

Options

A progress report to New Brunswickers



Commission
on Legislative
Democracy



Commission sur
la démocratie
législative



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Introduction

“A Citizen-Centred Democracy for New Brunswickers”

Options is our progress report to New Brunswickers on the work of the Commission on Legislative Democracy.

It sets out some of the key options for democratic renewal we are considering to help make New Brunswick’s democratic institutions and practices stronger, fairer, and more representative.

Options is based on what we have heard from New Brunswickers, as well as our own research and analysis. The Commission held 11 public hearings and 11 community leaders roundtables around the province in May and June. We sponsored several issue forums and roundtables, as well as an academic research conference, to hear opinion from experts in New Brunswick and across Canada. Our fully interactive website has enabled us to hear from even more New Brunswickers through our Citizen’s Participation Guide and questionnaire.

Now we want to hear from New Brunswickers once more.

By setting out these specific options on democratic renewal for all New Brunswickers to consider, we hope to receive even more input and suggestions from people like you.

Our final report, due December 31, 2004, will take into account comments and suggestions in response to this progress report, as well as further analysis and consultations we are undertaking.

Please tell us what you think. Give us your suggestions on the options we are considering to make our democracy stronger, fairer, and more representative. Your views matter. Make your voice heard.



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Electoral Reform

Mandate Summary

- 1. Propose a model of proportional representation best suited for New Brunswick.**
- 2. Set out principles and procedures to draw electoral boundaries and recommend the number of MLAs in the province.**
- 3. Propose a fixed election date for provincial general elections.**
- 4. Boost voter turnout and participation in our electoral process, particularly amongst young people.**

Proportional Representation

The Commission's mandate requires it to examine and propose a model of proportional representation (PR) best suited for our province. It must result in fairer representation, greater equality of votes, an effective government and legislature, and a continued role for directly elected MLAs representing specific geographic ridings.

Options

The Commission is considering regional mixed-member proportional representation (MMP) as the PR model best suited for New Brunswick.

MMP combines – or mixes – more proportional election results with local representation in single member ridings. This regional model is based on the principles found in the MMP systems now in place in Scotland and Wales, and is similar to those in New Zealand and Germany.

Under a regional MMP model, the percentage of seats won by each party in the legislature would more accurately reflect the proportion of votes received by each party. MLAs would be elected from a “mix” of single member ridings and from regional party lists. Parties would therefore continue to win seats from a set number of single member ridings around the province exactly as they do now. Seats would also be awarded on a proportional basis to parties based on their share of votes received in each of the various regions. These list PR seats would be allocated on a regional basis based on various groupings of ridings around the province. Voters could get two votes on their ballot: one for the local candidate of their choice in the riding in which they live, and one for the party of their choice.

A Regional Mixed Member Proportional Representation Voting System for NB

Summary of Main Features

- Combines single member riding MLAs (as we have now) with list PR MLAs.
- Approximately 2/3 of seats in the legislature are single member ridings; 1/3 of seats are list PR. Legislature remains approximately the same size as now (55 seats).
- List PR candidates are elected from regional groups of ridings around the province.
- Voters could get two votes: one for the party of their choice and one for the local candidate of their choice.
- Candidates run on either single member riding ballot or list PR ballot.
- A minimum 5% popular vote threshold would be established for parties to be eligible to win PR seats in the legislature

There are two main questions that affect this type of MMP model:

First, how many regions best suit New Brunswick's circumstances?

The Commission is considering two basic options: one with approximately five regions, and one with approximately ten regions. Under the first option, voters would elect four or five list PR members from each region. Under the second option, voters would elect two list PR members from each region. The number of members in each region may vary depending upon how ridings are grouped. It could also vary depending on the total number of seats in the legislature allocated to list PR members. Fewer regions that are larger will mean more proportional results, and may encourage list PR MLAs with a broader regional or provincial perspective. More regions that are smaller may mean closer constituency contact with list PR MLAs by voters, and a clearer local focus.

Second, should the regional list PR members be chosen from “open” or “closed” party lists?

The Commission is considering each option. Under an open list, voters can express a preference for one candidate over another on the list provided by each party. Under a closed list, voters select the party of their choice with the candidates in the order presented by each party. An open list gives voters more choice, while a closed list allows parties to place candidates higher on the list to meet more representational goals such as electing more women. Both forms are used in PR systems around the world.

[For a more detailed explanation of how this model would work, go to www.gnb.ca (keyword democracy) and go to the Options box.]

Electoral Boundaries

The Commission must examine and recommend the principles and procedures to guide future changes to New Brunswick’s electoral boundaries.

The Commission is considering a provincial law establishing an independent process to guide how and when future electoral boundary changes or redistribution should take place. This would be the basis of work for a future Representation and Electoral Boundaries Commission established by the legislature.

Options

Timing of Redistribution – mandatory following each decennial (10 year) census.

Composition of Commission – at least five members: two co-chairs from each official linguistic community, who are independent of government and political parties; three other members who are not MLAs or practicing politicians; all members approved by 2/3 vote of legislature.

Terms of Reference – specific terms of reference beginning with the principle of representation by population and parity of voting power; includes a maximum population variance per riding; takes into account other factors such as effective representation, communities of interest, population trends, geography, and New Brunswick’s official linguistic communities.

Public Hearings – requirements for two sets of hearings, including one based on a proposed map of boundary changes.

Final Authority –formally to reside with Legislative Assembly; only minor changes allowed.

Number of MLAs

The Commission must examine and recommend the appropriate number of constituencies to be represented in the Legislative Assembly.

There are currently 55 constituencies represented by MLAs. The precise number of MLAs will depend upon whether New Brunswick retains its current single member plurality voting system or changes to a new proportional representation voting system.

Options

The Commission is considering retaining generally the same number of MLAs as at present.

Fixed Election Dates

The Commission must examine and propose a fixed election date and procedures for holding provincial general elections in New Brunswick.

Options

The Commission is considering fall as the best time overall for New Brunswickers to vote, with a fixed election date possibly for the third Monday in October, every four years. Provisions for a loss of confidence in the legislature would remain, thereby allowing the Lieutenant-Governor to dissolve the Legislative Assembly for an earlier election if required.

The Commission is also considering by-election timing that would require by-elections to be held within six months of a vacancy, unless the vacancy occurs within the actual calendar year in which the fixed election date falls.

Voter Turnout and Citizen Engagement

The Commission must examine and recommend a number of measures aimed at boosting voter turnout at election time, particularly amongst young New Brunswickers; as well as making the electoral process more accessible to voters.

Options

The Commission is considering the following options aimed at boosting voter turnout and encouraging more citizen participation in the democratic process:

Youth

- Establishing a mandatory, integrated civics education program for all students beginning at the earliest grades and intensifying in high school.
- Opening the schools to more practical, hands-on exposure to the political process through mock elections, political fairs, information booths, youth forums, legislature tours, and special projects.
- Promoting youth voting through Elections NB.

Women

- Reducing barriers to participation of women in the political process, encouraging more women to run for elected office, and increasing representation of women in the legislature by: setting fixed election dates which allow for more certainty and personal and professional planning; creating financial incentives that reward parties for recruiting and electing more women; establishing spending limits for party nominations to help level the playing field for women candidates; requiring parties to provide annual reporting of measures taken to increase representation of women in the Legislative Assembly.

Legislative Reform

Mandate Summary

- 1. Enhance role of MLAs and the legislature**
- 2. Make appointments to agencies, boards, and commissions more transparent and accountable**

Role of MLAs and Legislature

The Commission must examine and recommend ways to enhance the role of the Legislative Assembly and MLAs in decision-making while ensuring greater accountability of MLAs to their constituents and to New Brunswickers.

Options

The Commission is considering options to increase authority and independence of the legislature in policy-making; give individual MLAs more opportunity to influence government and legislative decision-making; allow greater opportunity for private members to introduce legislation; diminish political partisanship in the conduct of the legislature's business; enhance political party democracy; and ensure MLAs represent their ridings more effectively.

Enhancing Role of Legislative Assembly

The Commission is considering the following options to enhance the role of the legislature:

- Reducing party discipline and partisanship by encouraging more free votes, fewer confidence measures, 3-line whips, and greater opportunities for private members to introduce legislation.
- Strengthening the role of legislative committees in the development and consideration of legislation through independent research capacity and mandatory public hearings for important bills.
- Ensuring sufficient time is provided to consider bills between 1st and 2nd readings, including carrying over bills to subsequent sessions.
- Allowing for more in-depth scrutiny of individual departments by Committee of the Whole House.

- Establishing an enhanced Legislative Library role with independent research capacity to support private members and legislative committees.
- Moving to on-time, on-line production and availability of Hansard, debates, and proceedings of the legislature.

Enhancing Role of MLAs

The Commission is considering the following options to enhance the role of MLAs:

- Making the position of MLA a full-time position with a formal job description.
- Improving resources for constituency services provided by MLAs.
- Improving legislative research and drafting resources for private members.
- Proposing an independent, transparent process for determining MLA remuneration.

Greater Accountability

The Commission is considering the following options to bring about greater accountability of MLAs and the legislature to New Brunswickers:

- Establishing a fixed legislative calendar (in conjunction with fixed election dates) for Throne Speeches, Budgets, Estimates, Public Accounts, and legislative committee work.
- Requiring regular reporting of the activities of MLAs to their constituents and encouraging more opportunities for interaction and accountability such as through town hall meetings.
- Broadening the scope of the *Right to Information Act* to cover MLAs, simplifying its process, and clarifying its application.

Party Democracy

The Commission is considering the following options to encourage greater internal political party democracy as it relates to candidate nominations and leadership selection processes:

- Extending the application of the *Political Process Financing Act* to party nomination and leadership elections, requiring disclosure of contributions and expenditures by candidates, as well as imposing contribution and spending limitations.
- Requiring parties to adhere to high standards of conduct in nomination, leadership, and election campaigns.

Appointments to ABCs

The Commission must examine and recommend ways to make appointments to government agencies, boards, and commissions (ABCs) more transparent and accountable.

Options

The Commission is considering the following process for appointments to some ABCs, particularly Crown Agencies boards and CEOs, and adjudicative tribunals:

Transparency

- Advertising vacancies so the general public can apply.
- Developing job descriptions for key appointments.
- Instituting a formal competition and vetting process.

Accountability

- Publicizing and posting on the web appointments with remuneration.
- Setting fixed terms for appointments; staggered appointment dates where appropriate; limits on reappointments.
- Ensuring appropriate governance frameworks exist for boards on all Crown Agencies.
- Establishing training programs for board members on board roles and responsibilities.

Appointments

- Assigning overall coordinating responsibility for ABC appointments to a central agency of government.
- Strengthening the role of the legislature in the approval of key appointments.
- Clarifying Cabinet's role and accountability in the appointments process.
- Encouraging greater representation of women and minorities in appointments.

Democratic Reform

Mandate Summary

- 1. Develop a Referendum Act for New Brunswick**
- 2. Involve the public more in government and legislative decision-making**

A New Brunswick Referendum Act

The Commission must examine and recommend a New Brunswick referendum act that would allow for province-wide, binding referendums on significant public policy issues.

Options

Use of referendums - to be used on an exceptional basis only; for limited topics only such as constitutional matters; supervised and administered independently of government and the legislature; and regulated through campaign rules and spending limits.

Initiating referendums - referendums would be initiated by the government only; the question would be debated and approved in the legislature.

Binding or advisory – referendums would be binding, rather than advisory in nature, requiring government or the legislature to act on a “yes” result.

Campaign rules – specific campaign spending limits and advertising rules would be put in place for any referendum to ensure a level playing field for all participants and legitimacy of results.

Vote thresholds – a higher threshold (more than a simple majority) for passage, including a minimum participation rate, would be established to ensure minority linguistic rights are protected.

Supervision and administration – province-wide referendums would be supervised and administered by Elections NB.

Public Involvement in Decision-Making

The Commission must examine and recommend ways to involve the public more in government and legislative decision-making.

Options

The Commission is considering options to improve public understanding and involvement in local decision-making authorities such as District Education Councils (DECs) and Regional Health Authorities (RHAs), as well as measures to enhance public consultation processes by government.

This includes reviewing decision-making authority currently granted to DECs and RHAs to ensure it is effective and meaningful, encouraging more involvement of civil society and non-governmental organizations in government decision-making processes, adopting more e-consultation processes, and exploring the concept of citizen panels or juries in the development of public policy.

Outstanding Issues

Here are some further issues we are studying as part of our work:

- Outcomes and consequences for implementing a regional MMP model in New Brunswick including roles of single member and list PR MLAs, party competition, party nomination processes, ballot structure, district magnitude, publicity and promotion of changes, modeling and statistical outcomes.
- The need for a process to review local and regional governance structure, organization, and accountability, including local service districts.
- Administrative processes in the *Elections Act* to facilitate voter accessibility and participation.
- Roles and responsibilities of officers of the legislature as they relate to legislative accountability.
- Consultation processes by government to enhance public involvement in decision-making.
- Measures to increase public involvement in decision-making, voter turnout, and citizen engagement in the democratic process.
- Television coverage and reporting of activities and work of the legislature.
- Legal frameworks for establishing a new electoral boundaries act, referendum act, and other recommendations of the Commission.
- Steps and timetables to implement the recommendations of the Commission and involve the public and the legislature.

The Commission on Legislative Democracy wants to hear from you!

You are invited to give us your views and comments on the options we are considering at the following time and locations. Groups and individuals are invited to take this opportunity to make submissions to the Commission. Simultaneous interpretation will be available.

Bathurst

October 17, 2004

10am to 3pm

Royal Canadian Legion, 575 St Peter's Ave.

Moncton

October 23, 2004

10am to 3pm

Moncton Lions Senior Centre, 473 St George St.

Fredericton

October 30, 2004

10am to 3pm

Royal Canadian Legion, 199 Queen St.

Groups or individuals wishing to make a submission are asked to call us to confirm their participation at 506-453-5335. All New Brunswickers are welcome to drop in to these public meetings at any time.

For more information on the Commission's work, please visit our website at: www.gnb.ca (keyword: democracy) or call us at 506-453-5335.