



Filling the Accountability Gap

Proposals for Electoral Reform in Ontario

A Submission to:
The Select Committee on Electoral Reform
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About the Canadian Taxpayers Federation

The Canadian Taxpayers Federation (CTF) is a federally incorporated, non-profit and non-partisan, advocacy organization dedicated to lower taxes, less waste and accountable government. The CTF was founded in Saskatchewan in 1990 when the Association of Saskatchewan Taxpayers and the Resolution One Association of Alberta joined forces to create a national taxpayers organization. Today, the CTF has over 65,000 supporters nationwide.

The CTF maintains a federal office in Ottawa and offices in the five provincial capitals of British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. In addition, the CTF has a Centre for Aboriginal Policy Change in Calgary dedicated to monitor, research and provide alternatives to current aboriginal policy and court decisions. Provincial offices and the Centre conduct research and advocacy activities specific to their provinces or issues in addition to acting as regional organizers of Canada-wide initiatives.

CTF offices field hundreds of media interviews each month, hold press conferences and issue regular news releases, commentaries and publications to advocate the common interest of taxpayers. The CTF's flagship publication, *The Taxpayer* magazine, is published six times a year. An issues and action update called *TaxAction* is produced each month. CTF offices also send out weekly *Let's Talk Taxes* commentaries to more than 800 media outlets and personalities nationally.

CTF representatives speak at functions, make presentations to government, meet with politicians, and organize petition drives, events and campaigns to mobilize citizens to effect public policy change.

All CTF staff and board directors are prohibited from holding a membership in any political party. The CTF is independent of any institutional affiliations. Contributions to the CTF are not tax deductible.

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Executive Summary

Recommendation:

That the Committee, and subsequently the Citizens' Assembly, in considering the best voting system for Ontario will strive to attain, above all else, better accountability in government. Improved accountability requires the following:

- less party discipline
- a parliamentary check on premier and cabinet
- a legislative role for MPPs
- a closer link between MPPs and voters
- public policy driven by the long-term public interest, rather than short-term partisan interests
- fewer wasted votes
- better representation for all people especially in rural ridings
- fewer lurching swings in public policy
- greater accountability between elections

It is the CTF's submission that in Ontario the goal of better accountability is best attained through a mixed voting system. In particular we recommend a mixture of the Irish, Single Transferable Vote (STV) and the Australian, Alternative Vote (AV) systems. Both are time-tested, proven systems that use a preferential ballot. Votes are for candidates not political parties. STV should be used for the more urban ridings and AV for the most rural ridings.

The CTF also recommends the adoption of recall legislation to keep MPPs more accountable between elections. Instead of taking politicians to court for broken promises, voters should be able to take them to task at the polls.

Finally, if this government is truly serious about democratic accountability, it should respect the requirement of consulting the public on taxation increases by referendum, as mandated by the province's *Taxpayer Protection Act*. The government should not simply amend the law to circumvent it, like the previous administration did – it should respect and strengthen the law to prevent future abuses.

Lack of Accountability

Ontario Members of Provincial Parliament are custodians of the public purse and the public trust. Taxpayers hand over money to government with the expectations that politicians spend it wisely and fulfill the commitments they make when running for election. When these expectations are not met, voters feel cheated. An accountability gap between voters and their elected representatives begins to grow.

One doesn't have to look far to find this gap in Ontario. In the 2003 election, Liberal leader Dalton McGuinty promised to uphold the province's *Taxpayer Protection Act* and *Balanced Budget Act*. He promised to not run deficits and not raise taxes. In his first budget in May 2004 Premier McGuinty broke all these commitments, by imposing a new Health Tax, repealing the *Balanced Budget Act*, and running a deficit of six billion dollars.¹

When asked what their number one priority was for 2004-2005, 55% of CTF Ontario supporters answered "Holding the McGuinty government accountable for its pledge." This was by far the highest response to an issue; the second-most important was "Calling for a reduction of waste duplication and overlap", which garnered 8% support.

This accountability gap widens when citizens feel their votes don't matter, because our first-past-the-post electoral system favours big parties over smaller parties and independent voices. All too often, voters don't cast their ballot vote for the candidate or party of their choice, but to avoid electing "the other guys". The result is that the Legislature does not truly reflect the will of the people and democracy is thwarted.

The current Liberal government received 46.5% of the popular vote, and yet holds 70% of the seats in the Legislature. The opposition Progressive Conservatives garnered 34.7% support, which translated into 23.3% of total seats. This isn't the first time this has happened: the last time the two parties' percentage of seats was roughly equal to their percentage of votes was 1985. In the six elections since then, majority governments have been formed with at most 47.3% of the vote (Liberals, 1987) and at least 37.6% (NDP, 1990).

¹ As restated by the Auditor General in March 2005.

What Needs Fixing?

Among CTF's supporting members there is strong commitment for democratic reforms, particularly electoral reform. People want to see a change in voting system, not for its own sake, but in order to make government more accountable. Accountability must be the goal. Allocating legislative seats to parties based on the popular vote and giving voters more choice are both important, but what this Committee's and the Assembly's task are all about, what people have real appetite for, is better government, government that is more responsive, and less open to waste, mismanagement, even abuse.

Party Discipline, the Legislature, Local Representation

If the goal is greater accountability in government, the following needs fixing:

- the excessive amount of party discipline MPPs are placed under
- the complete domination of the legislature by the premier and cabinet
- weak local representation

Ontario has inherited the British parliamentary form of government. Its uniqueness consists in allowing the premier and cabinet to sit and vote in the legislative assembly. That combined with party discipline gives modern-day premiers control of both their cabinet and the assembly. It renders Ontario's legislative assembly incapable of providing parliament's most essential function, which is to place a check on the powers of the premier and cabinet in order to protect the interests of citizens and taxpayers.

In the UK, there are occasional reminders of how the British parliamentary system is supposed to work. Margaret Thatcher lost 22 Bills (legislative proposals) on the floor of the House of Commons. It did not cause an election. The ministers had to go back to the drawing board, that is all. More recently Tony Blair's proposal to join the "Coalition of the Willing" was not supported by 137 of his own Labour MPs. Both events are unthinkable in Ontario. Our parliament is chronically compliant. Every government measure, budget, and Bill passes. There is no parliamentary check on the powers of premier and cabinet. Between elections we are an elected dictatorship.

Party discipline is designed to enhance the power of premiers, cabinets, and political parties. When successful, it robs voters of representation. When your local MPP becomes party property the day after the election, as they all do, you have just lost your vote, your voice, and your representative. When it comes to checking government, MPPs have the clout of a wet noodle. Interests of parties are placed ahead of the interests of citizens. Representation for citizens is frequently sacrificed and accountability for taxpayers weakened. Between

elections voters cannot count on their representatives to deny government (premier and cabinet) anything it wants.

MPPs are public-spirited and hard working. They are ombudsmen and lobbyists for their constituents and communities, but lack a role in law-making. Oddly, our legislators do not always make our laws. Laws are made outside of parliament, mostly by non-elected bureaucracies. Parliamentary votes are often empty formalities. MPPs do much good work but they have no oversight function – oversight of the operations of government and oversight of the public policy agenda for the province.

It should be noted that the current Liberal administration has given its backbench much work on legislative committees. This is touted as empowering MPPs and giving them a voice in shaping the government's public policy agenda. Even if true, it serves to hide an institutional failure to provide parliamentary oversight of the premier and cabinet. Backbenchers on committees of cabinet do not enhance the ability of the legislative assembly to check the premier and cabinet. It does the opposite – MPPs are co-opted into the government's agenda. Such innovations, also promised by Paul Martin on the federal level, do not strengthen, but further undermine parliamentary scrutiny of the government. They reduce the legislative assembly to a legislative committee of cabinet, complete the domination of the assembly by cabinet, and give the boot to accountability.

To make government more accountable requires going back to fundamentals. The most basic task of the legislative assembly is to run government wisely, and protect citizens from government overspending, mismanagement, and arrogance leading to abuse of power.

The Ontario Citizens Assembly on Electoral Reform will have the unique opportunity to restore some power to the people's representatives – the MPPs. It is the first time in our province's history that citizens will make the rules by which Ontarians permit rulers to rule over them. This is heady stuff, because historically it is so significant.

Politics is about power and those who have it will do all to keep it. The division of power within the legislative assembly needs to be re-balanced in favour of the people's representatives.

None of the above is to suggest that MPPs, particularly those on the government side, should at all times be in an adversarial relationship to their party's leader, premier, and cabinet. On the contrary, MPPs get elected on the party's platform and largely because of the leader's popularity. Hence, in the normal course of events they will and should support the government, particularly in matters clearly spelled out prior to the election. Also, MPPs serving in their ombudsman and lobbyist functions are usually most successful as a supportive member of the government.

Controls on the enormous and coercive powers of government are needed not when all goes well, but in those instances where there is mismanagement and abuse, particularly when for partisan gain. In the British parliamentary system there is no control on government between elections except parliament itself. For such control to be possible when needed requires that MPPs have a measure of independence from party control. To argue for such a measure of independence is not to argue that MPPs must show their independence at all times. It is the complete inability of MPPs to assert some independence when needed that renders our legislative assembly dysfunctional. A redress of the current imbalance should not aim to abolish all party discipline and destroy political parties but to lessen the way political parties inhibit MPPs from exercising their oversight of government function.

If the Citizens Assembly can by a judicious choice of voting system give MPPs a measure of independence from party control it will make a very significant contribution to greater accountability in government for years to come.

Toward Greater Accountability: Alternative Voting Models

Our current voting system translates a minority of the popular vote into a majority of seats for one party. Thus it manufactures parliamentary majorities. It is this feature which generates excessive powers for premiers. Any voting system which is more proportional will make the legislative assembly more lively and less prone to be entirely dominated by one party leader. Under a more proportional voting system no one party can stack the Standing Committees of parliament as is the case now. Parliament would be a more deliberative body.

While most proportional voting systems create the potential for giving MPPs a greater legislative function, not all have the same potential for lessening party discipline and strengthening local representation. Systems like the Mixed Member Proportional Systems in use in Germany, Scotland and New Zealand fill at least half their sets with MPPs elected in single-member ridings, while the other half are elected from at-large lists. While this does increase proportionality, it also potentially increases the size of the legislature, unless ridings are merged into larger ones, which then decreases the level of local representation. This would probably not be popular in Ontario, due to the large geographic territory already associated with many rural ridings, and due to the importance people put on having a local MPP.

Another system would involve Multi-Member Districts, using the Single Transferable Vote or the Alternative Vote (STV/AV).

In such systems, ridings are merged into larger districts which are then assigned a number of MPPs based on population. Voters cast their ballot for the party of their choice, and depending on the percentage of votes per district, parties are

assigned a percentage of the seats attached to that district. Ballots can also be designed to let voters rank their favorite candidates within parties on the list.

In the AV system, candidates must obtain more than 50% plus one vote to be elected. If no candidate has an absolute majority, the candidate with the lowest number of first preferences is removed from the count, and their ballots examined for their second choices. These are then assigned to the remaining candidates in the order as marked on the ballots. This process is repeated until one candidate has an absolute majority, and is declared elected.

In the STV system, a quota is calculated which sets the number of votes a candidate must attain to be elected in each district. This is the total number of votes cast, divided by one more than the number of candidates to be elected, plus one vote. Votes are counted according to first preferences and any candidates who have achieved the quota are elected.

To decide which of the remaining candidates are elected the votes are transferred from candidates who have more than the necessary number to achieve the quota and from the candidate with the least number of votes. This means that where the first preferences of the voters were not able to be used to elect a candidate, their second preferences come into play. This process of transferring votes continues until the required number of candidates have attained enough votes to be elected.

Overall, the CTF believes STV/AV systems have the greatest potential to give MPPs a measure of independence from party control, are sufficient to check government when needed, and allow voices to be reflected in a more proportionate way in the legislature, while ensuring local representation is maintained.

STV/AV and Party Discipline

STV/AV, particularly in multi-member ridings allows voters to rank candidates of the same party as well as candidates of different parties. It maximizes choice for voters. Competition is not just between candidates of different parties but also between candidates of the same party. For candidates, gaining a party's nomination is but the first step; the more important step occurs on Election Day, when all voters - not just paid up party members - participate in what is essentially the nomination process. This step is comparable to a US-like primary.

US party discipline is less severe than ours. An important contributing factor relates to the US primaries. US candidates can not even get to first base unless they are popular, not with the party, but with the voters. It ensures that US politics is focused on local electors. It places the voters in the driver's seat. Similarly, the logic of STV/AV ensures voters are the most important

determinants of who gets elected. STV/AV abolishes all “safe” seats. Every seat will be decided on Election Day, no seats will be decided in party back rooms or at unseemly nomination battles with bus loads of instant party members whose fees are paid by candidates and whose loyalty is short and shallow. The ability of parties to affect the election outcome is severely curtailed.

In addition, and most importantly, STV/AV permits independents to get elected. Candidates whose appeal is limited to a local constituency can get elected. MPPs who feel unduly pressured by their party have the option of appealing to the voters directly. The possibility to win as an independent neutralizes the premier’s ability to withhold signing nomination papers. STV/AV, more than any other system, permits candidates to pay as much attention to voters as to their party. The option of representing voters rather than party should such a choice be necessary is under this system a live option, giving MPPs a measure of independence should it be needed.

STV/AV and Local Representation

Accountability requires, in addition to less party discipline, also a law-making role for MPPs. To obtain a level of proportionality sufficient to give MPPs a law-making role requires that the total wasted vote does not exceed 20 percent. That is entirely possible. (The wasted vote is just over 50 percent in a typical election, now. Wasted votes are votes for losing candidates and do not contribute to the election outcome) The third requirement to attain accountability is stronger local representation. Here, too, STV/AV shines.

To create multi-member ridings, contiguous existing ridings need to be amalgamated. It is important to note that within multi-member ridings each existing riding retains sufficient numerical strength to elect their own MPP if the voters are so minded. Unlike in Mixed Member Proportional, local representation is not diluted in a STV/AV system. Electing an MPP for an existing riding is not just possible but highly likely. When parties field more than one candidate such candidates will want to distinguish themselves from their running mates. Selecting different areas of the same multi-member riding is a good way to carve out one’s own share of the political market.

In addition, multi-member ridings give voters more than one local MPP, and more voters will be represented by an MPP of one’s own political persuasion. In multi-member ridings MPPs will compete to provide the best service to voters, citizens, taxpayers. Such competition is not limited to elections but is ongoing, between elections. This element of competition, completely lacking in most systems including our present voting system, will empower voters in new and surprising ways, including making government accountable to those who pay the bills. What a novel idea!

The members of the Citizens Assembly on Electoral Reform will not represent political parties and political interests. They will represent the people and the public interest. They must select a voting system that puts people first, and makes government more accountable to the people. In terms of giving voters a more meaningful role in government and in terms of making government more accountable and responsive who can deny that there is much room for improvement?

When STV was put to the people in a referendum in British Columbia earlier this year, it garnered 57% of the vote – just shy of the 60% threshold set for its adoption. Criticisms included the fact that it can appear complicated for voters, which may deter participation at the polls. We believe these criticisms are unfounded when the system is properly explained. If anything, it would encourage participation by voters because they would be able to vote for, rather than against, candidates. All candidates would have a chance to win regardless of what party they represented.

Recall Legislation

In addition to changing the way Ontarians vote at election time, the CTF would like to empower them to vote between elections as well. Ontarians should have the right to recall their MPPs if they are in serious breach of their promises or of the public trust.

In our annual survey, when asked whether Ontario should have recall legislation which allows voters to hold politicians accountable between elections, 74% of CTF supporters said yes. 4% said no and 22 % were undecided.

British Columbia currently has recall legislation. While no politician has been directly recalled, in 1988 MLA Paul Reitsma resigned when citizens succeeded in collecting enough signatures to force an election. (A community newspaper had exposed that Reitsma had written a number of letters to the editor using fictitious names in which he criticized opponents and praised himself.) In the United States, California has recall legislation which was used to recall then-Governor Gray Davis in 2003. This resulted in a state election which saw Davis replaced by now-Governor Arnold Schwarzenegger.

Such legislation has already been brought before the legislature in the form of a private member's bill by Conservative MPP Jim Flaherty. As this committee is well aware, however, it is difficult to get a private member's bill passed without all-party approval. And it would seem even more difficult to get MPPs to pass a bill which would give citizens the right to remove them from office.

The CTF believes that recall legislation is a key part of democratic reform. Had there been recall legislation, citizens would have had a recourse after the Premier broke his election promise not to raise taxes and run deficits. The CTF

would not have had to go to court because there were no other avenues to hold the government accountable. Not only were the people denied their right to a referendum on higher taxes, they had no means of expressing their disapproval of Mr. McGuinty's egregious breach of promise. What kind of democracy is that?

As it stands now, it does not appear that recall legislation is to be considered for deliberation by the Citizens Assembly. The CTF believes that this is a mistake. It makes the debate on electoral reform incomplete. The Assembly must have the chance to deliberate on whether such a law would be in Ontarians' interests. If, as our supporters believe, it is found to be so, it should be put to the people in the eventual referendum on electoral reform.

Conclusion

It is our hope that if the Citizens Assembly recommends positive changes to the voting system, and advocates recall laws to hold politicians to account between elections, MPPs will be made so accountable that the Ontario office of the Canadian Taxpayers Federation will close down for lack of work.

Changing the voting system will not automatically and by itself resolve all the challenges that face our system of governance, but this much is sure. If Ontario leaves the voting system as is, it will close the door to new possibilities. STV/AV opens that door. And giving Ontario voters the right to recall MPPs between elections will further ensure that politicians are more accountable to the people they serve.

It will take five, ten, or fifteen years before greater accountability and more responsive governance are realized. Old habits die hard. But the choices made in the months to come will determine if the yearnings of countless Ontarians for a more representative and effective democracy will give birth to new possibilities, or be stillborn.

SAMPLE BALLOT

FOR MULTI-SEAT RIDINGS

Note: Single-seat ridings use the same ballot except that each party nominates just one candidate.

For animated graphics illustrating the vote count see
www.seo.sa.gov.au/flash.htm

RANK	CANDIDATES	PARTY
[]	Adams, Henry	NDP
[]	Beaver, Shirley	
[]	Yeung, Kwok	
[]	Goodenough, Bill	
[]	Hugh , Trustme	
[]	Bencher, Albert	LIBERAL
[]	Who, Joe	
[]	Deepvoice, Brian	
[]	Lee, Wong	
[]	Watchme, Pierre	
[]	Duck, Donald	UNITY
[]	Evancio, Roger	
[]	Freud, Sigmund	
[]	Vander Smuck, Jr.	
[]	Fromm, Eric	GREEN
[]	Dover, Louie	
[]	Evans, Glenn	
[]	Choice, People's	
[]	Faithful, Bea	FAMILY FIRST
[]	Goofy, Fred	
[]	Friendly, Jessica	
[]	Laka, John	INDEPENDENT
[]	Sooother, Marg	
[]	Dogood , Mary	
[]	Johal, Sarah	

North Shore Riding
Five (5) seats to be elected

INSTRUCTIONS

Rank **candidates** in order of preference. Place 1 opposite your first choice, 2 opposite your second choice, and so on.

You may rank as many or as few candidates as you wish

Do not put the same number opposite more than one name, or skip a number. It spoils your ballot.

If you do spoil your ballot return it for another.