

Building a More Inclusive Democracy in New Brunswick

Constantine Passaris

Since its birth in Ancient Greece, democracy remains a work in progress. The Greek word “democracy,” in its purest form, denotes the power of the people and conveys the principle of governance by the people. Over the course of the centuries, democracy has matured, evolved, and mutated. It has responded to civil society’s changing values, aspirations and directives.

The success of democracy is based on the full and equal participation of the people. Democracy is a public good that is owned by its citizens. One of its enduring democratic values is the principle of inclusion that allows progressively more people to participate in the democratic process.

This essay provides some context to the recommendations submitted by the New Brunswick Electoral Reform Commission in 2017, of which I was a member. Initially, an attempt to study electoral reform in New Brunswick by appointing a parliamentary committee composed of the elected members of the legislature from all the political parties failed. It failed because the party in opposition, the Conservatives, refused to participate in the exercise. Subsequently, the governing Liberals issued a public invitation for citizens of the province to apply for membership on the New Brunswick Electoral Reform Commission. This process concluded with the appointment of five commission members who represented a diversity of cultural and linguistic affiliations, were from different age groups, belonged to a variety of professional backgrounds, and were domiciled in different parts of the province. The commission was thus formed as a mini-citizens’ assembly.

I believe a citizens’ assembly is an improvement over a parliamentary committee when it comes to electoral reform. The reason is that it removes the actual or perceived bias of political interference. In effect, it blocks the possibility of electoral reforms that place one political party in an unfair advantage over all the other political parties. During the course of its deliberations, the commission endeavoured to maintain the highest standards of integrity and independence. In particular, there was no political gamesmanship that attempted to advantage one or another party in the next election.

Women Candidates

The commission’s deliberations reflected the frustration that gender balance was not being achieved within the contemporary electoral process in New Brunswick. Despite the fact that women were granted the vote in 1919, that franchise has not resulted in elected parity between men and women legislators. In a perfect society, the parliamentary representatives are a mirror image of the demographic, being proportional to the population in terms of gender, ethnicity, and culture.

In rectifying the issue of gender disparity, the commission concentrated on the role of political parties. In effect, the role of parties in promoting and supporting women to run for nominations is an important factor toward increasing the representation of women as elected representatives.

After thoughtful consideration, the commission concluded that achieving gender equality in the realm of political representation must be a consensual goal. Gender parity on the contemporary electoral landscape requires more concrete and targeted measures rather than symbolic and aspirational speeches.

Consequently, the commission proposed a mechanism for using public funds as financial incentives directed toward political parties in order to speed up the process for achieving gender parity in the composition of the legislature.

Voting Age

Breaking with tradition, the commission recommended lowering the voting age to sixteen. The commission's deliberations in this regard reflected society's sentiments with respect to the appropriate voting age. The central issue that the commission grappled with was the question of whether younger generations are ready to exercise this huge democratic responsibility. The commission acknowledged that lowering the voting age to sixteen was a fundamental human right and not simply a matter of privilege. It is worth noting that Section 2.1 of the New Brunswick *Human Rights Act* prohibits discrimination on the basis of age. Furthermore, Argentina, Austria, Brazil, Cuba, Ecuador, Nicaragua, the Isle of Man, Jersey, and Guernsey allow youth aged sixteen to vote.

What weighed in during the commission's deliberations was that young New Brunswickers are becoming increasingly more involved in their communities, volunteer work, and in the issues that are of importance to them. Through the public school curriculum, media information, and online activities, they are proving themselves to be better prepared for exercising the right to vote. Furthermore, citizens who become involved in politics at a younger age are more likely to remain involved throughout their lives.

The commission endorsed the view of youth groups that their lack of engagement in the political process is a reflection of their distrust of traditional politicians, their alienation from mainstream politics, and the tainted reputation that political wheeling and dealing has imprinted on the minds of their youthful generation. Their critical view of politics was not symptomatic of a deep-rooted apathetic disengagement with the democratic process. Commissioners were of the opinion that lowering the voting age to sixteen in New Brunswick was a recommendation whose time has come. It would be a progressive signal of inclusivity and a precedent-setting landmark across Canada. At the same time, commissioners recommended that a more extensive civics education program be implemented throughout the New Brunswick school system to educate young people about their voting responsibilities.

Eliminating Barriers

The commission addressed the issue of eliminating barriers for under-represented groups as well as investigating the means to improve their participation in democracy. While this issue was not a part of the original mandate, commission members felt that it was sufficiently important to merit thoughtful consideration and action.

The contemporary cultural face of New Brunswick is changing. During the past few years, New Brunswick has seen a greater number of immigrants and refugees from around the world settle in this province. The ethno-cultural diversity of New Brunswick's population is likely to become even more pronounced in the immediate future. Indeed, the provincial government has recognized that our province faces immediate demographic challenges and that immigration is an important part of the solution to these challenges.

The commission resolved that if an individual lives, works, and pays taxes in our province, he/she should be granted the right to vote. Extending New Brunswick's nature as a welcoming and inclusive province should trigger electoral reform that will promote a legislature that reflects the cultural make-up and views of all those living in our province.

Voting Method

The most animated debates held by the commission were reserved for the selection of a new electoral system. The commission's mandate was narrowly defined on this point. It was tasked to investigate the merits of moving from the current first-past-the-post system (FPTP) to a new system that is designated as a preferential ballot.

FPTP has several attributes to recommend it, including the ease of casting a vote, counting the votes cast, and reporting the results publicly within hours of the polls closing. Indeed, FPTP is the only electoral system that New Brunswickers have grown up and have used all of their voting lives.

Historically, this system has produced a predominantly two-party system in the New Brunswick legislative assembly. The election outcome is usually a single-party government that does not have to rely on support from other parties to govern. On the other hand, the shortcoming of this electoral system is that it does not elect a legislature that reflects the diversity of public opinion in the province.

The commission was tasked with examining an alternative electoral system in the form of a preferential ballot. A preferential ballot is also known as a ranked ballot system or an instant runoff voting system. This system retains many of the electoral elements of FPTP while accommodating additional preferences expressed during voting.

Under the preferential ballot, ballots are structured to allow voters to rank their candidates in order of preference. Allowing for preference ranking on the ballot enables voters to express themselves in respect to their first-choice candidate and allows them to vote for their second choice or a number of choices in the event that the preferred candidate may not be elected.

The commission's deliberations revealed that a preferential ballot was a modest and pragmatic choice for reform that did not create its own problems. It was not a wholesale change to another electoral system. It would maintain simplicity and ease, so that everyone understands how to vote and understands that their vote really counts.

Indeed, the commission felt that this change, although a modest one, was a stepping stone in a continued evolutionary path for New Brunswick's democratic evolution. The commissioners decided that moving to a preferential ballot would be an incremental improvement that could be implemented in a timely manner without being disruptive.

It is also worth noting that the commission did not stop with simply recommending a move to a preferential ballot. While it was not within the mandate of the commission to explore an alternative voting system, it did so nonetheless. Proportional representation (PR) is a type of electoral system that decides the make-up of a legislature by allocating seats on the basis of the number of votes that each party received. There are many different types of PR.

After careful consideration, the commission made a longer-term recommendation in regard to its preference for electoral voting reform. It recommended that along with the redrawing of the electoral boundaries in New Brunswick, which is mandated to occur every ten years, serious consideration be given to adopting some form of PR.

Election Financing

An improved voting system and election financing were the two most complex and intricate issues that the commission dealt with. There is no denying that election financing is a building block of the electoral system. At the outset, it should be noted that democracy is a public good, but it is not free. It comes with a price tag.

The commission was confronted with two challenging realities: first, the small size of the provincial population and its tax base, and, second, the constraints on government financing.

Political financing is constantly being scrutinized regarding how such funds are obtained and from whom. Civil society demands that campaign financing does not disrupt the integrity of the democratic process. In particular, society sets a high bar of transparency for contributions from large donors (often trade unions and corporations).

It is widely accepted that limits on political contributions and expenses promote the proper functioning of a democratic society. Such limits exist mainly to ensure transparency and fairness and to reduce the possibility of undue influence by any donor.

As a consequence, the collection and spending of funds are congruent elements for political financing and must be examined as a whole package in order to ensure that the right balance is maintained. Under the current rules for political financing, contributions to a party or an election campaign may be made by individuals, corporations, and trade unions, with no requirements for residency for individual donors.

The commission discussed imposing restrictions on the types of donors and the residency requirements. However, with a limited population from which to raise funds, adjusting the source of political donations is a difficult balancing act. In effect, there is a trade-off between revenue sources from corporations, unions, private citizens' donations, and government funding.

At the time of the commission's deliberations, the contribution limit in New Brunswick was one of the highest in the country. Consequently, the commission concluded that the limits on amounts contributed require a downward adjustment.

The electoral financing limits and rules, which are contained in the *Political Process Financing Act*, are intended to maintain public trust and confidence in the electoral process. In particular, they are designed to reinforce the principles of transparency, equality, and the democratic participation of parties, candidates, and individuals.

Since 1978, each registered party has been subsidized annually through public funding. When public resources are scarce and needed for everything from schools, hospitals, and infrastructure, allocating public funds to political parties and candidates becomes a lower priority.

New Brunswick's fiscal constraints due to the economic recession at the turn of the century resulted in capping the basic annual allowances at \$668,000. The commission's deliberations acknowledged that the lack of adjustment in the annual subsidies has resulted in parties having a greater reliance on private donations to meet their everyday expenditures.

The commission was of the opinion that in order to ensure accountability and transparency, parties should be required to cost their election commitments in a fair and diligent manner during a campaign. Without such a requirement, the electorate has limited knowledge about expenditure announcements and few relevant details of the overall costs of a party's platform.

After lengthy and heated debates, the commission concluded that political contributions from corporations and trade unions be phased out and that election commitment costing legislation be re-established.

Electronic Voting

The biggest change in the commission's collective thought process occurred during its deliberations on electronic voting. At the outset, every commissioner was of the opinion that the time had arrived for e-voting. After all, we spend a large portion of our days communicating with each other through e-mails and social media, we do our banking online, and we transfer important documents in digital format.

The principal reasons in favour of online voting include speed, convenience, and accessibility. Internet voting is a tool that potentially could remove barriers and make voting more accessible for certain groups, such as voters with mobility challenges or visual impairments.

Many people compare online e-voting to online banking. The common belief is that if it is safe to do your banking online, then it should be safe to vote online. During the commission's meetings with experts on cybersecurity, it was explained why that is *not* the case. The process of electronic banking does not respect privacy or an anonymous identification in order to make the electronic financial transactions secure. Those two aspects are deleterious to democracy and the rights of citizens to cast a vote in favour of their preferred candidate without being publicly identified.

At the end of the day, the commission underwent a complete reversal of opinion on the matter of electronic voting. Our deliberations on this issue started from the premise that electronic and technological advances were at a stage where e-voting was doable and whose time had come. Indeed, commissioners felt that e-voting had considerable benefits that would appeal to younger voters and persons with disabilities, overcome barriers of accessibility, and remove the physical distance from the ballot box. We also felt also that e-voting would enhance voter participation in future elections. Ultimately, this was the singular issue before the commission that prompted commissioners to endorse e-voting—and, at the same time, the singular reason for recommending against it. Cybersecurity experts emphasized that security, privacy, and confidentiality could not be guaranteed under the current electronic infrastructure. Furthermore, the sacrosanct anonymity of a person's vote at the ballot box would be shattered by moving to electronic voting at this time. However, the commission did recommend that New Brunswick adopt e-voting as soon as the current fault lines in the digital infrastructure are fixed and that e-voting be implemented in a cautionary manner through a pilot project.

Election Date

The concept of fixed election dates is relatively new in New Brunswick. It was first adopted in 2007. The last two provincial elections have been held every four years, on the fourth Monday in September. Fixed election dates are congruent with increased electoral fairness, political integrity, transparency, and predictability. It has also been argued that fixed election dates lead to better electoral administration and government planning.

The commission deliberated at great length regarding election dates. It concluded that a fixed election date every four years should continue. However, we strongly recommended a change from a September election date to one held in October. The rationale was that this change would accommodate a greater number of post-secondary students who wish to participate in the electoral process.

Currently, a period of forty days is required to establish residency in the province. This requirement directly impacts first-year college and university students, out-of-province students, and those students who move to the province during an election year.

Moving the fixed election date to October would encourage higher participation rates among this age group. It would allow student unions more time to organize and include electoral information in student packages. It would also provide high school teachers and university professors more time to build and prepare their curricula to include components on the electoral system, especially during an election year.

A fixed election date in October would also allow for the involvement of parents with children in public schools. It would have a positive impact on high school students by providing an opportunity for schools to deliver a civics education module to help these students be better prepared for election day.

During the course of its deliberations, the commission flirted with the idea of moving the election day from a Monday to a Saturday. The argument was made that on a non-working day a higher percentage of voters would be more inclined to go to the ballot booth. Prior to making a final decision on this matter, the commission consulted with representatives from the Jewish community of New Brunswick as well as the congregations and rabbis of several New Brunswick synagogues. The feedback from the Jewish community was poignant and clear. They told the commission in no uncertain terms that voting on the Sabbath was a bad idea. It would prevent the Jewish community in New Brunswick from active participation on election day. The commission did not pursue this suggestion any further.

Democratic Engagement

The commission was deeply concerned about the downward trend in voter turnout. While this trend is not unique to New Brunswick, it is a matter that requires proactive remedial action. The commission felt that a civics education program and improved public awareness campaigns to better educate those who are voting for the first time (or citizens who simply want to learn more about New Brunswick's political and electoral systems) are required.

While civics education was not a specific component of the commission's mandate, the need for an improved civics education program in the province was proposed by the commissioners as a means to improve participation in our provincial democracy. With respect to democratic engagement, the

commission proposed a multi-pronged strategy aimed at increasing youth's, immigrants', refugees', and the general public's understanding of the electoral process and people's role in that process. We suggested removing administrative barriers to electoral participation and raising public awareness of the problems created by declining voter participation.

Civics education can take two forms: the formal institutional education that takes place at universities, colleges, and schools; and public education through media campaigns, posters, and public forums.

Increasing the understanding of youth about the electoral process can be achieved through the public school system. Schools clearly have an important role to play in producing politically knowledgeable and engaged young New Brunswickers. A formal civics education in the classroom would be the primary means by which young people acquire the knowledge and skills to participate in the democratic process.

Raising public awareness for the adult population will require the involvement of community groups, associations, and diverse media forums. Public awareness campaigns should target groups of adults who are most likely to benefit from additional information.

The design of a democratic engagement policy must avoid the temptation to endorse a one-size-fits-all framework. New Brunswick consists of diverse groups and subgroups, some of which require an approach tailored to their needs. Aboriginal populations, immigrants, visible minorities, the poor, and the less educated face unique challenges that should be addressed in a targeted and constructive manner.

Reform Ecosystem

The commission's internal deliberations were guided by the twenty-first century maxim "If it ain't broke, improve it." As a result, electoral reform recommendations were proposed not as stand-alone entities but rather as clusters and ecosystems. In this manner, a single theme was addressed from different angles, perspectives, and timelines. Furthermore, it was recognized that the successful outcome for some recommendations was contingent upon the appropriate scaffolding and supporting institutional infrastructure.

It is noteworthy that the commission did not recommend the manner in which its recommendations would be implemented. In particular, the commission refrained from recommending a public referendum on electoral reform. The consensus of opinion among commission members was that as an appointed body that took the form of a mini-citizens' assembly, it did not have the right to usurp the authority of the legislature. As a consequence, decisions about how the recommendations would be implemented were deemed to be the responsibility of the elected members of the New Brunswick legislative assembly.

Democratic Legacy

The commission's final recommendation was in the form of a democratic legacy. It was a recommendation that keeps on giving and extends the process for continued democratic reform into the future.

More specifically, the commission recommended that a report on the state of democracy in New Brunswick be tabled in the legislature each year. It suggested that the report include both quantitative and qualitative performance indicators, thus enhancing and empowering our provincial democracy for years to come, as well as ensuring a more robust implementation of electoral reform.

Conclusion

Since its inception in ancient Greece, democracy continues to be a work in progress. In New Brunswick, the appointment of the Commission on Electoral Reform resulted in twenty-three recommendations aimed at improving our electoral system. I anticipate that political parties will include those recommendations in their election platforms and that New Brunswick's civil society will have an opportunity to debate the merits of those recommendations, electing a government that will implement its plans for reform after the September 2018 election.

To comment on this article, please write to jnbs@stu.ca or consult our Facebook page at <https://www.facebook.com/jnbsrenb>. Si vous souhaitez réagir à cet article, veuillez soit nous écrire à jnbs@stu.ca, soit consulter notre page Facebook à <https://www.facebook.com/jnbsrenb>.

Constantine Passaris is a professor of economics at the University of New Brunswick, a national research affiliate of the Prentice Institute for Global Population and Economy, an Onassis Foundation fellow, and a member of the Academic Scientific Board of the International Institute of Advanced Economic and Social Studies. He was one of five commissioners who served on the New Brunswick Electoral Reform Commission.