



Summary Report

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Panel Theme: Electoral Integrity: Nomination Contests and Leadership Contests

I would like to stress that the selection of local candidates and party leaders is an integral part of the Canadian electoral process. Allow me to explain. A legislative election allows all citizens to express their preferences, and the vast majority of electors vote for the party they feel best reflects their interests or values.

In this system, voters are indirectly “forced” to support the local candidate of their preferred party, as well as that party’s leader, both of whom have already been chosen. This makes the selection of members of Parliament a two-stage process. First, the party determines the candidate for each electoral district and their leader. Voters then choose among the options predetermined by the parties.

As the two elections are interlinked, it would be “normal” for the minimum conditions for voter eligibility to be the same in both cases. At the very least, there would need to be compelling reasons for doing otherwise. Yet many political parties do not require voters in local candidate or leadership elections to be Canadian citizens and at least 18 years of age.

I wholeheartedly believe that political parties should be given as much leeway as possible when it comes to establishing their own operating rules. However, the choices that parties make in selecting local candidates and leaders have a direct impact on the options available to voters in a parliamentary election. This is why finance regulation has been introduced for nomination campaigns.



I believe that determining who has the right to vote is as fundamental an issue as financing. The first chapter of a book I co-authored on the election laws of 63 contemporary democracies addresses this very question: Who has the right to vote?¹ In almost every country, the right to vote is explicitly linked to citizenship.

I have every reason to believe that the vast majority of Canadians share my position on this issue. We unfortunately did not explore this topic in our survey for the Lortie Commission regarding public opinion on the functioning of democracy.² The Commission could verify this by commissioning a poll. If I am correct in my assertion, the legitimacy of the of the candidate selection process is compromised when non-citizens are allowed to select local candidates and party leaders. Non-citizens are also arguably more vulnerable to manipulation by foreign agencies.

In my presentation, I focused more on the processes for selecting local candidates for electoral districts than the processes for selecting party leaders. My reasoning was that it is easier for a foreign entity or government to control or manipulate the process at the local level than at the national level, as more resources are available at the national level and there is a vested interest in maintaining the party's reputation.

Upon further reflection, I would like to amend my analysis. While it is easier to influence the selection process for local candidates than the process for selecting party leaders, it is also true that party leaders have tremendous power compared to ordinary members of Parliament. The likelihood of success (from the point of view of a foreign agency seeking to influence government decisions) is lower when it comes to party leader selection, but the potential payoff is much greater, considering party leaders have access to countless

¹ Louis Massicotte, André Blais and Antoine Yoshinaka. *Establishing the Rules of the Game: Election Laws in Democracies*. Toronto: University of Toronto Press, 2004.

² André Blais and Elisabeth Gidengil. *Making Representative Democracy Work: The Views of Canadians*. Royal Commission on Electoral Reform and Party Financing Research Studies Vol 17. Toronto and Oxford: Dundurn Press, 1991.



resources, especially if they become prime minister. It is therefore equally important to focus on the party leader selection process as on the local candidates selection process.

One feature of party leadership contests is that voting is now done electronically, and with this method comes the risk of hacking. There is every reason to believe that a number of parties are ill-equipped to meet this challenge. I believe that Professor Pal's idea for helping parties protect themselves against such risks is an excellent one. Elections Canada could provide parties with free access to the services of IT security firms. This would send the message that Elections Canada (and the Canadian government) does not merely serve to "control" these parties, but also has a mission to help parties manage partisan democracy.

During the round table I participated in, questions were raised about the potential challenges of implementing my proposed requirement for parties to restrict voting rights in their nomination contests to Canadian citizens aged 18 and over. I remain unconvinced. Elections Canada could provide parties with an up-to-date list of people on the permanent list of electors. I do not see any difficulty in implementing such a system, and Mr. Mayrand, who was at the round table, seemed to agree. This requirement seems much simpler to fulfill than those related to financing.

I would also like to note that parties would retain the right to be more inclusive in their membership. Nothing would prevent non-citizens from participating in all other party events. The citizenship requirement would only apply to local candidate and party leader elections.

In short, I invite the Commission to propose that only those eligible to vote in legislative elections should participate in the nomination of local candidates and party leaders. Such regulation on a fundamental aspect of representative democracy (who has the right to vote) is straightforward and easy to implement, and would contribute modestly to making the electoral process more legitimate.