

Against All Odds:

Winning Electoral Reform in Ontario

Dennis Pilon

On October 10, 2007 Ontarians will go to polls in a provincial election. But this time, in addition to casting a ballot for a politician, voters will also be asked to make a choice about the kind democratic institutions they think the province should use. On a separate referendum ballot voters will be asked whether they prefer to keep Ontario's traditional 'first-past-the-post' or plurality voting system or would like to switch to the Mixed-Member Proportional (MMP) model as recommended by the Ontario Citizens' Assembly. Depending on the commentator, a victory for MMP would mean electoral disaster or democratic renewal for the province. Yet few Ontarians seem to know what the referendum is about or why the public is being asked to vote on this issue. So far, the politicians have shied away from the debate while the media have remained largely indifferent, occasionally drawing attention to some minor implication of the proposed alternative MMP system. Even the more independent media has offered little commentary, no doubt because they are generally suspicious of elections as largely empty charades. If this continues, the whole referendum may end up falling beneath the public radar.

Electoral Reform in Historical Perspective

The upcoming referendum on the voting system may be the most important breakthrough for a more substantive democracy in Ontario's history. To understand why, progressives have to reorient how they understand the relationship between electoral activity, institutional rules, and capitalist democracy. There is a tendency on the left to treat the institutions of the state as mere instruments of class rule, as if they were unproblematically designed and implemented to allow those with power in civil society to exercise it over the state as well. But this ignores the actual historical development of these institutions. Comparing state institutions across western countries, it is interesting how different each configuration is, reflecting the different patterns of social and political struggle within each country. Decisions over voting systems were also a part of these struggles. In fact, in most European countries around World War I, the voting system became the key front in the struggle between right and left to either limit or expand the potential of the emerging minimally democratic governments. Though contemporary Ontario is far different than World War I era Europe, the voting system referendum is nonetheless an opportunity to push the boundaries of the province's limited democracy, if progressives take up the challenge.

Needless to say, the governing Liberals do not see the referendum as such an opportunity. How the referendum became government policy is a complicated story but an instructive one on

the state of contemporary politics. Historically, governments have maintained tight control over institutional arrangements like the voting system. Because the voting system is the link between organized political activity in parties and the exercise of state power through control of the legislature, the tendency was typically to make the rules as exclusive as possible, thus allowing only the most popular forces to gain election. This would assure that only those financed by capital would control the state. But with the rise of popular left wing parties, ones with a credible shot at gaining such exclusive state power electorally, voting system reform became a popular method of limiting their influence.

In Canada, voting system reform emerged continuously from WWI to the 1950s, whenever the electoral left appeared on the rise. For instance, BC adopted a new voting system in 1951 expressly to prevent the left CCF from gaining provincial office. More recently, voting system reform re-emerged internationally as part of struggles to either resist or entrench the neoliberal reorganization of national economies in New Zealand, Italy and Japan. Neoliberalism is also a factor in recent Canadian reform efforts, though more indirectly. Canadian governments have had less trouble restructuring the economy but the effects have led to great public dissatisfaction with the political system, and that has fuelled some of the interest in democratic reforms.

Electoral Reform Across the Country

By 2005 five of Canada's ten provinces were considering some kind of voting system reform. In Quebec and BC, interest was partly fueled by a number of seemingly perverse elections results, ones where the second most popular party ended up gaining power, combined with a major party fearing that the rules of the electoral game might be stacked against them. In both provinces, analysts claimed that the pattern of Liberal party support meant that the party had to gain a much higher percentage of the vote than its main opposing party in order to win the election. Thus both Liberal parties were prepared to consider looking at the voting system. In the Maritimes a number of contests had returned only a marginal complement of opposition members, far fewer than their electoral support might suggest should be elected. The resulting embarrassment moved governments in PEI and New Brunswick to entrust commissions with examining the problem.

From Liberal Commitment to Liberal Reluctance

The situation in Ontario resembled both patterns in some ways. The Ontario Liberals, despite consistently being the second



most popular party in the province, had seldom been in government in the postwar period. This reflected the uneven dispersion of the party's support across the province as well as a vote-splitting problem with both the NDP and the Conservatives, depending on the region of the province. After the party's disappointing loss to the Harris Conservatives in 1999, the Liberal leader Dalton McGuinty initiated a far-reaching policy renewal process, one plank of which involved democratic reforms.

When the Ontario Liberals won a majority of the legislative seats in the 2003 provincial election there was little blocking them from acting on their policy promises. Various aspects of their democratic reform package, like fixed election dates, were quickly introduced. But other aspects, like their promise to examine the voting system, kept missing the order paper. Midway through the government's term in office they were still dragging their feet on the issue, while cabinet ministers and backbenchers grumbled that the whole thing was an albatross around their necks.

Finally, in 2006, the government established a citizen body to examine the question and make recommendations. The Ontario Citizens' Assembly (OCA) was modeled after a similar process in BC and they came to similar conclusions – the existing plurality voting system was antiquated and undemocratic. In the spring of 2007 they recommended that Ontarians adopt a mixed-member proportional (MMP) voting system, one that would retain the traditional single member ridings but would add an additional pool of seats that could be used to bring the overall legislative results into line with the popular vote for each party. Unlike plurality, where 40% of the popular vote for a party might result in 60% of the seats or 30% of the seats, depending on the state of party competition, under MMP parties would get seats roughly equal to their voting support. Thus 40% of the votes would pretty much always result in 40% of the seats – no more, no less.

While the Liberals may be credited with (finally) honouring their pledge to allow a citizen-driven examination of the voting system, they have broken another election promise – to remain neutral about which voting system choice should triumph. In numerous ways they have tried to rig the process so as to favour keeping the plurality voting system. First, they waited far too long to establish the OCA, thus limiting the amount of time to educate



the public about the issue. By the time the OCA reported their decision there was less than six months before the referendum had to be held, with most of that coinciding with the summer decline in active media coverage. Second, they lumbered the referendum with a super-majority rule to pass. Thus voters wanting change need 60% of the total votes and a majority in 60% of the ridings to displace the current plurality system. This inflates the voting power of one side in the contest and dilutes the voting power of the other, hardly a neutral decision rule. Third, they have manipulated the referendum question, shifting from a simple yes or no for the proposed new MMP system to an alleged choice between the current plurality system and the MMP alternative. Yet, as pointed out above, this choice is hardly fair when the votes for one side are plumped and the other side are diminished.

The Pressing Need for Change

Clearly, the Ontario Liberals have decided that their losing streak is over. Not surprisingly, they want to retain to retain our traditional plurality voting system, one that typically awards a legislative majority to the party with the largest minority of the vote. The point is to reduce the scope of democratic pressure to just the election day and force all the public wants into a single 'all or nothing' X vote. While the wealthy are free to use their resources to lobby on a myriad of issues all the time, the public are largely limited to being heard on election day, and even then can only 'choose' on the basis of, at best, just a few policy positions.

But it is no longer just voting system reformers who are unhappy with the present state of electoral competition. Many voters are frustrated with an electoral process where so many votes do not count toward the election of anyone, where there is constant pressure to vote 'strategically' (i.e. not for their first choice but for one of the top two contenders in their local area) and where governments continually promise one thing at election time but do another in office. There are also factions within all the major parties that are unhappy with the current state of things. It is often forgotten that parties are actually coalitions, ones where not all members have equal influence. Some of the push for a focus on electoral reform →

in the various parties has come from those elements that feel marginalized within their own groups, like the social conservatives on the right or the socialist caucus in the NDP.

Now that the OCA has declared against plurality and for MMP, there is some pressure for the provincial parties to clarify their positions in the coming referendum. At present, only the NDP has come out solidly in favour of the new MMP voting system. There are a few high profile Liberal supporters of MMP like Toronto-area MPPs George Smitherman and Michael Bryant but most of the government caucus is opposed or not talking. No provincial Conservatives have indicated their support but many have spoken out against any change.

Yet, as the referendum approaches, the parties have largely remained fairly quiet on the issue. The public debate, such as it is, has been mostly in hands of media and various MMP advocates. And this explains why the public knows very little about the issue: the media are not in the business of educating the public on complex matters of public policy and the MMP groups do not have the financial resources to launch the kind of media campaign to get through to voters. The challenges in such an initiative are considerable. For instance, in BC, where the voting system issue was in the public realm much longer and with more positive coverage, polling before the 2005 discovered that few knew about the referendum or understood the proposed alternative voting system. Still, in the end, nearly 60% of BC voters supported the change, largely because it had been recommended by their fellow 'citizens'. Not surprisingly, media opponents of voting system change in Ontario learned from this experience and have expended a great deal of effort trying to discredit the legitimacy of the OCA as a proxy for the public.

To the extent that media have taken up the issue, the coverage has been slanted in favour of the status quo. A number of reporters and columnists have trotted out alarmist accounts of the instability that would result from switching from our present unrepresentative plurality system, with speculative and largely uninformed predictions of party fragmentation, the rise of single issue and extremist parties and weak and indecisive government. The fact that most western countries already use some form of proportional representation – with fairly stable results – seems lost on these commentators. Or media analysts and politicians wax romantic about how great our system of constituency representation is and how the alternative MMP system would diminish this or strengthen than hand of oligarchic parties. Never mind that few voters make their voting decision on the basis of local issues or the local member (study after study demonstrates that people vote on the basis of party, not the individual candidate or locale) and that parties are a force in all political systems, including our present one.

What might be gained from change is seldom highlighted – like accurate election results, a more competitive political environment that responds more quickly to public concerns and governments that must gain a real majority of support to push through their agendas. Those opposed to change have so far effectively managed the agenda of the public debate, focusing the public dis-

course on aspects of the new system that could be considered controversial (like the party control in nominating candidates for the extra pool of MPPs). In this they may have been helped by the pro-MMP forces, who decided to build their campaign around the idea that the proposed new voting system represents just a modernization of Ontario's electoral system rather than a break with a history of undemocratic practices. The inference of the strategy is that the change is not all that major – it's just bringing Ontario up to world standards for democratic procedures. Pro-MMP supporters, worried that Ontario voters might be less populist and anti-system than BC voters, think that an evolutionary message will get them past 60% support. But they appear to have forgotten a truism of politics: that governments are typically defeated rather than being elected. In other words, the failure of what people already know is often more persuasive than the promise of what they don't know.

A campaign focused around the failures of the present plurality system would have accomplished a number of things. First, focusing on the system people already have some experience with would be more concrete than attempting to sell the details of a new system that people have never experienced. Second, focusing on the existing system would have highlighted aspects of its performance that most of the public is unaware of. For instance, nearly 50% of Canadians believe that legislative majority governments also enjoy a majority of the popular vote – even though almost none ever do. The last government in Ontario that had the support of over 50% of the voting public was elected in 1937. Nonetheless, most governments since then have controlled a majority of the seats in the legislature. Finally, focusing on the flaws in our current system would have focused the agenda around the issues that will be crucial in gaining 60% of the vote on election day – issues like the distorted results of our present system, the artificial barriers to political competition it raises and the role that phony majority governments play in limiting electoral accountability to voters. By their strategic choices, the reformers have taken a tough situation and arguably made it tougher.

While the odds may be against victory for MMP on October 10, success is not impossible. There is always an unpredictable aspect of politics and given that there will be a specific referendum question on the voting system, the issue may break out into the public consciousness. But for that to happen, people have to start talking about it. Progressives need to take the initiative on this by getting their networks to focus activist attention on this question of voting system reform. Though a shift to a more proportional voting system will not bring about any revolution, it will dramatically alter the space in which we fight for a more substantive form of democracy. And as Marx noted long ago, there is a radical kernel embedded within any notion of democracy – even capitalist democracy – that remains a constant threat to those with power. **R**

Dennis Pilon's new book, *The Politics of Voting: Reforming Canada's Electoral System*, is out now from Emond Montgomery.

The Ontario Referendum on Electoral Reform:

A New Possibility for the Left?

Besmira Alikaj

In the upcoming provincial election Ontario voters will be presented with an unprecedented choice. Voters will be asked to choose in a referendum held on October 10th (election day) between the existing First-Past-the-Post (FPTP) electoral system and the proposed Mixed-Member-Proportional (MMP) representation system. A change in the electoral system could have important effects on the political landscape of the province. A significant educational effort is required if this referendum is to successfully result in a new voting system. While it would be naïve to argue that such a reform would magically solve the democratic deficit long identified by the left, it is still important to acknowledge and actively support the Vote for MMP side in the referendum.

The Flawed FPTP System

Our current electoral system, rooted in 18th century Britain, is infamous for denying general voter preferences through disproportionate and biased allocation of seats to political parties. Under FPTP, each riding elects one representative member of parliament based on who wins the most votes. Given that few candidates ever receive a majority of votes cast in their riding, the current system disproportionately benefits major parties and distorts the political landscape by manufacturing a two-and-a-half party system that prevents smaller parties from gaining their fair share of seats in parliament. For example, in the 2003 Ontario provincial elections the Liberals won a majority government with 69.9 percent of seats in the legislature while receiving only 45.5 percent of the popular vote, while the NDP, which received 14.7 percent of the popular vote, only received 6.8 percent of the seats.

FPTP has been long criticized for producing phony majority governments and thwarting the wishes of the electorate. With

voter turn out declining and a rising dissatisfaction with the political process, the McGuinty government entrusted a group of citizens (“The Ontario Citizens’ Assembly on Electoral Reform”) to develop a recommendation for an alternative system that would then be voted upon in a province-wide referendum as part of an initiative for democratic renewal. The recommended MMP system would keep some elements of the existing system while adding an element of proportionality. Under the new system, 70 percent of seats would be allocated under the existing FPTP system and the remaining 30 percent would be allocated based on proportional representation.



sample mmp ballot

What does MMP have to offer?

MMP is often credited with producing parliaments that better reflect the party-choice of citizens, encouraging better collaboration between parties, enabling greater participation of women and other ethnic and minority groups, as well as stimulating better voter participation.

In New Zealand, where a stronger version of MMP than that proposed for Ontario was adopted eleven years ago, observers have identified a general reduction of voter cynicism, a significant increase in mi-

nority representation and participation of women, an increased opportunity for smaller parties to get their fair share of seats in parliament and an overall decrease in disproportionality. These outcomes are also supported by comparative data for other countries that use some form of proportional representation (PR) system. Countries with PR systems tend to fare better on social and environmental policies. Of course, policy outcomes are the result of many more factors than just the type of electoral system in each country, but some benefit for poor and marginalized Ontarians is possible if a left party along the lines of Québec solidaire entered the parliament and used its leverage to improve Ontario’s labour laws.

The proposed MMP offers an opportunity for the left to have an impact on democratic reform. These opportunities arise from the simple process of informing people about the workings of electoral system, by politicizing it and making people think about the ways in which their day-to-day dissatisfactions are in part linked to the kind of electoral system that is in place. Most important, some of the more disastrous undemocratic outcomes of the existing system such as the Mike Harris Conservatives 1995 receipt of 66% of the seats with only 45% of the popular vote would be less likely to occur. Certainly electoral politics should not be the exclusive focus of progressive forces, but it is too critical a centre of power in our society to ignore.

Grassroots Mobilization Still Important

Electoral politics and a reform of the voting system can never replace the importance of grassroots mass mobilization and struggle. Allies in the political sphere can work in conjunction with grassroots movements in the struggle for power and economic and social transformation. And as recent events in Latin America illustrate, victories at the ballot box can be an important step to developing an alternative politics. Thus it is important to critically approach formal institutions while not losing sight of their value.

After all, it is often through electoral outcomes that the neoliberal agenda has been pursued. While the turn to →

neoliberalism involved a broad public campaign on the part of corporate forces to shift and transform the public consciousness and opinion, it is through political power that the ruling class was able to institute much of the neoliberal agenda and ensure its continuity. The left needs to struggle also at the electoral level against these forces if the neoliberal agenda of closing down democratic space and control is to be pushed back. MMP could play a role in this if the left is able to effectively organize education campaigns that can help people make the link between their daily experiences and dissatisfactions with specific government policies, corporate behaviour, and more importantly the capitalist system itself.

These campaigns require a reopening of public debate by reclaiming public structures and exposing the ways in which neoliberal ideology has entered our institutions and the public consciousness and then linking this to a broader analysis of the system. If Ontario voters express a preference for MMP (as difficult as this will be given that at least 60% of the ballots will be needed) the socialist-left will be presented with an opportunity for building a political party that could help broaden public debate.

Critics: MMP Not the Be-All-and-End-All

Critics on the left and the right have pointed to the fact that the proposed MMP system for Ontario is still only a minor patch to the present system that rewards parties with financial resources and powerful allies. While the MMP certainly does add a needed aspect of proportionality to the current system, it will not by itself bring about a more participatory democracy. The definition of democracy that informs the system is still a very narrow one that reduces citizenship to an act of voting and does little to address the many ways in which most people are excluded from having a real say in how policies are developed and broader decisions that affect us all are determined.

Also, a move towards a MMP system does not necessarily imply a positive outcome for left politics. The outcome of an

electoral reform could as easily result in a move towards the right for Ontario politics if parties like the Family Coalition Party are better able to take advantage of the new system and influence public opinion. The current electoral reform proposal is quite distinct in that it has brought into rare agreement many from the left and the right. The system stands to benefit both sides of the spectrum and it makes the more urgent the need for the left to become more active through effective organizing and educational campaigns.

This would require a re-engagement with politics and political parties. Clearly the NDP has a poor policy record in Ontario, as it was Bob Rae's NDP government that initiated many of the cuts to social services in Ontario in the 1990s. However, a more proportionate electoral system may change the dynamic where the NDP would need to track left to avoid losing votes to new or existing left political parties.

Spread the Word: Vote Yes to MMP on October 10th

For the time being, the focus will have to be on educating the public on the choice it will face with this referendum. With polls showing that Ontarians lack an understanding of the current system and its effects, the educational campaign needed to con-

vince voters of the benefits of a new system is significant. While Elections Ontario has been given the responsibility to run the official public educational campaign for the referendum, its financial contribution falls short of what is required to inform the more than fifty-percent of Ontarians who still know nothing about the referendum. In July 2007 the Chief Electoral Officer of Ontario released estimates for the public referendum education campaign at a total of \$6,825,000. This amount fell quite short of the minimum \$13 million being called for by Fair Vote Canada, which based its estimate on the successful New Zealand campaign.

Thus, progressive groups will need to organize educational campaigns about MMP at the community level. We will need to work towards encouraging debate about the ways in which our electoral choices affect our daily lives, while not losing track of broader spheres of democratic action in our workplaces, schools, and communities. In the end, a MMP electoral system may open more space and opportunities for the left to effectively influence political power, which is an important aspect of any struggle for social justice. **R**

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Loading the Dice on the Referendum

Elizabeth Rowley

On July 10th you won't be able to read the views of any political party, candidate or incumbent on the subject of the October 10th referendum on Mixed Member Proportional Representation – an electoral reform proposed by the Citizens Assembly on Electoral Reform.

You won't see anything in candidates' or parties' election material either. There will be nothing on their websites and nothing in their campaign advertising.

That's because the McGuinty government has issued Regulation 211 (an implementation directive from the government to Bill 155 on the Referendum) making it illegal for political parties and their candidates to "campaign to promote a particular result in the referendum"

Regulation 211 defines all written commentary on the Referendum as third party advertising. Parties are banned from putting their positions forward, and candidates who want to express an opinion in their election material, campaign ads, or website, must register as Registered Referendum Campaign Organizers under the law. They will be required to act as third parties as well as candidates, will be required to raise and spend funds as third parties; will be required to file financial reports with Elections Ontario as third parties. This is in addition to the Elections Act requirements for candidates and parties to file audited financial returns for the election period with Elections Ontario.

Clearly the intent of Regulation 211 is to ban political parties, and gag candidates, from participating in the very significant and important public debate on MMP leading up to October 10th. This is an extraordinary and possibly unconstitutional limit on free speech and public debate. In fact, broad and probing public debate is exactly what is needed in considering the proposed change to our electoral system. The public has a right to know where the parties and candidates stand before they vote; and the parties and candidates have a responsibility to state where they stand.

In view of the fact that the government and the official opposition voted together last spring to require a super majority of 60% for the referendum to pass, the public has a particular interest in knowing where these two parties stand.

Subsequently, the government has worded the referendum question in a confusing way so that the only possible answer is "yes" as in "Yes I support this" or "Yes I support that." That's why opponents of MMP argue that there isn't a No campaign. Literally true perhaps, but cynical, political double-speak nonetheless.

In fact, concerns about a well-financed media campaign against MMP in the weeks leading up to October 10th are well founded. There are no spending limits for third parties campaigning in the referendum, and no real time disclosure of financial contributions to those campaigns. Corporations and individuals opposed to electoral reform are likely to have very deep pockets, and there is nothing to prevent them from using the limitless contribution rule to purchase big media ads in the last weeks of the campaign. But the public won't know who financed the big ad campaigns until six months after the vote is over.

Meanwhile, voting in the referendum is about to get very difficult for 650,000 students, many of whom will be first-time voters or on campuses October 10th. Those living away from home will find it hard to get on the voters' list, and to get

their referendum (and election) ballots, despite the hype about getting out the youth vote. New requirements for voter identification put the onus on voters to prove their eligibility to vote, while old requirements refusing students living on campus the right to vote on campus, leave students the option of going home to vote in advance polls or giving their proxy to someone else. Expect long line-ups at polls, as young and not-so-young voters try to get their ballots.

So what is this really about? Why so many obstacles? The answer is that the Liberals (who claim to be neutral) and the Tories (who claim not to have a position) do not want to be seen as opposing a popular electoral reform that, if passed, could sharply reduce the number of Legislative seats each will have in future.

The heart of the matter is that MMP will distribute Legislative seats on the more democratic basis of the popular vote that each party receives. This will end the century-long practice of majority governments elected by a minority of voters. It will open the door to coalition government and a more productive Legislature. And, despite the 3% threshold, it means many more votes will be counted, opening the door to small parties with big ideas, such as the Green Party and the Communist Party, neither of which is currently represented.

Polls show that the public supports electoral reform in Ontario (and nationally). Leading into the election, Ontario's Liberal government and Tory opposition want to appear to support democratic reform. But their actions don't support their words.

Facilitating democracy would mean rescinding Regulation 211 which gags candidates and parties, rescinding the super-majority required for the referendum to pass, capping third party spending and requiring real time disclosure so that contributors financing the referendum campaigns would be publicly known before the vote, requiring spending on lawn signs to be included in candidate and party election spending limits, introducing new rules to allow young people to vote where they live on election day, and replacing new voting ID requirements with regular enumeration and voting cards.

Post-script

Elections Ontario has just effectively raised spending limits for candidates in the October 10th election, without even a whisper in the Legislature or the media. Worth ten to twenty thousand dollars to Liberal and Tory candidates, election lawn signs purchased and planted on or before September 9th will be excluded as an election expense because the Writ period begins September 10. In a 29-day election campaign, money counts. Democracy, not so much. **R**

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