

***The Quiet Referendum: Why Electoral Reform Failed in Ontario***

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This is a précis of a paper to be presented at the annual meeting of the Canadian Political Science Association, University of British Columbia, June 4-6, 2008. Copies of the complete paper are available from the authors.

Ontario's 2007 referendum on electoral reform was the culmination of a multi-layered exercise in deliberative and participatory democracy. The process can be understood as consisting of four distinct phases, each of which is important in understanding the outcome. These are:

- 1) The **government initiative**. The commitment to consider electoral reform was made by the Liberals while in opposition for reasons having to do largely with the legacy of the Rae and Harris governments. Experience in other countries shows that political parties often tend to favour institutional reforms when in opposition, but lose their enthusiasm for them when in government. After assuming power in 2003, the McGuinty government proceeded slowly on the issue of electoral reform. The government saw the commissioning of a Citizens' Assembly as the fulfilment of its campaign commitment, but kept its distance from the Assembly during its deliberations and gave it little formal recognition. The 60% referendum threshold set a deliberately high barrier. The Premier's decision to remain "neutral" during the referendum campaign signalled that both cabinet and caucus members were free to oppose the Assembly recommendation. Many did so, albeit quietly.
- 2) The **Citizens' Assembly**. Closely modelled on the BC example, the Ontario Citizens' Assembly demonstrated the potential of a body of ordinary citizens to deliberate a major political issue and develop a recommendation that represented a near consensus view. The paradox is that a "mini public" (which is what the Assembly was) could be persuaded of the need for electoral reform while the larger public could not. In British Columbia, the recommendation of the Citizens' Assembly brought substantial legitimacy to the reform movement, while in Ontario it did not – at least not in the minds of the voters who would decisively reject the proposal put forward by their fellow citizens in spite of the Assembly's overwhelming support for it. While the Assembly itself was a success in almost every respect, the public at large knew little about it.
- 3) The **campaign**. The most important single element in the campaign was the mainstream print media, which strongly and vociferously opposed the Assembly process, the referendum, and the reform proposal virtually from the beginning stages. Few other voices were heard, in part because of the lack of resources available to supporters of the MMP proposal. Although the government funded a "public information" campaign, *Elections Ontario* interpreted its mandate in that campaign narrowly, telling voters through various advertising vehicles that their vote in the referendum was "important", but encouraging them to seek information on the proposal elsewhere – principally on web sites. One cannot conclude however that a better funded YES campaign or more public information would have produced victory for this proposal or for other possible alternatives. Had MMP stood a real chance of passage, there almost certainly would have been a better funded and more coherent NO campaign as well.
- 4) The **vote**. There was relatively little movement in the polls over the course of the campaign. Large numbers of voters were categorized as "undecided" right through election day. The most important single reason given by NO voters for their decision was "lack of information". The proposed increase in the size of the legislature was also negatively perceived by some of those who supported the status quo. In contrast, MMP voters gave a variety of reasons for their support – principally the appeal of having a second vote, the effects of "wasted votes" under FPTP, and the need to "modernize" our electoral institutions and bring them more into line with current political realities. There was a strong rural-urban divide: MMP received greater support in the Toronto area than in other parts of the province, although it obtained a majority in only five constituencies – all of these in the Toronto region.

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Electoral reform is perhaps the ideal type of issue for which to consider an alternative type of democratic process. Such matters cannot easily be discussed or debated within the normal structures of parliamentary politics. Governments typically see proposals for institutional change either as threats to their position, or sometimes as opportunities to advance a partisan agenda. In the former case, proposals that are put forward by organizations or groups outside of government are easily ignored or sidelined. The Martin Government, for example, did not act on the recommendations put forward by the Law Commission, even though the government was vocally committed to addressing the "democratic deficit" and had itself commissioned the Law Commission report.<sup>1</sup> In Britain, the Jenkins Commission report met a similar fate. Opposition parties often express support for reforms while they are in opposition, then lose interest in the same ideas when they are in government. Conceptions of sovereignty which place power in the hands of the people have become mainstays in representative democracies worldwide, particularly when the issue involves constitutional matters, or in this case the rules governing the most fundamental democratic institution – elections.<sup>2</sup> Scholars and politicians now not only argue for referenda as a means of citizen involvement, they also argue for some form of engagement or accommodation of ordinary citizens in debates that take place *during* the policy creation stage.<sup>3</sup> Yet grafting new forms of popular participation onto a previously elite driven

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1. *Voting Counts: Electoral Reform in Canada* (Ottawa, Ministry of Public Works and Government Services, 2004).

2. Peter H., Russell, *Constitutional Odyssey*, third edition, (University of Toronto Press, 1992. See also Jane Jenson and Susan Phillips. "Regime Shift: New Citizenship Practices in Canada", *International Journal of Canadian Studies* 14: 111-136 (1996).

3. See Matthew Mendelsohn, "Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics", *Canadian Journal of Political Science* 33:245-272 (June 2000). Or, more recently, Matthew Mendelsohn, Andrew Parkin (with Alex Van Kralingen), "Getting from Here to There: A Process for Electoral Reform in Canada", in Paul Howe, Richard Johnston, and André Blais (eds.), *Strengthening*

process is not easy, even when the process is initiated or managed by elites.<sup>4</sup> The New Zealand case, often cited over the course of the electoral reform debate in Ontario, demonstrates many of these difficulties.

In Ontario, the initiative on electoral reform was first proposed by the Liberal party at the time that they were in opposition.. Three years into its mandate, and already looking forward to the next provincial election, the government announced that it would commission a Citizens' Assembly to study the issue of electoral reform. The Citizens' Assembly would have the power to make a recommendation to be put to a referendum coinciding with the next provincial election. In addition to fulfilling a campaign promise, the McGuinty government was undoubtedly influenced by the process that had unfolded in British Columbia two years earlier, and by the electoral reform debate which had been taking place at the federal level and in other provinces. There were however substantial contextual differences between the setting in Ontario and the forces that had been driving the electoral reform debate elsewhere. At the federal level, a number of elections displaying substantial regional distortions of the vote, together with the rise of the Bloc Québécois, had revived interest in alternative electoral models. In British Columbia, a "wrong winner" election (1996) followed by another (2001) that decimated the main opposition party highlighted the disadvantages of the first-past-the post model. Similarly in New Brunswick and PEI, long histories of distorted election results that heavily overstated the position of the winning party served to maintain an interest in electoral reform that was relatively independent of partisanship.

It was never entirely clear whether the McGuinty government's initiative was driven by a desire to reform the electoral system, or by an interest in experimenting with a new model of citizen deliberation – or both. During the Liberals' years in opposition, both ideas were attractive. Setting up the Citizens' Assembly fulfilled a campaign promise and allowed the government to showcase its democratic credentials by empowering a body of ordinary citizens to consider a major issue of institutional change. But, as events would later disclose, the commitment to electoral reform itself on the part of the Liberals was perhaps considerably weaker. As has been the case with most governing parties that have confronted this issue, internal divisions and partisan self-interest would prove difficult to overcome.

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In many respects the Ontario Assembly process was identical to the process in BC. Members were randomly selected, careful consideration was given to the education, consultation and deliberation processes in support of principles of deliberative democracy as demonstrated in British Columbia. But there were differences also. With respect to representativeness, the Ontario Assembly had a total of 103 members, one from each of 103 ridings (with 50% of the ridings being represented by women and 50% by men) and one native

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*Canadian Democracy* (Montreal: Institute for Research in Public Policy, 2005). Both arguments were made by the Deputy Minister prior to taking the position with the Ontario government, and the latter resembles the Assembly process quite closely, albeit somewhat more tempered by elite influence.

4. Grace Skogstad, "Who Governs, Who Should Govern? Political Authority and Legitimacy in Canada in the Twenty-First Century." *Canadian Journal of Political Science* 36: 955-973 (2003). See also Russell, *Constitutional Odyssey*.

member. Both assembly bodies were similarly diverse in their demographic makeup, with regional representation and age being reflected; however the BC Assembly was larger. This may have had an impact on the quality of discussion, even though principles of representativeness were constant. Notable differences emerged in some of the other phases as well.

The education phase, which lasted from September through November 2006, included lectures, reading, panel discussions, simulations, and frequent small group discussions of electoral systems and related topics. A number of the plenary lectures were given by the Academic Director of the Assembly, Jonathan Rose, while others were by visiting academics and other guests. The Ontario Assembly included four working groups that presented on the final weekend of the learning phase. These were women and underrepresented groups, political parties, government stability, and geographic representation. The working groups served to keep these specific issues further up on the agenda than they had been in the BC Assembly; especially that of women's representation. In addition to the working groups on substantive issues, the Ontario Citizens' Assembly also added four advisory committees on process issues: final report, consultation submissions, deliberation planning and monitoring and evaluation.<sup>5</sup> The addition of these groups, active at relevant points during the process, may have allowed Ontario Assembly members to be more self-reflective of their process.

Following the learning phase, both Citizen Assemblies consulted widely with the public during a two-month consultation phase. In Ontario the consultation phase, which began in late November and continued through January, involved public meetings throughout the province at which citizens could make presentations to a group of Assembly members and discuss issues and principles of representation and related topics. The consultation meetings were structured in a way similar to British Columbia, with various speakers per meeting allotted ten minutes for a presentation and a few minutes for questions from Assembly members. The Ontario Assembly held 41 public consultation meetings and received 2152 written submissions.<sup>6</sup>

After the comprehensive consultation phase, both Citizen Assemblies underwent a deliberation phase that spanned six weekends. The first major deliberative task of each Assembly member was to determine the three top values they would use to assess the suitability of any given electoral system for the province. Interestingly, both Assemblies came to the consensus that the three key values that an electoral system needed to reflect were: effective local representation (referred to as 'geographic representation' in Ontario); proportionality; and voter choice. These value priorities were chosen from those provided to the assemblies. Unlike the BC Assembly, the Ontario assembly had the option of adding additional values to those outlined in the Regulation.<sup>7</sup> Early in the learning phase, they chose to add simplicity and practicality as an additional value that they wanted reflected in an electoral

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5. Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform* (Queen's Printer for Ontario, 2007), pp. 141-142.

6. Citizens' Assembly (Ontario) < <http://www.citizensassembly.gov.on.ca> >.

7. Regulation refers to Ontario Regulation 82/06: Election Act, Citizens' Assembly on Electoral Reform. Accessed through: Ontario Citizens' Assembly Secretariat, *Democracy at Work: The Ontario Citizens' Assembly on Electoral Reform* (Queen's Printer for Ontario, 2007), p.201

system.. Ultimately, both Assemblies modeled the MMP and STV electoral systems as the two systems which best reflected their key values. The Ontario Assembly's early 'tilt' towards MMP came partly from knowledge gained in the education phase, but also because MMP appeared to many to address a wider array of the values held by members or that came through in the consultations. Elizabeth McLeay from New Zealand was one of the visiting lecturers, and many members were keenly interested in the New Zealand experience because it brought empirical rather than purely theoretical evidence into the discussions

Selecting MMP as the preferred system to design was only the first step, however, and in some respects the least difficult. To be effective, MMP systems tend to require a larger legislature. Assembly members had been aware from the beginning that increasing the size of the Legislature might present them with a political problem, even though it was clearly within their mandate to do so.<sup>8</sup> The reduction of the size of the Ontario legislature by the Harris government in 1999 from 130 to 103 seats had been popular with the public at the time, and there was apprehension among many that increasing it substantially might provoke a backlash.<sup>9</sup> But reducing the number of constituencies to accommodate list seats while maintaining the legislature at its existing size was also unattractive. What the Assembly probably would have preferred would have been to keep the existing constituencies intact, while adding a sufficient number of list seats to attain proportionality.<sup>10</sup> This would have required a substantially larger body, and although Assembly members were aware that the Ontario Legislature had significantly fewer MPPs per capita compared to other provinces, they were uncomfortable with the prospect of a large increase in its size. To the outside observer, a reduction in the number of constituencies from 107 to 90 might have seemed trivial. But for the Assembly members, it was a painful choice, because it meant altering the existing constituency structure. This might not have been so difficult had it not been for the fact that each Assembly member in fact represented one of those constituencies. The addition of 39 list seats was about the minimum that could have been chosen in order to assure a reasonable degree of proportionality. For many, the limit was argued to be 130, which was the size of the legislature before the 1999 reduction.

Other issues were contentious, but not quite so difficult. The Assembly decided on a 3% threshold – lower than both New Zealand and Germany's 5% threshold. This difference ensured greater proportionality and was due partly to the nature of the existing party system in Ontario. The Green Party, for example, had obtained a mere 2.8% of the vote in the preceding (2003) provincial election. It was seen to be a good balance between 'having more parties in the legislature and preventing parties with little public support from winning seats.'<sup>11</sup> The decision to allow dual candidacy was also heavily debated. In the end, dual candidacy was permitted in part to allow parties the freedom and flexibility to choose a strategy that worked best for them,

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8. As it was not in BC.

9. The bill that reduced the size of the legislature in 1999 was titled the *Fewer Politicians Act*.

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

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

maximizing the skills of each candidate and respecting the value and role of both list and constituency MPPs. The decision that list members should be elected from one province wide list rather than regional lists was also partly a function of the number of limited list members available – there were only 39. The decision that the lists should be closed rather than open spoke to the members' desire to assure that, within a 129 member legislature, the addition of such a small proportional component would achieve at least some of its representative goals, such as improvement in the number of women elected.

Having decided that the MMP model was preferable to both STV and the First Past the Post status quo, the final weekend of deliberation in Ontario was dedicated, in part, to approving both the content and design of the recommendation. Members voted on whether or not to recommend MMP to the people of Ontario. This vote was conducted in order to establish greater consensus within the Assembly. During the second vote, 94 voted in favour of recommending MMP to the people of Ontario and 8 voted against.<sup>12</sup> This result demonstrates that the Assembly had indeed reached widespread consensus. After the vote was held showing approval for the final report, the Assembly burst into applause; months of hard work had finally come to an end.

Public opinion for the most part was open to the idea of electoral reform, but unlike the Assembly the public was not strongly supportive or in any way looking to 'make history'. Questions on the subject that have been routinely included in past surveys generally tend to show a public that is aware of, and critical of, problems in the electoral system, and somewhat positive toward the principle of greater proportionality, although not necessarily favouring any specific proposal for reform. The public thinks about issues involving elections mainly at election time, but not on any continuing basis. Hence, voters may often be frustrated at the choices presented to them in a given election, but when the election is over there is little lingering desire to engage in a continuing debate on electoral reform. In New Zealand, there was genuine public anger at the electoral system, and the unrepresentative governments that it tended to produce. But in Canada, and particularly in Ontario, we do not find an underlying climate of opinion that would necessarily facilitate the passage of a reform proposal. Nevertheless, one can also say that opinion was not entirely unreceptive.

Such a climate of opinion might have been positive for a public debate on electoral reform had such a debate actually taken place. But the debate that did ensue, taking place mainly in the print media and among elites, occurred largely in a vacuum insofar as much of the public was concerned. The small amount of coverage that the Citizens' Assembly received over the eight months of its deliberations meant that the public was largely unaware of its existence, or that a debate on electoral reform was taking place. A poll commissioned immediately following the conclusion of the Assembly and the public release of its recommendation found that four out of five of those surveyed across the province had heard "little or nothing" about the Assembly and its recommendation. In spite of this relatively low level of awareness, the same poll also found that a plurality of respondents might have voted YES to a referendum question on reform, based on their understanding of the issue at that time. But at least a third of the respondents at that early stage had not yet formed an opinion. And even many of those that had

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12. *Ibid*, p. 131

some view on the subject might have been persuaded by a vigorous campaign. The poll data show that, when presented with coherent arguments in support of either the YES or NO side, opinion was quite malleable. Presented with arguments that might be used in support of, or in opposition to, the proposed reform, many respondents found the arguments “convincing”. Many of the arguments that were later put forward by the YES side resonated with the public, particularly the desirability of a second vote, the wasted votes and unfairness of FPTP, recognition of new parties such as the Greens, and the need to modernize political institutions and processes (table 1). Even one of the main arguments that would be used extensively in the campaign by MMP’s opponents – the probability of minority or coalition governments – had, for some respondents, a positive connotation, expressed as the desirability to put an end to adversarial politics and force parties and politicians to “work together”. The most persuasive argument of the NO side (table 2), in the view of the poll respondents, was the “lack of sufficient information”, a condition that of course might have been overcome by a more vigorous public information campaign. But, as would later become clear, the public’s frustration at a lack of information would continue to bedevil proponents of MMP right through voting day. It was in the end, for many, a sufficient reason to vote against the proposal.

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Where public opinion demonstrated a relative openness to debating the issue, the mainstream print media were uniformly opposed to both the Assembly process and the MMP proposal. The *National Post* did not even wait for the campaign to begin before staking out its editorial position. In its editorial, published on April 17<sup>th</sup>, only two days after the Assembly had finalized its recommendation, the *Post* painted a horrific picture of the damage that might be inflicted on Ontarians should they lack the good sense to reject such a terrible proposal. There was, the editorial concluded, “still time to stop it”.<sup>13</sup>

The coverage in other papers was almost as negative, in part because so many of the regular political columnists opposed the proposed reform at an early stage. Jeffrey Simpson, in a *Globe and Mail* column on May 16<sup>th</sup>, ridiculed both the proposal and the process that had produced it.<sup>14</sup> “It is to be hoped”, Simpson maintained, “that Ontarians will say NO”, although he also suggested that “no one may vote” because the subject was so boring.<sup>15</sup> Simpson also wrote a somewhat more serious and less dismissive, but equally negative, column on the subject that appeared in the *Globe* a few days before the referendum.<sup>16</sup> The *Globe and Mail* itself weighed in against the MMP proposal on its editorial page on October 4<sup>th</sup>. In a tortured editorial (“Ontario’s Missed Opportunity”), the *Globe* sought to position itself on the side of reform while at the same time urging voters to reject MMP. The editorial criticized nearly all of the specifics of the MMP proposal, indicating that it would have preferred a parallel model to MMP, a 5% threshold rather than 3%, a different method of constructing the party lists, and

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13. *Ibid*

14. Jeffrey Simpson, “Chill the Beer, Pass the Ketchup.” *Globe and Mail*, May 16, 2007, p. A21

15. *Ibid*

16. Jeffrey Simpson, “MMP Wins Representative Test, But Fails on Accountability and Stability.” *Globe and Mail*, October 5, 2007, p. A27

Table 1. Arguments in support of MMP

YES ARGUMENTS, "VERY CONVINCING"	
The proposed new system gives each voter more choice and makes the system fairer because everyone gets <b>two votes</b>	39.9
In our current system, <b>votes are wasted</b> because many people cast votes that don't elect anyone.	39.5
The current system stifles <b>new ideas and new parties</b> . We should have a voting system like MMP that gives new ideas and new parties a fair chance.	37.9
Canada is one of the few major Western countries still using our current system. It's time we <b>modernize our system</b> .	36.8
<b>Election results</b> under the current system are <b>not fair</b> . The winning party will often get minority of the votes, but win a majority of the seats.	32.7
Proportional representation will cause more coalitions or minority governments to form and that <b>forces parties to work together</b> to find common interests.	32.3
The people who don't like the proposed new system are the old Ontario <b>political establishment</b> . These elites want to preserve the system that keeps putting them back in power.	32.3
Proportional representation helps under-represented groups such as <b>women</b> get elected and that is good reason to have MMP.	26.7
The current political system in Ontario isn't working. This new system might not be perfect, but it's <b>time for a change</b> .	26.3
The new system was created by a group of 103 <b>average citizens</b> who were randomly selected for the <b>Citizens' Assembly</b> on Electoral Reform. Since they no vested interest, and intensively studied this for seven months, we can trust what they recommend.	19.2

StratCom Research, April 21-27, 2007. N=611. Poll commissioned by Fair Vote Canada. By permission.

Table 2. Arguments in opposition to the MMP proposal

NO ARGUMENTS, "VERY CONVINCING"	%
<b>Not enough information</b> about MMP. It is too important a change to make to our voting system without knowing more about it.	42.2
The new system is going to <b>increase the number of politicians</b> and cost us more. We do not need more politicians or added costs.	41.6
The new system would give <b>too much influence to "party bosses"</b> , because they would determine who gets on their parties' list.	31.4
<b>List members</b> would not be elected to represent a specific riding, and therefore <b>would not be accountable</b> to voters.	24.5
The new MMP system would <b>produce more minority or coalition governments</b> , and would cause more frequent elections.	23.2
With MMP we would end up with a lot of <b>small, special-interest fringe parties</b> in the Legislature.	19.7
The new system seems <b>too confusing</b> . We should stick with something simpler like what we have now.	17.3
<b>The existing system is not perfect but it works</b> , and there is no need to experiment with the way that we elect our provincial politicians.	16.1
This new voting system was proposed by a <b>Citizens Assembly</b> of average Ontario voters who <b>are not experts</b> . I do not believe we should make important decisions in this way.	15.6

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even a referendum held at some other time.<sup>17</sup> It also suggested that a reform proposal should have been developed by a “small panel of experts” rather than a citizens’ assembly, which the *Globe* characterized as “populist pandering”.<sup>18</sup> Remarkably, the editorial concluded that Ontario’s next government should “take a more serious stab” at the issue.<sup>19</sup>

The *Toronto Star* staked out its position against the MMP proposal in its editorial of October 9<sup>th</sup> (“Electoral Reform Fraught With Risk”), having provided consistently negative coverage of the issue throughout much of the campaign.<sup>20</sup> Under MMP, the *Star* editorial argued, the winning party would have to “cut deals” to stay in power. The editorial then went on to describe in florid detail some of the potential “deals” that the Liberals might make with their opponents or with fringe parties. It urged a vote in the referendum for first past the post, which had “proven its worth since Confederation” and delivered “strong, stable government”.<sup>21</sup> A week earlier, the *Star*’s principal provincial political columnist, who had written on the issue a number of times both during the Citizens’ Assembly deliberations and over the summer, had worried that MMP might “sneak to victory”, because voters were so poorly informed on the issue.<sup>22</sup> The *Star* received much criticism for the tone of its coverage from supporters of MMP – enough that it felt compelled to publish a defence of its handling of the issue a few days after the referendum.<sup>23</sup>

Voters were poorly informed, in part because the media coverage was so haphazard and the public information campaign run by Elections Ontario so constrained. Elections Ontario interpreted its information mandate quite narrowly, and did not inform the public of the substance of the proposal or the competing arguments in favour of or against it. Rather, the public information campaign was directed towards informing the public that there would be a referendum on electoral reform and that their vote in it was “important”. During the campaign, if citizens wanted to understand the issues, or learn more beyond what they read in the press, they were advised by Elections Ontario to visit various websites. Additionally, outside Internet access, the Citizens’ Assembly proposal which explained how and why they arrived at the recommendation was made unavailable to the public by the government shortly after the campaign began. This sanctioned recommendation was not shared openly with the electorate when they would have been most likely to seek it out. This is a curious decision coming from the very government which had commissioned the Assembly, and the original printing of its recommendation in the first place. It was almost as if the government distanced itself from the

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

18. *Ibid*

19. *Ibid*

20. “Electoral Reform Fraught With Risk.” *Toronto Star*, October 9, 2007, p. AA6. Another *Star* editorial, published a week earlier, was equally negative with respect to electoral reform. See “Electoral Reform a Backward Step.” *Toronto Star*, September 30, 2007, p. A24

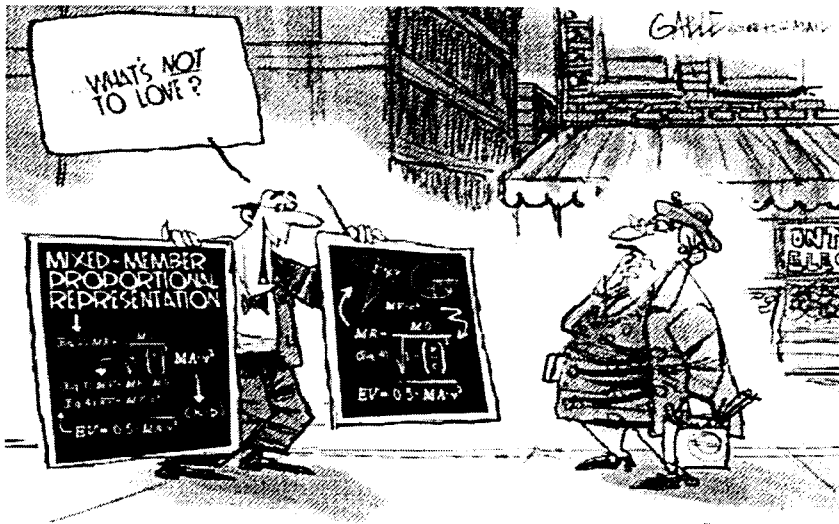
21. *Ibid*

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

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

process at its most vulnerable point, leaving it in the hands of a relatively hostile press. Little was understood about why the government felt it needed to construct this body in the first place, or why this group of citizens made the recommendation that they did. As a result, the wider public that had to make the final decision in the referendum was almost completely distanced from the deliberative process that had preceded it.

The low level and poor quality of information on the issue was itself a frequent subject of the print coverage.<sup>24</sup> One writer rather perceptively pointed out that the media, having provided little coverage of the Citizens' Assembly or the electoral reform issue until after Labour Day, was now framing the lack of information as a reason to vote NO.<sup>25</sup> In an op-ed piece published just a week before voting day, Dennis Pilon called for a TV debate on the issue, arguing that the public information campaign and media coverage had been ineffective in adequately informing the public on the issue.<sup>26</sup> No real debate took place. Instead, the spirit of the print discourse is captured by an editorial cartoon that appeared in the *Globe and Mail* on the week-end before the referendum.



*Globe and Mail*, October 6, 2007.

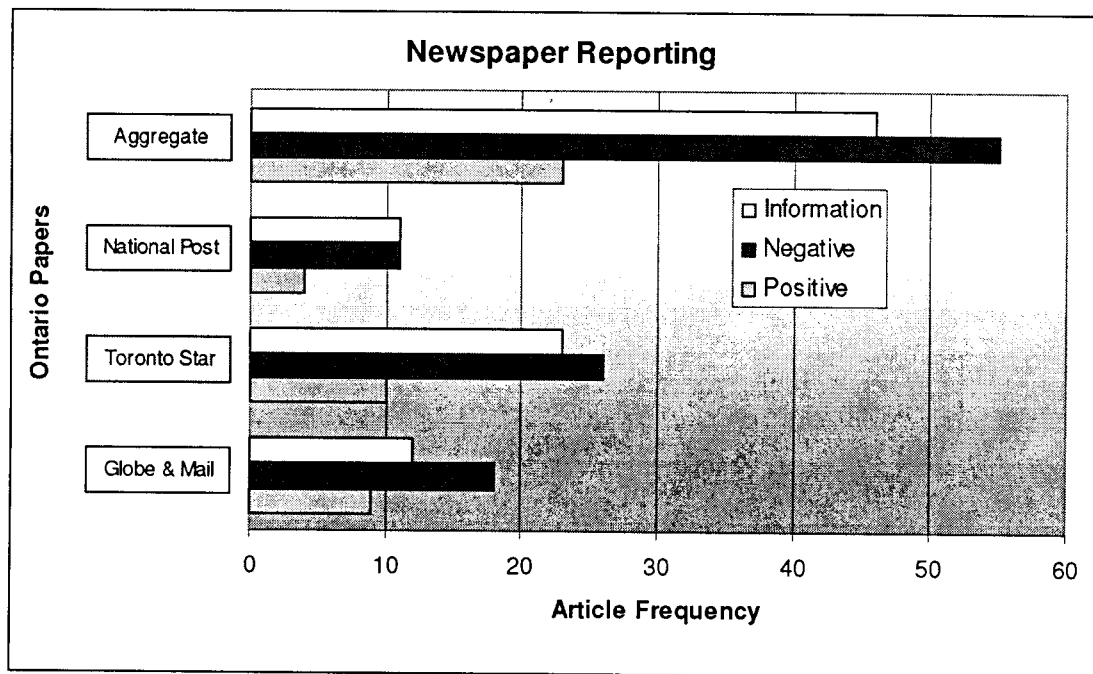
24. See, for example, Karen Howlett, "Referendum? Now What Referendum Would That Be?" *Globe and Mail*, September 24, 2007, p. A8; or Roy Macgregor, "Ontario Referendum Flying Under the Radar", *Globe and Mail*, October 1, 2007, p. A8

25. Ivor Tossell, "What's That Second Question on the Ballot?" *Globe and Mail*, September 21, 2007, p. R25

26. Dennis Pilon, "Needed: a TV Debate on Ontario's MMP Referendum." *National Post*, October 2, 2007, p. A20

As we see in figure 1, when the press did choose to write on the Assembly process, the electoral reform recommendation, or the referendum, its tone was overwhelmingly negative. As previously mentioned, all editorial boards of the major newspapers were aligned in opposition. While only 19% of the articles written could be considered positive, 37% were classified as neutral, or informational, and 45% of the articles were essentially presenting arguments against either the Assembly, the referendum, or the proposed reform.<sup>27</sup> Notably there were no articles in support of the referendum at all. It was largely dismissed as too complicated, not of interest to the public and unnecessary. Granted the job of the media is in part to be critical. However, theoretically the media are also responsible to present both sides of an issue fairly in order to allow the voting public to decide and debate it for themselves.

Figure 1: Content analysis of articles in three major newspapers



27. Articles were identified as “positive” or “negative” if an argument was being put forward and if the argument could be considered positive, negative, or balanced enough to make it information or inclusive of more than one position. Letters to the editor were excluded from the analysis as they are considered to be in response to the debate, but not framing or leading it. However, it should be noted that there was very active participation in the “Letters” section of all three papers, often in response to the articles or editorials discussed here.

The Assembly did not fail to deliver on its mandate of respectful deliberation, but it appears that this respect was not reciprocated. The opinion leaders did not respect the Assembly. In this case the concept of popular sovereignty was unsupported, and resisted by those responsible for educating the public and leading the debate. Rather than being afforded respect, Assembly members were considered a 'fringe' and their value priorities were ignored or dismissed; they were derided by the by the opposing opinion leaders for holding what were considered deviant or contrary views which placed too much emphasis on proportionality. As John Ibbitson said of the negative response to the British Columbia Assembly, "...the ability of the elites to bend any process to their own ends should never be underestimated....it is those very elites that raise the most objections to electoral reform and citizens' assemblies. Which makes one wonder whether what they most fear is losing their ability to dominate public discourse."<sup>28</sup> Their ability to dominate the discourse and frame the debate to reflect their values arguably had an affect on the outcome, as did the tone and bias of the media coverage.

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From the outset, there was little doubt that MMP was headed for defeat. The 60% threshold imposed by the government set a high bar for success, the press was hostile, and the public information campaign inadequate. A Strategic Counsel poll published in the *Globe & Mail* on October 9<sup>th</sup> suggested that a clear majority would vote against the proposal, although the poll also continued to find nearly a quarter or more of all voters undecided only a few days before the vote (table 3). Remarkably, three quarters of those polled by Strategic Counsel in the first week of October indicated that they had heard "only a little" or "nothing at all" about the issue. While the proportion of "undecided" voters had gone down only slightly in comparison to a poll taken by the same organization about three weeks earlier, it also suggested that MMP had failed to win many converts over that period.<sup>29</sup> An Angus Reid poll taken at about the same time predicted defeat for MMP by a margin of 58-42.<sup>30</sup>

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28. John Ibbitson "Welcome to a New Era of Liberal Democracy." *Globe and Mail*, January 12, 2004.

29. Karen Howlett, "More Voters Understand Proposed Electoral Changes, but Fewer Support Them." *Globe & Mail*, October 9, 2007, p. A10

30. Robert Benzie, "Polls Show Liberals Winning; Suggest PCs not Helped by Reversal on Schools." *Toronto Star*, October 6, 2007, p. A16.

Table 3. Public opinion on the electoral reform proposal, September-October, 2007

a) Knowledge of the proposed changes (%)

	<u>A lot</u>	<u>A little</u>	<u>Nothing</u>	<u>DK/NA, etc.</u>
Oct. 6-7	24	51	24	1
Sept. 10-13	12	41	47	--

b) Probable vote (%)

	<u>For MMP</u>	<u>Against</u>	<u>Undecided</u>	<u>DK/NA, etc.</u>
Oct. 6-7	32	35	22	11
Sept. 10-13	27	23	29	21

Strategic Counsel, as reported in the *Globe & Mail*, October 9, 2007

In the end, the defeat of the MMP proposal was even more decisive than the polls had predicted. Only 37% of Ontario voters supported MMP, while 63% cast their ballots in favour of FPTP. Only five of the 107 constituencies returned a majority in favour of MMP – all of these in the Toronto area.<sup>31</sup> Although MMP did slightly better in urban areas of the province than in rural areas, it failed to win a majority even in the Toronto area (table 6). Of the five ridings that did vote in favour of MMP, four returned NDP members in the election.<sup>32</sup>

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31. Beaches-East York (50.1%), Davenport (56.7%), Parkdale-High Park (54.5%), Toronto-Danforth (55.1%), and Trinity-Spadina (59.2%).

32. A Liberal was elected in Davenport.

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Table 4. Referendum results

(%)	<u>Toronto area</u>	<u>All Ontario</u>
FPTP	56.3	63.1
MMP	43.7	36.9
	<u>Total votes cast</u>	<u>Turnout (%)</u>
Election	4,421,628	52.8
Referendum	4,284,336	51.1
Dropoff	<u>137,292</u>	<u>- 1.7</u>

Source: Elections Ontario ([www.elections.on.ca](http://www.elections.on.ca))

While turnout in the election registered another historic low at 52.8%, most election voters also cast a ballot on the electoral reform proposal. The proportion of votes cast in the referendum was, at 51.1%, only slightly lower than in the election (table 6). In spite of the seeming lack of knowledge and interest in the issue, there was no significant “drop off” of voters such as often occurs on American state ballot propositions that are typically held in conjunction with general elections.<sup>33</sup>

Post election analyses of the vote emphasized many of the points noted earlier in identifying the kinds of information that filtered through to the electorate in a campaign that was largely invisible to many voters. The negative arguments that resonated were the simplest ones – the lack of sufficient information about the proposed new system, the increase in the size of the Legislature, and the oft-repeated charge by opponents of MMP that the lists would be controlled by “party bosses” (see table 2). There was some degree of receptivity to the more attractive features of MMP – the need for greater fairness in elections, the appeal of proportionality, and the desirability of a “second vote” (table 1). But an electorate that did not feel itself to be adequately informed found it difficult to overcome its uncertainty about how the new system would actually work. Cutler and Fournier argue that a more fully informed electorate might have been persuaded, based on evidence from a post election survey.<sup>34</sup> But, as they also

33. Lawrence LeDuc, *The Politics of Direct Democracy* (Toronto, Broadview, 2003), pp. 137-152. Note that the “drop off” in the BC referendum was similar (2%).

34. Fred Cutler and Patrick Fournier, “Why Ontarians said NO to MMP.” *Globe and Mail*, October 25, 2007, p. A21

note, voters would have needed greater knowledge of and *confidence* in the process that had produced the proposed change. The Citizens' Assembly was an unknown entity for most of the electorate, and this lacuna deprived the proposed reform of the legitimacy that greater knowledge of the deliberative process that had produced it might have conferred.

In considering whether MMP might have ever had a chance of passing, even with better information both about the proposal and the Assembly, we need to also consider the role of the campaign. The late start and near absence of any real YES campaign meant that the bulk of the electorate was poorly informed. The NO campaign, confined largely to the mainstream print media, mattered, but resonated only with small segments of the electorate. The "public information campaign" was directed narrowly at advising people to vote, in the process counseling them to seek out information elsewhere. There was, in short, relatively little information to be had, and only the most pro-active voters were likely to find it. The Ontario campaign contrasts sharply with that in New Zealand, where there was both a highly effective public information campaign and intensive campaigns waged by well organized and well financed YES and NO umbrella organizations.<sup>35</sup> In hypothesizing other possible outcomes in the Ontario referendum, one needs to consider what a more active campaign might have looked like. Certainly, it would have had to have been better financed, both on the public information side and on the part of those advocating the reform. Elections Ontario would also have had to interpret its mandate much less narrowly, informing voters about the content of the proposal and the nature of the arguments for and against it, rather than merely telling voters that there was going to be a referendum and that their vote was "important".

Modern campaigns cost money, and the lack of any serious funding of the campaign for MMP undercut its effectiveness and deprived voters of the information that they needed to properly evaluate the proposed reform. However, the NO campaign was also largely non-existent, being confined primarily to the occasional columns by political journalists found on the inside pages of the major newspapers. These two observations are of course related. Given the ineffectiveness of the pro-MMP campaign, there was no real need for an organized NO effort. The doubts raised by skeptical journalists more or less did the job. Had there been a well organized and well financed YES campaign, and any real chance that MMP might pass, there almost certainly would have also been a serious NO campaign. This is essentially what happened in New Zealand. After the first referendum, it was clear that MMP enjoyed broad public support. Momentum for reform continued to build until the realization that it might actually pass triggered an effective and well financed NO campaign, waged largely with business funding by the Campaign for Better Government, an umbrella organization created to bring together business groups and opponents of MMP from within the major political parties. The fact that they succeeded in driving support down from well over 70% to the 53.9% obtained in the 1993 referendum is testimony to the effectiveness of that campaign. Had they been operating under a 60 percent rule like that imposed in Ontario and BC, electoral reform in New Zealand would not have happened.

This illustrates how difficult it is to secure passage of almost any type of reform proposal in a referendum. The more complex the issue, the greater the difficulty of putting it across to voters in a short campaign. The 2005 referendums on the European Constitutional Treaty in

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35. Alan McRobie (ed.), *Taking It to the People: The New Zealand Electoral Referendum Debate* (Christchurch NZ, Hazard Press, 1993).

France and The Netherlands, the 2001 Irish referendum on the Nice Treaty all resulted in the defeat of proposals that initially appeared to enjoy broad public support. So too did our own 1992 referendum on the Charlottetown constitutional proposals and the 1999 Australian referendum on abolition of the monarchy. What these cases have in common are the complexity of the issues involved, the relatively short duration of the campaigns, and the inherent effectiveness of negative campaigning. The political advantage in referendum campaigns, particularly those dealing with unfamiliar issues, often seems to rest with the NO side. Those opposed to a proposal do not necessarily have to make a coherent case against it. Often, it is enough merely to raise doubts about it in the minds of voters, question the motives of its advocates, or play upon a natural fear of the unknown.<sup>36</sup>

There is of course no assurance that more public information alone would have produced a different result. Deliberative democracy and direct democracy are different processes, and the dynamic of a referendum campaign will typically be quite different than that of a deliberative body.<sup>37</sup> Research on other referendums demonstrates that it is no easy matter to persuade the public to embrace change – even in New Zealand where a successful reform did take place. Were it not so, the constitutional question in Canada would have been settled long ago, Swedes would be using the Euro, and Australia would be a republic. Nevertheless, we do know that if experiments of this kind are to succeed in the future, the public needs to be better informed and more completely integrated into the larger process. One important difference between the British Columbia and Ontario referendums was that, in BC, it was the recommendation of the Assembly that helped to legitimize STV for many voters.<sup>38</sup> In Ontario, more or less the opposite occurred. The Assembly was an unknown quantity for most voters, and its negative portrayal in the media made it more of a liability than an asset in generating support for MMP. It was indeed a quiet referendum, in which only a small number of voices – largely negative ones – were heard. But it is nevertheless clear that “public brokerage” is a goal that cannot be abandoned, in Ontario or elsewhere, if our “democratic deficit” is to be addressed in any meaningful way.<sup>39</sup>

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36. Lawrence LeDuc, “Voting NO: the Negative Bias in Referendum Campaigns”, paper presented to the ECPR Joint Sessions Workshops, Helsinki, May 7-12, 2007.

37. See, for example, Arthur Lupia and Richard Johnston. 2001. “Are Voters to Blame? Voter Competence and Elite Maneuvers in Referendums” in Matthew Mendelsohn and Andrew Parkin (eds.), *Referendum Democracy: Citizens, Elites, and Deliberation in Referendum Campaigns* (Basingstoke, Palgrave, 2001).

38. Fred Cutler, Richard Johnston, R. Kenneth Carty, André Blais, and Patrick Fournier, “Deliberation, Information, and Trust: the British Columbia Citizens’ Assembly as Agenda Setter” in Mark Warren and Hilary Pearse (eds.), *Designing Deliberative Democracy: the British Columbia Citizens’ Assembly* (Cambridge University Press, 2008).

39. Matthew Mendelsohn, “Public Brokerage: Constitutional Reform and the Accommodation of Mass Publics.” *Canadian Journal of Political Science* 33: 245-272 (2000); Brian Tanguay, “Reforming Representative Democracy: Taming Canada’s Democratic Deficit” in James Bickerton and Alain Gagnon (eds.), *Canadian Politics*, 4<sup>th</sup> edition, (Toronto, Broadview, 2004).

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