

ONTARIO 360 – DEMOCRATIC REFORM – TRANSITION BRIEFING

Bold yet incremental reforms to Ontario’s democracy

Issue

The recent debate at the federal level about electoral reform, ongoing questions about the role of foreign influences in the 2016 U.S. presidential election, and the rise of political populism has led to a renewed emphasis on strengthening Ontario’s democracy. This is healthy. There is always room to refine our democratic institutions and processes to make our democracy more transparent, responsive, and representative. The incoming government should therefore adopt bold yet incremental reforms to continue to improve Ontario’s democracy.

Overview: Ontario’s democracy

There is certainly scope to strengthen Ontario’s election. It is not without its room for improvement. Some examples:

- The last Ontario elections have seen low voter turnout — 48 per cent voted in 2011, and 51 per cent turned out in 2014.¹
- Ontario’s recent campaign finance reforms were a step in the right direction, but the province still lags some other Canadian jurisdictions with regards to donation limits. There is also scope to further clarify the role of third party spending up to and during election campaigns.²

¹ Ontario’s election turnout has been 56.8 percent (2003), 52.1 percent (2007), 48.2 percent (2011), and 52.1 percent (2014).

² Andrea Lawlor and Erin Crandall, “When more isn’t better: Regulation of third parties in Ontario elections,” IRPP Policy Options, July 29, 2016. Available at: <http://policyoptions.irpp.org/magazines/july-2016/when-more-isnt-better-regulation-of-third-parties-in-ontario-elections/>.

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- Ontario elected the most women ever in the 2014 election, but the legislature is still male dominated with roughly 65 percent of the seats held by men.³
- The functioning of the legislature – including the ability of the opposition parties to hold the government accountable in a world of “asymmetrical” capacity and resources – is something that we ought to continually review and refine.⁴

The need for reform

Why should democracy be strengthened within Ontario? This may seem like a strange question to pose with an election in the offing. After all, voters will freely head to the polls and express their individual preferences. A government will surely be formed after the election. That government will try, likely with some success, to govern in accord with what it has promised. If there is no great democratic crisis, what then is the need for democratic reform?

The answer is that the practice of democracy can always be improved, especially around the edges. The story of democracy in Canada and in Ontario has been one of just such incremental improvement. Franchises are expanded, the influence of money is slowly curtailed, political parties adapt to new circumstances and expectations, and the public service evolves. Sometimes this reflects simple and gradual evolution, while other times it reflects deliberate change in the face of obvious problems.

The goal should be to ensure our democracy is transparent, responsive, and representative. This is key to ensuring that governing decisions are rooted in the interests and perspectives of a broad cross-section of Ontarians. It is also

³ Laurie Monsebraaten, “Ontario voters elect a record number of women,” Toronto Star, June 13, 2014. Available at: https://www.thestar.com/news/gta/2014/06/13/ontario_voters_elect_a_record_number_of_female_mpps.html.

⁴ One study on the functioning of the Ontario legislature with a good overview is: Tracey Raney, Sasha Tregobov and Gregory J. Inwood, Democratizing the Ontario Legislature: Change, but Change Enough?, Canadian Study of Parliament Group, March 7, 2013. Available at: <http://cspg-gcep.ca/pdf/Ontario-e.pdf>.

important for Ontarians to maintain trust and confidence in our political institutions.

How to move forward

To this end, I wish to suggest four reforms to democratic life in Ontario, which reflect a mix of both gradualism and intentional, bold reform. They involve the role of money in politics, the place of women in political parties, the policy function of parties, and the functioning of the Ontario legislature.

1. Limit the role of money in Ontario elections

Ontario lags behind the federal level and some provinces in its regulation of campaign finance. Until recently, corporations and unions could give generously to political parties. Moreover, they and other actors could fund “third party” groups – non-political parties who could advertise during elections. One view of electoral democracy is that it is a contest principally between political parties, played out in front of citizens. It is not a free-for-all in which parties are only some of the actors. The Supreme Court has ruled that it is constitutional to rigorously limit the activities of third parties during elections. Ontario has taken steps in this direction, by banning corporate and union donations, by imposing effective annual donation limits of \$3600, and by limiting the spending of third party groups. It could go further by further reducing donation caps and third-party spending limits. Something like a limit of \$1000 per year would be reasonable, and roughly in line with federal limits. Elections are decided by citizens in the ballot box. They should be financed by only those same individuals. Second, Elections Ontario should be empowered to monitor the spending of money by third parties during elections in real time. Those who violate such limits and those who aid in violating the limits – for example, by printing more fliers than the limit would allow, or by hosting more online ads – should be subject to financial penalties. This requires vigilance and proactivity.

2. Increase the number of women in office

Ontario lags other parts of the country and other countries in the number of women elected to our legislature. Who is elected matters. The diversity of

perspectives and experiences brought to bear in democratic decision-making matter for the type and the quality of policy produced. Gender diversity is a principal source of different ideas and experiences, and one that we should see reflected in our legislature. There is a simple solution present: Limit existing campaign expense refunds to parties to 2.5 times the percentage of women they run in a campaign (without changing the maximum refund). Parties which run less than 40 percent female candidates will receive less than 100 percent of the possible expense refund. This does not force parties to run a minimum of women, but it does make it costly for them to perpetuate gender imbalance in our legislature. It also allows for some flexibility in the share of genders represented in the legislature, by not insisting on a strictly even split.

3. Increase the policy capacities of political parties

Political parties represent not only electoral machines, but also a collection of ideas, beliefs, and aspirations. These ideologies should be reflected in public policy. However, too often party policy is left to the weeks and months prior to a campaign. The results are thin policy, leader-centred politics, and governments that often run out of policy steam after a short time in office. Moreover, they often find themselves unchallenged by genuine governments-in-waiting.

Many European countries provide a counterpoint to this, where parties are supported by affiliated policy units which do the hard work of policy entrepreneurship. Such policy generation activities could be supported by explicitly directing some of the financial support that legislative parties receive into publicly registered policy units that undertake work for their respective parties. The solution to leader-dominated parties is not increasing the power of the “grassroots”. It is increasing the depth and breadth of common beliefs within a party and the capacity of that party to exist independent of any single personality.

4. Strengthen opposition within the Ontario legislature

The Ontario legislature is an effective body. It passes impressive amounts of legislation. This legislation is effectively developed and implemented by a

strong public service. However, three factors weaken the performance and function of our legislative assembly. First, committees are not effectively staffed with independent expertise. Second, opposition parties cannot effectively demonstrate non-confidence nearly as easily as in other legislatures. Third, the powers of prorogation are substantial and open to abuse. All of these factors can be changed by a government willing to work with opposition parties to create a strong legislature better able to shape policy and hold a government to account.

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