



Summary Report

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Panel Theme: Electoral Integrity: Nomination Contests and Leadership Contests

Assessment of Key Issues

The workshop identified the political parties as the principal instruments of electoral contests, and addressed two of their critical practices when considering the possibility of foreign influence. Considering the internal nomination and leadership contests immediately raised two dimensions of Canada's parties' character and organization.

Private Institution vs. Public Utility.

Professor Pal noted that the parties had a long history as operating as *private institutions* little regulated by the state. The parties exist to promote the interests of those who participate in them with an intention of capturing control of government. Supreme Court Decisions with respect to Charter issues appear to support a perspective which limits the state's capacity to govern them. That would support a notion that increased or complex regulation might be difficult to legislate in a constitutionally acceptable fashion.

An alternate framework, raised in the discussion, recognized parties as a kind of *public utility* whose function was to deliver electoral democracy. (An analogy might be drawn with hydro utilities which deliver power.) This interpretation shifts the focus considerably for the monopolistic (or, at least, oligopolistic) nature of public utilities invites regulation by the sponsoring governmental authority. Thus, this would support an argument that parties' internal affairs ought to be subject to state supervision and regulation. The expansion in recent decades of public regulation of the parties' financial affairs (both income and expenditures) in exchange for receiving public support would suggest an increasing acceptance of this public utility conception of Canadian parties.

As the Commission moves to a consideration of whether or how the political parties internal contests need or ought to be regulated, it would be well to articulate which of these different (opposing?) frameworks for understanding Canadian parties is most useful.

Local vs. National

The workshop discussion saw a good deal of attention paid to the tension between local and national dimensions of the parties' interests, organizations, and practices. Professor Blais helpfully pointed to the contending interests of both in his consideration of how party membership rules might be understood, and possibly regulated. It seemed clear from the discussion that the relationship between these two foci was neither simple nor consistent, even within the same party. This immediately raised the question of what



kind of organizational forms dominated the parties and to what extent were they susceptible to effective regulation and reporting.

In formulating any recommendations, the Commission will need to grapple with the realities of the enormous divergence in party structures and the capacity for their component parts – particularly at the local level – to meet the expectations of increased regulation. The fact that this has been possible for the financial dimensions of nomination and leadership contests suggest it could be done, although it would likely require a substantial increased bureaucratization (professionalization?) of constituency level party organizations and the capacities of the regulator.

The Central Challenge

It became clear during the workshop discussion that a major obstacle to any increased regulation of nomination contests was the very character of the parties' local associations that conduct them. This reflects the nature of Canadian party development.

Canadian party organization reflects the imperatives of the electoral system which structures the framework governing party competition, as well as a continuing reshaping of the electorate over which they compete.¹ The First-Past-the-Post electoral system pushes them to establish/recognize local partisan associations in each separate electoral district, irrespective of their level of local support; the continually changing electoral map forces a continual restructuring of those associations to reflect both population changes and electoral map redistributions, along with the fluctuating vagaries of popular opinion.

The resulting national organization can best be described as a network of local associations loosely held together by allegiance to a common partisan brand. The parties' interest in attracting maximum local support ensures that their local associations reflect the interests and aspirations of those local partisans willing to participate. Some will be full of enthusiastic members commanding sufficient resources, others will nominally exist as paper branches, but with no members or resources. And given the openness of individual local associations to their immediate community, the membership of each will vary enormously, in terms of its socio-economic makeup, ideological or issue concerns. Indeed, physically adjacent associations in the same party may stand for quite different things. This openness and variety reflect the national parties' ambition (and electoral imperative) to build broad coalitions.

Historically, it has been these local associations that have been responsible for identifying (nominating) their local candidate, and organizing his or her campaign. The very authority to do so was at the root of the parties' continually fluctuating membership numbers. However, as the workshop discussion noted, recent years have seen officials of the national party attempting to interfere with, or at least massage, this local

¹ The size and structure of the Canadian electorate has changed more than in almost any other established democracy. That has forced the national parties to continually reinvent and reorganize themselves. See R. K. Carty (2015) *Big Tent Politics: The Liberal Party's Long Mastery of Canada's Public Life*, UBC Press, pp 4-9.



prerogative. The creation of the leader's veto has shifted the nomination power balance but at the cost of diluting local authority and the meaning and benefits of party membership.

To summarize, the traditional nomination process was organized and managed by a system of:

- Open and fluid organizational units, with
- Distinct and parochial foci,
- Populated by rather transient amateur volunteers, that
- Continually recreate themselves in response to the electoral cycle.

These networks of parochial associations vary within individual parties and across space and time. The challenge of regulation would be to devise a set of standards that could be fairly applied and enforced. There seems little doubt that each party has a number of constituency associations that would be unable to meet even modest reporting requirements, and so would force the national organization to assume some of the burden. In effect this would likely accentuate a nationalization of party organization in a political system otherwise structured to reflect regional and local diversity.

Two particular issues were raised by the workshop that are on the current agenda.

- 1) Set a minimum age for participation in a nomination contest. Professor Blais suggested making it equivalent to voting age; Professor Stevenson argued that such a requirement would discourage political engagement. Enforcing such a rule could be problematic, considering the amateurish character of many local associations. Such a rule would, however, recognize the impact and importance of the nomination process in many electoral districts that are dominated by one party.
- 2) There is no doubt that the very openness of local associations makes them vulnerable to penetration by groups with a distinct agenda. There is nothing new in this, and for decades groups with a particular community interest, an ideological perspective, a policy concern, or simply in support of (or opposed to) some individual, have been organized to successfully take over a nomination meeting.

Thus, groups or states with a foreign interest could likewise seek to influence the outcome of a nomination contest, and then the subsequent election contest. The financial transparency of nomination candidacies may expose that sort of happening. Options for limiting it – for instance, identity checks or long-term membership requirements – will challenge the capacity of many local associations and/or alter the character of current party organization.

Leadership Contests

Historical leadership convention processes made it possible for interested groups (candidates) to penetrate the party structures, and this did occur, particularly in weak or nominal associations. More recently, the adoption of every-member (or supporter)



voting systems increases the participating electorate to a degree that simply adding a few new (foreign or ineligible) members is unlikely to alter an outcome. That said, the potential costs and technologies of such contests, with the attendant necessary staff, could be considerable. In that situation foreign funds and technological help could make a difference. There the regulation of leadership campaign finances is important. How foreign influence via web-based campaigning could be countered is a subject that deserves attention.

Recommendations

Some very modest suggestions for the Commission:

- The parties should be challenged to set clear and transparent nomination process rules, indicating how they are to be enforced. In particular they should be asked to spell out how nominations in their non-competitive EDAs are to be managed.
- Parties ought to be allowed to develop their own processes to match their conception of appropriate activity – there is no need for a process that would be imposed on all.
- The parties should be required to publish details of the holding and outcomes of their nominations. Those reports would parallel Elections Canada information of the public election.

Additional Remarks

While support for, or opposition to, particular individuals in the nomination process could invite foreign influence, the difficulty of making a major difference this way is considerable.

More significant is the impact of campaign activity by actors with a foreign agenda in the elections itself. A good deal of campaigning is now done on-line. In electoral districts with a considerable proportion of the electorate speaking different languages, the ability of foreign states (actors) to use such outlets to influence the electorate is considerable. Much of this activity goes undetected by the traditional media, and often unseen by large numbers of voters in the same EDA. This imbalance in the campaign process is an invitation to seek to manipulate electoral outcomes and generate political obligations for elected figures.

This, of course, is another side of the great expansion of private political discourse and communication at the expense of public media over the past couple of decades. I have no recommendations that might effectively counter it, but the Commission's drawing attention to it would be worthwhile.