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Considering Electoral Reform: Taking into Account Political Parties and Governance Issues

*A Submission to the Citizens' Assembly
on Electoral Reform by Ian McKinnon*



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Overview

When the Citizens' Assembly looks at electoral reform, there is a tendency to examine the issue solely in terms of important, abstract ideals like fairness, representation and transparency. I believe that all of those issues are important; however, I would ask the members of the Assembly also to consider their recommendations in light of the ways in which the behaviour of parties will be affected by electoral change, and the impact of electoral reform on government.

Many areas of dissatisfaction with our current politics are related to the way our parties function. To understand how electoral system change will actually change Canadian politics, it is important to analyze how parties act and to consider what incentives are created by various alternate electoral systems.

There are two areas that I think are particularly important in this context:

1. The relative independence and power of individual candidates and local party associations versus the power and authority of the central party organization and its officials.
2. The degree to which the formation of a government, choosing cabinet ministers and policy “deal making” is seen, by the public, to flow directly from the electoral results versus situations where those processes are seen to be the product of “back-room deals” negotiated between parties.

In essence, I argue that it is important to look beyond the theory of electoral systems to a consideration of how parties work within different electoral rules. Given the current frustration with the political process, especially with the ways in which parties work, it seems vital to consider how different electoral systems influence party and legislative behaviour. In addition, the Assembly may wish to make recommendations about ways to improve aspects of our current system or ensure that they address specific aspects of alternative systems that may prove problematic when combined with our current form of parliamentary government.

My observations will be based on my direct experience within political campaigns in Canada and abroad, and from my experience in central agencies or senior government positions under Liberal, Progressive Conservative, Social Credit and New Democratic Party administrations.

I will begin by looking at the tension between local constituency control of nominations and electoral campaigns, and central or regional control of those facets of campaigns.

Local versus Central Control

The FPTP electoral system has its roots before contemporary political parties existed (although, from the earliest Parliaments, there were groupings of MPs who formed loose

coalitions within the Parliament). Although we tend now to think of parties and elections as inseparable, this was not always the case. As an example in Canada, party affiliation was only added to the ballot in the last two generations. Further, most civic elections are not run on party lines. The FPTP system is rooted in a view that individuals are elected from constituencies; parties as the principal focus of elections came later.

In contrast to those electoral systems with roots in electing individuals from specific constituencies, PR systems, or the PR element in mixed systems, depend on the existence of parties and see parties as fundamental to politics. While parties choose candidates who will run for them, the expectation is that voters will vote for parties and it is the party results that are most important.

This difference in orientation leads to major differences in how parties work and where the power lies within parties. For PR systems, particularly closed-list systems, the power to determine who will and who will not be elected from a party lies more with the party apparatus and insiders than with constituencies or voters.

In the case of the Israeli system, one of the purest examples of list PR, to be placed 15th or higher on the Labour list, for example, effectively guarantees election. Being 25th or lower on the list makes election impossible. In this situation, the ranking of candidates on the list becomes the focus of intense back-room lobbying and bargaining. While the electorate will determine how many Labour members will be elected, which Labour members are elected depends upon where each stands on the Labour list.

The effect of this electoral system is to give the unelected party officials significant power over elected parliamentarians. In turn, this has created large incentives for Members of the Knesset (Parliament) to become involved in the factional politics within their parties. To complete the cycle, one of the things that most frustrates Israeli voters is the seemingly endless back-room fighting and deal-making they see within their parties¹.

Within the FPTP system as we know it in Canada, there is significant local independence in determining who will be the local candidate. This independence can be over-ridden by parties when their party constitution allows candidates to be appointed or gives incumbents permission to run again without having to go through a nomination process. To see the competing values at work, it is interesting to look at how the recent federal Liberal direct appointment of a number of candidates was received. Some pundits congratulated the Liberals on their strong team of candidates; others criticized the party because the central party apparatus had over-ridden the local, democratic nomination process.

Some of the other, recent criticism of parties has arisen from the relative autonomy and openness of constituency nomination processes. Some critics view with alarm the “packing” of nomination by groups who have little knowledge or sustained interest in the

¹ Ironically, the power of the central party apparatus is held somewhat in check in Israel by the purity of its PR List system. Because all 120 Members of the Knesset are elected in a single, nation-wide election, it takes less than 1% of the total vote to win a seat in the Knesset. In this circumstance, if a particular faction within a party—or even if a single high-profile politician in that party—is sufficiently frustrated with the party and its direction, they can leave, form a new party and frequently do get elected. Thus the very low election threshold has acted to limit somewhat the power of party apparatuses, as well as its obvious tendency to encourage many parties within the Knesset.

party or politics. These groups may be based on non-political associations as varied as recreational, religious or ethnic identity. In one memorable case, residents in a homeless shelter, The Old Brewery Mission, were bussed in to vote in a leadership campaign.

While there are criticisms of some nomination processes, the local focus of the FPTP system allows Members of Parliament to retain a measure of independence within their party. It is extremely rare for a sitting MP to face opposition from central party forces at the riding nomination. In contrast, sitting MPs have been upset by active local campaigns.

There is a particularly telling example of the importance of constituency-based politics in Surrey-North in the current election. The sitting member, Chuck Cadman lost the Conservative nomination and subsequently decided to run as an independent. At present, polling data put him in the lead to win as an independent candidate. This sequence of events with a local nomination meeting rejecting a sitting MP and then the electorate at large potentially restoring the ex-MP, this time as an independent, displays the importance of local decisions in our current system.

In summary then, the FPTP system as currently practiced in Canada has the following characteristics related to centralized versus local decision-making:

- Looser central party control over the choice of candidates.
- Potential for the election of MPs not associated with specific parties.
- Local nomination processes open to what some view as abuse of the process.

In contrast, list-based PR systems tend to give more power to the central party apparatus (elected and non-elected). While mavericks may be tolerated within a party if their overall appeal to the public outweighs the problems they may cause internally within the party, they do not usually have a source of power akin to a strong local member's control over his or her riding membership recruitment and hence control of the nomination process.

Is this a definitive argument that the locally-based nomination process we know with FPTP is definitely better than PR alternatives? No. It is, instead, an appeal to think through the impact of various systems on the relative responsiveness to local interests and priorities as opposed to central party preferences.

As a beginning, let us turn to some of the various electoral systems and comment how they affect local responsiveness and representation.

FPTP: As discussed, this is based on local nomination and elections. Central party organizations occasionally intervene but there is often a cost to doing so. The disadvantages of this local autonomy are associated with either concerns about the ability of special interests to dominate the nomination process, or the difficulty in recruiting and nominating a strong national candidate, or at least one not supported by the local organization.

PR-List: This is at the opposite end of the spectrum. The party apparatus assumes a vital role in determining who will get elected within a party. This, in turn, results in a very different balance of power between the party and either the individual MP or the local organization—power is centralized and moved to the “back rooms.” On the other hand,

candidates may better reflect national needs (e.g., potential cabinet ministers with specific areas of expertise), or such goals as better gender or ethnic representation.

MMP: This system can mix the traditional Canadian system of relative local autonomy with some of the aspects of list PR. It can also lead to power being exercised by a highly centralized party organization. The difference between these outcomes depends largely upon the rules for winning nominations at either the local constituency level or on the national list. There is a lot of discussion about the difference between the two sources of elected members, but I believe that the differences in perceptions have more to do with history than anything else. In Germany, there appears to be a bias towards the list MPs who are seen as more able to address national issues as they are not bogged down in local issues. Conversely, in New Zealand and some of the new UK assemblies, there seems to be a fear that list members are less likely to be viewed as “real” MPs.

STV: Again, a critical question for this system is how the process of nomination actually works. In theory, it seems that the nomination process could be either local or centralized. Some observers (e.g., Callaghan) have noted that this system creates very large incentives to be locally responsive, even to the detriment of the national interest, as potential members have to beat both opponents from other parties and other candidates from their own party. This leads to intense focus on local interests to outdo same-party members who are, of course, not differentiated by party.

Forming a Government and the Role of Parties

There is little question that increased proportionality is likely to increase the number of parties represented in a legislature. Further, it is likely to produce far more minority governments.

The consequence of repeated minority governments is important in the Assembly’s consideration because the Westminster system does not cope very well with minority governments, and the electorate can become quite frustrated with frequent elections. In the Westminster system of government, the defeat of a government on a major piece of legislation almost always causes an election². The obvious response to this issue is to consider alternative forms of government at the same time that electoral system reform is being considered. If the Assembly were to recommend an electoral system that produced more proportional results, I for example, would recommend moving to a more typically European “weak Presidential” system of government. It can usually deal with changes of government (i.e., Prime Minister and Cabinet), often without having to call a new election. This allows a wider range of parties to become directly involved in governing over the life of a Parliament. It also means that changes of government can occur without the expense and intrusion of frequent elections.

² There is a single exception in Canada when the Governor General allowed Mackenzie King to form a government although the Liberals did not have the most seats on the condition that, if King could not sustain a government, the Governor General could call on the Conservative leader, Meighen. When the King government was defeated in the House, the Governor General called on Meighen, over Mackenzie King’s objection (he wanted an election). This precipitated a constitutional crisis and, following the defeat of the Conservatives in the House, King campaigned and won an election on the issue of whether the Governor General should have, as King wanted, called an election.

The dilemma for the Assembly lies in their mandate which excludes considering changes in the form of government. I believe that the Assembly might respond to this in two ways:

1. Be willing to make recommendations or observations about the relationship between electoral systems and the form of government.
2. Keep in mind the impact of electoral change given our current form of government. This would mean making a recommendation about the electoral system that would work best given our current form of government.

Let us look now at what parties do after an election as a government is being formed.

In the case of a majority government, the situation is clear and non-controversial: the majority party forms the government.

When no party has a majority, particularly when the former government does not have the largest single block of seats³, the situation is much less clear. There tends to be a period of intense back-room deal-making as the various parties bargain with each other to create a government that can be sustained, at least for a year or more. Sometimes a formal deal is reached (e.g., The Liberals and NDP in Ontario in 1985); other times the largest party tries to govern and make deals on a bill-by-bill basis (e.g., Clark's Progressive Conservative government in 1979). There have even been cases of coalition governments in Canada (e.g., BC during much of WWII and in the post-war years).

In many of these cases, the back-room deal making has tended to lead to criticism as it is at odds with the openness that the public wants in government. Even when the deal-making is relatively public, there can be public dissatisfaction. After the first MMP election in New Zealand, there was two months of inter-party bargaining led by a pivotal third party. This proved extremely unpopular, particularly when the final deal involved a coalition between the minor party and the major party they had most strongly opposed during the campaign.

In conclusion, combining a highly proportional form of electoral system with a Westminster style of parliamentary government is very likely to lead to frequent minority Parliaments. This tends to lead to ongoing and intense back-room deals as parties try to gain advantage from their positions and avoid recurring elections. In this context, pivotal small parties may exercise power that is disproportionate to their level of public support. This, in turn, can create significant frustration among voters.

Recommendations

Although my presentation has focussed more on what the Assembly should keep in mind as it deliberates, I also have specific suggestions about recommendations that the Assembly should make. In all of these recommendations, the common theme is ensuring that practical considerations about the way parties work and the way in which parties

³ Canadian constitutional precedent is pretty clear that, in a minority government situation, the former government has a right to "meet the House" (i.e., take the first try at creating a government that will be supported in the Commons or Legislature) unless a grouping of other parties make it clear that they have reached an agreement to form a coalition.

interact as governments are formed or dissolved are taken into account by the Assembly as it makes its recommendations.

1. The nomination process for candidates lies at the heart of local versus central party control. If the Assembly recommends no change, or a system much like the current one, I believe that it is important to set standards and rules for nominations which:
 - Encourage local independence from central party control,
 - Discourage “packing” nomination meetings, particularly by “instant” party members.

In essence, the nomination process is important to a well-functioning electoral system and it is appropriate for the Assembly to recommend rules that reinforce our basic democratic principles.

2. If the Assembly recommends a move towards a more highly proportional form of electoral system, encourage as much local, democratic input into the selection and ordering of party lists as possible:
 - Have “open” rather than “closed” party lists (i.e., let voters alter the ordering of candidates on party lists).
 - As with the first recommendations, ensure that setting the list selection process is not purely an internal party affair by setting standards and rules appropriate to the form of electoral system.
3. Keep in mind the interaction between the electoral system and our Westminster-style parliamentary government:
 - Make a recommendation about the electoral system that would work best given our current form of government.
 - Despite the limitation imposed by the mandate of the Assembly, be willing to make recommendations or observations about the relationship between electoral systems and the form of government.
4. Finally, I believe that the recommendations of this Assembly will be fundamental to our democracy and government. Any changes will have the potential to make massive changes to our political system. Many of those changes may, however, be unintended and may lead citizens to want to modify the changes. For that reason, if the Citizens’ Assembly decides that the current electoral system should be changed, I would endorse the Professor Bryon Schwartz’s “Proportional Representation (PR) Light” proposal. It has the virtue of moving towards greater representativeness while minimizing the impact of unintended consequences and keeping open the possibility of future change.