first-time foreign leader being honoured with such a prestigious venue.

Trudeau rose in the small dining room in front of Premier Li Keqiang

and a small number of invited senior leaders, and gave a short speech of thanks saying how honoured he was to be there. He handed over one small box containing a medallion to Premier Li and another to President Xi at their meeting the following day. He told each leader that theirs was one of only two left. He then added that his father, on his first official visit, had presented the first one to Mao himself.

Perhaps it is in emulation of the American public slanging of China which is a mark of the fourth year of every presidential cycle that Canadian media, and sadly too many of our politicians of all stripes, think they should once again pose the question, "Should we risk having a bigger relationship with China?" If they were to analyze American economic, diplomatic, and even military behaviour—and not merely the regular eruption of jingoistic partisan rhetoric—they would note that their work on the relationship never ends.

China is close to the top of the American foreign policy, trade policy and strategic concern, always. Quiet, high-level dialogue between peers unfolds constantly. In recent years, we have been far more unprofessional and inconsistent in managing the Canada/China relationship—to our cost.

China is now our second largest trading partner. China, no longer Canada, is the United States' *most* important economic partner. Canada is close to slipping to third behind Mexico as a US trading partner. China will soon be the world's largest economy and our economic relationships are still thinner and weaker than several

Prime Minister Trudeau and his wife Sophie with their daughter Ella-Grace on the Huangpu River Boat in Shanghai. Adam Scotti photo

much smaller and less-advanced nations. Yes, we need a China strategy; and no, it is not a simplistic up or down choice between human rights and trade.

Former senior Foreign Affairs official and ambassador to China, David Mulroney, pleads the importance of the case for a serious, detailed, consistent China strategy. Sadly, he says—being critical of himself and his former colleagues—the federal government's approach to a new more serious China strategy has too often been to take out the old list of issues and projects and shuffle the order a little.

Too many of the "human rights first and always" advocates are in the same class as those who declare we must only sell Canadian defence products to those nations that promise never to use them. The Chinese rights record is not improving fast enough by our standards. That is has improved dramatically in the past 25

years is not an achievement we often credit in public or private. That we cheerfully ignore the rights records of many Asian, African and Middle Eastern despots in most of our public discourse with them does not go unnoticed in Beijing.

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So Trudeau's visit was framed on strengthening and reviving ties, not debating whether we needed them. He returned to the time-honoured

approach in dealing with a sensitive and easily offended rising power: you save your starkest language for private conversation and respect the crucial Chinese imperative of maintaining face—or *lian*—with more respectful tones in public.

Trudeau was attacked by some in the media for not even mentioning the Canadian Christian missionary Kevin Garratt, languishing in a Chinese prison, in speeches in China. He did not take the bait. Trudeau knew that the right messages had been conveyed to the right senior Chinese leaders and was wisely patient. Days after his visit, Garratt was released. It certainly wasn't done because Trudeau's carefully balanced approach had *failed*.

On another front, about which he was attacked vigorously from pro and anti-engagement critics, was the debate over a free trade agreement. One former Harper PMO official even publicly declared that opening such

discussions would be a "security risk" to Canada. He knows well how silly such a claim is in reality, but obviously thinks it hits the right buttons with the Conservative base. Meanwhile, some in the business community attacked Trudeau for not committing to full negotiations today.

Another senior think tank writer claimed that investment by SOEs in the oil and gas sector was an even greater security risk—something the Canadian intelligence community would snicker at, recognizing that it is a little hard to steal a mine, a pipeline or a drilling rig. Our security experts do raise concerns about technology investment, as does every advanced economy, given its importance and vulnerability—as, indeed, do the Chinese about foreign investors in that sector in China.

On free trade, Trudeau took the sensible first step of committing officials to "setting the table" for a future negotiation. Every serious trade agreement—not the trivial ones that the Harper government negotiated with small partners in Central America and elsewhere—goes through exactly this sequence. Private discussions and consultations by each side with their stakeholders, joint discussions with the prospective partner about what the major obstacles will be, followed by briefing to senior political leadership about how and when to take the process to the level of formal negotiation—or not.

On SOE investment, the Harper government's overreach would have been laughable if it were not so harmful. Some trade experts say its final amended set of regulations would probably not pass a WTO challenge. The Tory hardheads absurdly stretched the definition of an SOE to include those corporations that could be proven to be significantly "under the influence of a state government."

As one enraged Chinese diplomat said in private, "General Motors is

'under the influence' of the American government. Would you block their investments?" To the Chinese, the insult was even more offensive than they acknowledged publicly, because they knew that it would not be equally applied. They knew that a Norwegian SOE would not face the same threshold tests as a Chinese player.

The Trudeau officials hinted in private briefings that they were considering how to walk back the Harper legacy on Chinese investment, but a decision and announcement are probably not imminent.

Perhaps the greatest surprise Trudeau delivered to Canadian China-watchers was the length, scale and rich content of the visit. As late as July, Global Affairs Canada officials were refusing to confirm that the prime minister would do more than attend the G20 conference in Hangzhou. No Team Canada-style business delegation was being assembled. It was not even clear if the PM would visit Beijing, as that would imply an official visit.

Nervous pro-engagement China watchers knew that there was considerable resistance in some parts of the Trudeau cabinet to warming the atmosphere in Canada-China relations. There was a sense among them that Foreign Affairs Minister Stéphane Dion had bungled the visit of Chinese Foreign minister Wang Yi a few months earlier.

Those determined to push the China relationship back on track, including some of Canada's pioneers in creating the first breakthrough nearly half a century earlier, pleaded with the PMO to give a clear signal about the visit and soon. There was enormous relief when the news of a serious high-level delegation—including Finance Minister Bill Morneau and International Trade Minister Chrystia Freeland—with an eight-day schedule for an official visit to several cities, became known.

Freeland was given the honour of introducing the Prime Minister to the

Shanghai gala. Curiously, Dion had chosen to leave town, that afternoon.

In a reprise of his mishandling of the foreign minister's visit this spring, he publicly contradicted Prime Minister Trudeau only hours after the close of the reciprocal visit of Chinese Premier Li Keqiang to Canada, two weeks later, insisting no discussion on extradition negotiations had taken place.

His testy exchange with reporters on the subject may have been a product of the low profile he was given on the Li visit. He was rarely seen during the array of announcements and warm speeches. It was a visit that signaled clearly that Trudeau and the Chinese premier had already formed a mutual respect and shared political understanding.

Chinese leaders are not known for their oratory, given to woodenly reciting turgid texts. Premier Li gave a lively 15-minute speech to the Montreal business audience, without text or teleprompter. He warmly endorsed the long history of Canada-China relations and clearly enjoyed his introduction to the Montreal Canadiens at the Bell Centre, where he had donned a team jersey and stick handled the puck at a centre ice faceoff with Trudeau to the delight of assembled media and players.

It was the punchline to one of the more fascinating months in the nearly 50-year relationship launched by Trudeau's father and Chou Enlai. Long-time Canada China hands were left shaking their heads at this sudden and dramatic shift only months after the end of a long chilly decade. **P**

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China and Asia have replaced North America, Europe and Japan as the engine of global growth. China alone accounts for 25 per cent of the world's economic growth. iStock photo

The Rebalancing of Chinese Growth

Kevin Lynch

In its latest annual assessment of the Chinese economy, the International Monetary Fund advised Beijing to shift its focus away from the fixation of the past two decades—both domestically and internationally—on the country's totemic GDP targets. As BMO Financial Group Vice Chair Kevin Lynch writes, such a shift would, ideally, mean a pivot from the "what" of GDP target prioritization to the "how" of China's growth trajectory.

There is renewed Canadian interest, by the new federal government and the public, in stronger economic ties with China. Prime Minister Justin Trudeau's September visit to China was a success on many levels, and not unrelated to recent polling that has surfaced a significant uptick in public willingness to strengthen commercial relationships with China balanced by continuing concerns about the state of human rights in the country.

So, given this interest in growing our

commercial links with China, where is the world's second largest economy headed? China is undertaking a massive rebalancing of its economy as it attempts to transition to a more balanced and sustainable growth path. While the challenge of more balanced growth in the new global normal is not unique to China—many economies, including Canada, are experiencing persistently lower growth—the scale and the scope of its challenge are unprecedented in the modern era.

The starting point in examining the rebalancing of China's growth is the global context, something policy makers in any country, regardless of size, ignore today at their peril in a hyper-connected world.

And, the global context is changing, dramatically. The engines of world growth, previously North America, Europe and Japan, are now China and emerging Asia. China alone accounts for over 25 per cent of global growth, with emerging Asia in total driving over 60 per cent of it. This is a huge structural shift in a short period of time.

While the engines of growth are shifting, most—in the emerging world as well as the West—are in need of a tune-up. The global reality is a weaker and more volatile world economy with most economies experiencing lower-than-expected growth on a sustained basis. The U.S. is wrestling with sub 2 ½ per cent growth, Canada with sub 2 per cent growth, the Eurozone with even weaker growth, and double-digit Chinese growth led by trade and investment is a memory. Chinese growth is trending towards 6 per cent, according to the IMF, with a surprising degree of regional variation: some provinces are in high single-digit growth while others are in recession.

The pivotal question is whether this is a prolonged and unique cycle, due to the unprecedented after-effects of the global financial crisis, or a structural change in potential growth.

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Experience increasingly supports the latter interpretation. Structural drivers of growth are losing steam, calling into question the appropriateness of the policy mix in many countries. Whether it is: aging demographics in the West, China and Japan; slowing productivity growth; growth impediments across many emerging economies such as peak urbanization, worsening environments, congestion, regulatory inefficiencies and lack of competition; high debt and rising leverage; and, a plateauing of connectivity growth—the net result is lower global potential growth.

All of these global growth impeders apply in some measure to China. Consider the growth risk from rising leverage. China is on a debt treadmill: corporate debt in China has skyrocketed from 68 per cent of GDP in 2007 to 145 per cent of GDP today. In its most recent review of China, the IMF focused on the high and accelerating Chinese corporate debt (growing at twice nominal GDP) as a key risk to sustainable growth and productivity, and an impediment to broader structural reforms.

A central aspect of structural reform in China is the need for economic rebalancing—a singular objective with many complex elements. In this context, it is useful to deconstruct the rebalancing policy objective into these elements.

There is external rebalancing, which refers to shifting from export-led growth in China, a pillar of its economic strategy for decades, to domestic-demand led growth.

There is domestic rebalancing, which in China is equally challenging and takes a number of forms. These include: shifting from industry to services; shifting from investment to consumption; shifting from government-owned production to the private sector; shifting from low-productivity production to higher value-added activities; and shifting from excessive corporate leverage to sustainable levels. None is easy, and vested interests in the status quo are many.

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There is also environmental rebalancing in a world concerned about climate change and the environment, and China needs to worry seriously about both.

And then there is income distribution rebalancing, where high and

growing income inequality of the sort China is experiencing may affect confidence, entrepreneurship and the social contract.

The complexity of the rebalancing challenge in China highlights the requirement to have on hand an adequate array of structural policy instruments to match the diverse policy objectives.

How is China doing? The first observation is that considerable progress has been achieved. Reforms have progressed across a broad domain including fiscal reforms, external sector reforms, financial sector reforms and structural reforms. The rebalancing to services is particularly striking, and China is emerging as a world leader in e-commerce, mobile payments and commercial internet usage.

The second observation is that there is still much to do to achieve balanced and sustainable growth in China. In the next phase, rather than a series of often seemingly unconnected reforms, it would be useful to consider a suite of integrated and mutually reinforcing structural reforms combined with complementary financial sector renewal.

Simply put, it is challenging to see how significant progress can be achieved on a number of core and interrelated structural rebalancing reforms—tackling excessive corporate debt and leverage; facilitating corporate restructuring; encouraging more corporate competition; incenting greater corporate innovation; shifting to more energy-efficient production and usage; and, increasing the digitization of corporate operations—without further reforms to the financial sector.

At the same time, it is difficult to see how further financial sector changes will have the maximum impacts on generating more balanced and sustainable long-term growth in the absence of complementary supply-side structural reforms.

Consider the financial sector imperative. Strengthening the links between

the financial system and the real economy is a central concern for policy makers and financial market participants around the globe, not just China. Many worry that the "lending channel" is not working as it should, for different reasons in different economies, and this renders monetary policy less effective than it otherwise would be. China is no exception.

Indeed, it would benefit significantly from broader and deeper capital markets, where market forces play a greater role in the efficient allocation of capital. This will require deeper and more liquid corporate bond markets, better functioning equity markets and less reliance on bank and near-bank financing of corporations, both SOEs and private enterprises.

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It will also need greater access to financing for SMEs if the government's objective of a larger, more diversified and more innovative private sector is to be realized. This would be facilitated by a more diverse array of investors, including institutional and overseas players, and from greater differentiation and innovation among institutions within the financial sector, both domestic and foreign banks.

Fintech firms, and interestingly China has the potential to be a key global Fintech player, increase financial sector efficiency and service under-served sectors such as SMEs and entrepreneurs, provided there is an

appropriate regulatory environment for such firms.

New categories of lending should be encouraged, such as "green bonds", municipal bonds and venture capital, as these would facilitate clean tech, innovative start-ups and public infrastructure objectives, provided they are market-based.

But the effectiveness of such financial sector reforms will be substantially influenced by what is done to tackle the challenge of excessive corporate debt and leverage, to facilitate corporate restructurings, to shift more production from the state sector to private hands and to foster more corporate competition. These are highly interrelated. The more comprehensive the scope, the more clarity in the signalling, and the more integrated the approach by China to structural rebalancing, the better the outcomes will be.

In short, an efficient, innovative, and trusted financial sector—one that allocates capital to the most productive uses—is crucial for successful supply-side reforms to bolster balanced and sustainable Chinese growth. The opportunity for China from well-integrated, well-communicated and well-executed structural reforms, according to the McKinsey Global Institute, could be in the order of $5 trillion. Not a bad return from a government investment in reform. ℗

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Official Bilingualism: From Ambivalence to Embrace

Graham Fraser

The son of legendary newsman and author Blair Fraser, Graham Fraser forged his own career in journalism during the national unity and constitutional wars of the 1970s, 80s and 90s. An anglophone by background, Fraser's fluency in French and understanding of the political nuances around the language issue won the wide respect of francophone media colleagues and made him an outstanding choice for Canada's Commissioner of Official Languages. After a decade in that role, Fraser is stepping aside, leaving his successor with this invaluable status report on how Canadians feel about what is arguably our most distinguishing national characteristic.

Attitudes towards Canada's official languages have come a long way since the Official Languages Act was introduced in 1968 and passed in 1969.

When the OLA was debated in the House of Commons, opponents denounced the legislation as dictatorial, unfair, discriminatory and unconstitutional. One columnist called it "unnecessary, politically motivated, costly to implement, and, as it affects the non-English, non-French third of the population, wholly discriminatory." Around that time, the singing of O Canada in French was booed in Maple Leaf Gardens.

Polling over the years has reflected some of these tensions. In 1963, a majority (61 per cent) of Canadians told Gallup that they did not agree that French Canadians had not been given their full rights under Confederation. In 1967, a strong minority (46.6 per cent) felt that it would not be possible for Canada to achieve

recognition of both French and English in all provinces, while a slight majority (50.2 per cent) felt that it would be possible.

In 1977, a year after the election of the Parti Québécois, only 26 per cent of Canadians outside Quebec said that they agreed with the statement, "I generally agree with or support the principle or spirit of bilingualism," while 54 per cent said "I generally support the principle of bilingualism but I disagree with the form bilingualism has taken under the present federal government," and 11 per cent said "I reject bilingualism in any form." In Quebec, those figures were very different: 54 per cent agreed with bilingualism, 34 per cent qualified it and disagreed with the form of it, and 4 per cent rejected it.

In 2004, Andrew Parkin and André Turcotte said that "the same division of opinion is evident on a variety of questions asked in the past 25 years,"

and pointed out dramatic contrasts in view between francophones and anglophones on whether the federal government should promote bilingualism, whether too much was being done for bilingualism and whether more should be done.

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Before my mandate came to an end this fall, I wanted to know the current state of public opinion so that my successor could start with a clear understanding of the state of play on language issues. So earlier this year, my office commissioned Nielsen to conduct a national survey.

The survey had two objectives: to gauge current public opinions, perceptions and experiences regarding official languages and bilingualism, and to gather a detailed socio-cultural profile—the habits, attitudes and values—of those who support and those who oppose official languages and bilingualism.

In the words of the report: "A vast majority of Canadians support both

posure that people have to the other official language in their community, through their culture and on their television channels.

The study also found that myths about Canada's language policies persist, and that a majority of both supporters and opponents believe many of those myths.

For example, 87 per cent of Canadians believe that all federal services must be provided in both languages from coast to coast. In fact, this requirements exists only where the official language minority population is 5 per cent or more of the total population in that area.

> **In yet another example, 49 per cent of Canadians believe that you have to be bilingual to work in the federal public service. In fact, only 40 per cent of public service positions across Canada require bilingualism. In the National Capital Region, where most federal institutions have their headquarters, that number rises to 60 per cent.**

Graham Fraser has seen official languages move from grudging to widespread acceptance in all regions of the country. Office of the Commissioner of Official Languages photo

the Official Languages Act and bilingualism. Although there are some demographic differences in support, every demographic group is more likely to support the OLA, as is the case with bilingualism. Younger adults are more likely to strongly support each."

The telephone survey found that 88 per cent of Canadians support the aims of the OLA, ranging from a low of 83 per cent in the Prairies to a high of 92 per cent in Quebec. An on-line survey of a non-random sample of respondents—Nielsen finds that people are more likely to be candid on-line—found that support dropped by about 10 points, which still indicates very strong support.

Asked whether the fact of having two official languages contributes favourably to Canada's international image, 87 per cent of Canadians said "yes" by telephone, and 76 per cent said "yes" on-line. Asked whether they were personally in favour of bilingualism for all of Canada, 84 per cent of Canadians said "yes" by telephone and 74 per cent said "yes" on-line. Asked whether they agreed that since French and English were part of our history, it was logical that they have equal status, 84 per cent of Canadians said "yes" by telephone and 73 per cent said "yes" on-line.

One of the factors that distinguishes supporters from opponents is the ex-

As another example, 71 per cent of Canadians believe that there are fewer French speakers than speakers of non-official languages. In fact, French is the mother tongue of 22 per cent of Canadians, while 20 per cent speak a non-official language as their mother tongue. And 21 per cent of Canadians speak French at home, compared to 13 per cent who speak a non-official language at home.

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eral public service. In fact, only 40 per cent of public service positions across Canada require bilingualism. In the National Capital Region, where most federal institutions have their headquarters, that number rises to 60 per cent.

Nielsen found that those who oppose the OLA are more likely to be cynical about government in general and more likely to feel disconnected from government. Members of the on-line panel were divided into three groups.

One group that represented just over a quarter (27 per cent) of respondents included those with "heartland values," who showed the lowest level of support for the act, who are more ideologically opposed to bilingualism, who are mostly male and middle-aged, who see immigration as a threat to Canadian values, who feel that religious minorities should not be accommodated, who have conservative values and who feel strongly that the push for equal rights has gone too far.

Another group that represented just under a third (32 per cent) of respondents included those who support "traditional Canadian institutions," who have a high level of support for the act and most aspects of bilingualism, who interact more with the other language, who see Quebec as distinct, who are mostly female, who see immigration as a threat to Canadian values but feel that religious minorities should be accommodated, who have conservative values and who feel that the push for equal rights has gone too far.

The last group, representing 41 per cent of respondents, are those who are "progressive and open," who have the highest support for the OLA and most aspects of bilingualism, who focus more on equality, who see Quebec as distinct, who are less likely to have misunderstandings about the act, who are mostly female, who are more likely to live in bilingual communities, who think

that immigration is not a threat to Canadian values and feel that religious values should be accommodated, who do not have conservative values and who feel that the push for equal rights has not gone far enough.

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Comparing this survey with others conducted over the past 40 years shows that support for bilingualism is generally inversely proportional to the intensity of the national unity debate. When the debate flared up in 1990 and 1991, support dropped. At the time, less than half of Canadians answered positively to the question of whether they were in favour of bilingualism for all of Canada. Since then, support has climbed steadily and is now nearing 70 per cent.

> **Canada's gradual acceptance of linguistic duality—or the fact that we have an entire French-speaking society within our borders—has made us more open, more inclusive, and more prepared to accept the arrival of others on our shores and welcome them into our society. This puts us in a significantly different place than the United States, the United Kingdom and some parts of Europe.**

For the past 10 years, I have argued that Canada's gradual acceptance of linguistic duality—or the fact that we have an entire French-speaking society within our borders—has made us more open, more inclusive, and more prepared to accept the arrival of others on our shores and welcome them into our society. This puts us in a significantly different place than the United States, the United Kingdom and some parts of Europe.

The poll supports that argument, despite indications of a slice of the population that is strongly negative about both official languages and minorities of all kind that should prevent any sense of smugness or superiority. Nevertheless, for my successor and for political parties, the poll demonstrates that Canadians believe that bilingualism is a prerequisite for political leadership and a reasonable requirement for those who wish to be appointed to the Supreme Court. Eighty-six per cent of Nielsen respondents thought the prime minister should be bilingual. Of the various hard decisions that parties and governments have to make, requiring political leaders and judges on the Supreme Court to be bilingual is clearly not one of them. Canadians understand what some potential political leaders and ambitious lawyers have failed to grasp: there are some jobs in Canada for which bilingualism is an essential leadership competency. **P**

Graham Fraser was Commissioner of Official Languages from 2006-2016. A former journalist, he is the author of several books, including Playing for Keeps: The Making of the Prime Minister, 1988 *(1989), and* Sorry, I Don't Speak French, (2006).

Le bilinguisme officiel : de l'ambivalence à l'acceptation

Graham Fraser

Graham Fraser, fils du légendaire journaliste et auteur Blair Fraser, a taillé sa propre carrière en journalisme dans les années 1970, 1980 et 1990, alors que le pays se déchirait sur les questions de l'unité nationale et de la Constitution. D'origine anglophone, Graham Fraser a su gagner le respect de ses collègues journalistes francophones, impressionnés par sa maîtrise du français et la finesse de ses analyses des débats politiques sur la question linguistique. Sa nomination au poste de commissaire aux langues officielles du Canada était donc des plus judicieuses. Après avoir assumé cette fonction pendant dix ans, M. Fraser tire sa révérence et lègue à la personne qui lui succédera un rapport de situation très précieux, dans lequel on fait le point sur l'opinion des Canadiens à l'égard d'un sujet qui est sans aucun doute ce qui nous distingue le plus en tant que pays.

Les attitudes à l'égard des langues officielles du Canada ont beaucoup évolué depuis la *Loi sur les langues officielles*, déposée en 1968 et adoptée en 1969.

Lorsque la *Loi* a été débattue à la Chambre des communes, les opposants l'ont dénoncée, la qualifiant de dictatoriale, injuste, discriminatoire et inconstitutionnelle. Un chroniqueur a déclaré que le projet de loi était « superflu, politiquement biaisé, coûteux à mettre en œuvre, controversé et, puisqu'il touche le tiers non anglophone et non francophone de la population, complètement discriminatoire ». À peu près à la même époque, l'hymne national, chanté en français au Maple Leaf Gardens, est hué par la foule.

Les sondages effectués au fil des ans illustrent certaines de ces tensions. En 1963, une majorité (61 %) de Canadiens ont indiqué dans un sondage Gallup être en désaccord avec l'énoncé selon lequel les Canadiens français n'avaient pas obtenu leurs pleins droits depuis la Confédération. En 1967, une forte minorité (46,6 %) estimaient qu'il ne serait pas possible pour le Canada d'obtenir la reconnaissance du français et de l'anglais dans toutes les provinces, tandis qu'une faible majorité (50,2 %) estimaient que cela serait possible.

En 1977, un an après l'élection du Parti Québécois, seulement 26 % des Canadiens à l'extérieur du Québec ont indiqué qu'ils étaient d'accord avec l'énoncé « J'accepte ou j'appuie généralement le principe ou l'esprit du bilinguisme » [traduction], tandis que 54 % ont indiqué « J'appuie généralement le principe du bilinguisme, mais je suis en désaccord avec la forme que le bilinguisme a prise sous le gouvernement fédéral actuel » [traduction] et que 11 % ont dit « Je rejette le bilinguisme sous toutes ses formes » [traduction]. Au Québec, les résultats étaient très différents : 54 % des répondants étaient d'accord avec le bilinguisme, 34 % avaient des réserves et étaient en désaccord avec la forme qu'il prenait, et 4 % le rejetaient.

> **Avant la fin de mon mandat, cet automne, je voulais connaître l'état actuel de l'opinion publique pour que la personne qui me succédera puisse prendre le relais en toute connaissance de cause quant au portrait actuel des questions linguistiques. En début d'année, mon bureau a donc chargé Nielsen de réaliser un sondage national. »**

En 2004, Andrew Parkin et André Turcotte ont indiqué que « la même divergence de vues ressort des réponses à différentes questions posées depuis 25 ans ». Ils ont aussi fait ressortir des contrastes radicaux de points de vue entre les francophones et les an

glophones pour ce qui est de savoir si le gouvernement fédéral devrait promouvoir le bilinguisme, si on en faisait trop pour le bilinguisme et si on devait en faire plus.

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Le sondage avait deux objectifs : sonder l'opinion, les perceptions et les expériences du public à l'égard des langues officielles et du bilinguisme, et dresser un profil socioculturel détaillé (habitudes, attitudes et valeurs) des personnes qui sont favorables au bilinguisme et à l'utilisation des deux langues officielles et de celles qui s'y opposent.

Selon le rapport, « [u]ne grande majorité de Canadiens appuient à la fois la *Loi sur les langues officielles* et le bilinguisme. Même si l'on peut observer des différences quant au soutien sur le plan démographique, tous les groupes démographiques sont plus susceptibles d'appuyer […] la *Loi* [que de s'y opposer]. Il en est de même pour le bilinguisme. En outre, les jeunes adultes sont plus susceptibles d'appuyer fortement la *Loi* et le bilinguisme ».

Le sondage téléphonique a fait ressortir que 88 % des Canadiens sont favorables aux objectifs de la *Loi*, allant de 83 % dans les Prairies à 92 % au Québec. Un sondage en ligne auprès d'un échantillon non aléatoire de répondants—selon Nielsen, les gens sont plus enclins à la sincérité en ligne—a révélé que l'appui avait diminué d'environ 10 points, ce qui indique toujours un soutien très fort.

Lorsqu'on leur a demandé si le fait d'avoir deux langues officielles contribue favorablement à l'image internationale du

> « *Encore à titre d'exemple, 49 % des Canadiens croient qu'il faut être bilingue pour travailler dans la fonction publique fédérale. En réalité, seulement 40 % des postes de fonctionnaires dans l'ensemble du Canada requièrent le bilinguisme. Dans la région de la capitale nationale, où se trouve l'administration centrale de la plupart des institutions fédérales, cette proportion atteint 60 %.* »

Canada, les Canadiens ont répondu « Oui » dans une proportion de 87 % au téléphone et de 76 % en ligne. Lorsqu'on leur a demandé s'ils étaient personnellement en faveur du bilinguisme pour tout le Canada, les Canadiens ont répondu « Oui » dans une proportion de 84 % au téléphone et de 74 % en ligne. Quand on leur a demandé s'ils estimaient que, puisque le français et l'anglais faisaient partie de notre histoire, il était logique qu'ils aient un statut égal, les Canadiens ont répondu « Oui » dans une proportion de 84 % au téléphone et de 73 % en ligne.

Un des facteurs qui différencie les partisans et les opposants est l'exposition à l'autre langue officielle dans leur communauté grâce à leur culture et aux chaînes de télévision.

L'étude a aussi démontré que les mythes au sujet des politiques linguistiques du Canada persistent et qu'une majorité de partisans et d'opposants sont nombreux à y croire.

À titre d'exemple, 87 % des Canadiens croient que tous les services fédéraux doivent être fournis dans les deux langues officielles d'un océan à l'autre. En fait, cette exigence s'applique uniquement lorsque la population de langue officielle en situation minoritaire représente 5 % ou plus de la population totale de la région.

Comme autre exemple, 71 % des Canadiens croient qu'il y a moins de francophones que de personnes qui parlent des langues non officielles. En fait, 22 % des Canadiens ont comme langue maternelle le français, tandis que 20 % ont comme langue maternelle une langue non officielle. En outre, 21 % des Canadiens parlent le français à la maison, comparativement à 13 % qui parlent une langue non officielle à la maison.

Encore à titre d'exemple, 49 % des Canadiens croient qu'il faut être bilingue pour travailler dans la fonction publique fédérale. En réalité, seulement 40 % des postes de fonctionnaires dans l'ensemble du Canada requièrent le bilinguisme. Dans la région de la capitale nationale, où se trouve l'administration centrale de la plupart des institutions fédérales, cette proportion atteint 60 %.

Selon une étude de Nielsen, les personnes qui s'opposent à la *Loi* sont plus susceptibles d'être cyniques à l'égard du gouvernement en général et plus enclines à se sentir déconnectées du gouvernement. Les répondants en ligne ont été divisés en trois groupes.

Un groupe qui représentait un peu plus du quart (27 %) des répondants comprenait ceux qui ont des « valeurs traditionnelles » et qui appuient le plus faiblement la *Loi*. Ils sont plus idéologiquement opposés au bilinguisme, sont principalement des hommes d'âge moyen, perçoivent l'immigration comme une menace aux valeurs canadiennes, estiment que les minorités religieuses ne devraient pas bénéficier de mesures d'accommodement, ont des valeurs conservatrices et croient fermement que la promotion de l'égalité des droits va trop loin.

Un autre groupe qui représentait tout juste moins du tiers (32 %) des répondants comprenait ceux qui soutiennent les « institutions canadiennes traditionnelles » et qui appuient fortement la *Loi* et la plupart des aspects du bilinguisme. Ils interagissent davantage avec l'autre langue, considèrent le Québec comme étant distinct, sont surtout des femmes, perçoivent l'immigration comme une menace aux valeurs canadiennes, mais estiment que les minorités religieuses devraient bénéficier de mesures d'accommodement, ont des valeurs conservatrices et croient que la promotion de l'égalité des droits va trop loin.

> **La comparaison de ce sondage avec d'autres sondages effectués au cours des 40 dernières années démontre que l'appui au bilinguisme est généralement inversement proportionnel à l'intensité du débat sur l'unité nationale. »**

Le dernier groupe, qui représentait 41 % des répondants, comprenait ceux qui sont « progressistes et ouverts », qui appuient le plus fortement la *Loi* et la plupart des aspects du bilinguisme. Ils s'attachent davantage à l'égalité, considèrent le Québec comme étant distinct, ont moins tendance à mal interpréter la *Loi*, sont surtout des femmes, sont plus susceptibles de vivre dans des communautés bilingues, estiment que l'immigration n'est pas une menace aux valeurs canadiennes et que les minorités religieuses devraient bénéficier de mesures d'accommodement, ont des valeurs non conservatrices et croient que la promotion de l'égalité des droits ne va pas assez loin.

La comparaison de ce sondage avec d'autres sondages effectués au cours des 40 dernières années démontre que l'appui au bilinguisme est généralement inversement proportionnel à l'intensité du débat sur l'unité nationale. Lorsque le débat s'est intensifié en 1990 et 1991, l'appui a diminué. À ce moment-là, moins de la moitié des Canadiens ont répondu positivement à la question de savoir s'ils étaient en faveur du bilinguisme pour tout le Canada. Depuis ce temps, l'appui progresse de façon constante et atteint maintenant près de 70 %.

> **L'acceptation progressive de la dualité linguistique du Canada, ou le fait que nous avons une société francophone à part entière à l'intérieur de nos frontières, nous a rendus plus ouverts, plus inclusifs et mieux préparés à accepter l'arrivée des autres sur notre territoire et à les accueillir dans notre société. Cela nous met dans une situation très différente de celle qui existe aux États-Unis, au Royaume-Uni et dans certaines régions d'Europe. »**

Au cours des dix dernières années, j'ai fait valoir que l'acceptation progressive de la dualité linguistique du Canada, ou le fait que nous avons une société francophone à part entière à l'intérieur de nos frontières, nous a rendus plus ouverts, plus inclusifs et mieux préparés à accepter l'arrivée des autres sur notre territoire et à les accueillir dans notre société. Cela nous met dans une situation très différente de celle qui existe aux États-Unis, au Royaume-Uni et dans certaines régions d'Europe.

Les résultats du sondage vont dans ce sens, et ce, même si certaines indications laissent croire qu'une mince frange de la population éprouve des sentiments très négatifs à l'égard des langues officielles et des minorités de toutes sortes, ce qui prévient toute attitude arrogante ou tout sentiment de supériorité. Quoi qu'il en soit, la personne qui me succédera et les partis politiques seront intéressés d'apprendre que, selon le sondage, les Canadiens croient qu'un dirigeant politique devrait être bilingue avant son entrée en poste et qu'il est raisonnable d'exiger que les candidats à une nomination à la Cour suprême soient bilingues. Des répondants au sondage de Nielsen, 86 % estimaient que le premier ministre devrait être bilingue. Le bilinguisme d'un dirigeant politique ou d'un juge de la Cour suprême ne fait pas partie des questions difficiles qui se posent aux partis et aux gouvernements. Les Canadiens ont compris ce que certains dirigeants politiques et avocats ambitieux n'ont toujours pas saisi : au Canada, le bilinguisme est au nombre des compétences en leadership exigées pour certains postes. **P**

Graham Fraser a été commissaire aux langues officielles de 2006 à 2016. Ancien journaliste, il a signé plusieurs livres, notamment Playing for Keeps: The Making of the Prime Minister, 1988 *(1989), et* Sorry, I Don't Speak French *: ou pourquoi quarante ans de politiques linguistiques au Canada n'ont rien réglé… ou presque, (2007).*

The $2 Billion Dollar Opportunity in Search of a Public Policy on Philanthropy

John Hallward

While Canadians have experienced real growth in wealth in the last two decades, charitable giving in Canada has been declining despite one of the most generous charity tax incentive systems in the world. "What is needed is a national initiative to encourage Canadians to not only take advantage of existing tax laws, but also a movement to boost our charitable values," writes John Hallward, chair of the GIV3 Foundation. If the country returned to the average rate of donations a generation ago (1 per cent of income, up from the current average of 0.75 per cent) it would generate almost $2 billion more annually for the non-profit sector.
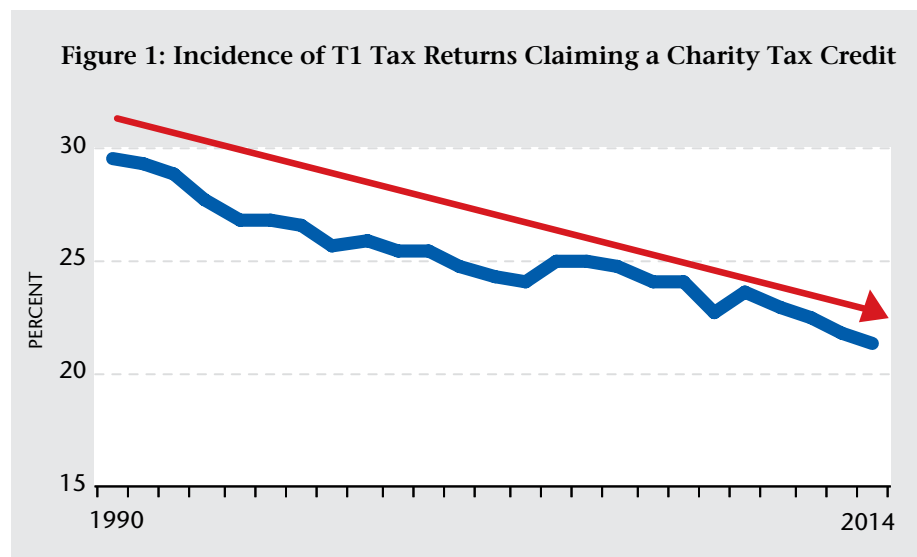
The non-profit (N-P) sector matters. It represents over 7 per cent of our GDP, and employs over 2 million Canadians. If we remove the government funded non-profits, such as schools, universities and hospitals, we arrive at what is often referred to as the core non-profit sector. This is the part that relies heavily on individual giving, business support and foundations. This core N-P sector is worth over $35 billion annually (2.5 per cent of GDP)—which makes it larger than the agriculture sector and larger than the automotive industry.

While Canadians currently donate about $8 billion to the non-profit sector, fewer than one in four Canadians claim a charity tax credit, and this incidence has declined by almost a third, from 30 per cent in the 1990s to a mere 21 per cent in 2014. The average donation per tax filer is also declining. Volunteering behaviour shows similar trends. The unintended consequence? A weakening of the social fabric in our communities; more homeless Canadians, stray pets, dirty parks, ignored seniors, battered women, and so on.

> **While Canadians currently donate about $8 billion to the non-profit sector, fewer than one in four Canadians claim a charity tax credit, and this incidence has declined by almost a third, from 30 per cent in the 1990s to a mere 21 per cent in 2014.**

If the national average of giving can be returned to where it was a generation ago, it will generate over $2 billion more for the non-profit sector annually. The size of this opportunity compels us to consider new policies.

An obvious question is, why should we care? If Canadians become less

Figure 1: Incidence of T1 Tax Returns Claiming a Charity Tax Credit

Source: Statistics Canada

charitable, can't our various levels of government simply make up the difference in supporting our communities and those in need? If that were the case, it would already be happening. We can't rely on greater government support because all levels are struggling with debt and trying to balance budgets. If government were to take over a greater role in funding charities it would need to increase taxes. Higher taxes dissuade philanthropy and act to chase away those who have accumulated wealth.

Furthermore, it would likely be difficult, slow and frustrating to depend on various levels of government to
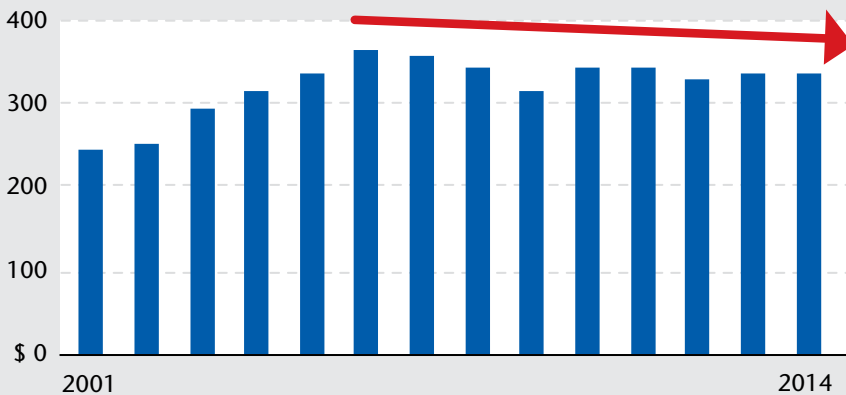
> *Studies show that here is almost no correlation between higher tax incentives and greater philanthropy. As a case in point, while Quebec has the highest level of charitable tax credits in the country, Quebecers are the lowest donors per capita in Canada.*

cooperate and efficiently administer tax revenues to address all our social problems. It would also likely be unpredictable or disruptive for long-term stability as political parties come and go, often with short-term focus. On the other hand, people are more innovative and more likely to take risks,

explore unpopular solutions, and be willing to try things that governments and elected officials might be less willing to do. Individual charity brings ownership of our problems into our communities and allows local groups to resolve issues more quickly and efficiently than governments do.

However, it is also wise to appreciate that we cannot leave 100 per cent of support in the hands of the private sector without some involvement from governments. If we left the care and charitable benefits completely in the hands of our free markets, we would likely have all types of inequalities, disagreements in how to support those in need, 'free-loading' from those unwilling to help, a lack of stability as economic cycles ebb and flow, and a lack of interest to support unpopular issues. Therefore, it is in everyone's interest to include government participation.

Figure 2: Dollars Donation Per Tax Filer

Source: CRA/Statistics Canada

Figure 3: Donations by Region vs % Charity Tax Credit
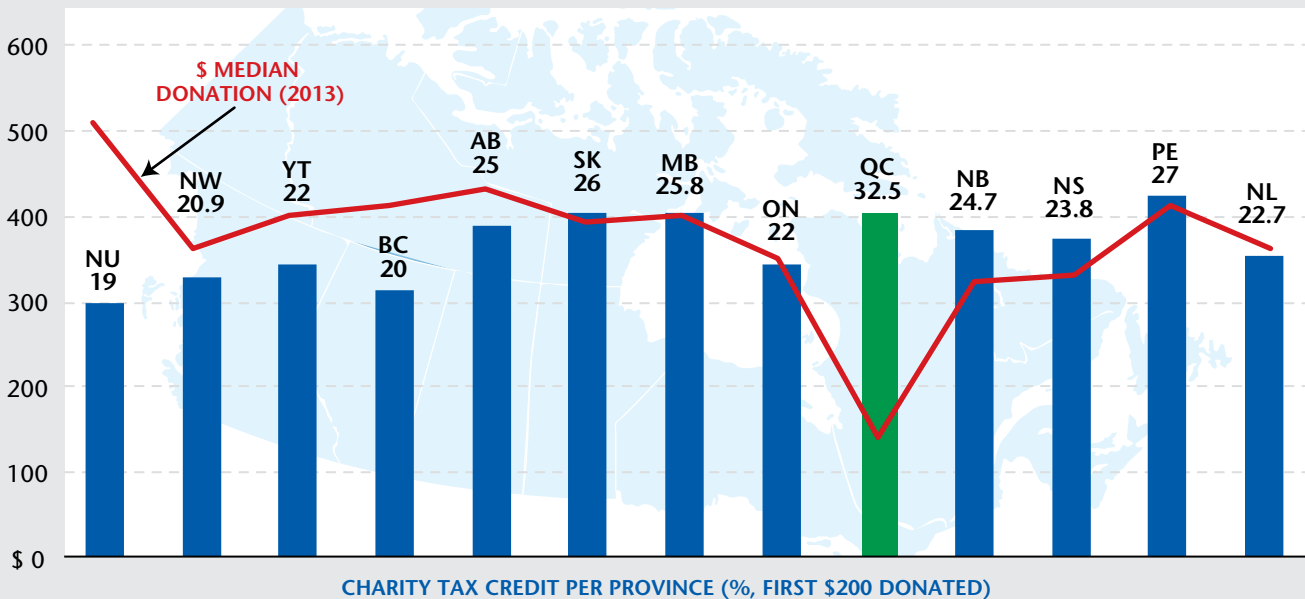
Source: CRA/Statistics Canada

It would seem that offering greater tax credits to taxpayers for their donations would incentivize higher levels of giving. However, there are several reasons to believe that further tax measures will not address the problem. Not only is this a costly approach for our governments, studies show that here is almost no correlation between higher tax incentives and greater philanthropy. As a case in point, while Quebec has the highest level of charitable tax credits in the country, Quebecers are the lowest donors per capita in Canada.

We also observe different cultural and religious communities being much more charitable than others, despite having the same tax system. Globally, in an analysis by the Charity Aid Foundation in the UK, across 24 countries, representing 75 per cent of the World's global GDP, no correlation was found between tax policy and the amount of giving. The point is that philanthropy and volunteering are cultural values, and not an outcome of tax policy. Instead of tax incentives, the solution lies in creating a long-term shift in our societal values.

In past generations, governments put considerable support behind social programs to encourage behavioural change, such as recycling, the use of seat belts, decreased smoking, and to curb drunk driving—all for the public good. These campaigns have required a long-term, multi-faceted, sustained approach in order to influence behaviour and make these desired outcomes part of the popular social norm. Remember ParticipACTION to boost greater physical activity? I believe the core non-profit sector needs a similar social program to encourage Canadians to be more giving. We need to build a movement to encourage stronger giving values. The payoff is enormous, and all without having to change current charity tax incentives.

Some people with experience in the N-P sector may be familiar with past efforts to encourage giving, and may be skeptical about the effectiveness of such a social movement. The key to success is in the structure of the solution. Instead of one big lofty program, I believe the most effective approach is to break it down into many smaller initiatives, each with clear, realistic, and measurable goals. With a well-coordinated effort across a dozen or more harmonized initiatives, we can achieve a collective impact from the sum of the efforts. Such a non-profit

initiative could include a wide range of initiatives such as: a financial and legal professionals initiative; social media networking; behavioural economic initiatives with T1 tax reviews; a citizens handbook; a university/college program; training for charitable organizations for 'best practices'; youth and seniors engagement programs; employers' programs; public engagement events; community and volunteer recognition awards; and celebrating achievements of individual charities in local communities. The recent success of the "Giving Tuesday" and "The Great Canadian Giving Challenge" initiatives proves that with the right approach, real behavioural change can be achieved, measured, and built upon.

Now is the time for a new policy. A decade from now, none of us will want to look back to answer why we did not try to stop the decline in charitable giving—especially when the solution is *not* having to introduce a more costly tax policy. **P**

John Hallward, a senior executive at IPSOS, is founder and chair of The GIV3 Foundation, a charity dedicated to encouraging more Canadians to be more giving. john.hallward@giv3.ca

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Ottawa ⟷ Québec	Jusqu'à 7	482 km	5 h 23 min	4 h 39 min	488 $	44 $	444 $
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