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Chair

Mr. Francis Scarpaleggia

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● (0935)

[Translation]

The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)): Good morning, everyone. Welcome to the 15th meeting of the Special Committee on Electoral Reform.

We have three witnesses with us this morning. They are Professor Barry Cooper, Professor Emmett Macfarlane and Professor Nicole Goodman.

As usual, the witnesses will each have 10 minutes to make their presentations. I need to point out that, after the presentations, there will be two periods for questions. In each period, all members will have the opportunity to participate. They will have up to five minutes, including the answers to the questions. Speakers who do not have the time to finish their remarks can always make comments the next time they have the floor.

[English]

The question-and-answer segment for each member is five minutes, and that includes the answers. If for some reason there's a question left hanging and you don't have time to respond to that question because the five minutes are up, no worries; you can answer the question the next time you have the mike. We won't be deprived of any information or insights just because of a five-minute limit.

If you allow me, I'd like to take a couple of moments to introduce our witnesses.

As I mentioned, we have with us Barry Cooper, who is a former senior fellow at the Fraser Institute and has taught at Bishop's University, McGill, York, and the University of Calgary for the past 25 years. Professor Cooper has studied western political philosophy as well as Canadian politics and public policy. He studies the work of political philosophers as they relate to contemporary issues, specifically regarding the place of technology and the media in Canadian society, the debate over the constitutional status of Quebec, and Canadian defence and security issues.

Professor Cooper has written, edited, or translated some 30 books and writes a regular column in the *Calgary Herald*.

[Translation]

Emmett Macfarlane is an assistant professor in political science at the University of Waterloo. His current research focuses on legislative responses to court rulings and on the Constitution. He has also advised the Government of Canada on the process of Senate reform. His work has been published in the *International Political*

Science Review, the *Canadian Public Administration Journal*, the *Canadian Journal of Political Science* and the *Supreme Court Law Review*.

[English]

Nicole Goodman serves as the director of the centre for e-democracy at the University of Toronto's Munk School of Global Affairs and is assistant professor at the school's innovation policy lab. Professor Goodman's research largely focuses on the impacts of digital technology on Canadian political behaviour and public policy, and she's widely recognized as a leading expert on the topic of Internet voting in a Canadian context.

She has co-authored numerous academic papers and reports for electoral management bodies and governments across Canada and recently led a study of the Ontario municipal elections to assess the effects of technology on voters, candidates, and election administrators. At this time Professor Goodman is involved with two Social Sciences and Humanities Research Council-funded research projects to understand the impact of digital voting and e-democracy technology on municipalities and first nations in Canada.

Welcome. I can tell right away that this is going to be a very interesting and informative panel and subsequent discussion.

I would like to start with Professor Cooper, please, for 10 minutes.

Prof. Barry Cooper (Professor, University of Calgary, As an Individual): First of all, thank you for the invitation. It's always nice to come to Ottawa when the weather is nice.

I teach political philosophy and war, not political parties and elections, so my remarks will reflect this approach to political reality.

Changing the electoral system changes one of the fundamental attributes of the regime, which in Canada we usually refer to as responsible government. Because fundamentals are involved, I'll have to commit a little political science, for which I apologize in advance.

First of all, changing fundamentals means you can't simply change the electoral system and everything else stays the same. A lot of things will change if we move from the majority-plurality system we have today to one or another form of proportional representation, or PR, as I'm sure you've heard it referred to. The kind of PR matters as well, but I won't go into that. The important thing is this: changing the electoral system is not just applying a new coat of paint.

Second, politics involves forming coalitions—of interests, of ideologies, of personal patronage, whatever—in order to govern. This is as true for chimps and bonobos as it is for human beings.

Parties part people in the sense of dividing them, but they also bring them together as they search for winning coalitions. Whatever the electoral system, whether plurality or PR, parties exist to form governments; that is their rational purpose. It is not just to promote interests and ideologies. Interests and ideologies are often promoted by organizations other than parties and are, within parties, often subordinate to forming a government, but here matters get more complicated, because different electoral systems incentivize people to form different kinds of coalitions.

Specifically, plurality systems incentivize people to form coalitions within a party to win a parliamentary majority. Brian Mulroney famously did so by forming a coalition of Quebec nationalists and westerners. Under PR, small parties, which may well represent ideologies or interests—or in Canada, a region—have no possibility and no ambition to form a government. They want to be part of a larger coalition in order to advance their ideology or interests that way. Governing with a PR system still involves forming a coalition, but now parties form them openly in parliament rather than within a big-tent party. That is, all PR systems incentivize persons to create single-issue parties to run on comparatively narrow agendas and do the coalition-building after the election.

None of this is news. I first learned about the effects of electoral systems as an undergraduate at UBC during the 1960s. The material we were reading was even older.

I have one last bit of political science. We all know that majority rule in free elections is the basis of democracy, but when there are more than two choices, there may be no majority for any particular rank order of choices. This “voters' paradox,” as it's called, is the electoral equivalent of “rock, paper, scissors”. More formally, it is the basis of Kenneth Arrow's impossibility theorem, which he described in 1951 and which helped secure him the Nobel Prize in economics 20 years later. The implication of this very complex argument is significant: there is no best electoral system.

To repeat, there are different incentives provided by different electoral systems, and these incentives are distinct from questions of establishing the franchise, homogeneity of electoral districts or constituencies, and what Canadian courts call “communities of interest”.

Let's look again at the consequences that a PR incentive system extends to a political party that is more concerned to advance a particular interest, ideology, or agenda than in ruling.

First, it leads to a proliferation of small parties. Even in a plurality system, the disintegration of the big-tent Mulroney coalition resulted in two little parties, Reform and the PQ. It took a decade for Stephen Harper to recreate at least part of the coalition in the Conservative Party of Canada. Outside Canada, between 2000 and 2015, 17% of PR elections resulted in single-party majorities. In contrast, 85% of majoritarian or plurality elections resulted in single-party majorities.

So what? That seems to be a pretty benign consequence.

The problem, however, is that when coalitions are formed in Parliament rather than within the party, large majority parties have to make concessions to small ones, including fringe parties. This is reason enough for small, intense, single-issue parties to favour PR.

The logic is obvious. If small-party ideologies or interests are supported by most electors, they become big parties. If not, they are in a position to leverage their small but intense support in exchange for supporting a big party in Parliament and getting the big party to legislate what they want—but notice that they do so against the wishes of the majority.

● (0940)

Democratic theory is rightly concerned with the tyranny of the majority. PR practically invites tyranny of the minority or minorities. In short, PR does not encourage the foremost political virtue, namely moderation, to say nothing of institutional stability.

The most obvious practical result is that PR elections lead to increased government spending as large parties acquiesce in the requests or demands of small ones in exchange for their support. One study has shown that increases in government expenditures are in the order of 25%. Moreover, PR countries tend to cover their increased expenditures by borrowing money, thus increasing debt. The generalized effect, therefore, is to increase the size of government, which increases the effective power of bureaucrats, and bureaucrats are not elected by anybody.

I should say in passing that the most obvious forgone benefit of instituting a PR system is that it becomes much more difficult to vote the government out of office. This practical advantage of plurality systems was clearly in evidence in the 2015 federal election and in the 2016 Alberta provincial election.

In that connection, so far as changing the federal electoral system is concerned, winning 39% of the popular vote does not constitute a mandate, especially when you ask how many of those who voted for the federal Liberals did so because that party promised to change the electoral system but didn't say how. I would suggest the answer is “precious few”, which leads to a final practical issue: the growing suspicion of, not to say cynicism with respect to, the motivations of government. Like all parties, the Liberals are rational actors and so will likely design an electoral system from which they expect to benefit. Whether they do is, of course, another matter.

A couple of lawyers wrote in the *Toronto Star* not too long ago, which usually supports the present government, “To allow a one-off parliamentary majority to unilaterally alter” the foundations for distributing political power “would be fraught”. Madison said something quite similar in “Federalist No. 10”, and so did de Tocqueville and many other democratic theorists.

Let me conclude by reiterating my first observation, that changing the electoral system is a change in fundamentals. In legal language it amounts to changing a constitutional convention, or what we now call the constitutional architecture. I need hardly remind you that constitutional conventions are the customs, practices, and maxims that are not enforced by courts but nevertheless constitute a practical political ethics. We were recently reminded of their importance by the spectacle of Senator Duffy.

What is more important is that we might anticipate a court challenge from one or more of the provinces on the grounds that changing the electoral system violates a constitutional convention that has been in place since 1791. It clearly changes the internal architecture of the Constitution, which invites scrutiny by the Supreme Court of Canada.

Changing the electoral system obviously affects provincial interests. Just think of the constitutional requirement of four MPs for P.E.I. If that constitutional requirement were carried forward, one of my colleagues at the University of Calgary calculated that the House would contain over 600 MPs, which implies another kind of architectural change to the configuration of the chamber.

More to the point, the decisions by the court in the Nadon reference and the Senate reform reference of 2014, and going back to the patriation reference of 1980, are pretty good indications that the government would lose.

In short, thinking about a PR system for Canada is fine for political science undergraduates in a bar on a Friday evening. For Parliament seriously to consider this constitutionally suspect change is politically imprudent, to use no stronger language. A lot can go wrong and likely will.

• (0945)

The Chair: Thank you, Professor Cooper, for that interesting analysis.

We'll go now to Ms. Goodman for 10 minutes, please.

Prof. Nicole Goodman (Director, Centre for e-Democracy, Assistant Professor, Munk School of Global Affairs, As an Individual): Good morning.

I'd like to begin by thanking the chair and members of the committee for the invitation and the opportunity to speak today and share my research findings and thoughts.

Before I begin, I'd like to draw everyone's attention to the fact that the Centre for e-Democracy, which is an organization that's dedicated to generating, translating, and disseminating scholarly research findings about how digital technology is affecting our democracy and our societies, is releasing a report that looks at how Internet voting in local elections in Ontario affected election stakeholders such as voters, candidates, and election administrators. That report was released today on the centre's website. Thank you.

I have structured my remarks to speak to the applicability of online voting with respect to the guiding principles of accessibility and inclusiveness, engagement, and electoral integrity. I'd like to make clear that when I am speaking about online voting, I am referring to remote online voting, which means being able to cast a

ballot from a remote location such as work, home, or perhaps overseas.

There are other types of electronic voting, such as from public kiosks or by electronic devices at a polling place. These latter options allow for tighter control by election officials and can minimize some risk.

Remote online voting offers electors improved access and has the greatest potential to reduce costs associated with casting a ballot. It is the only type of electronic voting reform that represents a substantial step forward in terms of voter access and convenience.

Voting accessibility is becoming increasingly important for Canadians. Turnout in federal and provincial elections has experienced a general trend of decline over the past 25 years, notwithstanding a few recent increases that have to do with the contextual considerations in those elections. At the same time, voter turnout in the advance voting period in the same elections has risen significantly. Why is this?

There have been some changes to the advance voting structure that may have created additional opportunities to participate, such as extensions in the number of advance voting days. Generally it appears to be part of a trend, also mirrored in other advanced democracies such as Australia and the United States, whereby voters are opting to vote in advance of election day.

Voters in these countries are also using other remote voting methods more, such as voting by mail. In the recent Australian federal election, for example, overall voter turnout was the lowest it has been since compulsory voting was introduced in 1925, but advance participation at the polls was around 24%. This is up from 16.9% in 2013 and 8% from 2010. Taking into account votes cast by mail, about 34% of the votes in that election were cast before election day.

The fact that voters are so readily making use of the early voting period and other remote voting methods signals that the contemporary voter wants options, or rather choice and convenience, for voting.

There is also evidence that improvements in access can address some of the reasons for non-voting listed in Elections Canada's survey of electors and Statistics Canada's 2015 labour force survey. In recent elections, the frequency of the explanation of "everyday life issues" is the largest category provided by non-voters to explain why they did not participate. This category includes rationales such as being too busy or out of town, illness or disability, weather conditions, or transportation problems. Online ballots can enable voting in situations of everyday life or health issues. These reasons for non-voting should be on the radar of the committee in their consideration of voting reform.

Access can be particularly important for special groups of electors, such as citizens abroad or military overseas, persons with disabilities, young people away at post-secondary schools, the elderly, and members of indigenous communities. Ten countries presently have active Internet voting programs, and five of these initiated the reform to improve voting access for citizens or military overseas: Armenia, France, Mexico, Panama, and the United States. Jurisdictions that have implemented these programs seem content with the added access for voters, and some have expanded the program to the entire electorate, such as Alaska.

Should the government decide to adopt mandatory voting, it would also be important to introduce reforms or measures to improve voter access to the ballot box, such as additional advance voting days, vote centres, or remote online voting.

Regarding the implications of online voting for engagement, I will speak first on turnout. A recent study of Internet voting adoption in Ontario municipalities by myself and my colleague, Leah Stokes, professor of political science at the University of California, Santa Barbara, finds that the voting reforms increase turnout. Examining five elections from 2000 to 2014, we find that Internet voting increases turnout in Ontario municipalities by 3%.

• (0950)

These results are consistent with findings of other research on "convenience voting" reforms, such as voting by mail or early voting. These studies find effects in the 2% to 4% range, typically.

Other voting reforms the committee is considering, which are larger changes, may not have much larger effects on turnout. Adopting a PR system, for example, can increase turnout by 5%, while compulsory voting laws show a much larger change, with an average increase in turnout of 7% to 16% in advanced democracies.

However, even in places where mandatory voting is already established, such as Australia, there is talk of further improving turnout. Voter participation is complex, and no one institutional reform will be the silver bullet.

In terms of policy design and what the voting reform should look like if introduced, we find that when registration to vote online is not required, 35% more people choose to vote by Internet. We also find that there is less uptake of online voting when it is offered in the advanced voting period and not on election day. If offered, I would recommend offering online voting on election day.

Now let me say a word about non-voters. Evidence in Canada and in other countries with established online voting programs, such as Estonia and Switzerland, shows that online voting brings some

infrequent voters into the voting process. Particularly in Canada, at the municipal level there is evidence that people, who previously were eligible to vote but were not brought into the voting process when online voting was offered.

With regard to age and engagement, online voting typically appeals to voters of all ages, though not disproportionately to young people, as is often thought. My research on Canada and findings from other countries, such as Norway, show that the youngest voters, those aged 18 to 25, are more likely to choose paper over online ballots, perhaps out of symbolism or ritual for the first time participating.

Emerging research from Switzerland finds that while older voters are likely to use online voting and remain loyal to the voting method, young people are more likely to try online voting once and then move back to paper ballots or back to abstention. Older voters will use online voting, but it's not the solution to engage young people.

I will end with some final words about electoral integrity.

Though security authentication and verification must be managed carefully, our lives are increasingly moving online. I am of the view that the modernization of government institutions is inevitable, and whether online voting is proceeded with or not, we are going to see technology creep into other aspects of the election process, such as the voters' list, voter registration, and ballot tabulation. Thus, the government needs to give due consideration to research in this area and how voting technologies might apply to the unique, contextual circumstances in Canada.

The integrity of elections should be a foremost consideration of parliamentarians. While some changes may raise questions about the impacts of certain reforms, taking no action, which is a decision in itself, could also impact citizen trust and faith in elections and Parliament.

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

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

Thank you.

• (0955)

The Chair: Thank you.

That was very rich in insight and the latest information. Much of it seemed at first blush, from where I'm sitting, to be counterintuitive. We're looking forward to really delving into what you said in more depth.

[Translation]

We now move to Professor Macfarlane, for 10 minutes.

[English]

Prof. Emmett Macfarlane (Assistant Professor, University of Waterloo, As an Individual): Thank you.

I want to thank the committee for the invitation to join you today. You'll forgive me if I'm not as coherent as I could be, but we have a two-week-old baby at home, and it turns out babies come with a big dose of sleep deprivation.

The brief I submitted to you addresses a set of disparate issues relating to electoral reform. It explains why there are no significant constitutional constraints on Parliament's authority to implement reform. It addresses the nature of proportionality and reminds you that while PR systems are designed to result in proportional representation in legislatures, they do not necessarily result in anything resembling proportional exercise of power. It cautions you about mandatory voting and asks that you consider whether mandatory voting is anything more than treating a symptom of a set of problems rather than dealing with those problems. It presents an argument for why, I believe, political legitimacy may require, at the end of this process, a referendum to ensure that Canadians support whatever specific reform is advanced at the end of the day.

For my opening statement, I'd like to focus on exactly how evidence from social scientists, and especially political scientists, can assist you.

As the committee has already learned, political science can provide important insights about the operation, impact, and comparative evidence regarding various electoral systems, but there is no social scientific evidence that one can apply to assert that any particular system Canada might seriously consider adopting is more democratic than another, and this includes the first-past-the-post system.

As Professor Jonathan Rose has told you, choosing between alternative electoral systems is a question of values and trade-offs. In my view, there are those who advocate for PR systems with privilege, proportionality, and vote equity, and there are those who advocate for the status quo with privilege, efficiency, vote aggregation, and more direct or clearer lines of accountability. These values are all consistent with democratic norms but are emphasized by varying degrees by different electoral systems. There

is nothing less democratic about a system that privileges parties capable of obtaining deep enough support to win single-member geographic ridings, nor is there anything less democratic about a system that seeks to ensure seats allocated in a legislature reflect popular vote shares.

Misleading rhetoric about the various electoral systems may cloud our ability to properly identify these trade-offs that are associated with each system. There are accusations that first past the post produces false majorities that risk misrepresenting that system entirely. It certainly looks like a false majority is produced if one frames the system entirely on the basis of national vote shares, but that's not what the existing system is meant to do. In first past the post, the system effectively consists of 338 separate electoral contests with a seat at stake in each one. A party that wins a majority of those contests is not winning a false majority. Canadians might reasonably prefer this simple geographic form of representation. Similarly, accusations that PR systems bring inherent instability are not supported by the comparative evidence, nor is there any evidence that Canadian political parties, or the political culture within Canada or its Parliament, are somehow incapable of adjusting to a system that more readily produces minority or coalition governments.

It has been disappointing to see some of the expert witnesses appearing before you make normative assertions about the democratic validity of certain systems over others. These may be informed opinions, but they are grounded in normative preferences, ideology, and even partisanship. This is not to say they are illegitimate or somehow not valid. I would argue that you could make a valid, normative case in favour of any major electoral system, including the status quo.

The question becomes one of who gets to make the final call. With respect, political parties have too much self-interest to be trusted with the end decision. There is already sufficient anecdotal evidence that the parties each of you belong to are already entrenched in their views about the outcome of this process. It would be absurd, especially considering the arguments against first past the post, to enact an electoral system against the wishes of a majority of Canadians.

• (1000)

The government's campaign promises gave it a mandate to pursue reform, but they do not provide a mandate to enact any particular electoral system. An electoral change is not like any other ordinary legislation. Canadians should have a say in the design of the fundamental thing that links them to the state.

I'll leave it at that. Thank you.

The Chair: Thank you very much, Professor Macfarlane.

Congratulations on the new arrival in your home. A lack of sleep does not seem to have blunted your acuity and the clarity of your comments.

We'll proceed to the first round with Mr. Aldag, for five minutes, please.

Mr. John Aldag (Cloverdale—Langley City, Lib.): Thank you.

Professor Goodman, I'll start with you.

First of all, I'd like to thank all three of you for being here today. I'm sure that you'll all have lots of questions as we go through the rounds.

We've had some discussion on online voting. I'm particularly interested in the online voting work that you've done and I was able to retweet the link to the report that was just released, so hopefully everybody out there watching us will get to review that material.

From some of the witnesses we've heard already, the concern of security comes up. There's this cautionary note that's been given to us to be careful, and that our electoral system needs the trust of Canadians. In your studies, could you speak to some of the issues, such as how other areas are dealing with these security concerns. How are they addressing security within their population to give people the certainty that they can trust the system that's being introduced?

Prof. Nicole Goodman: Thank you for the question.

Yes, security is certainly a major argument against online voting. Certainly a lot of jurisdictions that have looked at implementing it have delayed or stalled or not moved ahead with pilot projects because of concerns around security, but Internet voting has been used in numerous jurisdictions now in the world. I think there are over 20 jurisdictions. The biggest concern reported from authorities that have well-entrenched programs—such as Estonia, for example, which is the only country to deploy Internet voting in a national election—is they're more concerned about perceptions of security and how that might hurt things as opposed to actual attacks. I think what you find when you do surveys, particularly in countries like Canada that have high Internet penetration rates, is that the public is very accepting of the Internet and they want to see more and more services online.

I was recently attending a conference where someone suggested that even if there was an issue, just as there are issues with online banking, people continue to bank online. I'm not supporting that or saying it's right, but there seems to be an expectation among citizens today that we should have services online and that those other concerns should be mitigated.

•(1005)

Mr. John Aldag: I'll take the comment about the online banking. It's something that's come up in our discussions with the previous witnesses. One of the comments that was given to us is that in the case of online banking, if you're hacked and you lose your money, there's insurance. There are things that cover it. There's not that same kind of insurance with a vote.

Are you seeing it in conversations in areas that have done this? How do you give people that confidence? How do other jurisdictions give people that confidence? I think you indicated that we should start slowly and try it with a test population. Does that give the population the confidence? I'm curious. Alaska, I think you said, started off small and has rolled it out to the entire population. Have

you studied the steps that they took to get there and reactions within the population as they went over that rollout? What does that look like?

Prof. Nicole Goodman: In a lot of jurisdictions you'll see them start out with a pilot, and then they'll move up from there. Even in Estonia, for example, they started in local elections and then they moved up to national. In European parliamentary elections, in Switzerland, you saw the same trend.

Typically, when you're starting out, you do a lot of research and come up with a system that works for you. What they have in Estonia, which I can maybe speak to a little bit more later, is maybe not something that would work financially in Canada, because Estonia is a very small country. Everyone has a digital card, and that card is your bus pass, your bank card—it's everything. It's not something that you easily want to share. It's not something I would share with Professor Macfarlane, for example, because it has all of my information on it.

The media and candidates and voters have been brought into the process as they were implementing it. Making sure that there's lots of education and outreach is key to getting stakeholders on board, and it's really important to have an open and transparent process, to have public information sessions about how the technology works and to have people test it out and try it out and see if they like it.

One last point is to make it available to maybe a special population of electors first. You see it in quite a few jurisdictions. I mentioned it's available to expats or military overseas, or another special group or a special area. Then once they've worked out the kinks, they do larger deployments.

The Chair: Thank you.

We're almost at five minutes, so we'll move on to Mr. Reid. Thank you, Mr. Aldag.

Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC): Thank you very much. I found all three presentations very interesting. I will, however, be directing my questions to Professors Macfarlane and Cooper simply because your topic is fundamentally different from Ms. Goodman's.

I want to start with a thought that has been rolling around in my head. Professor Macfarlane, I think this is somewhat as you were saying, but I've had the impression since October of last year that what has happened is that the government has misinterpreted what its mandate is.

The classic parliamentary mandate theory from the era of Gladstone and Disraeli would have said that the government has a mandate to propose legislation, that effectively it has the exclusive right to propose legislation. In those days, if Disraeli, for example, had had a minority in Parliament, he would still have, being in control of the executive, the exclusive right to propose legislation as government legislation. Gladstone in opposition would not, and Parliament would make the decision, and they seem to have made the assumption that the modern version of this is that if they have a majority, regardless of the percentage of the vote, they have the right to simply push through everything they bring forward, whereas I would say that the proper modern interpretation of mandate theory ought to be that they continue to have the exclusive right to propose any electoral system they think is appropriate but that ultimately it is the people who ought to have the final decision by means of a referendum.

Do you think I'm right in saying that the government does have a legitimate mandate to propose whatever system it thinks is best, but not to proceed beyond bringing that forward to the people for the final decision?

Prof. Emmett Macfarlane: I don't want to get into suggesting that a political party can't make whatever promises and frame those promises however it wants, and quite frankly, in a system of responsible government, if the government can pass constitutional legislation, good for it.

My concerns relate to the political legitimacy of those decisions, and I think had the government actually promised a specific electoral system, it would be on safer ground with regard to that political legitimacy question. I think the nature of the promises that 2015 would be the last first-past-the-post system, that we will consult and pursue reform, clouds the extent to which you can claim a direct mandate from the people. I do think there are other reasons that Canadians need to be consulted by a referendum. I just think the mandate, the nature of the promise, is what I think runs into some difficulty in terms of political legitimacy.

• (1010)

Mr. Scott Reid: Right.

I have been frustrated. I've made this point to the minister. She says we'll sit back and wait for recommendations and then we will choose from those recommendations and then proceed forward, presumably without a referendum, although she's a bit vague. It seems to me she's got it backwards, and I've said to her, "Look, you make the choice. You decide what is right and then present it," and it's the people who should make the decision rather than as we're doing now. Essentially we go out and ask the people of Canada what recommendations they would make so that the government can make the final choice.

Do you see what I'm getting at? It seems to be almost a reversal of the way the system would best function, whether from a democratic point of view or simply from the point of view of coming to a practical, workable system.

Prof. Emmett Macfarlane: I am a bit torn. I'm not a fan of referenda generally. I do see electoral reform as an exceptional case, so I wouldn't want governments to have to deal with every policy decision by saying that "Well, we're going to make our decision and

then we're going to present it to the people. We're going to constantly have plebiscites." However, I think there is something particular about electoral reform that's inherent in a value proposition about what system we ought to have. I don't think a referendum can replace any of the process of actually arriving at a potential alternative, but I have yet to hear a convincing argument against a referendum in this case, especially given the arguments against first past the post and the nature of government power under that system or why we ought to potentially push through a system without knowing that Canadians don't prefer the status quo.

Mr. Scott Reid: Thank you.

I'll wait for the next round for Professor Cooper, because I seem to be out of time.

The Chair: Thank you.

Monsieur Boulerice is next.

[*Translation*]

Mr. Alexandre Boulerice (Rosemont—La Petite-Patrie, NDP): Thank you, Mr. Chair.

Welcome to the witnesses appearing today.

I would first like to ask Ms. Goodman a question.

Many voters want to be able to vote online. They come up to us in the streets to tell us that it is 2016 and to ask us why it is not being done. The most common example they give is that they can now pay a telephone bill through their bank. So why can't they vote in the same way? On the other hand, even though it is modern and user-friendly and can make life easier for a number of people, if it's not broken, don't fix it, as they say.

We still have a system that works well. The law allows people to leave work at a certain time in order to go and vote. When you show up at a polling station, you only have a few minutes to wait. I have never waited very long to vote. You can find out the results two hours after the polling stations close. If the result is unclear, people open the sealed boxes and count the ballots again.

If that works well, you wonder why we have to move to something that a number of people see as quite risky. Here is an example of a vote that was not done online, but that was done electronically.

In the municipal elections in Montreal in 2009, people did not vote on paper ballots but they registered their votes using a machine. Initially, the company that organized the voting provided amazing guarantees as to the security of the process. But a year and a half later, we found out the company in question was unable to guarantee that the results that had been announced were accurate. In fact, we did not know whether the candidate elected as mayor of Montreal actually was the mayor of Montreal, which was somewhat of a problem.

What could you tell people to reassure them that the process is secure? The procedure seems quite interesting, but I do not see the need for it.

[English]

Prof. Nicole Goodman: Thank you for the question.

To start to respond, I'd like to say that electronic voting machines are very different from Internet voting. You typically see the two conflated. People point to the 2000 election and what happened there as an argument against Internet voting.

I'm not here today to necessarily advocate for Internet voting or say that it has to be implemented. My view is that our political institutions are modernizing, and if we don't see Internet voting now, we're going to see technology in other aspects of elections. The United States is a great example, because it is a country that has been extremely cautious, yet you see 32 states now using the Internet for voter registration, and it is having a great impact. I think we'll see the technology creeping into voters' lists and into registration, and we already see it in ballot tabulation in a lot of areas.

I think it's important for the government to flag this, put it on their radar, and start doing research now so that maybe in five or 10 years, when you decide that maybe it is time to implement it, the framework will be in place and it's not a rushed process. In the U.K. in particular, they really tried to rush their trials and pilots and it didn't work out well for them.

• (1015)

[Translation]

Mr. Alexandre Boulерice: We want to use online voting in order to increase the turnout at elections. But Professor Jansen, who was here with us yesterday, told us that Internet users, those who could be most likely to vote online, are already online and interested in politics. Often, people with more education and a higher income, those who are more comfortable, already vote using the paper ballots.

Is there any evidence at all that online voting could increase participation in elections, given that people who do not vote are often more marginalized and less likely to understand and to use electronic or online tools?

[English]

Prof. Nicole Goodman: Yes.

Professor Jansen's comments are correct when we look at who is the average Internet voter and who uses Internet voting the most. In Canada at the municipal level and also in other jurisdictions, it is typically people who are older, people who wealthier, and people who are more educated. This is interesting, because in a way it speaks to this digital divide. A lot of people say, "Oh, older people won't make use of online voting because they have lower digital literacy", but we see this isn't true. When older people have lower Internet use, for example, or familiarity with computers and the Internet, they're still just as likely to make use of Internet voting. That is somewhat reassuring.

In terms of—

The Chair: Just take a couple of more seconds, please, for your point.

Prof. Nicole Goodman: Okay.

We have seen it improve access for special groups of electors, such as persons with disabilities. It's being used in many first nations communities, and hopefully I'll have the opportunity to speak to that.

The Chair: Thank you very much.

[Translation]

Mr. Ste-Marie, you have the floor.

Mr. Gabriel Ste-Marie (Joliette, BQ): Thank you, Mr. Chair. Welcome to the witnesses and my thanks for providing us with those presentations.

My question goes to Mr. Macfarlane, but I would also like to hear comments from Ms. Goodman, and from Mr. Cooper, of course.

Canada is a federation, not a legislative union. Fundamentally, the idea was to guarantee minority peoples like mine that their rights would be upheld so that they did not find themselves engulfed by the identity of the majority people, in this case yours. The current electoral system contains mechanisms that provide protections.

In your view, if the reform of the voting method led us to choose a mixed-member proportional system, what measures would be put in place to guarantee that minority rights would be upheld?

[English]

Prof. Emmett Macfarlane: I think part of the discussion about the electoral system ignores a lot of related policies that aim to protect minorities. I would say that regardless of the system, there are a set of things we can discuss in terms of ensuring fair representation and protecting minority rights. One is charter values. We have a problem in this country with leaving those rights questions too readily just to the courts. I think Parliament could be much more activist about the charter and thinking not only in terms of how we craft policy and legislation to avoid constitutional infringements but also about how we enhance the values of the charter. You can think about how this rule might relate to the electoral system in a couple of ways, the big one being the parties themselves and things like candidate selection.

Professor Melanee Thomas gave a great presentation to the Canadian Study of Parliament Group a few months ago. She pointed out that electoral system reform isn't the most effective way of making changes relating to representation of minorities. The most effective way to get there is to change our political culture and to change how candidates are selected in parties. Some of our parties are cognizant about gender representation and others less so. I know I risk opening the can of worms of how much Parliament should regulate the conduct of political parties, but it's an open one, and I think there are things that relate to the electoral system but aren't inherent in the system that are more germane to protecting minority rights.

•(1020)

[Translation]

Mr. Gabriel Ste-Marie: Okay. Thank you.

In case my two other colleagues would like to make any other comments on this, I would like to add that my question really was about the rights of minority peoples, not those of all minorities.

[English]

Prof. Barry Cooper: I would only add that federalism is also a good protection, and historically it is what has protected the position of the major self-understanding of minorities in Canada, namely francophone Quebecers. With the charter and with the implications of the last 30 years, francophone minorities outside of Quebec and anglophone minorities inside Quebec, although to a lesser extent, have also been protected, mainly through court decisions.

As you mentioned earlier, sir, if it's not broken, there's no need to fix it.

Prof. Nicole Goodman: I would agree with Professor Macfarlane's comments.

[Translation]

Mr. Gabriel Ste-Marie: Okay. Thank you.

Mr. Chair, as I only have a minute to left, I will stop there.

The Chair: So you are going to put that minute in the bank.

[English]

We'll go to Ms. May now, please.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chairman.

I want to thank all the witnesses for coming here today. I think I would like to start by asking Professor Macfarlane some questions.

Your brief is very helpful and clear, and again congratulations for the new baby.

I find you've taken a run at some of the academics I hold in highest regard. I thought I would start by asking about your comments about the term “false majority”. It's a term that was, as far as I know, invented in relation to first past the post by Professor Emeritus Peter Russell, a political scientist from the University of Toronto, in his book *Two Cheers for Minority Government*. I was wondering if you're familiar with the larger context in which he coined the term “false majority” to describe a government in place with a vast majority of seats but with a minority of public support.

Prof. Emmett Macfarlane: I too hold Peter Russell in the highest esteem. He's an academic hero of mine. I'm not sure who originally coined the term “false majority.” My concern is less about where it emanated than how it is employed in this debate, and it's often employed in a way, I think, not to argue in favour of a different system but to, I would argue, misrepresent the nature of the system we have.

Our system is simply not intended to translate the national vote into equitable shares of seats. It's a different system. When the average Canadian hears that false majority governments result from it, without having the context of knowing that someone is arguing

for change rather than describing what a system does, I think we lose the empirical versus the normative frame. The implication is that the first-past-the-post system is, obviously, illegitimate because it's producing undemocratic results, but that's a value proposition, not an empirical statement.

Ms. Elizabeth May: In terms of what Professor Russell was saying, I would agree with you entirely if our system of Parliament was members of Parliament who weren't controlled by party discipline. In effect, a false majority—and again, I'm paraphrasing Professor Russell and of course also Professor Donald Savoie—in our system of Westminster democracy, more than in any other Westminster democracy, creates power in the executive. Our prime minister has more power relative to our system than a U.S. president has in their system, or a U.K. prime minister or an Australian prime minister has in theirs, and so on. That's why there's a question of legitimacy when 39% of the votes translates into control of the executive and the legislative branches.

Would that be a concern of yours at all?

•(1025)

Prof. Emmett Macfarlane: Yes, absolutely. I think my point was that a lot of people don't frame the debate that way. I'm not accusing Professor Russell of misrepresenting anything. I think the way the term “false majority” is frequently thrown around shows it being used in a more disingenuous way. That's my only concern. I think there are, as I said, legitimate arguments in favour of pretty much any major electoral system.

Ms. Elizabeth May: Taking that point, I want to switch to Professor Cooper.

I've read your piece with interest—I've read many of your pieces over the years, good heavens—and I don't always agree with you. We can discuss climate change and the connection to fossil fuel burning on another occasion.

Voices: Oh, oh!

The Chair: This is an electoral reform committee, I remind the members.

Voices: Oh, oh!

Ms. Elizabeth May: Yes.

The piece that I think is very relevant is your piece from April: “Don't Hold Your Breath Waiting for Alberta's Right To Unite”. Our colleague and fellow member of this committee for the moment, Jason Kenney, is very keen that you be wrong, but it goes to the heart of the problem with first past the post.

In your comments, you said that with proportional representation we'd have a proliferation of smaller parties, but your example actually came from first past the post and the splintering of Progressive Conservatives and Reform and the Bloc. I just want to ask you, if you could cast your mind back to the 1993 election, whether you have any concerns that the country wouldn't have had better representation had we not had a first-past-the-post system, which, for 16% of the vote gave Progressive Conservatives two seats, while 6.7% of the vote for the NDP gave them nine seats, and in the previous election the Progressive Conservatives, with 43% of the vote, had 169 seats.

Does this in any way create any concern on your part about first-past-the-post perverse results, in your interest of voices on the right not forcing themselves to unite in order to get the kind of Parliament that the voters would want?

Prof. Barry Cooper: As I said in my earlier remarks, and Professor Macfarlane said it as well, there's no best system. I think that Peter Russell would agree with me. I've known him for a long time, and this is kind of conventional wisdom. In your example, there are anomalies that, whether you're a Conservative or not, you might regret, but surely that is up to the parties. It's not a function of the electoral system. What happened with the disintegration of the Mulroneo coalition, in some respects, was foreseeable, like it or not, but I don't think it had anything to do with the electoral system. It righted itself; it just took a long time.

The Chair: Thank you.

We'll go to Ms. Sahota now.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Chair.

My first questions are for Ms. Goodman, and if I get through those I'll have one for everyone.

Online voting seems to be where we're headed in the future, as you say, and a lot of experts have said so, but there have been concerns about integrity and us not being ready. It's hard for me to fathom. I'm thinking that the issues we have with the Internet are ones that anybody in the world would have regarding the security aspect. Can we get into the case of Estonia and how they accomplished online voting there? How are they doing with the results? Have they been able to keep the integrity of their system?

Prof. Nicole Goodman: Thank you for the question.

Estonia is a much smaller country. I'm a social scientist, so I can only speak to the security a little bit from what I've studied, but they have a really robust system in place in terms of authentication. Since 2013, they've been working on verification as well.

You mentioned electoral integrity. There have been a couple of instances in which the integrity of elections in Estonia has been called into question, and I think they are important to highlight. One was in 2011, when a student claimed that he could tamper with the system by using election-rigging malware. Around the same time for the same election—but they don't think it's related—one vote was declared invalid during tabulation. They investigated this vote and what might have caused it, because someone could theoretically cast an invalid vote. No bugs were identified.

On the student issue, he wrote to the National Electoral Committee and to three major newspapers, and it eventually went to the Supreme Court, which dismissed the appeal, arguing that although the student was an Estonian citizen and could be subject to voter disenfranchisement attacks, he knowingly put the malware on his own computer and his rights were not violated. Shortly after that, one of the other political parties also filed an appeal to dismiss all of the votes in the election, and that was also dismissed by the Supreme Court.

Around the same time, Estonia started to approach the 25% mark in terms of votes being cast online, and that also raised concerns. When you have more than 25% of the votes being cast online, arguably there's more incentive for someone to try to tamper with the election. The vote share in terms of online voters has continued to increase, and they have not had any issues.

Based, however, on this incident, they worked toward verification. There are different types of verification, but basically the simplest kind is for you to be able to verify that your vote has been cast as you intended. Universal verification is considered the best, and that's cast as intended, recorded as cast, and then counted as cast.

● (1030)

Ms. Ruby Sahota: Okay. That's interesting.

Since we don't have any examples for national elections, can you point to any examples of municipalities or provinces that kept the integrity of their systems intact?

Prof. Nicole Goodman: Yes. Internet voting is used more in Canada at the municipal level than anywhere else. Ninety-seven municipalities in Ontario used it in 2014. There are a myriad of different approaches that they use, because they somewhat have autonomy over what they can do. Larger municipalities such as Markham and Halifax in Nova Scotia, for example, typically use two-step approaches, which require the online voter to register first. We know that this lowers uptake and fewer people will use it, but there is an argument that this adds an additional measure of security.

However, if the federal government were going to implement online voting, I think it would be really important to look at how you are going to authenticate the voter. You may choose to use something that's a little bit more rigorous than municipalities use, but authentication is one area that would have to be worked out. You could certainly look at Estonia and Norway, which have the most comprehensive systems out there, although it's been discontinued in Norway. Then verification would be the second piece that you would want to look at.

Ms. Ruby Sahota: Why was it discontinued in Norway?

Prof. Nicole Goodman: It was political considerations. Partially it was that turnout didn't increase necessarily, and a lot of political parties, particularly conservative parties—no offence meant—typically don't like online voting because they think it's going to encourage liberal supporters and a lot of young people to participate, and that's just not true.

[Translation]

The Chair: Thank you.

Mr. Richards, the floor is yours now.

[English]

Mr. Blake Richards (Banff—Airdrie, CPC): Thank you, Mr. Chair.

I'll direct my initial questions to Professor Cooper.

In your comments thus far you've had an opportunity to discuss the fact that your strong belief is that there's no best electoral system, and you've certainly talked about the merits and disadvantages of different systems.

I wanted to focus in a bit more on referendums and the importance of seeking the opinion of voters on any change that the government would seek to undertake. I saw in July that you wrote in the *Calgary Herald* that, and I quote, “the Liberals have neither political mandate nor constitutional right to change the electoral system without a referendum”.

I wanted to just ask if you could expand a bit on that and the rationale that you have for making that statement.

Prof. Barry Cooper: Let me say at the start that I'm not a big fan of referendums, as Professor Macfarlane said, but this is extraordinary legislation and there is a problem of legitimacy. This is not just idiosyncratic opinions of the two of us.

I think your common sense will tell you that if you're changing the rules of the game, the fundamental rules of the game, you have to make sure that the major players, namely the people of Canada, approve of it.

Now, having said that, what are the available ways of securing that kind of legitimacy? A referendum or another election, I suppose, where that is the sole issue, as the free trade election was a generation ago, might be one way of doing it, but it's unlikely that the Government of Canada is going to go to the people on changing the electoral system. It's a second-best alternative.

Ontario, P.E.I., and B.C., I think, have considered changing their electoral systems, and they've had referendums, and the proposals have all been defeated. If I were advising the Government of Canada at the moment, I would say that's probably not such a hot idea, because you're likely to be courting loss.

How, then, are you going to get legitimacy for this really basic change? I think it's a dilemma. I don't like referenda, but that would be one way, and the most obvious.

•(1035)

Mr. Blake Richards: Sure.

It's understood that the three previous examples of referenda on electoral reform in those provinces led to the reform being defeated.

The Prime Minister has stated this. He believes that a referendum would most likely lead to a defeat, but is that a reason to avoid one? Does that mean the government should proceed without seeking the will of the people, or is it actually a good reason to have one, in order to avoid having one political party, or even a number of political parties, impose something on the Canadian people that maybe they don't want?

Prof. Barry Cooper: That's an excellent question. I don't think there's a clear answer to it.

I think that when the government opened this question, they hadn't considered the consequences seriously. Certainly this committee has heard from a lot of witnesses that there are a lot of implications that perhaps the government did not have in mind or even consider when they suggested that Parliament should change the way it creates itself.

Mr. Blake Richards: You have also stated in the past, and this is a quote, that:

Those who advocate changing the electoral system, who mouth the bogus claim about wanting “every vote to count,” do not want to apply that principle to a yes/no vote on electoral change, even though it would produce a genuine majority vote.

Why do you think that is? What do you think is the disconnect between the goal and the process that people are advocating to be used?

Prof. Barry Cooper: “Who knows?” is, I suppose, the simplest answer, but assuming that political parties are rational actors, they set the procedure up in that way because they thought it would benefit their own agenda. I don't know why else they would do it, but the fact that it's inconsistent doesn't seem to bother people. Most of the time we are inconsistent.

[Translation]

The Chair: Thank you very much, Mr. Richards.

Mr. DeCoursey now has the floor for five minutes.

Mr. Matt DeCoursey (Fredericton, Lib.): Thank you, Mr. Chair.

I too would like to thank the witnesses for joining us today.

[English]

I wanted to return to you, Professor Macfarlane, and your testimony around the nature of proportionality.

You touched briefly on this idea of proportionality of representation perhaps being discordant with proportionality of power.

Can you expand on that a bit more? What do you mean by this, and how does this get misused by some people publicly?

Prof. Emmett Macfarlane: I think we need to focus on what PR does. As Professor Peter Russell told the committee, it is about translating national vote shares into proportional seat allocation in the legislature. We also hear that one of the main criticisms of first past the post is that a government can get 36% of the national vote and get 100% of the power. That 100% of the power is a function of the concentration of power in the executive and a majority government's dominance in the House.

The problem is that proportional representation is about proportional representation. It's not about the exercise of power. When you look at a context in which a party that gets 15% of the vote is able to leverage its way into a coalition government or get pieces of its preferred policies in play by propping up a minority government, that is exercising significant power. Nominally when 85% of Canadians voted against you, to me that is in some ways even more disproportionate than the power exercised by a plurality government in our current system.

This is not to say that any of that is legitimate. Responsible government means that whoever can control the confidence of the legislature gets to govern, and that type of arrangement could certainly happen under a first-past-the-post system. We seem to have a culture that doesn't lead to coalitions currently.

So PR is legitimate, but I think it's important to understand and to distinguish between what PR does in terms of proportionality and what it does not do.

• (1040)

Mr. Matt DeCoursey: Great.

I'm reminded of the conversation we've had with plenty of witnesses around the idea of trade-offs of values. You talk a bit about misleading rhetoric around different electoral systems.

As we prepare to embark to head across the country to meet with Canadians, what advice do you have for us to best lay out the options in front of Canadians in the most genuine and honest way possible so that they understand, on balance, the potential trade-offs that different systems will have?

Prof. Emmett Macfarlane: I think it's a bit of mental exercise of ensuring that we talk separately about what each system does in practice—the empirical aspect—and then about our normative arguments about each system. The normative arguments about each system are the criticisms one might make about the effects of these different values that each system has, and some of those criticisms are more or less empirically valid. I'm not sure the comparative evidence tells me that PR systems are inherently unstable. I think you have to cherry-pick a couple of countries to be able to make that claim, whereas many of the countries with PR systems are perfectly stable and their systems are stable.

On the flip side, if your argument is that PR systems tend to have the capacity to produce more narrowly interested or more ideological and even extremist parties, then we do see evidence of that. We have to separate fact from fiction. I think the starting point is speaking to Canadians about what each system does, what it looks like, how it works, and what the effects are empirically. We can then get into the debate about values when it comes down to looking at these alternatives and what order we are ranking values. If proportionality

and vote equity are at the top, then we might look at MMP or STV systems. Are we concerned about accountability? That might fog things up a bit.

I think we have to be clear about separating the “what is” from the “what should be”.

[*Translation*]

The Chair: Thank you.

Mr. Dubé, the floor is yours now.

Mr. Matthew Dubé (Beloeil—Chambly, NDP): Thank you, Mr. Chair.

My first question goes to Professor Cooper. It deals with the idea of creating coalitions known as “inter-parties” and “intra-parties”.

I do not have the exact quotation in front of me, but yesterday, one of the witnesses said that, in a proportional system, different parties could form a coalition in public rather than doing so at a party congress or, with even less transparency, at a caucus meeting.

I have a hard time understanding why you consider that one of the proposals you made is better than the other. You use the expression—

[*English*]

big tent parties

[*Translation*]

to represent something positive because the coalition would already be formed and it would not be necessary for the different parties to do it publicly. In principle, the result would be the same because nothing would be stopping a region or a group of interests within a caucus to promote a party's program. The only difference is that it would be done in public.

I would like to hear what you have to say about that.

[*English*]

Prof. Barry Cooper: The main difference between interest groups operating within a party and interest groups negotiating in Parliament is party discipline.

Interest groups negotiating within a party to form an intra-party coalition generally do things in private. When you have parties that owe their existence in the House of Commons to a very specific and, let's say, narrow agenda, everybody knows what that particular party will want, and they will therefore be looking to the larger party, whatever it is, to see how great a concession the larger party will make to the smaller one. That's the difference in the style of negotiation that goes on.

That's important for two reasons. There's always going to be discontent in the electorate, and there's always going to be discontent within big-tent parties, but there are not always solutions to these discontents. The point of party discipline is that it's able to stifle what you might call irrational discontents, people wanting things that are impossible or unlikely or contentious.

Smaller parties are composed of, let's say, true believers who are less willing to compromise and who are not subject to party discipline. They have no reason to compromise. We've seen this most obviously in the United States in the last 15 or 20 years, but I think it's also true in Ottawa.

Compromise is not a bad thing—

• (1045)

Mr. Matthew Dubé: But sir, I guess if we look at it, isn't that what PR is encouraging, though? I guess what I'm saying is that when you talk about party discipline, right now a good portion of the electorate sometimes gets frustrated with party discipline, but it's established in caucus, in private, whereas in a PR system you'd be forcing parties to have that negotiation in public. Would that not restore some credibility and some faith in the part of the electorate? At least then they would know why a vote is being held a certain way, or at least that the negotiation is taking place much more transparently. Again, it's not perfect, but it is better than an alternative.

Prof. Barry Cooper: Well, I guess if we are given a new electoral system that deals with PR, we'll find out, but it seems to me that there's at least as great a danger of an incredible deadlock.

Mr. Matthew Dubé: Okay, fair enough.

Professor Macfarlane, I have a question for you going back to that question of the intention of the system and how it can be misrepresented when people are using certain rhetorical terms, such as “false majorities” and so on.

My question is about the fact that in this day in age, with the 24-hour news cycle and social media, a lot of people buy into the idea that they can vote for a party or a party leader and they kind of forget the aspect of the local representative. Sometimes it's not a question of being ignorant of the system; it's just that with party discipline or whatnot, people feel that's what they're doing. They feel they're selecting a representative for a party and sending them off, and they're going to toe the party line.

Therefore, when we talk about misrepresenting the system, is the system not already misrepresented in the way people vote anyway in first past the post? The importance of first past the post is geographic representation, but that's not how some people are voting, so are we not getting false majorities just because people aren't necessarily voting the way the system intended them to, when they do strategic voting and whatnot?

The Chair: Unfortunately, we're right at five minutes, so perhaps you could include the answer in a further comment.

[Translation]

Mr. Deltell, you have the floor now.

Mr. Gérard Deltell (Louis-Saint-Laurent, CPC): Thank you, Mr. Chair.

Welcome, madam; welcome, gentlemen.

[English]

My first question will be to Mr. Macfarlane.

You said earlier that you're not a big fan of referendums—good point—but you say this is “an exceptional case”. Why is it so exceptional for you?

Prof. Emmett Macfarlane: Unlike most technical pieces of legislation, this is something that will actually affect all legislation, because it will change the composition of the House of Commons. The fact that elections serve as the primary link between society and government makes it exceptional. Given the Supreme Court's recent and further articulation of the idea that there is a constitutional architecture, even though the electoral system is not laid out in the constitutional text, it is of constitutional significance, and although we are not clear from the jurisprudence, that may mean that electoral reform is a change of a constitutional nature.

I happen to think that if a formal amendment is required, as it is under reapportioning seats, it's something that Parliament can do itself. However, that constitutional nature is something else that adds to the exceptional nature of electoral reform.

Mr. Gérard Deltell: Yes, but the point is that just by an amendment we can amend the law, opening the door to having a referendum on electoral reform, and everything will go on. As far as we are concerned, it's not a big issue, but we must have the will and the intention to call a referendum to solve this issue.

Mr. Cooper, you said a few minutes ago that a generation ago, in 1988, we had the election on the free trade agreement. I remember it quite well. We saw something very special, especially in Quebec, when we saw people very involved in the left movement and the separatist movement, like Jacques Parizeau, former PQ leader and former premier of Quebec, supporting the deal. He is not a Conservative and he is not a federalist, but he voted for that deal, so sometimes, yes, an election is a referendum election. We used to say that.

On this specific issue, do you think that in the next general election, the government should have the election of a new government and also at the same time a referendum on that specific issue?

• (1050)

Prof. Barry Cooper: The thing about a referendum is that it is either a yes or no, and the majority is unquestionable. The voters' paradox doesn't come into play. It would be very interesting, I think, if a referendum were coupled to the 2019 election. I think if the government went ahead—and it's presuming it's the same government and they win the election—then they would not run into much opposition from the Supreme Court. However, it's not just the federal constitutional architecture that's involved with respect to the central government: it also involves the provinces. I bet you dollars to doughnuts that some premier in 2019 will consider this a fundamental change in the nature of federalism, involving the provinces as well as the central government, so that you still won't necessarily avoid a court challenge.

[Translation]

The Chair: Mr. Deltell, you have a minute left.

[English]

Mr. Gérard Deltell: You talk about the provinces. Do you think the provinces should be involved in the process of electoral reform, and how could the provinces be involved in it?

Prof. Barry Cooper: This is the problem. When this proposal was brought before this committee and eventually, I guess, before the House, I'm not sure that it was thought through sufficiently that it will involve the provinces. It's not just a change of the electoral system that elects the members of Parliament.

Mr. Gérard Deltell: But how could the provinces be involved in the process? Is it by coming here and having the premier sitting where you are and talking about it, or is it through having consultations within their own parliaments?

Prof. Barry Cooper: I think what would happen is that the Solicitor General of, say, Saskatchewan would appear before the Supreme Court of Canada and say that it is a fundamental alteration of the nature of the federation. Whether that's going to be a success or not is a separate issue, but I've heard provincial politicians say this. I'm not going to defend their reasoning, but I think that is one of the implications.

The Chair: Thank you.

Ms. Romanado s next.

Mrs. Sherry Romanado (Longueuil—Charles-LeMoynes, Lib.): Thank you so much.

I'd like to thank our three panellists for being here today.

Again, Mr. Macfarlane, congratulations on the new addition.

Because it's so rare that we have an expert on online voting in our presence, I am going to dedicate my first round to the issue.

Two of the guiding principles that we have in front of us are engagement and then accessibility and inclusiveness. I did read the report that was issued this morning and I found it very interesting, because I am very much a proponent of a better understanding of online voter participation.

However, your report mentioned that the typical online voter is older, educated, and wealthier, and it stated that if we were to implement online voting, we would only see perhaps about a 3% increase in voter participation. According to the guiding principles, we're trying to focus on folks who would not normally vote, meaning those who are perhaps living in regions, those perhaps who have never voted before, and so on. Looking at the typical profile, I don't think that online voting would address the voters we're trying to reach.

Professor Macfarlane, you mentioned also that mandatory voting treats a symptom of a bigger problem. I think you're correct.

My question is really to Professor Goodman.

If we know that online voting would not actually increase participation by groups that we're trying to address, such as youth and people living in regions and those who don't normally vote, and that it would only increase participation by those who are already voting, what would be the cost-benefit analysis of implementing an

online voting system, given the fact that it's not going to address the issues that we've talked about?

• (1055)

Prof. Nicole Goodman: Thank you for the question. You raise a good point.

Typically, anywhere online voting is introduced, we see it mostly used among older, educated, wealthier people. It's a trend of convenience. People want to have convenience. We do see a lot of older people using it, the elderly and people in nursing homes. Some of them used the Internet for the first time. I was out in Nova Scotia and I observed some of the elections there, and they were voting online for the very first time.

It certainly can enable access. The general trend is for older people to use online voting. We do find that some groups of infrequent voters, people who have voted some of the time in past elections but not all of the time, or non-voters, people who have been eligible to vote previously but have never voted, are brought into the election process, but it's just modest.

With respect to your point on turnout, that 3% effect was over time in Canadian local elections. There is no guarantee, if the voting reform were implemented federally, that we would see that same effect because, if we look at voting by mail, which is another remote voting reform, we see that the effect is actually greater at the local level than it is in general elections. The same could be true for online voting. We don't know, because we don't have the data.

The problem in looking at countries like Estonia, for example, is that Estonia only allows online voting in the advance portion of the election and not for the full election. It's difficult to make claims about how a voting reform is impacting overall turnout when it's only offered in the advance portion of the election.

Mrs. Sherry Romanado: I have a follow-up question.

We have a fiduciary responsibility to the taxpayers. How much would it cost the general taxpayer, including increasing broadband connectivity to regions that don't currently have Internet, to be able to do online voting? What's the cost-benefit picture of doing this?

Prof. Nicole Goodman: Do you mean dollars and cents cost?

Mrs. Sherry Romanado: Yes, dollars and cents.

Prof. Nicole Goodman: I can't say exactly how much it would be. I know initially in Canada when municipalities were implementing it, there was a feeling that Internet voting was going to break the bank. What we have actually seen is that some municipalities have introduced it as a complementary method of voting in addition to paper voting. They've been able to keep their election costs the same. Typically they do this by having the same number of polling stations, but they'll reduce the number of tables within the polling stations. They find that they don't need them, because when they offer online voting at the municipal level, they see a lot of people moving to that voting method.

Mrs. Sherry Romanado: Since I only have 30 seconds, I'll let—

Prof. Nicole Goodman: Can I make one comment that I've been holding on to?

I want to draw people's attention—I don't know if this has been mentioned—to P.E.I, which is actually hosting a plebiscite on electoral reform at the end of October, and they're going to be using online voting to do it. I think there are five systems on the ballot, which is quite a few. I wanted to mention that to draw your attention to it. That might be something interesting.

The Chair: Thank you.

Thank you very much.

[Translation]

We now start the second round of questions and answers.

Mr. Aldag, you have the floor.

[English]

Mr. John Aldag: Great. I'll continue with our discussion, Professor Goodman.

One of the questions related to online voting. I was surprised when you said that it results in about a 2% to 4% increase as jurisdictions move into it. I would have thought it would have been more. I wonder if there are populations that drop off. You've talked about how older and more affluent populations tend to adopt it, but do you also see that there are people like myself who have voted historically in person, then decide to do it online, then never get around to it, and the window of opportunity closes? Is that one of the reasons we don't see numbers increased? Do people procrastinate? Do they end up having a technology problem? Is there some sort of trade-off, such as the gains, and do we lose other populations?

Prof. Nicole Goodman: Yes, definitely we see that the turnout effect is lower in areas that require registration. Fewer people are using it, because they forget.

You mentioned paper voters. A point I'd like to make is that one of the interesting findings from the Internet voting study published by the centre today is that we asked paper voters, the people who chose to go out and vote at the poll, if they'd like to see Internet voting introduced in future elections. A majority of them said they would. I think around 30% said that they would use it no matter what, but because of registration issues or time, they wanted to go ahead with paper this time. About 40% said they would like the option in case there was an illness or issues of special circumstance such that they might not be able to make it to the polls. I think there is support among paper voters for this change as well.

• (1100)

Mr. John Aldag: Okay, thanks.

I'm going to go to a question that came in on Twitter from Sebastian Muermann, and I'm wondering if you could give your thoughts on this. His question is, "How would Internet voting be affected depending on the type of electoral system chosen? Would PR be easier online? What about FPTP?"

"Does one system lend itself to online voting more so than another?"

Prof. Nicole Goodman: That's a great question. Thank you, Sebastian.

I haven't considered that, but I know that in Switzerland there is a combination of voting systems. I think they have some type of PR,

and they have lots of votes in Switzerland because of the nature of the referendums there. They've had quite a lot of success with it in the cantons that have used it.

I would have to consider that more, but off-the-cuff today I don't think there would be...the voting mode wouldn't affect the electoral system.

Mr. John Aldag: Okay, thanks.

I'm going to move to Professor Macfarlane. I'd like to explore some of the comments you've made on referendums. I hopefully heard you correctly. One of the comments I heard you say was that there's no convincing argument against a referendum.

I was looking through some notes. Yesterday we had Professor Lijphart speak to us and present some comments I found to be useful. He talked about the danger of a vote being based on voter confusion and misinformation. We've heard other witnesses talk about how a referendum doesn't lend itself to complex questions, and when we get into this kind of thing, it is very complex. We've heard that results are highly volatile and unpredictable. They involve emotions and often outright lies. We've seen this in the case of the Brexit referendum with the parties that campaigned against it. One of them would take all of the money that was saved, not send it to the European Union, and put it into health care. The day afterward, they said, "Oh, well, we can't actually do that." You have these outright lies being presented in referendum campaigns.

Other issues also come out, including general dissatisfaction with the government. A recent example was in British Columbia. We had a transit referendum in the Lower Mainland that was looking at an additional tax to pay for transit improvements. That referendum became not about the question but about the effectiveness of Translink, the body that oversees transit. What people ended up voting on was not the question being asked but something completely aside from that question. It was defeated.

To me, these start becoming compelling reasons to not have a referendum.

The last comment I have is one that came in from Twitter. The comment was from somebody in account lifestyles strategies, and they said, "I do not want to vote on something I don't understand. Can we not let government do its job and let us try the new system before voting?"

With all of that, are there any compelling reasons in there to counter your point that there are no convincing arguments against a referendum? When I see that kind of package of things, to me it says that maybe this isn't the best way to get input from Canadians. I turn it over to you for any comments.

Prof. Emmett Macfarlane: I really do not buy this idea that a well-run referendum would not lead to an informed vote. I think if we are at the stage where we believe that... You could say many of those same things about general elections, and no one is suggesting we stop having those. The Brexit example has come up a lot recently because of some of the fallout there. I'm not sure that's an apt example, because you have an unprecedented situation there in which the long-term benefits and costs of Brexit are really unpredictable.

We know what different electoral systems do, and we have evidence that when Canadians are presented with options, as we've seen in citizens' assemblies in Ontario and British Columbia, they can very readily wrap their heads around the details of those systems. I think the better comparative example is New Zealand, which actually had a multi-stage referendum process that successfully achieved reform. If anything, the problem with that process was that it was stacked against reform just by virtue of the way it was structured, and still New Zealanders were somehow able to come together and consider the alternatives and choose one. I like to think Canadians are as capable as New Zealanders in that regard.

• (1105)

The Chair: Thank you.

We'll go to Mr. Reid now.

Mr. Scott Reid: Thank you.

I concur that Canadians are as intelligent as New Zealanders and I just reject the argument made by the Liberal minister and the Liberal Party that Canadians are too uninformed, too stupid, too unwilling to learn to be capable of making a decision on this matter themselves.

This leads me to the questions I wanted to pose to Professor Cooper.

Professor, you made the comment that there is no best electoral system. I would submit to you, however, that there is actually a worst electoral system, and that would be not MMP or STV or alternative vote. It would be simply a system that has a predictable outcome on the vote—that is, it shifts the nature of how the next election would turn out even if Canadians have the same preferences they now have. We can guess at how that would work by looking at, for example, projections that have been made as to how different systems would have affected the outcome of the 2011 and 2015 elections. I think what we need to do is avoid a situation in which the mandate, real or imagined, the government got in the 2015 election is used to effectively change the rules of the game so that even if everybody voted the same as they did in those elections, we would have had more seats for the governing party.

Yesterday we heard from Harold Jansen, who did a study that showed that the alternative vote system would have produced improved results for the Liberals both in 2015 and in 2011, and pointed out a previous study that shows that earlier elections would have similarly been changed in favour of the Liberals. He said that on the three occasions in Canadian history when provinces adopted a system—didn't hold a referendum but simply adopted a system—that was distinct or different from first past the post—and this would be B.C. in 1950, Manitoba in 1921, and Alberta in the 1920s—the driving force was partisan self-interest of the party then in power.

The new system would favour that party. Then when each of those three parties switched back to first past the post, they were similarly driven by the naked partisan self-interest of the party then in power, which would benefit from going back to first past the post.

The question I'm asking you is this. I believe this is the most convincing argument for a referendum. I say this without any prejudice as to whether first past the post is better or worse than other systems. I'm asking whether you agree that I am right that this is the real reason that a referendum is in this case a useful safeguard for the Canadian people.

Prof. Barry Cooper: The short answer is yes.

B.C. is the only one I knew about. I didn't know about Manitoba and Alberta. B.C. was very interesting because it was clearly designed by opponents of the CCF to prevent them from gaining office in the 1950 or 1951 election. Social Credit came out of nowhere with W.A.C. Bennett. He was elected to a minority government, and he then immediately, within six months, called another election, changed the electoral system again, and stayed in office for quite a while.

The assumption—and I think it's a valid assumption—is that parties are rational actors and they propose changes in the law in ordinary legislation or in this kind of legislation, which is not ordinary, because they see it will benefit them or their supporters. There's nothing sinister about that. That's the way politics works. I don't think it should be surprising.

Then bringing in a referendum adds another element of what's unknown. Who knows what the result of a referendum would be? All of the misinformation and propaganda that goes on during elections would be intensified, I think, in a referendum campaign.

• (1110)

Mr. Scott Reid: Thank you.

I have a quick question to Nicole Goodman.

You mentioned you've got a paper that's available online as of today. I don't know if that's in English only. If it is, I wonder if you could arrange to have a copy just directed to our clerk and our analysts so we can get it translated. That way we can distribute it to members of the committee.

Prof. Nicole Goodman: Absolutely.

The Chair: Thank you very much.

Mr. Boulerice is next.

[*Translation*]

Mr. Alexandre Boulerice: Thank you very much, Mr. Chair.

Mr. Macfarlane, I am very pleased that you covered all the bases in pointing out that proportional methods of voting do not necessarily lead to unstable governments. It is a myth to make claims like that and I feel that it is important to say so clearly. On the contrary, these methods of voting can provide very stable governments. We have seen that in a number of western democratic countries, like Switzerland, the Netherlands, Denmark, Sweden and Germany.

On Twitter, a person by the name of Jesse Hitchcock is following the committee's work and wants us to talk more about what lies at the origins of the low turnout at elections.

In that context, let me suggest an idea to you, Ms. Goodman. I feel that the current method of voting, the one we call "winner takes all", is an obstacle to participation. In some ridings in Quebec, members have been elected with fewer than 30% of the votes. In other words, the votes of 70% of the electorate were not counted. They just went right into the garbage.

I will take the results in the riding of Rosemont-La Petite Patrie as an example. In that riding, there was little motivation for Conservatives to go and vote. They had little chance of winning the election. The same goes for New Democrats in Mr. Deltell's riding. We often hear people asking themselves: "Why would I go and vote? My vote will not change anything." If proportionality were a factor, perhaps that vote would not make a difference in the riding, but it would count later as seats are redistributed.

Would voters not be motivated to get out and vote if their vote could count and give them a voice in Parliament?

The Chair: Ms. Goodman, you have the floor.

[English]

Prof. Nicole Goodman: Yes, I think there are definite benefits to a more proportional system. When I spoke with young people and did some focus groups, one of the major concerns that they mentioned, whether they really meant it or whether they were just saying it, is that they felt that their vote didn't count because a lot of votes were lost. I definitely think it's a concern, and a more proportional system would probably encourage some people to participate.

[Translation]

Mr. Alexandre Boulerice: Mr. Cooper, it is perfectly legitimate for you to see virtues in the single member simple plurality system. We can always consider the extent to which people are ready to accept the discrepancy between the will of the people and the number of seats. There are always compromises to make. All systems have their pros and cons. We in the NDP feel that the discrepancies that result from the single member simple plurality system are too great.

The problem is not always simply that 40% of the votes give 60% of the seats. Sometimes, the contradiction even extends to the will being expressed in elections. At federal level, it has only happened once, but at provincial level, in Quebec, it happened in 1944, in 1966 and in 1998. The party that obtained most votes did not win the election and formed the opposition. The party that came second in terms of the number of votes won the election by getting the greatest

number of seats. So there you have a reversal of the will expressed by the people.

Do you find that system acceptable or is it too risky?

[English]

Prof. Barry Cooper: I'd say two things. As Professor Macfarlane said, the present electoral system is not designed to simply reflect in Parliament the popular vote. The second thing, as someone mentioned over here, is that you're going to go and ask people about wasted votes.

I would suggest you ask Canadians who vote for parties that didn't win in their constituency whether they thought they had wasted their vote. My guess is they will say no. You don't simply have to vote for the winner. When you vote for a party that loses, you're, among other things, reaffirming the importance of the entire regime.

Then there's always the next election. If you can persuade more of your fellow citizens to vote for the party that you lost with this time, then you haven't wasted your vote. The argument about a wasted vote—and maybe Professor Macfarlane would disagree or maybe he'd agree—seems to me to be an artifact entirely of a PR system. The question simply doesn't arise in the context of the system we have now.

• (1115)

[Translation]

The Chair: Thank you.

Mr. Boulerice, your five minutes are up.

Mr. Ste-Marie, the floor is yours now.

Mr. Gabriel Ste-Marie: Thank you, Mr. Chair.

My question goes to Ms. Goodman and is about electronic voting. One of my great concerns is integrity.

Consider this example. Someone goes to vote and, at some point, they find themselves alone in the booth. In the examples of the countries you mentioned, the solemnity of that moment may explain why young people prefer to go to vote in person rather than on the Internet. It also may help to reduce undue influence from third parties who may be present when the vote is cast from home.

There are always exceptions. I question the current electoral rules that allow someone with no identification to be vouched for by a person we assume to be a neighbour, confirming that they actually are who they are. Someone can vote without identification. There are problems there.

Electronic voting lets people vote from their own homes. How could we reduce the risk that they may be unduly influenced by someone else or someone who is partisan? How could we ensure that that will not happen?

Unfortunately, the past has taught us that activists have been so partisan that they were prepared to cheat in order to win elections. Sometimes, that increased the participation rate to the extent that dead people apparently voted. We have to try to prevent that from happening again.

[English]

Prof. Nicole Goodman: Thank you for the question.

This certainly is a really important issue. Some countries have gone around it. In Estonia, for example, they allow you to vote online as many times as you would like up until election day, with your final vote counting, so if you're at home with your partner and they're a staunch NDP supporter, and you're a staunch Conservative supporter, even though you shouldn't observe voting, you could cast a vote for the NDP, let's say, and then tomorrow when you go to work cast your vote for the Conservatives. Then some people say, "Well, you know, what happens if you're in a situation where this person knows that, and they are with you right at the last moment that you can vote online?" Then some areas will still allow you to actually vote on election day, and that vote would override your previous Internet vote.

Municipalities in Canada have gotten around that—because certainly it's a concern—by doing a lot of outreach and education and by passing bylaws to increase penalties and remind people of the penalties for doing that. Your vote should be a secret ballot and you should not be influencing other people. You could go to jail or pay a fine, and they found that has been effective.

[Translation]

Mr. Gabriel Ste-Marie: So measures have been put in place, but the same problem persists.

I continue to have concerns about this. An activist or a party loyalist could go to help an elderly person who is not very comfortable with the Internet and who has difficulty moving around, and take advantage of that in order to exert undue pressure on that person. That problem remains.

I would also like to hear what you have to say about the security of the votes cast. You talked a little about it before, but I would like to know how we can identify people using Internet security measures and make sure that no malware or viruses can tamper with the results.

[English]

Prof. Nicole Goodman: With respect to highly partisan people maybe helping in a nursing home, for example, it's a huge concern. Some jurisdictions have gotten around that by training DROs to go around with an iPad and administer the online voting. Presumably those people are taking an oath and they're assisting voters to be able to exercise their right in a non-partisan capacity.

With respect to security and viruses, do you want to know about some of the issues the jurisdictions have had?

• (1120)

[Translation]

Mr. Gabriel Ste-Marie: Yes.

[English]

Prof. Nicole Goodman: There was the issue in Estonia. In Switzerland previously, Internet voting was deployed in three cantons: Geneva, Zurich, and Neuchâtel. The Zurich system has been cancelled for now because of a security audit. Nothing went wrong with the system, but they were doing a security audit and it

didn't meet the highest requirement. Zurich now has to decide what kind of new system they're going to proceed with.

There's no really bad breach of an election that I'm aware of. There was, in the United States, a primary or some sort of party vote and there was a breach—a Michigan computer science team did breach that—but in a binding government election, there's been none that I'm aware of.

The Chair: Thanks.

We'll go to Ms. May now.

Ms. Elizabeth May: Thank you very much.

I just saw reading Twitter and saw that Elsie Wayne just passed away, and having just asked you the question about the two surviving Progressive Conservatives of 1993, I just thought I'd share that with colleagues. She was a great lady.

To return to the topic at hand, Professor Cooper, you put forward the notion that there were really only two ways that you could think of to create the extra legitimacy around changing a voting system. The vast majority of the witnesses we've heard, including Professor Macfarlane, but constitutional experts, have all said there's no requirement for a referendum. Everybody's pretty clear that constitutionally it's the job of Parliament to design a voting system. We've had changes in our voting system since 1867, federally and provincially, without any of them going to a referendum.

The question that comes to mind is whether there is some other way, given that I'm also persuaded that a higher level of legitimacy makes sense when you're changing the voting system. I'll ask all three of you if any of you would consider, and whether you think there's any merit—and I wish I could find where I'd seen this, in what paper—in having a vote in Parliament that required more than the bare majority in Parliament. In other words, a change in our voting system might require something more. I have an open mind on this; I'm just looking for what you think about the idea of, say, requiring two-thirds of parliamentarians for a change in the voting system, so that we wouldn't have a ricochet where one party in power could change the voting system and then another one could change it afterwards.

Could we just go down the row and see if any of you think that has any particular merit as another way of enhancing the legitimacy of a change that is in Parliament's hands legally and constitutionally? I would say we have a mandate based on how people voted in the last election, but I'm not going to dive into that with you with the time I have.

Prof. Barry Cooper: It seems to me that's a way of tinkering with the basic premises of responsible government, which doesn't require supermajorities. That might do the trick, but it also alters what we expect from responsible government.

Prof. Emmett Macfarlane: I think all-party consensus would alleviate some of those concerns. We could lock you all in a room and not let you out until you reached a compromise, which might be fun.

How happy would you be if the Liberals and the Conservatives got together, agreed on preferential balloting, and that was that? I'm not sure it would satisfy the political legitimacy concerns that many of us share.

Prof. Nicole Goodman: I like the idea of locking everyone in a room and coming to a consensus.

You mentioned a two-thirds vote. Certainly that would improve the legitimacy, but ultimately I do agree with the comments that Professor Macfarlane has made that there is something special about electoral reform and Canadians need to be considered and consulted. When we look at other changes that have tried to happen around electoral reform, there does seem to be a higher level of precedent. In B.C., for example, when they had the referendum, all previous referendums in B.C. had been 50% plus one, but they increased the threshold specifically for that one.

Ms. Elizabeth May: I mentioned that I've been watching Twitter. We had a first here today, and I want to thank Professor Macfarlane. For the first time ever I've been able to tweet with a witness while we've been talking here at the table.

Another Twitter commentator, Chris Conway in Invermere, B.C., has asked me to ask you, Professor Macfarlane, why you are biting your tongue and what it is you want to say.

Prof. Emmett Macfarlane: I don't feel at all tongue-tied. It's just a matter of how diplomatic I am in regard to some of my responses.

• (1125)

Ms. Elizabeth May: Laurel Russwurm wants me to ask you, Professor Cooper, why you would feel that a secret compromise within a political caucus is better for democracy than transparent negotiations between parties.

Now, that of course assumes that the negotiations between parties in more consensus-based parliaments are always transparent, but the chances are they go on behind closed doors too.

That's Laurel Russwurm's question for you.

Prof. Barry Cooper: Well, Bismarck's answer is still valid: if you see how laws and sausages are made, you won't want to see it.

Ms. Elizabeth May: I have a teeny bit more chance to follow up on something I wanted to ask you, Professor Macfarlane, and that is going to the comment you made here that in the 2015 election there was the Liberal promise that 2015 would be the last election held under first past the post. You noted as well that other parties also supported electoral reform. In fact, 63% of all the votes cast would be for candidates who supported getting rid of first past the post.

On your comment that there's no specific mandate for a specific change, don't you believe that based on your own commentary, there is one for a specific reform to get rid of the status quo?

Prof. Emmett Macfarlane: I think there's a clear mandate to pursue reform.

The Chair: Thanks.

We'll go to Ms. Sahota now.

Ms. Ruby Sahota: Thank you, Mr. Chair.

I guess from what you say there is a specific mandate, but you also mentioned there's been a lot of misleading rhetoric around

various systems that we've been exploring. It was, I think, a little striking because I haven't heard any of the witnesses say this before. You said that perhaps Canadians might prefer the simple geographic form of representation, and that it's the local geographic seat that wins, and that within that seat they're winning a plurality of the vote, and the party that leads has the majority of those seats.

We've talked a lot about local representation, geographic representation, as valuing accountability, valuing the attachment to community, and about members of Parliament understanding their local community. Now, a large geographic district, as in Ontario or any other province, actually a lot of the northern concerns are very different from the Niagara region, let's say, and their concerns are very different from the GTA region. In our caucus we tend to discuss what various MPs are advocating for in their regions, and it can be quite different at times.

In a new system, whatever it may be, how do we protect that value of being able to get a local representative who can advocate for you and who can facilitate a resolution for you?

Let's say an individual walks into my constituency office. I can help facilitate a solution for them, and there may be more concerns of that type in my area than in my colleagues' areas. Sometimes we discuss the different issues that we have in our different areas. How do we go about doing that in the new system?

Prof. Emmett Macfarlane: I think in some systems it wouldn't change all that much. Preferential balloting wouldn't change that dynamic; a mixed member proportional system wouldn't necessarily change that dynamic. You would still have ridings across the country; there would just be a set of seats set aside on the basis of party lists.

I think my concern would be that we want to avoid multi-member ridings in Canada. I think it's just the nature of our geography and that rural-urban divide being so pronounced. On a technical side, it would be really difficult to draw up fair constituencies. It's difficult enough in the system we have.

My concern with multi-member constituencies really relates to more confusion about who one's local representative is. On the practical side, who is doing the constituency work and who is not, and how is that sorted out? Could that end up with voters not being represented in a fair way or maybe not represented in the same way across different parts of a province?

My one personal issue would be the multi-member ridings. That would really be an issue under single transferable vote.

•(1130)

Ms. Ruby Sahota: Thank you.

Professor Cooper, how do you see the value of local representation and accountability fitting into a new system?

Prof. Barry Cooper: I think local representation works reasonably well now. I would agree with Professor Macfarlane that the implications have to be thought through pretty carefully, because you're making things much more complex. For instance, who's got responsibility for riding interests in a multi-riding?

You, as members of Parliament, have pretty clear ideas of where your responsibilities lie, where your interests lie, and this sort of thing. I think it would be much more difficult to sort a lot of that stuff out under whatever form of PR by which you get elected. There are differences. I don't know the technical part as well as some of my colleagues do, but there are different implications for different kinds of PR. It will affect your jobs in a major way that I've read about. There's been much reflection on this aspect.

The Chair: You've had five minutes now, Ms. Sahota. Thank you.

Go ahead, Mr. Richards.

Mr. Blake Richards: Thanks.

Professor Goodman, I have a couple of questions for you.

You mentioned earlier, I think in your opening comments, about advance polls and their increased usage over the last while. There's no question that in the last election we saw a very significant increase in the use of advance polls. I think there are a lot of reasons for that. Some of them are the more typical reasons that advance polls see greater usage. The other aspect of it that was significant were the changes made in the last Parliament to the Elections Act, which increased the number of advance polling days. Therefore, that subsequently led Elections Canada to better promote advance polling because they were trying to make sure the public was aware of the increased number of advance polling days.

Certainly a lot of your research and the discussion you've had today are about trying to ensure we increase voter turnout. Obviously online voting is one of the things that you believe could help to do that.

What I wanted to discuss specifically is the idea of advance voting. Obviously, many Canadians are very unaware that they can vote almost any day during the election campaign by simply going to a returning office. It's something that I think many people are surprised to hear about. It's obviously something that you would be well aware of.

Would you agree that probably most Canadians are unaware that they can vote any time during the election whenever the returning offices are open?

Prof. Nicole Goodman: I think it might be something that some people aren't aware of. I'm biased because I love politics, so I was aware of that. I definitely think that increasing the number of advance polling days is a step forward in terms of accessibility, and so would instituting voting centres be, so that persons aren't required to go to a specific poll location but could go to a more central

location or perhaps to any polling station. Measures like that can really help to improve voter access and also perhaps group turnout.

Mr. Blake Richards: Would you say that if Elections Canada simply promoted the idea that you could go to a returning office and vote during the election with a special ballot any time during the election campaign, it would help to increase turnout?

Prof. Nicole Goodman: I think it would help people who aren't voting for everyday life reasons, such as being really busy with three kids or something like that, and they just couldn't make it to the poll. For people who don't vote because of lack of interest or because they don't like the candidates or they are apathetic, it's not going to help.

Mr. Blake Richards: I certainly would agree.

The reason I point that out is that if the security isn't there and so on, it might be an alternative to Internet or online voting because it sort of solves the same problems that it would seek to solve.

You wrote a paper called "Internet Voting: The Canadian Municipal Experience". You state in that paper, when talking about the city of Peterborough, "turnout may have been artificially high in the 2003 election given that there was a referendum question on the ballot."

Given your research on voter turnout, do you typically see higher voter turnout in referendums as compared to other electoral votes? Why do you think that would be?

•(1135)

Prof. Nicole Goodman: I'm not an expert in terms of referendum turnout, but my understanding is that turnout for referendums is typically a bit lower than for elections, particularly at the municipal level. Switzerland would be an exemplary case where that's not true, but I think turnout in referendums would be lower.

Mr. Blake Richards: Do you have any research that backs that up? I ask because in the last federal example in Canada, turnout was quite high. Do you have research that backs that up, or is that just an opinion?

Prof. Nicole Goodman: I think it depends on the issue. With the Quebec referendum, for example, people often point to that and say that people will come and turn out if it's an important issue. We saw electoral turnout declining federally and provincially during that time, but everyone came out for the referendum. Sometimes municipally, when a question is on a ballot, more people come out.

It depends on the nature of the question. The Sunday shopping question got a lot more people out municipally. It depends on the nature of the question, issue salience, and how important it is to people.

[Translation]

The Chair: Thank you.

Mr. DeCoursey, you have the floor.

Mr. Matt DeCoursey: Thank you, Mr. Chair.

[English]

I'll return to Professor Macfarlane to start.

I wonder if you tell me whether you agree or disagree with the notion in the media that, given that the electoral system operates within a larger system of governance and political culture, it might be foolhardy for us to try to look at past voter preference and past voter behaviour to predict what an election outcome would be in any new model that we might move to.

Prof. Emmett Macfarlane: Some reforms would result in entire changes in the party system itself. Regardless of the reform, parties will adapt their behaviour to reflect the system and the outcomes they think they want to pursue. It's not simply the question, "if the 2015 had been held under system X, what would have happened?" That's a simplistic way to go about it, and it's not very compelling, in my view.

Mr. Matt DeCoursey: Given that—and I'll start with you and then ask your colleagues to reply—how should we go about presenting the myriad options for electoral reform in front of us and in talking about what they do and the values that underlie them when we tour the country? Should we be presenting a vast view of the different possibilities for Canadians to better understand and give us feedback?

Prof. Emmett Macfarlane: I don't think Canadians are interested in a sweeping seminar on all of the alternatives. There's some work to be done in at least narrowing down what the realistic choices are at this point and then debating those.

Even within PR systems, there are different thresholds and formulas you might apply that have implications about at what point a party might get a seat in the House, etc. I don't think Canadians need to know the D'Hondt formula for allocating seats in a proportional system. What I think Canadians might be interested in is giving input, as you go across the country, about what they see as valuable in terms of the nature of representation, and even how they vote, from their perspective, whether they like the simplicity of putting a check mark next to a name or whether they like the appeal of being able to rank candidates.

Those are straightforward questions, but we can lose the forest for the trees if we engage in some of these overly technical things. That's part of why I don't think a referendum would be overly complicated and technically overwhelm Canadians. By the time we got to that point, it would come down to one alternative, ideally, that Canadians would assess against the status quo.

• (1140)

Prof. Nicole Goodman: Yes, I agree. First of all, narrowing down the choices is important because you don't want to overwhelm

Canadians by giving them.... I think even five choices is quite a few, so I would definitely say narrow it down. Education and outreach need to be key elements of the referendum process. Short videos have been found to be effective in terms of education and information. I think it's great. If the government does decide to go ahead with a more robust consultation or a referendum, then an important consideration is education and outreach.

People have accused referendums of not succeeding because there wasn't the outreach and the education that was needed. If we're having this big debate over whether we should have a referendum, and if you do decide to go ahead with something more robust, then you need to have the artillery behind you to push the information out there. You need to have the outreach and education so that it doesn't end up like the previous ones we've seen.

Prof. Emmett Macfarlane: If I could just add quickly, it is entirely possible to run a bad referendum. I think I would have faith in Elections Canada to do a good information campaign and I would have no problem with people strongly advocating during a referendum campaign, but it's entirely possible. At the provincial level we've had the governments involved in those processes just abandon ship before the referendum was even held. For it to be effective, everyone needs to be engaged, but if I didn't think we could do better, I'd have to quit my job.

[Translation]

The Chair: Thank you.

Mr. Dubé, the floor is yours now.

Mr. Matthew Dubé: Thank you, Mr. Chair.

[English]

I'll try to not make it as long-winded and perhaps give you a chance to answer, Professor Macfarlane.

I alluded before to how people vote and how that skews the results. In a comment you made in a response a few minutes ago—and it was a comment brought up yesterday by a witness—you said that when we get waves, we sometimes wipe out good local representatives, sometimes we get rid of bad local representatives, but sometimes voters are punishing a party or a party leader. How do you reconcile the importance of how our system now is supposed to give us good local representation, but people also want to be able to vote for a party or a party's platform? Do you see any way in the current system of being able to reconcile that? I honestly don't.

Prof. Emmett Macfarlane: I think it's a question of how we can confront obvious problems with the current system.

One of those is a high degree of party discipline. In Canada we have a degree of party discipline that exceeds other Westminster systems, let alone other countries. One option is to agree that a lot of voters are voting on the basis of the personality of the leader, since that's where all the media attention really goes, especially during campaigns. Do we choose to feed into that and abandon, to an extent, the focus on local representation in the system and move towards something that gives parties even more power in a lot of ways, or do we focus our attention elsewhere and try to change the culture around party discipline? Changing the electoral system is not the only way to do that.

[Translation]

Mr. Matthew Dubé: Ms. Goodman, my question is for you.

A little earlier, we talked about the use of online banking services. There we are talking about something that is essential, given that everyone has to manage their banking services. However, not everyone thinks that it is essential to vote. I see a difference between the two realities.

I am especially concerned about young people.

• (1145)

[English]

The Chair: The translation is off, I'm told.

[Translation]

Mr. Matthew Dubé: I will continue and the simultaneous interpretation will eventually resume.

Is it working?

[English]

The Chair: Yes.

[Translation]

Mr. Matthew Dubé: Mr. Chair, I ask for a little indulgence for the few seconds that I lost.

Ms. Goodman, we often hear that, since young people are comfortable in the digital age and love to use the Internet, that will automatically make them more engaged in politics. However, just because they want a selfie with a political leader—to use a current example—does not mean that they will automatically go to the polls. Actually, the process will remain complicated. This will therefore not necessarily make things easier.

In light of the lack of interest young people have in politics, is there evidence that a new system will actually help increase the participation rate or will it simply be yet another tool for those who vote anyway, as my colleague Mr. Boulerice said?

[English]

Prof. Nicole Goodman: Thank you for the question.

Definitely the primary rationale that online voters give for its use is convenience. That is the primary rationale. The second main rationale, however, is accessibility.

Yes, young people are not the most likely to necessarily use online voting. The results that I presented to you show that young people will typically use Internet voting once. They'll give it a try, since it's kind of new and cool, but then they revert back to paper voting. If it's

their first time voting, they typically go out to the polls because they want to have that experience. However, when we look at the non-voters or the infrequent voters and break those down and look at them by age, we see the largest chunk of that group is among young people.

Therefore, is it going to be a tool that's going to largely engage young people? No, but I don't think there any institutional fix for that. That certainly has something to do with institutions, but it's more of a cultural problem.

[Translation]

Mr. Matthew Dubé: I understand.

Clearly, it is costly to change the way the election process works.

Would it not be better to invest the resources that would be invested in online voting in education or other tools? For instance, you talked about people with disabilities. Elections Canada is already making efforts to reach out to those people. Would it not be better to build on those efforts or to invest more in an already existing system than to take the risk of adopting a method that has not been tried and tested?

[English]

Prof. Nicole Goodman: I think it's part and parcel of the same thing, so I think this could be one effort that would be part of that initiative, let's say. Certainly offering Internet voting could be one part, whether it's remote or not. There are different kinds of Internet voting. I spoke about remote, but you can have Internet voting at the polling location where there's more control from election officials, and there's less risk associated with that. Persons with disabilities are able to go and, with sip and puff applicators, they can vote in private for the first time, so they can have a secret ballot. Therefore, for some groups of electors, it does actually enhance the equality of the voting process because it allows them the same right that other people have had previously.

The Chair: Thank you.

[Translation]

Thank you, Mr. Dubé.

You have the floor, Mr. Deltell.

Mr. Gérard Deltell: Thank you very much, Mr. Chair.

Good morning, ladies and gentlemen.

[English]

Mr. Macfarlane, you know that when New Zealand changed its electoral system, they took their time. More than 10 years, three elections, and two referendums went by before having the last referendum. That was to be sure that everything was okay.

Do you think that technically we can change something in the next few months here in Canada?

Prof. Emmett Macfarlane: You know, we could reach an agreement to change the system to one of preferential balloting, and that would not be a complicated change. That would simply change how votes are counted. However, some of the proportional systems may require changes to constituency boundaries, so completing that process in just a few months seems highly unlikely. That's not even factoring in the obvious politics surrounding this process and whether agreement can be reached and the fact that consultations across the country have yet to be done.

I think I agree with Leslie Seidle, who said we're already quite tight to get this complete by 2019. It may be the case that the committee ought to consider continuing its work, focusing on the work, coming up with an alternative, and if a referendum is something that could be agreed to, it could be held in concert with the 2019 election.

Mr. Gérard Deltell: Thank you.

Mr. Cooper, we heard a lot of people who want to make changes say, "Well, the Liberal Party has been elected with that platform. It was included in their platform." Do you think it's enough to act and to change the electoral system because there were three sentences written in a 97-page document?

• (1150)

Prof. Barry Cooper: Personally I don't, but more to the point, doing so with these tight timelines.... Let me say also that what I teach is Plato and Aristotle. They talk about prudence and moderation, and pushing for the 2019 deadline, or Christmas, or whatever it happens to be, I think is both imprudent and immoderate. I think you will be causing more difficulty than you think you're trying to fix.

Mr. Gérard Deltell: Do you have any examples in the world of a parliamentary system that changed their electoral system within such a close time frame?

Prof. Barry Cooper: Whatever Leslie Seidle said was probably correct, since he's the pro in this sort of thing, but it seems to me it's really pushing the envelope to get it done in time without sufficient reflection on what are foreseeable implications.

Mr. Gérard Deltell: Madame Goodman, in French we say *hocher du bonnet*, so you said yes. May we listen to you?

Prof. Nicole Goodman: I would agree with what Leslie said in that this is a change that you want to get right. You don't just want to do it to do it; you want to get it right. You want to take your time, and if it goes a little bit past the election, as long as you get it right, won't that be better for Canadians, as opposed to trying to rush something?

Mr. Gérard Deltell: Thank you so much.

[Translation]

The Chair: We will conclude with Mrs. Romanado.

Mrs. Romanado, you have the floor.

[English]

Mrs. Sherry Romanado: Thank you so much.

Professor Macfarlane, you mentioned earlier that it would be important for us to explain the various systems, the pros and the cons, and then you mentioned maybe Canadians don't want to know

all of the nitty-gritty details. I think because we know that there is no perfect voting system, it is important for this committee to make sure that we ask the questions, the pros and the cons, of each possible alternative voting system.

We heard from both you and Professor Cooper about some of the negative aspects of proportional representation. One issue that keeps coming up for us is in a multi-member proportional system, the kind of confusion for citizens on who represents me, the two-tiered MP system, and so on. We mentioned that, and you also mentioned, Professor Macfarlane, in your brief that under a PR system a party that secures 15% of the vote can enter into a coalition in government and actually push their agenda in a majority way.

I would like to get some further clarification from the two of you on some of the negative aspects of a PR system, in addition to what you've already mentioned.

Prof. Emmett Macfarlane: I would be a little concerned—and again this is a personal view, a normative view—about the implications for the party system itself, and to what extent we might see a proliferation of fairly narrow single-issue parties.

Quite frankly, if we move to a PR system, one or two of the parties that are represented in this room might not exist in 10 or 15 years. What are the implications of that? In a regional country like Canada, does it place further tensions on national unity if we see some of these parties crop up as regional parties, such as a Saskatchewan First Party, or what have you? These regional parties are certainly possible under first past the post as well, but under PR, all the incentives change.

The incentives for brokerage just aren't there, because you know that you can leverage your national vote share and it will result in seats. That's not the case under single-member plurality. You have to co-operate under larger umbrellas. More parties might mean more problems. It changes the nature of democracy in Canada from the voters' perspective, because they can no longer have any confidence that what they see in party platforms is what the government ends up implementing, even if that party is part of the government. It could become a mishmash of whatever negotiation happens post-election.

That's what I mean when I say there are arguably less clear or direct lines of accountability for what government ends up doing under a PR system compared to the current system.

• (1155)

Mrs. Sherry Romanado: Earlier you mentioned preferential ballots. Do you think some of the same problems would happen under preferential ballots?

Prof. Emmett Macfarlane: No, I don't think preferential ballots would turn our system into something that more readily produces minority or coalition governments. The question might be, again, how the party system changes.

I think we'd see less drastic change. I don't want to say that nothing would fundamentally change, but under preferential balloting, we see that in extreme cases it sometimes ends up being even less proportional than first past the post. Even when it doesn't, the improvement in proportionality is relatively minor. I don't think we would see, even if we assume the party system doesn't change, dramatically different vote outcomes. I would call that more of a modest change than one to PR.

I think the virtue that you had put forward for preferential balloting, because so few people do, is that we would at least no longer be able to say that there are members being elected with 30% of the vote within their riding and they get a seat. I think that has some appeal for some people.

The Chair: Thank you.

One of the benefits of having the honour of chairing this committee is being able to listen intensely to some fascinating testimony. One of the frustrations is never being able to say anything, except to cut people off at five minutes.

I would just like to make one comment. It is not in any way a defence of the status quo, but it's just a thought.

I find that people tend to simplify our system a lot. I'm speaking also as a parliamentarian who has been sitting in the House for a little while. A lot of people will say this government has a majority and they can do whatever they want, or your government has a majority, or whatever. I explain to them that in fact it's not really the case, because there are many checks and balances in our system.

We have the courts. We have provinces, and we can see the power of the provinces whenever the federal government tries to negotiate a national program. We have the media. The media are definitely critical of all governments, as they should be. We have unions, for example, in collective bargaining that put brakes sometimes on governments, even governments with big majorities. We saw how the Mulroney government's attempt to reform the pension system was stopped cold by an octogenarian with a microphone on Parliament Hill. We saw how the Diefenbaker government—and

I'm not singling out the Conservative governments—had a huge majority going into the 1960s, and it just collapsed.

Is it not partially right to say that our system doesn't give absolute power to a party that has less than 50% of the vote? It just gives a stronger hand to one party to negotiate the obstacles in its way in trying to exercise sometimes a national purpose.

You have 15 seconds, because I don't want to be unfair and extend the meeting a little longer.

Prof. Barry Cooper: I can say it quicker than that: that is the essence of responsible government, and you tinker at the essence of a regime at your peril.

The Chair: Mr. Macfarlane, would you comment?

Prof. Emmett Macfarlane: If we talk about the power of the executive, it's in the context of its relationship to Parliament, but even within Parliament and beyond there are definitely constraints. I think that's the counter-thesis to a lot of Donald Savoie's excellent work on concentration of power.

The Chair: Go ahead, Ms. Goodman.

● (1200)

Prof. Nicole Goodman: I would agree with what you said, definitely, but on the other hand I see the issue of wasted votes and frustrated electors. However, you're certainly correct. I would agree.

The Chair: Thank you very much for responding to that comment.

As a final note, I would like to express the condolences of the entire committee to Ms. Wayne's family. Thank you for bringing that to our attention, Ms. May. She was a legendary figure in our political life in Canada. It's a very sad day for all of us and for the nation.

To the witnesses, thank you for being here.

I would remind the members of the subcommittee that we have a meeting at 12:30 in C-110, and then the full committee resumes at two o'clock in C-110.

The meeting is adjourned.

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