

When Citizens Become Involved: Electoral Reform and Direct Democracy

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There are a number of different processes by which proposed electoral reforms might be initiated, debated, and enacted into law. They are sometimes part of a more comprehensive agenda of constitutional reform, in which electoral institutions and processes are one part of a larger debate. In Australia, for example, proposals to hold simultaneous elections for the House and Senate, or to change the length of the Parliamentary term, were put forward on several occasions as part of proposed packages of reforms also involving other issues.¹ Alternatively, reform proposals might originate as simple amendments to the electoral law, debated in a parliament or legislature like any other proposed legislation. In Japan, the 1994 reforms were enacted by the Diet alone through its normal legislative process, following protracted inter-party negotiations.² There are also instances in which a proposed reform originates through such means as a popular initiative. In Italy, for example, the debate on electoral reform in the early 1990s was initiated through an abrogative referendum challenging provisions of the existing electoral law.³ In New Zealand, the reforms finally enacted were a response to extensive public lobbying and pressure, and involved two referendums.⁴ Recently, in the Netherlands and in two Canadian provinces (British Columbia and Ontario), citizens' assemblies were created to deliberate the issue of electoral reform. In some jurisdictions, electoral reform requires the approval of voters in a referendum, either because of constitutional requirements or political necessity. Citizens therefore can become involved in the process at different times and through one or more of several mechanisms.

Or, as in the Japanese case, they may not be involved at all.

Often, discussions of the means and desirability of citizen involvement enters an electoral reform debate at some point, whether or not a direct vote actually takes place. The decision to put a proposal to a referendum may be a strategic one designed to garner greater public support for a proposal, or it may be thought of as an impediment having the effect of concentrating opposition to a proposed reform. When a vote does occur, electoral realities often present additional barriers beyond those identified at earlier stages in the process.⁵ These new barriers are created when an electoral reform proposal moves from the level of a debate conducted primarily among elites to one that demands the support of a majority or more of voters. Experience with such votes in a number of countries demonstrates that it is not an easy matter to persuade the public to embrace reform proposals. Like referendums on constitutional issues or international treaties, referendums on electoral reform require voters to become familiar with concepts and ideas that are not immediately familiar to them, often within the condensed time frame of a short campaign and in a milieu that is not conducive to deliberation.⁶ Because elites are themselves often divided on such issues, short cuts in the form of partisan or ideological cues are frequently unavailable to voters in a referendum, or are weaker than they might be in ordinary elections.⁷

Electoral reform may involve proposals for a major change in the electoral system – for example from single member plurality to proportional representation or mixed systems as in New Zealand, or more limited changes such as lowering the voting age, changing the interval between elections, or permitting preference votes in list systems. Denmark conducted several referendums on the issue of lowering the voting age, approving the now nearly uniform age of 18 in a 1978 vote. Ireland similarly voted in 1972 to lower the voting age to

18, and authorized the extension of the voting franchise to citizens of the UK living in the Republic in a 1984 referendum. Italy's several referendums on electoral reform, on the other hand, have dealt with more fundamental questions of representation and electoral institutions (e.g. the connection of party lists and multiple candidacies (2009), the number of seats elected under PR (2000, 1999), or the system used in Senate elections (1993). In the first (1992) New Zealand referendum, citizens were first asked to vote either for or against changing the electoral system, and simultaneously to express a preference for one of four alternative models.⁸

Referendums on electoral reform involve real campaigns, in which each side seeks to win the contest rather than merely to facilitate deliberation and debate. Under such conditions, the NO side frequently possesses a considerable advantage, since campaigners against a proposal do not necessarily have to make a coherent case against it. Negative campaign tactics are often effective, particularly in the media. YES campaigners on the other hand need to "educate" as well as persuade an often skeptical and poorly informed public to support change. The quality and availability of information can be critical in overcoming this type of information barrier. In this paper, I examine the role of direct democracy in the electoral reform process, considering particularly the Canadian province of Ontario, in which an electoral reform proposal was first developed by a citizens' assembly, and subsequently put to a referendum in 2007. In the sequence of events that occurred in this instance, it is possible to assess both the strengths and weaknesses of citizen involvement in the electoral reform process, and the extent to which such involvement may act to overcome barriers to reform or raise new ones.

Electoral reform in Canada

The case for electoral reform in Canada is compelling, in part because the first-past-the-post electoral system inherited from Britain was never really appropriate to the Canadian polity. The single member plurality model has made it more difficult to manage Canada's many regional, ethnic and linguistic divisions – an observation that has been made on many occasions over the course of Canadian political history.⁹ Discussions of electoral reform in Canada go back at least to the 1930s, but they became more intense following the changes in the party system brought about by the 1993 federal election, which ushered in a decade of effective one party dominance and produced a much more strongly regionalized configuration of parties. These changes in Canada's politics also coincided with a period of declining turnout in federal elections. It became commonplace to connect these two phenomena, as there was little incentive to cast a vote in a constituency based system in which an ever increasing proportion of seats were considered "safe." In such an environment, electoral reform began to be thought of not merely as part of an overdue modernization of Canada's creaky political institutions but as a matter of some urgency in combatting what came to be known as the "democratic deficit". Nevertheless, despite extensive debate and intense lobbying by various organizations and groups, electoral reform at the federal level in Canada never came close to implementation.¹⁰

While the federal electoral reform movement stalled after the 2006 election, there were a number of important initiatives undertaken at the provincial level during the same period. The rationale for electoral reform at the provincial level in Canada is rather different than that found in the federal debates, as the sort of extreme regionalization that has bedevilled Canadian federal politics does not, for the most part, exist in the politics of most

provinces. There has however been increasing dissatisfaction with first-past-the-post for a number of other reasons. In several of the smaller provinces, the relative homogeneity of electorates and the small size of the legislatures have not infrequently produced wildly distorted seat distributions.¹¹ Alberta, with its long history of one party dominant politics, has also tended to produce similarly one-sided electoral outcomes. The issues in other provinces are somewhat different. Both British Columbia and Quebec have experienced "wrong winner" elections, in which the party that secured the largest number of votes won fewer seats and therefore failed to form the government. In Quebec particularly, the political implications have been quite important, as this distortion of electoral outcomes has tended to benefit the separatist Parti québécois,

No fewer than five of Canada's ten provinces have undertaken serious initiatives on electoral reform over the past decade.¹² Three of these – British Columbia, Prince Edward Island, and Ontario – developed proposals that were put to a referendum. The Prince Edward Island and Ontario proposals – both of which advocated MMP – were soundly defeated by the voters.¹³ The British Columbia proposal recommending STV, which had been developed by a citizens' assembly, was approved by 57 percent of the voters in a 2005 referendum, but it failed to reach a 60 percent threshold set by the government. That proposal was decisively defeated in a second referendum held in 2009, receiving only 39 percent support, and effectively ending the electoral reform debate in British Columbia. Given the optimism which initially surrounded these various electoral reform initiatives – all of which represented serious and well structured efforts to bring about change – the rapid turn against them in each instance is puzzling. The task of this paper is to develop a better understanding of the forces that produced this rather consistent record of failure, in spite of the compelling arguments in

favour of reform and the careful structuring of processes seemingly designed to produce a favourable outcome. We turn now to Ontario which, along with British Columbia, represents perhaps the most elaborate and most serious of these efforts at bringing about reform.

Understanding the reasons for its failure will provide a valuable window on the political dynamics of the electoral reform process more generally.

Ontario

Electoral reform was first raised as an issue by the provincial Liberal party at the time that it was in opposition. The impetus for this initiative was, at least in part, the experience of the province under two previous governments – NDP (1990-95) and Progressive-Conservative (1995-2003), both of which had obtained parliamentary majorities of seats on relatively modest pluralities of the total vote.¹⁴ A feeling developed in each instance that these governments lacked a sufficient democratic mandate to justify their bold policy actions.¹⁵ Yet, under the first-past-the-post system, any majority government wields nearly absolute powers, no matter how thin its electoral plurality.¹⁶ Elected in 2003 with a majority of seats won with 46 percent of the popular vote, the Liberals' commitment to electoral reform might have been suspect. Indeed, the new government did not move very quickly to initiate a debate on the subject. Three years into its mandate, and already looking forward to the next provincial election, the government announced that it would commission a citizens' assembly to study the issue of electoral reform.¹⁷ The Citizens' Assembly would have the power to make a recommendation to be put to a referendum coinciding with the next provincial election.

In addition to fulfilling a campaign promise, the government was undoubtedly influenced by the process that had unfolded in British Columbia two years earlier, and by the electoral reform debate which had been taking place at the federal level and in other provinces. But it was never entirely clear whether the government's initiative was driven by a real desire to reform the electoral system, or by an interest in experimenting with a new model of citizen deliberation – or both. Setting up the Citizens' Assembly fulfilled a campaign promise and allowed the government to showcase its democratic credentials by empowering a body of ordinary citizens to consider a major issue of institutional change. But, as later events would disclose, the commitment to electoral reform itself on the part of the Liberals was perhaps considerably weaker. As has been the case with most governing parties that have confronted this issue, internal divisions and partisan self-interest would prove difficult to overcome.¹⁸ A few prominent cabinet ministers spoke out publicly in favour of reform, whereas others were silent, and the Premier himself rather ostentatiously announced his “neutrality” on the issue. Nevertheless the deliberation process which took place prior to the recommendation was a revolutionary experiment in democratic citizen engagement – along with British Columbia and the Netherlands among the first of its kind in the world.¹⁹ Allowing a body of ordinary citizens to craft a reform proposal could be interpreted either as an innovative experiment in citizen deliberation or as an indication of the government's seriousness in creating an environment that was more likely to produce a successful result.

The Citizens' Assembly

Electoral reform is perhaps the ideal type of issue for which to consider an alternative type of deliberative process. Such matters cannot easily be discussed or debated within the normal structures of parliamentary politics. Governments typically see proposals for institutional change either as threats to their position, or sometimes as opportunities to advance a partisan agenda. In the former case, proposals that are put forward by organizations or groups outside of government are easily ignored or sidelined. Opposition parties often express support for reforms while they are in opposition, then lose interest in the same ideas when they are in government.

The Ontario Citizens' Assembly was modeled after the British Columbia Citizens' Assembly, which had taken place two years earlier. The Ontario Assembly had a total of 103 members, one from each of 103 constituencies (with half of the districts being represented by women and half by men) and one native member. Members were randomly chosen, and were diverse in their demographic makeup; age distribution was reflected in approximate proportion to the population through stratification.

The Assembly's work took place on successive weekends over a period of eight months. The education or "learning" phase, which lasted from September through November 2006, included lectures, reading, panel discussions, simulations, and frequent small group discussions of electoral systems and related topics. Members were given a wide selection of books, documents and reports including the Law Commission's 2004 report and David Farrell's *Electoral Systems*.²⁰ The Assembly included four working groups that presented on the final weekend of the learning phase. These were women and underrepresented groups, political parties, government stability, and geographic representation. Following the learning

phase, the members consulted widely with the public during a two-month “consultation” phase, which involved public meetings throughout the province where citizens could make presentations to a group of several Assembly members and discuss issues and principles of representation and related topics. The Ontario Assembly held 41 such public consultation meetings and received 2152 written submissions.²¹

After the consultation phase, the Assembly entered a “deliberation” phase that spanned six weekends. The first major deliberative task of each Assembly member was to determine the values they would use to assess the suitability of any given electoral system for the province.²² The values chosen were: geographic representation, proportionality, voter choice, and simplicity and practicality. Both the British Columbia and Ontario assemblies modelled the MMP and STV electoral systems as the two models that best reflected their key values. In Ontario, MMP was seen as the most viable alternative because it retained the concept of one representative per geographic district while adding a list tier to ensure greater proportionality. Although there was some support for STV (which had been recommended by the BC Assembly), many members were concerned with how electoral districts in Ontario would be redesigned to accommodate multi-member constituencies. The Ontario Assembly’s early ‘tilt’ towards MMP came partly from knowledge gained in the education phase, but also because MMP appeared to many to address a wider array of the values held by members or that came through in the public consultations. Many members were aware of and keenly interested in the New Zealand experience because it brought empirical rather than purely theoretical evidence into the discussions. Assembly members were also aware that Scotland had adopted MMP in its new Parliament, and that the Law Commission had recommended MMP as a model for the federal Parliament. It was viewed by many members as “the best of

both worlds.”²³

Selecting MMP as the preferred system to design was only the first step in the final part of the process however, and in some respects the least difficult. To be effective, MMP systems tend to require a larger legislature. Assembly members had been aware from the beginning that increasing the size of the Legislature might present them with a political problem, even though it was clearly within their mandate to recommend such an increase.²⁴ What the Assembly probably would have preferred would have been to keep the existing constituencies intact, while adding a sufficient number of list seats to attain proportionality.²⁵ In the end, perhaps the most difficult decision that the Assembly members made was to reduce the number of constituency seats to 90 within a 129 seat legislature. The addition of 39 list seats was about the minimum that could have been chosen in order to assure a reasonable degree of proportionality..

Other issues were contentious, but not quite so difficult. The Assembly decided on a 3% threshold – lower than both New Zealand and Germany’s 5%. This level ensured greater proportionality and was chosen partly because of the nature of the existing party system in Ontario.²⁶ It was seen to be a good balance between ‘having more parties in the legislature and preventing parties with modest public support from winning seats.’²⁷ The decision to allow dual candidacies was also heavily debated. The decision that list members should be elected from one province wide list rather than regional lists was also partly a function of the limited number of list seats available – 39. The decision that the lists should be closed rather than open spoke to the members’ desire to assure that, within a 129 member legislature, the addition of such a small proportional component would achieve at least some of its representative goals, such as increasing the number of women elected.

Having decided that the MMP model was preferable to both STV and the status quo, the Assembly's final weekend of deliberation was dedicated to approving both the content and design of its recommendation. In the final vote, 94 members voted in favour of recommending the MMP proposal to the people of Ontario and 8 voted against.²⁷ This result demonstrates that the Assembly had indeed reached widespread consensus through its elaborate process of deliberation. After the vote was held approving the final report, the Assembly burst into applause, bringing to a conclusion a highly successful experiment in deliberative democracy.

Electoral reform and the mass public

Given that the Citizens' Assembly, beginning with little knowledge of electoral systems, had developed a near consensus on MMP through its elaborate deliberative process, it seemed initially plausible that the public might be able to do the same. As was the case with Assembly members at the time of their selection, public opinion in Ontario for the most part was open to the idea of electoral reform, but relatively unformed. Questions on the subject that have been routinely included in past surveys generally tend to show a public that is aware of, and critical of, problems in the electoral system, and somewhat positive toward the principle of greater proportionality, although not necessarily favouring any specific proposal for reform. The public thinks about issues involving elections mainly at election time, but not on any continuing basis. Hence, voters may often be frustrated at the choices presented to them in a given election, but when the election is over there is little lingering desire to engage in a continuing debate on electoral reform. In New Zealand, there was genuine public anger at the electoral system, and the unrepresentative governments that it

tended to produce.²⁸ But in Canada, and particularly in Ontario, we did not find an underlying climate of opinion that would necessarily facilitate the passage of a reform proposal.

Nevertheless, one can also say that opinion was not entirely unreceptive.

Such a relatively neutral climate of opinion might have been positive for a public debate on electoral reform had such a debate actually taken place. But the debate that did ensue, mainly in the print media and among elites, occurred largely in a vacuum insofar as much of the public was concerned. The small amount of coverage that the Citizens' Assembly received over the eight months of its deliberations meant that the public was largely unaware of its existence, or that a debate on electoral reform was taking place. A poll commissioned immediately following the conclusion of the Citizens' Assembly and the public release of its recommendation found that four out of five of those surveyed across the province had heard "little or nothing" about the Assembly and its recommendation (table 1a). In spite of this relatively low level of awareness, the same poll also found that a plurality of respondents might have voted YES to a referendum question on reform, based on their understanding of the issue at that time (table 1b). But at least a third of the respondents at that early stage had not yet formed an opinion. The poll data show that, when presented with coherent arguments in support of either the YES or NO side, opinion was quite malleable. Presented with arguments that might be used in support of, or in opposition to, the proposed reform, many respondents found the arguments "convincing". Many of the arguments that were later put forward by the YES side resonated with the public, particularly the desirability of a second vote, the wasted votes and unfairness of FPTP, recognition of new parties such as the Greens, and the need to modernize political institutions and processes (table 2). Even one of the main arguments that would be used extensively in the campaign by MMP's opponents

– the probability of minority or coalition governments – had, for some respondents a positive connotation, expressed as the desirability to put an end to adversarial politics and force parties and politicians to “work together”. The most persuasive argument of the NO side (table 3), in the view of the poll respondents, was the “lack of sufficient information”, a condition that of course might have been overcome by a more vigorous public information campaign. But, as would later become clear, the public’s frustration at a lack of information would continue to bedevil proponents of MMP right through voting day. It was in the end, for many, a sufficient reason to vote against the proposal

The media discourse

While public opinion demonstrated a relative openness to debating the issue, the mainstream print media were all but uniformly opposed to both the Assembly process and the MMP proposal. The *National Post* did not even wait for the campaign to begin before staking out its editorial position, in spite of the fact that one of its own columnists, who had followed the Assembly process closely, was one of the very few journalists supportive of electoral reform. In its editorial, published on April 17th, only two days after the Assembly finalized its recommendation, the *Post* painted a horrific picture of the damage that might be inflicted on Ontarians should they lack the good sense to reject such a terrible proposal. Headlined “PR is a Bad Idea”, the *Post* editorial identified PR as the system that “had elected the Nazis in Weimar Germany” and was responsible for many of Israel’s current political problems.²⁹ Barely acknowledging that what the Citizens’ Assembly had proposed was in fact a mixed system, the *Post* drew all of its examples from Weimar Germany, Israel and post-war Italy, and referred to the Citizens’ Assembly proposal as the “so-called mixed member proportional

system”, contrasting it unfavourably with “tried and true” first-past-the- post.. There was, the editorial concluded, “still time to stop it”.

The coverage in other papers was almost as hysterically negative, in part because so many of the regular political columnists opposed the proposed reform at an early stage. Another of Canada’s major newspapers, the *Globe and Mail* weighed in against the MMP proposal on its editorial page on October 4th. Like other papers, the principal political columnists in the *Globe* had published articles both on the Citizens’ Assembly and on the reform proposal that were strongly negative. But the *Globe* also published some op-ed pieces by academics and others supporting MMP, and it did not formally take an editorial position on the referendum until near the end of the campaign. In a tortured editorial, the *Globe* sought to position itself on the side of reform while at the same time urging voters to reject MMP. The editorial criticized nearly all of the specifics of the MMP proposal, indicating that it would have preferred a parallel model to MMP, a 5% threshold rather than 3%, a different method of constructing the party lists, and even a referendum held at some other time.³⁰ It also suggested that a reform proposal should have been developed by a “small panel of experts” rather than a citizens’ assembly, which the *Globe* characterized as “populist pandering”.

The *Toronto Star* staked out its position against the MMP proposal in its editorial of October 9th, having provided consistently negative coverage of the issue throughout much of the campaign.³¹ Under MMP, the *Star* editorial argued, the winning party would have to “cut deals” to stay in power. The editorial then went on to describe in florid detail some of the potential “deals” that the Liberals might make with their opponents or with fringe parties. It urged a vote in the referendum for first-past-the-post, which had “proven its worth since

Confederation” and delivered “strong, stable government” A week earlier, the *Star*’s principal provincial political columnist, who had written on the issue a number of times both during the Citizens’ Assembly deliberations and over the summer, had worried that MMP might “sneak to victory”, because voters were so poorly informed on the issue.³² The *Star* received much criticism for the tone of its coverage from supporters of MMP – enough that it felt compelled to publish a defence of its handling of the issue a few days after the referendum.³³

When the mainstream press did choose to write on the Assembly process, the electoral reform recommendation, or the referendum, its tone was overwhelmingly negative (figure 1), and the editorial boards of the major newspapers were aligned in opposition from the beginning.³⁴ While only 19% of the articles written could be considered positive, 37% were classified as neutral, or informational, and 45% of the articles were essentially presenting arguments against either the Assembly, the referendum, or the proposed reform. Notably there were no articles in support of the referendum at all. It was largely dismissed as too complicated, not of interest to the public, or unnecessary. The low level and poor quality of information on the issue was itself a frequent subject of the print coverage.³⁵ One writer rather perceptively pointed out that the media, having provided little coverage of the Citizens’ Assembly or the electoral reform issue, was now framing the lack of information as a reason to vote NO.³⁶

Voters were poorly informed both because of the one-sided media coverage and the inadequate public information campaign run by Elections Ontario. The provincial electoral authority interpreted its information mandate quite narrowly, and did not deal either with the substance of the proposal or the competing arguments in favour of or against it. Rather, the

public information campaign was directed towards informing the public that there would be a referendum on electoral reform and that their vote in it was “important”. During the campaign, if citizens wanted to understand the issues, or learn more beyond what they read in the press, they were advised by Elections Ontario to visit various web sites. Other than through internet access, the Citizens’ Assembly’s Report, which explained how and why the recommendation was developed, suddenly became unavailable to the public after the campaign began. In fact the government had made no effort to publicize the deliberation process, or to defend or explain its rationale while the Assembly was in session. This appears consistent with the actions of a government that had begun to back away from the idea of reform almost as soon as the Assembly was commissioned. The Liberals, not surprisingly, were internally divided on the merits of the proposed reform, with a few members speaking in support and others against. Most legislators simply kept quiet on the issue, preferring to concentrate on their own re-election campaigns.

The referendum

From the outset, there was little doubt that the MMP proposal recommended by the Citizens’ Assembly was headed for defeat. The 60 percent threshold imposed by the government set a high bar for success, the press was hostile, and the public information campaign inadequate. However, polls published in the few days before the referendum continued to find large numbers of voters undecided (table 4). Remarkably, three quarters of respondents in a poll taken in the first week of October indicated that they had heard “only a little” or “nothing at all” about the issue. In the end, the defeat of the MMP proposal was even more decisive than the polls had predicted. Only 37% of Ontario voters supported

MMP, while 63% cast their ballots in favour of FPTP.³⁷ Although MMP did slightly better in urban areas of the province than in rural areas, it failed to win a majority even in the Toronto area. While turnout in the election registered an historic low for the province at 53%, most election voters also cast a ballot on the electoral reform proposal. The proportion of votes cast in the referendum was, at 51%, only slightly lower than in the election (table 5). In spite of the seeming lack of knowledge and interest in the issue, there was no significant “drop off” of voters such as often occurs on American state ballot propositions that are typically held in conjunction with general elections.³⁸

Post election analyses of the vote emphasized many of the points noted earlier in identifying the kinds of information that filtered through to the electorate in a campaign that was largely invisible to many voters. The negative arguments that resonated were the simplest ones – the lack of sufficient information about the proposed new system, the increase in the size of the Legislature, and the oft-repeated charge by opponents of MMP that the lists would be controlled by “party bosses” (see table 3). There was some degree of receptivity to the more attractive features of MMP – the need for greater fairness in elections, the appeal of proportionality, and the desirability of a “second vote” (table 2). But an electorate that did not feel itself to be adequately informed found it difficult to overcome its uncertainty about how the new system would actually work. Cutler and Fournier argue that a more fully informed electorate might have been persuaded, based on evidence from a post election survey.³⁹ But, as they also note, voters would have needed greater knowledge of and confidence in the process that had produced the proposed change. The Citizens’ Assembly was an unknown entity for most of the electorate, and this lacuna deprived the proposed reform of the legitimacy that greater knowledge of the deliberative process that had produced

it might have conferred. In considering whether MMP might have ever had a chance of passing, even with better information both about the proposal and the Assembly, we need to also consider the role of the campaign. The late start and near absence of any real campaign for the proposal meant that the bulk of the electorate was poorly informed. The anti-MMP campaign, confined largely to the mainstream print media, mattered, but it resonated only with small segments of the electorate.

The Ontario campaign contrasts sharply with that in New Zealand, where there was both a highly effective public information campaign and intensive campaigns waged by well organized and well financed umbrella organizations.⁴⁰ In hypothesizing other possible outcomes in the Ontario referendum, one needs to consider what a more active campaign might have looked like. Certainly, it would have had to have been better financed, both on the public information side and on the part of those advocating the reform. The electoral authority would also have had to interpret its mandate much less narrowly, informing voters about the content of the proposal and the nature of the arguments for and against it, rather than merely telling voters that there was going to be a referendum and that their vote was “important”.

Modern campaigns cost money, and the lack of any serious funding of the campaign for MMP undercut its effectiveness and deprived voters of the information that they needed to properly evaluate the proposed reform. However, the anti-MMP campaign was also largely non-existent, being confined primarily to the occasional columns by political journalists found on the inside pages of the major newspapers. These two observations are of course related. Given the ineffectiveness of the pro-MMP campaign, there was no real need for an organized effort against the proposal. Had there been a well organized and well financed YES

campaign, and any real chance that MMP might pass, there almost certainly would have also been a serious NO campaign. This is essentially what happened in New Zealand. After the first referendum, momentum for reform continued to build until the realization that the MMP proposal might actually pass triggered an effective and well financed NO campaign. The fact that they succeeded in driving support down from well over 70% to the 54% obtained in the 1993 referendum is testimony to the effectiveness of that campaign. Had they been operating under a 60 percent rule like that imposed in Ontario and British Columbia, electoral reform in New Zealand would not have happened.

This illustrates how difficult it is to secure passage of almost any type of reform proposal in a referendum. The more complex the issue, the greater the difficulty of putting it across to voters in a short campaign. The 2005 referendums on the European Constitutional Treaty in France and The Netherlands, the 2001 Irish referendum on the Nice Treaty, and the 1992 Canadian constitutional referendum all resulted in the defeat of proposals that initially appeared to enjoy broad public support. What these cases have in common are the complexity of the issues involved, the relatively short duration of the campaigns, and the inherent effectiveness of negative campaigning. The political advantage in referendum campaigns, particularly those dealing with unfamiliar issues, often rests with the NO side. Those opposed to a proposal do not necessarily have to make a coherent case against it. Often, it is enough merely to raise doubts about it in the minds of voters, question the motives of its advocates, or play upon a natural fear of the unknown.⁴¹

Conclusion

Deliberative democracy and direct democracy are different processes, and the dynamics of a referendum campaign are very different than those of a deliberative body such as the Citizens' Assembly.⁴² Research on other referendums demonstrates that it is no easy matter to persuade the public to embrace change – even in New Zealand where a successful reform did take place. One important difference between the British Columbia and Ontario referendums was that, in the first referendum in British Columbia, it was the recommendation of the Assembly that helped to legitimize STV for many voters.⁴³ In Ontario, more or less the opposite occurred. The Assembly was an unknown quantity for most voters, and its negative portrayal in the media made it more of a liability than an asset in generating public support for electoral reform.

The role of government in the process also needs to be recognized. Given the natural conflict of interest of governments with respect to reforming the very electoral system that elected them, one should not be surprised to find that they continue to be important actors in the process, however it is structured. Creating and empowering a Citizens' Assembly to deal with the issue represented an important first step in creating a new type of institutional environment different than that of a royal commission or parliamentary committee. But it could not completely remove the hand of government from the larger process. The timetable and funding of the Assembly's work rested upon decisions taken by the government, and it was not accidental that the Citizens' Assembly received so little attention or recognition during its deliberative phase. Having created the Assembly, the Ontario government essentially abandoned and isolated it. Government decisions taken subsequently regarding the establishment of a "super majority" threshold, designing the ballot question, setting the rules governing the campaign, the funding (or lack thereof) of campaign activity, the structure and

funding of the public information campaign, and the role played by the electoral authority in administering it, all had some effect on the outcome. While the magnitude of these effects is not measurable, their direction is clear. Having fulfilled its commitment to democratic reform by setting up the Citizens' Assembly, the Liberal government had no interest in seeing electoral reform actually happen. One could almost sense the Premier's relief the day after the referendum in announcing that "the people have spoken."

There is no particular reason to treat Ontario as anything other than a typical case with regard to the conflicting objectives of government in organizing and managing the electoral reform process. In New Zealand, both Labour and National governments actively tried to undermine and sabotage a reform process to which they were seemingly committed in principle. In that instance, reform succeeded in part because of their mismanagement of the file and miscalculation of the degree of public revulsion that their actions provoked.⁴⁴ The process in Prince Edward Island, in which a proposed MMP reform was also rejected by a wide margin in a referendum, followed a similar dynamic, in spite of the fact that the PEI reform was developed by an appointed commission (as in New Zealand) rather than by a citizens' assembly. In that case, the government that appointed the commission also began to distance itself from the recommendation, and proceeded to structure the referendum that followed in a way that made passage of the proposal unlikely.⁴⁵ The process in British Columbia was less constrained in this regard, and the more positive outcome of the 2005 referendum in that province suggests that at least some of these obstacles to reform might be overcome through a better structured and more elaborate process of public deliberation. However, by the time of the second (2009) BC referendum, the government's enthusiasm for the project had diminished, and the Citizens' Assembly had been long forgotten. With the decisive defeat of the reform proposal in British Columbia – perhaps the only Canadian

jurisdiction where prospects for reform had been more hopeful – the epitaph for electoral reform in Canada has surely been written. This does not mean that electoral reform proposals are doomed to fail, or that citizen involvement cannot be a positive, and often necessary, factor in the process. It does however indicate that, when a reform proposal moves into the electoral arena, new barriers to its adoption are created – barriers that are not easily overcome.

Notes

1. Such packages of proposed amendments to the Australian constitution were put forward in 1974, 1977, 1984, and 1988. None of the proposals dealing with elections were enacted. See Brian Galligan, “Amending Constitutions Through the Referendum Device”, in Matthew Mendelsohn and Andrew Parkin, *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns* (London, Palgrave, 2001), pp. 109-124.
2. See Ray Christensen, “Electoral Reform in Japan: How It Was Enacted and Changes It May Bring,” *Asian Survey* 34 (1994), pp. 589-605.
3. See Gianfranco Baldini, “Electoral Reforms in Italy: The (Main) Determinants of the (Many) Electoral Reforms”, *West European Politics* xx (2011), pp.
4. See Alan McRobie, *Taking It To The People: The New Zealand Electoral Reform Debate*. (Christchurch, NZ, Hazard Press, 1993).
5. Gideon Rahat and Reuven Hazan, “The Determinants of Electoral Reform: the Barriers Approach as a Synthesis of Alternative Approaches”, *West European Politics* xx (2011), pp.
6. See Lawrence LeDuc, “Campaign Tactics and Outcomes in Referendums: a Comparative Analysis”, in Maija Setälä and Theo Schiller, *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation* (London, Routledge, 2009), pp. 139-161. See also Lawrence LeDuc, “Referendums and Deliberative Democracy”, paper presented to the International Political Science Association World Congress, Fukuoka, Japan, 2006.
7. See Arthur Lupia and Mathew D. McCubbins, *The Democratic Dilemma: Can Citizens Learn What They Need To Know?* (NY, Cambridge University Press, 1998).
8. The four options presented were an Additional Member System (AMS), Single Transferable Vote (STV), Mixed Member Proportional (MMP), and the Alternative Vote (AV). The vote in favour of change was 85% in the 1992 referendum, and 71% of those participating expressed a preference for MMP over the other three alternatives. See Jack Vowles, “The Politics of Electoral Reform in New Zealand,” *International Political Science Review* 16 (1995), pp. 95-115.

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9. See Alan Cairns, "The Electoral System and the Party System in Canada: 1921-1965", *Canadian Journal of Political Science* 1 (1968), pp. 55-80
10. There was however a serious study undertaken by the Law Commission of Canada, which put forward a proposal to switch to MMP in a 2004 report to the federal government. See *Voting Counts: Electoral Reform in Canada* (Ottawa, Ministry of Public Works and Government Services, 2004).
11. In the 2000 election in Prince Edward Island for example, the Conservatives won 26 of the 27 legislative seats with 58 percent of the total vote. In the most recent (2007) PEI election, the Liberals won 23 of the 27 seats with 53 percent.
12. Quebec, New Brunswick, Prince Edward Island, British Columbia and Ontario.
13. In the 2006 Prince Edward Island referendum, the MMP proposal was rejected by a vote of 64 to 36 percent. Turnout in the referendum was 33 percent. See Jeannie Lea, "The Prince Edward Island Plebiscite on Electoral Reform," *Canadian Parliamentary Review* 29 (2006), pp. 4-8.
14. The NDP in 1990 obtained 74 of the 130 seats in the provincial legislature with 38 percent of the total vote; the Progressive-Conservatives won 82 seats on 45 percent of the vote in 1995.
15. The Conservative government elected in 1995 initiated a program of sweeping changes in public services, including health, education and municipal government.
16. Canadian journalist Jeffrey Simpson characterized Canadian politics as a "friendly dictatorship." Jeffrey Simpson, *The Friendly Dictatorship* (Toronto, McClelland and Stewart, 2002).
17. The government announced the creation of the Citizens' Assembly on August 19, 2005. It had previously adopted fixed dates for provincial elections, specifying that the next provincial election would be held on October 10, 2007.
18. Part way through the process, a 60 percent threshold was established by the government, leaving skeptics to wonder if they were genuinely interested in electoral reform or instead were attempting to guarantee its failure. However, the 60 percent threshold was consistent with what had been required in British Columbia and Prince Edward Island, and a case could be made for some sort of "super majority". Nevertheless, the Secretariat staff and Citizens' Assembly members were taken by surprise when this requirement was imposed.
19. On Citizens' Assemblies and the British Columbia case, see Mark Warren and Hilary Pearse, *Designing Deliberative Democracy: the British Columbia Citizens' Assembly* (NY, Cambridge University Press, 2008). On the electoral reform debate in the Netherlands and the Dutch Burgerforum, see Henk van der Kolk, "Electoral System Change in the Netherlands: The Road from PR to PR: 1917-2006" *Representation* 43 (2007), pp. 271 - 287.
20. Farrell was also one of the invited academic lecturers.
21. Citizens' Assembly (Ontario) < <http://www.citizensassembly.gov.on.ca> >.
22. I am particularly grateful to Catherine Baquero, who served as a member of the Ontario Citizens' Assembly, for some of the insights into its operation contained in this section of the paper. See Lawrence LeDuc, Heather Bastedo and Catherine Baquero, "The Quiet Referendum: Why Electoral

Reform Failed in Ontario.” paper presented to the annual meeting of the Canadian Political Science Association, Vancouver, May 2008.

23. Matthew Shugart and Martin Wattenberg, *Mixed-Member Electoral Systems: The Best of Both Worlds?* (Oxford University Press, 2000).

24. As it was not in British Columbia.

25. The number of members was already scheduled to rise to 107 in the 2007 election due to population increase.

26. The Green Party, for example, had obtained a mere 2.8% of the vote in the preceding (2003) provincial election.

25. Ontario Citizens’ Assembly Secretariat, *Democracy at Work: The Ontario Citizens’ Assembly on Electoral Reform* (Queen’s Printer for Ontario, 2007). p. 154.

27. *Democracy at Work...*, p. 131

28. Vowles, “The Politics of Electoral Reform in New Zealand”, pp. 112-113.

29. *National Post*, April 17, 2007. p. A16

30. “Ontario’s Missed Opportunity.” *Globe and Mail*, October 4, 2007, p. A20

31. “Electoral Reform Fraught With Risk.” *Toronto Star*, October 9, 2007, p. AA6. Another *Star* editorial, published a week earlier, was equally negative with respect to electoral reform. “Electoral Reform a Backward Step.” *Toronto Star*, September 30, 2007, p. A2

32. Ian Urquhart, “How MMP Could Sneak to Victory.” *Toronto Star*, September 28, 2007, p. A13

33. “Sparking Needed Debate on MMP.” *Toronto Star*, October 13, 2007, p. AA6

34. This discussion is drawn from a content analysis of all articles published in the three largest Canadian newspapers from March 28, 2006 (the formation of the Citizens’ Assembly) to October 10, 2007 (the date of the referendum). I would like to thank Heather Bastedo, Catherine Baquero, Saman Chamanfar and Tyler Sommers for their work on this section of the project.

35. Karen Howlett, “Referendum? Now What Referendum Would That Be?” *Globe and Mail*, September 24, 2007, p. A8; Roy Macgregor. “Ontario Referendum Flying Under the Radar.” *Globe and Mail*, October 1, 2007, p. A8

36. Ivor Tossell, “What’s That Second Question on the Ballot?” *Globe and Mail*, September 21, 2007,

37. The ballot question was as follows:

Which electoral system should Ontario use to elect members to the provincial legislature?

- *The existing electoral system (First-Past-the-Post)*
- *The alternative electoral system proposed by the Citizens’ Assembly (Mixed Member Proportional)*

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38. Lawrence LeDuc, *The Politics of Direct Democracy* (Toronto, Broadview, 2003), pp. 137-152. The “drop off” in the 2005 British Columbia referendum was similar (2%).
39. Fred Cutler and Patrick Fournier, “Why Ontarians said NO to MMP.” *Globe and Mail*, October 25, 2007, p. A21
40. McRobie, *Taking It to the People...*:
41. LeDuc, “Campaign Tactics and Outcomes in Referendums...”
42. See, for example, Arthur Lupia and Richard Johnston. 2001. “Are Voters to Blame? Voter Competence and Elite Maneuvers in Referendums.” in Mendelsohn and Parkin , *Referendum Democracy...*”
43. Frederick Cutler, Richard Johnston, R. Kenneth Carty, André Blais, and Patrick Fournier, “Deliberation, Information, and Trust: the British Columbia Citizens’ Assembly as Agenda Setter”, in Warren and Pearse , *Designing Deliberative Democracy...*:
44. Peter Aimer, “From Westminster Plurality to Continental Proportionality: Electoral System Change in New Zealand.” in Henry Milner, *Making Every Vote Count* (Toronto: Broadview, 1999), pp. 157-69.
45. Lea, “The Prince Edward Island Plebiscite on Electoral Reform.”