Governing Toronto: Let's Try Civic Democracy

It is the eighth year of the 21st century. When we consider the convoluted and dysfunctional governance of Toronto, Canada's largest city, there is a clarifying question which we should pose before all others.

During the past decade Toronto residents have lived through municipal amalgamation and fiscal crisis, rising local taxes and constrained local services. For years now the *Toronto Star* and others have rightly trumpeted that there must be a New Deal in city governance and finance. But what kind of New Deal do we really need?

Some small changes have come already and more are promised, but by now one thing is painfully obvious. Through all the buck-passing, shuffling and jockeying of the leading politicians—municipal, provincial and federal—they haven't moved the taxpayers of Toronto one inch or centimeter closer to broad-based civic citizenship and accountable, democratic civic government.

Will this be the century in which we demand, and our rulers finally allow, Civic Democracy—the only style of civic government capable of serving the interests of all Torontonians?

What we of the Toronto Democracy Initiative (TDI) mean by Civic Democracy is a system of accountable government in which:

  (a) the financing of politicians is transparent

  (b) each and every taxpayer/voter/citizen always has a representative of his or her choice on council;

  (c) the mayor serves at the pleasure of council, and

  (d) major decisions are made by a majority of councilors representing a majority of voters.

By contrast, the status quo and the changes now under discussion imply, for most Torontonians, a continuation of taxation without representation and government without accountability.

The Toronto Democracy Initiative says that for Toronto to realize its future as a free, pluralistic, dynamic and prosperous city, we must eliminate its democratic deficit.

The Packaging of Undemocratic Change

For the past three years a handful of political insiders have been involved in discussions about changing the governance of Toronto.

Following a strong signal from Queen's Park that substantive reforms to the city's legal powers and governance structures were being considered, the Toronto Board of Trade initiated detailed public discussion in a July 2005 report, *Setting the Course for a Strong Toronto*.

Mayor David Miller responded with the Governing Toronto Advisory Panel, which came forth in November 2005 with *The City We Want—The Government We Need*.

During the summer and autumn of 2005, the Miller advisory panel conducted public hearings and individual citizens and local NGOs offered suggestions. In the case of the Toronto Act Now Coalition (TAN) and Direct City Action (DCA), the submissions arose from their own community consultation processes.

During this period a precursor of the Toronto Democracy Initiative offered a report entitled *Towards Proportional Local Governance: the Need for Electoral Flexibility in the City of Toronto Act*. In addition to authoring the report, some of us participated in the consultations conducted by the Governing Toronto Advisory Panel, Direct City Action (DCA) and Toronto Act Now (TAN). Unfortunately, all three of these outfits wanted a rubber stamp for certain predetermined conclusions, and these did not allow for any discussion of how Civic Democracy might be introduced to the city. None of them would address any thought which did not entail (a) the immediate transition to a "strong mayor" system or (b) gradual transition to a "strong mayor" system or (c) further entrenchment of the status quo.

Most disappointingly, none of these groups wanted Toronto to have control over its own political structures. While the neighbourhood activists of DCA, the unions and social service groups comprising TAN and Mayor Miller's Advisory Panel all made liberal use of the rhetoric of local control, all of them opposed transferring from Queen's Park to the municipality control over several critical matters including:

- the voting system used to elect councilors
- the number of councilors
- the number of councilors per ward
- the existence and regulation of municipal political parties
- the method of selecting the mayor

They seemed to assume that, given direct control over their political institutions, Torontonians would make bad choices. These avowed advocates of Toronto autonomy felt their vision was already so perfect that under no circumstances should the citizens of Toronto be allowed to alter it.

Fortunately, not all of the protagonists in the public debate were so short-sighted. The Toronto Board of Trade, for example, proposed that the province empower Torontonians to choose between the current single-member plurality voting system and the multi-member plurality voting system more commonly used in Western Canadian cities. It also proposed giving Toronto residents the right to radically alter the number of councilors. Wisely, Queen's Park eventually ignored both the mayor's Advisory Panel and a self-serving Toronto City Council and gave the reluctant city leaders jurisdiction over some aspects of their own voting system.

It is now our hope that, during the 2009 public review of the City of Toronto Act, the province will cede more substantial powers of democratic self-government to the City of Toronto (and to other Ontario cities if that is what their citizens want).

Since the amendment of the City of Toronto Act in 2006 the public has continued to ponder the requirements of modern democracy. In October 2007 Ontarians voted in a province-wide referendum on a proposal for proportional representation (PR) at Queen's Park.

Pre-referendum polls showed that a sizable majority favoured the principles underpinning PR (equal voting power and guaranteed representation for each citizen, and thus fair representation for non-geographic communities), but Ontario voters by a substantial margin defeated the particular version of Mixed Member Proportional (MMP) Representation on the ballot.

The incongruence between popular support in principle and the defeat of MMP is best explained by examining (a) the elements of MMP that were not tested in pollsters' questions and (b) the public debate during the campaign.

All proportional representation systems, by virtue of representing like-minded communities that are geographically dispersed as well as those that are ghettoized, necessarily must include legislators who represent voters dispersed over large geographic areas. How such individuals are selected in nomination processes and in general elections are crucially important details that make or break proportional systems. Clearly a majority of Ontarians did not like the way Closed List MMP addressed these questions.

Instead of creating short regionally-based lists where MPPs who did not represent single constituencies nevertheless represented identifiable regions, the defeated proposal created 34 at-large MPPs to represent the whole province of Ontario. This appears to have left many voters worried about their theoretical access to the services of the proposed new list MPPs. An even more troubling debating point was that, in a worst-case scenario, these 34 at-large MPPs might be appointed by their party leaders without ever appearing on a ballot either during a party nomination process or in a general election.

Despite considerable Toronto enthusiasm for the principle of proportional representation (all districts in which MMP received majority support were within the City), the lesson is that (a) a Toronto majority strongly opposes a system in which representation is largely decoupled from geographic communities and (b) a majority vehemently opposes any system in which a single leader, irrespective of his own political legitimacy, is routinely able to bypass the voters and accelerate other individuals directly to political and/or executive office.

Finally, public discussion of Toronto's fisk and governance was further stimulated by the 2007 summer budget showdown and a subsequent 2008 report by an investigative panel demanded by Council as the price of support for the Executive Committee's budget. The Hutcheson Fiscal Review includes numerous interesting fiscal proposals and insights, but unfortunately is guided by a presumption that only a Strong Mayor—an elected near-dictatorship—can bring about useful or sustainable changes in civic policy and operations.

We agree that Toronto City Council as now constituted is a dismaying and discouraging beast to watch—but we do not blame voters or democracy for Council's manifest failings nor should anyone. Toronto Council is not elected democratically and does not represent Toronto as it should.

The Strong Mayor Proposal: Presidential, Undemocratic, and a Naïve Invitation to Centralized Political Corruption

Since the enactment of the City of Toronto Act in 2006, the chorus of elite voices demanding a Strong Mayor system for Toronto has been growing louder. This is somewhat peculiar, given that the incremental steps already taken have intensified the political gridlock of recent years. Somehow the worsening of the city's governance crisis under a stronger mayor has further emboldened Strong Mayor advocates.

The Strong Mayor idea is borrowed from the United States. Unlike modern parliamentary systems, where the members of the governing executive emerge from the legislative majority, the American presidential model of government features a strong, appointed executive branch of government led by a single elected official. Presidents or governors and their cabinets are separate from and not directly accountable to legislators.

Presidential politics is characterized by paralysis when the executive's agenda comes into conflict with that of the legislature. The stalemates are generally resolved by expensive and wasteful pork-barreling: the executive buys a voting majority with tax-financed goodies for legislators and/or their clients and/or their districts.

This paralytic and corrupting phenomenon is precisely what has emerged in Toronto Council since the passage of the City of Toronto Act 2006. During the dramatic 2007 summer budget showdown it emerged that the mayor's power to appoint the Executive Committee of Council had widened the gap between the executive that

drafted the budget and the legislators needed to pass it. The insufferable parochialism of the previous budget process is now melded with the brinksmanship and horse-trading of the new one.

This should surprise nobody. Strong mayor systems are much like US state gubernatorial systems. Voters simultaneously elect a governor/mayor and a legislature/council and these bodies operate semi-independently—except where their overlapping jurisdictions come into conflict. Many important issues fall into areas of shared responsibility, so these conflicts are the essence of US politics.

Advocates of an even stronger mayoralty acknowledge that Council will have to be moved to the periphery of budget decisions. One elected official and a group of hand-picked appointees, from Council or elsewhere, are to exert near-total dominion over the city's taxation and program spending.

A Strong Mayor may choose to populate the city executive entirely with other councilors—but even so there is profound inequality among them. Only the Mayor is chosen by a plurality of all Toronto voters. The Mayor then controls the status of all other members of the executive for an entire term of office.

Some will argue that if the mayor remains a member of council, the strong mayor system does not automatically reproduce a full-fledged U.S presidential/gubernatorial dynamic. However, a recent international comparative study found that systems with fixed election dates (like Toronto) are far more likely to go presidential than those in which the legislative body can be dissolved.[1] It is reasonable to foresee, therefore, that the introduction of the Strong Mayor system to Toronto will presidentialize Toronto municipal politics.[2]

U.S. cities which have opted for Strong Mayor have had mixed experiences. Oakland's recent (1998) adoption of the system has been met with guardedly positive reviews of the first decade. Adjacent San Francisco has been, in the words of one recent study, "plagued by corruption, cronyism and micromanagement."[3] In the view of a number of academics studying the question:

> The success or failure of a strong mayor depends a lot on experience and personality...No structure is going to substitute for good politics. Even though many of America's great cities—among them New York, Chicago, Los Angeles and San Francisco—have visible, charismatic strong mayors, [one] can never design on an individual...[4]

This view is echoed succinctly, if inadvertently, by Toronto Councilor Denzil Minnan-Wong who says he favours a Strong Mayor system but only with a mayor who shares his political ideology and certainly not with David Miller.[5] Any governance system whose functionality is contingent upon specific individuals being elected to specific offices is fatally flawed.

The structural neutering and taming of the individual legislators in the Strong Mayor system results in a nearly-unchallengeable power in the chief executive. The United States has acknowledged and partially compensated for this glaring systemic defect by imposing an eight-year term limit on its presidents.

In Toronto, for one individual to advertise and campaign effectively across the megacity to win and retain Strong Mayor power will require some or all of:

(a) a large personal fortune;

(b) a political machine well oiled from the public purse

(c) large financial donations from private sources with all the attendant commitments and obligations

A Strong Mayoralty, in other words, will create a lasting opportunity and temptation for the buying of Toronto government by those able and willing to afford it, no matter what their motivation.

Strong Mayor is not and never will be a formula for fair and honest democratic government in Canada's largest city.

1. Maddens, Bart and Stefaan Friers. "The Direct PM Election and the institutional presidentialization of parliamentary systems" in *Electoral Studies* vol. 23. 2004. 786.

2. Buller, Ann, Sujit Choudhry and Martin Connell. *The City We Want—the Government We Need: Report of the Governing Toronto Advisory Panel.* Nov. 2005. 29.

3. McDonald, Brent. "Oakland's 'Strong Mayor' Reconsidered" in *National Civic Review.* 2003. 60.

4. McDonald, Brent. "Oakland's 'Strong Mayor' Reconsidered" in National Civic Review. 2003. 58.

5. *Globe,* Thursday March 20, pg.A12. Headline: Premier supports new powers for mayor. "Councillor Denzil Minnan-Wong (Ward 34 Don Valley East), a Conservative critic of the mayor, said he supports a strong mayor format in theory but not for this particular mayor."

We laud Strong Mayor advocates for identifying the urgent need for more effective strategic thinking and policy in Toronto civic government. We rebuke them for writing off Council and the electorate as key actors in achieving and sustaining it.

The Democratic Future Requires Fair Voting and Parliamentary Government

Toronto is unlikely over any significant period of time to achieve honest, effective and respected civic government without resort to the most effective self-correcting and self-cleansing political mechanism ever devised for large societies—accountable government via democratic parliamentary representation.

Toronto should now lead urban Canada by turning its back on the Presidential cul-de-sac and going Parliamentary. In doing so it should take a step beyond the sadly arrested Parliamentary development on display at Queen's Park and in Ottawa.

Executive dictatorship at every level of representative government in Canada is increasingly common—and contrary to Canadian democratic ideals and traditions.

Effective legislative representation and deliberation is a cornerstone of democracy. Not only does Strong Mayor undermine and devalue this crucial element of democratic process, but it is likely to undermine the very legitimacy of civic government and civic law. Already the alienation of a majority of Torontonians from City Hall and its doings, as signaled by low voter turnout, is serious. In some of the most troubled areas of the city it is becoming, as the Miller Advisory Panel itself warns, potentially disastrous.[6] If chronic low voter turnout in Toronto continues to correlate ever more negatively to whiteness and professional degrees and high income, the concentration of power in the hands of a Strong Mayor will almost certainly entail further transfers of power and influence away from Toronto's marginalized non-voters to Toronto's privileged voters.

Fortunately we can address the growing imbalance, the injustice it implies and the instability it threatens, in a way consistent with both Canadian political tradition and Canada's unrealized democratic ideals.

A strong but non-presidential mayor can be directly accountable to a democratically-elected council and lead an effective government with city-wide vision.

The parliamentary system, in its earliest form, before the emergence of political parties, chose a first minister/premier/prime minister from among the elected members of a legislature only after an election. This system has been reproduced recently in two small Canadian polities—Nunavut and Northwest Territories. The premier controls the executive branch but serves only at the pleasure of the assembly.

The City of Montréal has, for some time, featured a hybrid system which combines features of the Toronto system with those of a parliamentary system. Thus, instead of being eliminated from Council life for the following term, a defeated mayoral candidate in Montréal is able to continue holding the executive to account by filling the role of "opposition leader." We do not approve of the direct election of the mayor—but if this practice is to be retained the Montréal treatment of defeated mayoral candidates is wiser than Toronto's.

A system which draws the leader of the executive from a democratically elected assembly is far more compatible with Canadian parliamentary tradition than is a Strong Mayor,and is more likely to produce the council stability, majority consensus and accountable leadership that Torontonians want and need from a municipal government.

Under any system which elects the Mayor separately and at large, the capacity of a mayor to command majority support in council is an unknown at the time of election.

Under a parliamentary model of municipal government, only individuals capable of winning the support of a majority of their fellow councilors are eligible for the office of Mayor. A mayor elected by a majority of councilors is presumptively capable of winning majority support on crucial issues. Furthermore, the possibility of becoming mayor or a member of executive committee following a general election will encourage many

6. Buller, Ann, Sujit Choudhry and Martin Connell. *The City We Want—the Government We Need: Report of the Governing Toronto Advisory Panel*. Nov. 2005. 32.

councilors to become conversant with city-wide issues. Voters in every ward will want to consider their councilor's suitability for city-wide office.

Not only will parliamentary civic government reduce the political gridlock that plagues our city; it will also lead to improved political discourse as city-wide vision and city-wide issues occupy a greater place in every election, and in every district during municipal elections.

Toronto's Governance Structure and Voting System Should be a Toronto Choice

The Parliament of Canada sets the rules by which representatives are elected to it. Queen's Park sets the rules by which representatives are elected to the Ontario legislature. The Mayor of Toronto often reminds us that the government of Toronto is larger than the government of six Canadian provinces.

We were appalled in 2006 by the willingness of Mayor David Miller, all Toronto councilors and all the active NGOs to advocate continued provincial control over the city's governance structures. We were similarly disappointed when the provincial government chose to perpetuate its paternalistic control of the undemocratic Toronto political system.

When together we set out to fashion a more effective, accountable and democratic Toronto City Council, many questions will come quickly to mind. How many councilors should Toronto have? Who now represents the citizens who didn't support a winning candidate? How can we structure council elections to reflect the city's diverse people and interests more effectively? Should Toronto continue to have only single-member wards? Should some councilors be elected city-wide? Borough-wide? How should the mayor be chosen? What powers should the mayor have in relation to other councilors? Until now there has almost no discussion about how to make Toronto politics democratic.

So far the provincial government has allowed the city control over just two small pieces of the puzzle—how many members comprise Council, and which of two undemocratic voting systems may be used to select Toronto councilors.

Given that Queen's Park already has chosen, through amalgamation, to make Toronto the testing ground for Canada's first megacity administration, it should now provide mega-Toronto the flexibility necessary to adapt its political structures to meet the overwhelming challenges.

The most pressing and essential flexibility, if Toronto is to become an efficient and democratic city, is the legal capacity to choose a voting reform which provides each and every Toronto citizen, rich or poor and regardless of religion, gender, colour or neighborhood, with an equal vote and equal representation on Toronto Council.

That's the priority noted British Columbia jurist Thomas Berger chose in 2004 after investigating the Vancouver civic charter and electoral system. His report, *A City of Neighbourhoods,* recommended "that council seek [from the BC legislature] amendment of the Vancouver Charter to permit elections to be conducted using systems of proportional representation."[7]

Toronto should seek now to avoid the absurd position in which Vancouver council found itself in 2004 when it conducted a review of the civic voting system without the legislative authority to implement the recommendations.

The City of Toronto Act must be amended so that if ever a city administration actually wishes to involve Toronto citizens in real public consultation and substantive institutional reform, such as by referendum, it will have the tools to follow through without going cap in hand to Queens' Park for approval.

We note that Toronto Council has recently begun to draft its own elections code.[8] It is our hope that this code will seek from the province more than control over voters' lists and election financing. Council should seek all the powers appropriate to an autonomous order of government, including the capacity to reform itself.

7. Berger, Thomas, QC. *Report of the Vancouver Electoral Reform Commission.* 2004. 105.

8. **Torstar News Service.** "Toronto needs own elections code: Council" in *Metro.* October 30, 2007. 3.

Giving Substance to Citizenship: Democratic Voting Makes Voters Equal and Equal Communities Equal

Parochialism and disincentives to city-wide vision are a deep flaw in Toronto's current electoral system, but not the only one. Many of the criticisms leveled against the method used to elect federal MPs and provincial MPPs/MNAs/MLAs apply equally to the civic method. All feature single-member plurality election of representatives—first past the post wins. All other candidates—and their voters—are losers who are denied representation. Why some people, without blushing, choose to call this election method democratic—when in reality it is a blatant negation of the right to representation for many and often a majority of voters—is one of the enduring mysteries of the Anglo-American political tradition.

One of the biggest resulting problems, as evidenced by our federal voting system, is that individuals in regionally concentrated political groups are privileged over those in geographically dispersed groups. For instance, in the 2006 federal election the federalist NDP received a meager 9.4 per cent of the seats in the national parliament with 17.5 per cent of the popular vote, while secessionist Bloc Québecois voters and their party enjoyed a remarkable unearned bonus—16.5 per cent of the seats on just 10.4 per cent of the vote.

Similarly, in Toronto's single-member plurality (SMP) ward system, geographically concentrated groups are privileged over geographically dispersed groups of equal size. Nor are city-wide political parties, formal or informal, the only geographically dispersed political groupings. Some cultural, ethnic, religious and ideological groups are highly dispersed.

Geographic dispersion, and with it the mingling of people and ideas, is a powerful positive force giving rise to social integration and the "era of the great cities" in which we live. In the modern world, people are powerfully attracted to the opportunity to choose the communities to which they belong, irrespective of geographic location. Urbanization is only one manifestation of the modern trend towards many forms of community which ignore and transcend geography.

Many Toronto residents have chosen to leave smaller towns and cities for the expanded horizons and variety of an urban life which affords them the opportunity to be part of communities different from those in which their immediate neighbours are involved. Unfortunately, by its nature, Toronto's ward system privileges like-minded people who segregate themselves geographically over all others more evenly distributed throughout the urban space.

For example, in the 2003 civic election, a bloc of 8,000 voters with common interests or views would have had a negligible effect on the outcome of a Toronto city council election if it were evenly distributed throughout the city, where it would comprise about one per cent of the vote in a mayoral election. However, if concentrated in a single ward, such a bloc would have constituted an absolute majority of all votes cast and would have been certain to elect a Councilor.

Integrating New Canadians: Equal Democratic Citizenship Should Be the Common Ground

Given Toronto's role as the reception point for the majority of new Canadians, it is perverse to maintain a local voting system which trumpets: "Ghettoized communities deserve greater political influence." Not only ideological communities but racial, religious and ethnic communities are more likely to win representation in our civic political system if they segregate themselves residentially and socially from other Torontonians.

It is noteworthy in this respect that the American movement for proportional representation is increasingly driven by members of the nation's black community who want to remove legislated incentives for the continued de facto racial segregation of much of urban America.

Toronto, for its own sake and Canada's, needs to move to a fairer, more proportional voting system which can encourage leading members of various minority groups to take part in municipal elections and provide high quality representation at city hall, regardless of their group's geographic distribution in the city. The voting systems we endorse below make it possible for such groups, if organized, to pursue representation and services befitting their numbers.

Geographically concentrated communities have a special role to play in any city. The vibrancy of some Toronto neighbourhoods is strong evidence of the unique contribution they can make. Accordingly, any changes to the voting system which improve the representation of city-wide communities should at the same time make provision for a strong element of neighbourhood representation.

9. Fife, Robert and Joseph Brean, "Chretien tells MP to help veteran following snub," *National Post*, 10 May 2001, pg. A6.

Further Failings of Horse and Buggy Voting

Another perverse aspect of single member plurality or first-past-the-post voting is its tendency to reward ideological communities not for their actual level of support but rather for the fragmentation of their opposition.

A particular community, be it ideological, cultural or micro-geographic (i.e. representing a subsection of a ward or other electoral area) is consistently rewarded under the current voting system for its capacity to collude with other communities to limit voter choice.

In the Bloc Québecois example above, the Bloc's effectiveness in achieving and maintaining political dominance in Québec sprang not from its intrinsic popularity, but from the superior ability of sovereignist elites to collude and prevent real social and economic policy differences within their movement from being presented directly to voters.

Federalist parties in Quebec have not been rewarded for presenting voters with a range of social and economic policy options. Instead the voting system punishes them and their supporters for splitting the federalist vote, i.e. for failing to collude to suppress voter choice.

As a result of these strategic pressures against political competition, representatives elected under the horse-and-buggy system may and do represent wildly disparate numbers of voters. In the 2006 Toronto civic election, for example, John Parker was elected in Ward 26 by 3,369 voters, a slender 20% of all votes cast, while on the same day Diane Alexopoulos in Ward 29 was defeated despite attracting 5,770 votes, 46% of the ballot total.

First past the post is a voting system capable of denying representation to minorities as large as 50% of the electorate minus one. It makes a mockery of the democratic ideal—equal voting power and representation for every citizen—and substitutes equal voting power for councilors, irrespective of the actual number of voters who support them.

The absurdity is most apparent when one considers that councilor Parker was deemed to "represent" the 80% of voters in his ward who did not vote for him. The improbable notion that an elected representative will speak and vote on behalf of all those who voted for other policies and parties was most memorably and persuasively outed for the piffle it is by Scarborough Southwest MP Tom Wappel in 2001.[9]

Let the Sun Shine In : Daylighting Toronto's Secret Party System

For more than fifty years two major Canadian cities, Montréal and Vancouver, have had visible, formal municipal political parties. Vancouverites since 1937 and Montréalers since 1951 have elected city councils comprising a mix of independent and party-affiliated city councilors. Party systems are a natural outgrowth of populous, diverse, complex communities. As the number of representatives in a legislative cham-

ber increases and the number and complexity of the issues considered grows with an expanding population, political parties become increasingly important and necessary tools for maintaining orderly, transparent and responsible decision-making.

For precisely this reason, it is difficult to envisage a well-functioning legislature with 45 members, representing more than two million residents, without a party system. It is similarly no coincidence that Canadian cities with party political competition consistently produce more efficient council deliberations and a higher level of citizen engagement and voter turnout than does Toronto.

The civic parties in Vancouver and Montréal did not spring forth spontaneously overnight in their current transparent, accountable forms. In both cities, the present practices emerged through the gradual daylighting of what were once covert political networks.

To a casual observer it may appear that there are no political parties in Toronto municipal politics. This erroneous belief is deliberately reinforced by obfuscatory rhetoric from opinion leaders and the many politicians who inveigh against the "introduction" of party politics to City Hall. This misleading discourse is harmful to the extent that it (a) deceives voters as to the affiliations and decision-making practices of their elected representatives and (b) postpones legislation to bring accountability and openness to Toronto's political parties.

Fifty years ago, covert party systems were the norm in Canadian cities. Putatively independent candidates would work both during and between elections with shadowy, informal groups of decision-makers who would facilitate fundraising, common policy, voter mobilization and caucusing amongst candidates who shared ideologies and interests with one another. These informal, covert party systems permitted local elites to bring substantial influence to bear on local politics without any systematic public accountability for the influence they exerted.

The old practices continue in Toronto to this day, illustrated by recent media coverage of a potential George Smitherman mayoralty run in 2010. Apparently, a "loose backroom coalition that supported former Mayor Mel Lastman"[10] is already organizing to put forward a right-of-centre alternative to the incumbent mayor. None of the talkative power-brokers allowed the reporter to reveal their names. The minister expressed no concern at being touted by a group so secretive and unaccountable, and seemed flattered that they were considering him.

While other Canadian cities have moved away from covert party politics, Toronto lags far behind in the evolution toward democratic representative government. Queen's Park has been instrumental in maintaining the backwardness by camouflaging Toronto's party system. In particular its laws regulating municipal elections:

- refuse to recognize or regulate political parties as financial agents
- forbid the printing of party affiliation on ballots
- neither recognize nor support open democratic nominating practices for party-affiliated candidates

Traditionally the beneficiaries of this provincial connivance were right-of-centre parties and candidates, but in the past two decades the situation has shifted. Centre-left Toronto politicians have mastered the covert party techniques and now exert an influence on Council that exceeds their popular support.

Sinister Characteristics of the Covert Party Systems

Covert parties are not simply accountable parties in disguise. By virtue of their secret mode of operation, covert party systems tend to develop distinctive characteristics.

CAUCUS MEMBERSHIP IS UNSTABLE. Between elections, candidates can drift in and out of caucus with little public notice and no accountability. As party caucuses have no legal existence, membership is informal. Thus, a councilor may "cross the floor" by ending

10. Rusk, James. "Suitors woo Smitherman as mayoral candidate" in *Globe And Mail*. April 4, 2008.

her association with a caucus to sit as an independent or to join another caucus, all without public notice. Similarly, councilors elected as independents may join a caucus at any time with little or no public notice.

CAUCUS DISCIPLINE IS WEAK. A caucus with no legal existence has little recourse when one of its members votes contrary to a caucus decision. It can only withhold resources from the member come next election. Discipline and solidarity thus tend to peak in the months immediately preceding and following a general election.

SECRECY FOSTERS DISHONEST CAMPAIGNING. Candidates who are honest about their affiliations tend to be punished by voters who mistakenly accuse the candidate of "bringing party politics to City Hall." Similarly, in wards where a particular party affiliation might cost a candidate some votes, candidates are rewarded for pretending to be independents uninvolved in the ongoing caucusing and resource-sharing of their party.

SECRECY BEGETS MISLEADING AND INAPPROPRIATE PARTY DOWNLOADING. Candidates who are honest about their affiliations typically find it necessary to describe these affiliations in terms of provincial or federal party membership. Furthermore, candidates sufficiently courageous to subject themselves to public, democratic and accountable nomination processes are forced to utilize the structures of provincial or federal parties to conduct meetings and sign-up drives.[11] This system perversely locks Toronto politicians into a party system that has little to do with municipal realities, alignments and coalitions.

SECRECY ENCOURAGES COVERT FINANCING AND RESOURCE SHARING. Due to political downloading, resource sharing amongst campaigns is not only characterized by parties concealing their sharing of volunteer expertise, time and resources but also by the unregulated mobilization of federal and provincial political party resources from other municipalities during elections. [12]

PARTY SECRECY CAN FALSELY TAINT GENUINE INDEPENDENTS WITH PARTISAN ASSOCIATIONS. In a covert party system it is impossible to distinguish meaningfully between members of covert caucuses and genuinely independent councilors who find themselves in substantial agreement with one caucus or another for an extended period of time. As a result, true independents are suspect in the minds of many voters.

Towards an Accountable Party System for Toronto

The Toronto Democracy Initiative expects that daylighting Toronto's party system will enhance the valuable role of independent city councilors on Council and in its government. Truly independent politicians will gain in public esteem and political influence if voters can distinguish easily between them and members of political parties.

An accountable party system requires action on these measures:

1. The power to legislate with respect to political parties must be delegated to the City of Toronto. To fulfill the spirit of autonomy in the City of Toronto Act, whether and how to permit political parties to function in the city must become a purely local decision without reference to Queen's Park.

2. Civic legislation must be enacted to permit and regulate the registration and operation of political parties within the city and set a legal framework to ensure that:
    (a) candidates for parties and independent candidates must be allowed to compete on an equal footing and without restriction throughout the electoral cycle.
    (b) parties are required to disclose their revenues and expenditures on a regular basis and generally encouraged to operate in an open democratic style

11. In Ward 20 in the 2006 election, for instance, New Democrats were required to utilize provincial party resources and lists to conduct their nomination meeting.

12. In the 2006 municipal election, for instance, the Mihevc campaign in Ward 21 and the Bravo campaign in Ward 17 ran a shared e-day apparatus coordinated by a Windsor-based NDP activist.

3. Civic legislation must prohibit the operation of covert political parties so as to ensure that there is no unfair advantage amongst political parties with respect to financing, transparency and nominating processes. We direct readers' attention to the BC government's 1995 *Municipal Act* amendments that attempted to achieve this goal and the related court petition *Vanden Berg v. Cross et al* (1997).

4. Elected officials, media reporters and commentators, and other opinion leaders must resolve to end the obfuscatory and misleading rhetoric that has plagued Toronto's discussions of civic party politics. Let all agree to acknowledge publicly the realities of the current party system.

5. The elected representatives and organizers of Toronto's covert parties must find the gumption to acknowledge their political affiliations and speak forthrightly about their parties' affiliations, membership, ideologies and objectives.

Some Characteristics of an Accountable Party System

Whichever government is charged with the task of designing and enacting legislation to permit accountable parties in Toronto will face many choices that will fundamentally shape the kind of party system that succeeds the covert party system.

Party registration requirements might be stringent so as to discourage single-issue parties in favour of "big tent" organizations. There might be nominal regulation of nominating and membership recruitment processes to allow many styles of parties to emerge—or stringent regulation to ensure that only internally democratic parties may compete for public office. Strong measures might specifically bar the sharing of resources with provincial and federal parties to ensure that civic parties are truly local —or the law might do nothing, leaving voters to judge how much local parties should be linked to provincial and federal political parties.

It is not the purpose of this document to put forward a blueprint for the kind of accountable party system Toronto should have, but there are certain crucial characteristics that any accountable party system must have:

1. Legal recognition of political parties as corporate entities regulated under election law

2. The requirement that ballots show the party name of any party-affiliated candidate

3. Prohibition of covert party organizations.

Toronto's Deepening Crisis of Voter Apathy and Government Legitimacy

In some versions of popular wisdom people get the government they deserve, but in Canada, Ontario and Toronto this canard doesn't fly. Many of us, frequently a majority of the electorate, aren't even allowed the representatives for whom we vote.

A continuing disconnect at all levels of government between what voters do and what the voting method delivers should have negative consequences for voter turnout—and eventually for public attitudes toward law and order.

A civic culture which discourages councilor engagement with city-wide issues, obscures candidates' political affiliations and ideologies, ignores the votes of many voters, and encourages corrupt election financing which systematically favours incumbents, should have chronic voter turnout problems. Toronto does.

Fortunately, they are not yet endemic or acutely focused. Toronto's voter turnout tends to be equally poor across all regions of the city, irrespective of the educational, religious, cultural and income profiles of various regions of the city. We are not sur-

prised that a geographically peripheral ward with a large proportion of recent immigrants and other groups with traditionally low turnout, namely Etobicoke-North, experienced the lowest turnout in Election 2006 at 33%; but Etobicoke's low participation rate wasn't much worse than Rosedale's 38% or Trinity-Spadina's 35%. Indeed, all but three wards had turnouts within 6 points of the city's 39% average. In only one ward did a majority of registered voters cast ballots.

Despite the cautions raised by the Miller Advisory Panel regarding the impact of larger voting districts on the representation of marginalized voters, there are few places where uniting wards would allow a mobilized population to swamp a low-turnout group. In our view, the introduction of proportional voting in larger districts, combined with a daylighted party system, would lead to substantial improvements in citizen participation.

Henry Milner, in *Steps Toward Making Every Vote Count,* persuasively argues that proportional systems tend to produce higher rates of voter turnout because voters correctly assess that their "votes count."[13] This assertion has been empirically verified in a number of studies that suggest a direct link between adopting proportional voting systems and increasing turnout. The current scholarly consensus is that, other things equal, the adoption of proportional voting results in an increased turnout of approximately 7 per cent.

Beyond questions of fair and effective representation, those of us who worry about the implications of Toronto's substandard turnouts for the ultimate legitimacy of civic government, law and public order should examine carefully the benefits of representation in proportion to votes or, as we call it, democratic voting.

Democratic Voting Reform

The Toronto Democracy Initiative is committed to the principle of equal votes and proportional representation (PR) in Toronto. Generally, democratic voting gives every voter equal voice in determining the composition of a council or legislature, and this results in representation of the entire electorate in close proportion to the numbers of votes cast for competing candidates and parties. In this understanding, an independent candidate is like a small political party. From the voter point of view representation is always an individual's right and, in principle, no valid ballot is ignored or wasted.

Despite the rejection on October 10, 2007 of an Ontario referendum proposal for one variant of PR, democratic voting reform remains a live issue across Canada. British Columbians have already voted 58 per cent in favour of a Single Transferable Vote PR system for their province, and will attempt to raise the approval rate above 60 per cent in a second referendum scheduled for May 2009. There are active campaigns for democratic reform at the municipal level throughout urban BC. Preston Manning has called on Alberta Premier Ed Stelmach to initiate a Citizen's Assembly on Democratic Reform in Canada's fastest-growing and wealthiest province. In Quebec, all three parliamentary parties nod to public opinion by claiming to favour proportional representation in principle while differing on technical details.

For Canada to Be Democratic, Toronto Must Become Democratic

Until recently, Canada's electoral reform movement outside of BC has not participated in debates about municipal voting systems, mainly due to growing pains and limited resources, but there is no theoretical barrier. The defects of most municipal voting systems closely mirror the defects at the senior levels of government. Toronto commands special attention because, as Canada's largest city and financial and media capital, it is uniquely placed to lead the nation in political reform. We hope Toronto, as it continues to modernize and adapt its political structures to reflect its mega-

13. Milner, Henry. *Steps Toward Making Every Vote Count: Electoral System Reform in Canada and its Provinces.* (Peterborough: Broadview Press, 2004.) 24.

city status, will set a high democratic standard for other cities, the provinces and the national government.

With respect to many governance issues fiscal, social and structural, Toronto is comparable to a province. As illustrated below, Toronto's councilors represent populous, diverse communities larger than most provincial ridings in Canada.

JURISDICTION	POPULATION[14]	DISTRICTS	AVERAGE DISTRICT SIZE
Ontario	12,850,636	107	120,099
Québec	7,719,933	125	61,759
Toronto	**2,503,281**	**44**	**56,893**
British Columbia	4,402,931	79	55,733
Alberta	3,486,767	83	42,009
Manitoba	1,190,400	57	20,884
Nova Scotia	935,106	52	17,983
Saskatchewan	1,003,299	58	17,298
New Brunswick	750,851	55	13,652
Newfoundland	507,475	48	10,572
Prince Edward Island	139,103	27	5,152

Each Toronto councilor represents a number of constituents comparable to a member of the Québec National Assembly or BC Legislature and greater than legislators in eight of Canada's ten provinces. Like these legislators, each Toronto councilor is required to deliberate and vote on a wide variety of issues including housing and welfare policies normally outside the purview of municipal governments.

As a jurisdiction little more than a decade old, Toronto is still struggling to come to grips with the great size and scope of its responsibilities. In our view the emerging governance of the new megacity must become democratic. Only fair and democratic institutions can possibly engage the talents and energies of our diverse citizenry in constructive common cause.

The sixth chapter of the Toronto Board of Trade report, headed "Empower Elected Officials to Implement Citywide Vision,"observes thus:

> The ward-based structure is both a strength and a weakness, as it builds strong neighbourhoods, yet at the same time limits council's ability to develop and implement a city-wide vision for the future… The result is that citywide issues requiring council's attention are falling by the wayside…[15]

The mayor, the business group notes, is the only member of council elected citywide, and as such often must function as a rather lonely advocate for nonresidential space and other overarching public policy priorities.[16]

Partyless Fair Voting

Opponents of democratic voting, when presented with the term "proportional representation," quickly evoke as negatives the Italian "pizza" parliament of the postwar decades or that of present-day Israel. In fact "proportional representation" does not describe a specific voting system but the result obtainable from a range of voting systems.

A proportional outcome is any election result in which a political group's elected representation closely approximates its proportion of votes cast by the entire electorate. The concept of proportionality, or the lack of it, is most commonly discussed in terms of the election of political parties, but it can be applied to major policy issues as well. For instance, in the 2000 federal election, sovereignty remained a major issue

for Québec voters. Candidates favouring Québec independence won the majority of that province's federal seats with just 39 per cent of the popular vote, while those running on a keep-Canada-together platform, because divided into three parties, captured many fewer seats despite attracting 61 per cent of the vote. The electoral system delivered a perversely disproportional result which, contrary to majority public opinion in Quebec, called into question the very stability of the state.

Not all systems of proportional representation require political parties. The Single Transferable Vote (STV) system, for instance, can accommodate party affiliations among candidates but does not require them. STV, recommended by the BC Citizens' Assembly on Electoral Reform, attracted 58 per cent of the popular vote in a 2005 plebiscite which the provincial government chose to ignore. The absence of a legally-enshrined party list system has made STV similarly popular in several jurisdictions which share Canada's British traditions. Malta, Ireland, Northern Ireland and part of Australia all currently use this voting system.

STV also has been employed at the municipal and provincial levels in Canada within the last century. Twenty Canadian municipalities used STV, most notably Winnipeg (1920–71) and Calgary (1916–61).[17] Manitoba (1920–55) and Alberta (1924–56) elected their urban MLAs using this system as well.[18]

Essentially STV avoids wasting votes and ignoring voters by increasing the size of electoral districts and raising the number of representatives to be elected in each district from one (the current system) to four, five or even more. The candidate lists get longer as the number of legislative seats at stake in an electoral district increases.

Voters make their marks beside the names on the ballot in order of preference, 1, 2, 3 etc.. The counting and computation is a bit complicated, but most voters see their first choice elected, and nearly all have some positive impact on the election of a legislator.

Although there are currently no Canadian cities using proportional voting systems, there are a number in which councilors are elected in multi-member wards whose population far exceeds that of Winnipeg and Calgary when STV was abandoned in those cities:

CITY	POPULATION	WARDS	COUNCILORS	VOTERS PER WARD	VOTERS PER COUNCILOR
Montréal	1,620,693	54[19]	64	*varies*	25,323
Halifax	372,679	23	23	16,203	16,203
Hamilton	504,559	15	15	33,637	33,637
Ottawa	812,129	23	23	35,310	35,310
Winnipeg	633,451	15	15	42,230	42,230
Toronto	**2,503,281**	**44**	**44**	**56,893**	**56,893**
Mississauga	704,246	11	11	64,022	64,022
Calgary	1,019,942	14	14	72,853	72,853
Edmonton	730,372	6	12	121,728	60,864
Surrey	394,976	1	8	394,976	39,498
Vancouver	611,869	1	10	611,869	61,187

Although the voting systems are not proportional, we draw attention to Vancouver, Edmonton, Montréal and Surrey. These cities enjoy comparable and sometimes greater rates of voter turnout than Toronto, despite the substantial district sizes, multiple candidates and councilors, and the even higher percentage of wasted votes inherent in their majoritarian voting systems. In such jurisdictions turnout under STV, which valorizes many more votes, would be unlikely to go down and very likely to go up.

Although the most popular, STV is not the only proportional voting system that does

17. Pilon, Dennis. "The History of Voting System Reform in Canada" in *Making Every Vote Count: Assessing Canada's Electoral System* Ed. Henry Milner. Peterborough: Broadview Press, 1999. 118–19.

18. Pilon, Dennis. "The History of Voting System Reform in Canada" in *Making Every Vote Count: Assessing Canada's Electoral System* Ed. Henry Milner. Peterborough: Broadview Press, 1999. 121.

19. Montréal's city council is a hybrid system including both single- and multi-member wards.

not require the formation of parties. Systems that produce substantially more proportional results than the current SMP ward system include Limited Voting (LV),[20] Cumulative Voting (CV),[21] and Single Non-Transferable Vote (SNTV).[22] These also merit exploration in any serious review of Toronto's voting system.

The Party Question

Despite clear evidence to the contrary from Canadian electoral history, some defenders of Toronto's status quo argue, disingenuously, that proportional voting systems cause the formation of political parties whereas the SMP system inhibits party formation. As we have noted, Toronto's SMP system has spawned covert political parties. It is true, however, that a subset of the proportional representation systems, those classed as "party list" systems, cannot function in the absence of formalized and registered political parties.

Half-way Houses and Hybrid Systems

Canada's longest-running STV system was buried in 1971 with the amalgamation of four Winnipeg-area municipalities. Both proportional (e.g. STV) and plurality (e.g. multi-member plurality)voting systems become unwieldy when a large number of representatives must be elected in a single electoral district. Voters may complain that with 20 (or 44) seats to fill, they must inform themselves about literally dozens of individual candidates in order to cast an informed ballot.

For this reason, advocates of STV in British Columbia have suggested that cities be organized into mid-sized multi-member wards,[23] just as Edmonton currently is. Similarly Toronto's 44 councilors could be reorganized to represent 10 four or five-member wards, each elected by STV, CV, LV or SNTV, providing voters with both local representation and politically more accurate representation, all without the recognition of political parties.

A shift to STV or similar proportional voting would meet a number of current voter and governmental needs and desires :

- recognition of pre-amalgamation boundaries in local representation
- improved representation of geographically dispersed communities
- special recognition of geographically concentrated communities (i.e. neighbourhoods)
- increased electability of candidates expressing city-wide priorities.

Such a system might endure, or serve as a step in the evolution of a more completely proportional voting system. We can also imagine mixed systems of representation in which some councilors are elected in single-member wards and others in urban regions or city-wide by STV or another proportional voting method. But all this is, for the moment, premature optimistic speculation.

Toronto Must Mistrust Anti-Democratic Political Culture

For Toronto to become a democratic city it needs a more rational allocation of three governance responsibilities: (a) the formation of public policy and legislation (b) the execution of public policy and (c) protecting citizen rights and interests in dealings with the civic bureaucracies—the ombud function.

As exemplified by David Crombie's 2005 presentation to council regarding the City of Toronto Act, a serious misunderstanding has developed in Toronto about the correct apportionment of these responsibilities in a democratic system of responsible government.

In studies of governance changes in US cities during the 1960s,[24] it has been observed that elected representatives were functioning less as the main formulators

20. "Limited Vote." 2008. April 4, 2008. *http://www.fairvote. org/?page=227*

21. "Cumulative Vote." 2008. April 4, 2008. *http://www.fairvote. org/?page=563*

22. "Single Non-Transferable Vote" 2008. April 4, 2008. *http:// aceproject.org/ace-en/ topics/es/esd/esd04/ esd04a/default*

23. Tennant, Paul and Julian West. "The Best All Worlds: Partisan Advocates of 'Wards' and 'At-Large' Should Compromise and Choose Neither." (Vancouver, 1998.)

24. Katznelson, Ira. *City Trenches: Urban Politics and the Patterning of Class in the United States.* (New York: Pantheon Books, 1981.)

of policy and overseers of bureaucrats for the purpose of executing policy, and more as buffers between citizens and the technocrats who formulate public policy. It is our view that this shifting of roles, already well underway in Toronto since the 1960s, has been significantly accelerated by the process of amalgamation.

Currently, many councilors see their primary function as that of ombud. They are advocates and supplicants on behalf of constituents seeking alterations in the *execution* of city-wide public policies. Policy formation has migrated from the legislative branch to unelected technocrats and an increasingly autocratic mayor's office.

The current structure of public consultation processes reinforces this trend towards mandarin rule. In place of citizen mobilization around democratic nomination contests or ideology and issue-focused candidate debates, the Mayor now relies on technocratic forms of public interaction managed by paid city "facilitators." Similarly, the multiplication of written surveys and polling allows city technocrats to formulate questions to produce narrowly predefined conclusions.

It is difficult to discover democracy in processes which are so easily guided to forgone conclusions. They are, taken together, an elaborate end-run around Council to create direct client relationships between citizen/supplicant, city bureaucrat and Mayor.

A Level Playing Field in Elections

In addition to technocratic usurpation of legislative responsibilities, concentration of political power in the mayor's office, a covert party system and an undemocratic method of electing representatives, there are further factors in Ontario's *Municipal Elections Act* contributing to the decision by a majority of Toronto residents to avoid all participation in civic governance.

- It presents unreasonable obstacles for homeless or residentially transient citizens to vote.
- It bans outright the participation of those serving jail terms.
- It allows wealthy citizens to cast multiple civic votes correlated to their financial investment in real estate.
- It promotes the re-election of incumbents by effectively banning political parties and prohibiting campaigning outside of election years. Effectively, organized opposition to municipal governments by most unelected individuals is silenced for thirty-six out of every forty-eight months.

This regime of municipal non-competition stands in sharp contrast to Canadian national politics where a transparent system of state funding now allows popular yet unelected opposition movements (notably the Green Party) to speak throughout the electoral cycle. Indeed, the policy of suppressing municipal opposition between elections seems more akin to Robert Mugabe's Zimbabwe than to Canadian democratic ideals.

The prohibition against opposition fundraising and campaigning between elections has no place in a democracy; we expect all democratic-minded civic politicians will join the Toronto Democracy Initiative in calling for its repeal.

Democracy is Coming to Toronto

In *Democracy is Coming to the USA*, poet Leonard Cohen observes, "It's coming to America first / The cradle of the best and of the worst." With its emerging presidential style of government, Toronto indeed has one of the most unaccountable governance structures in North America, producing frequent political gridlock and incoherence.

Fortunately, the city also has an emerging consensus that the existing structures have failed and require substantial reform.

Even the most ardent defenders of the old system—that peculiar concatenation of single member ward councilors, plurality voting and covert parties orchestrated by

consensus-building mayors—concede that it can't work at the scale of the megacity. They therefore demand what almost nobody wants—de-amalgamation and a nostalgic return to the undemocratic past.

The widespread public consensus on the need for substantial governance reform for Toronto the megacity coincides, not accidentally, with a legislatively-mandated review of the City of Toronto Act by the provincial and municipal governments in 2008-09. The logical expectation is that the Toronto mayor and council elected in 2010 will operate under a new set of rules jointly enacted by the two governments.

The Toronto Democracy Initiative intends to participate actively in these public processes, making specific recommendations for policy reform and trying to alter the public discourse about governance.

We reject the undemocratic proposition championed by the owners of the *Toronto Star*, who say the only solution to council gridlock and dysfunction is "[g]iving more control to the mayor [by] draining [it] away from councilors."[25]

Toronto Democracy Initiative counters with a program to restore democratic function to Council and to the city. History has shown that fixing a failing legislative system by legally transferring power to a strongman is rarely a positive step for a society, and often a very painful one.

We advocate a structural and cultural renewal of Toronto City Council to create a transparent, accountable and dynamic legislative chamber capable of tackling the serious issues facing our city and lifting Toronto to new heights of civilized achievement.

Our group will vigorously advocate five basic changes to Toronto's governance structure:

1. The creation of a Toronto Municipal Elections Code that places election finance, voters list maintenance, political party registration and the voting system under the direct and unmediated jurisdiction of Torontonians.

2. A shift in the role of Mayor from presidential to prime ministerial, with mayoral authority emerging from the confidence of the chamber's majority. This entails, in our view,
   (a) our preferred option, an end to the direct election of the Mayor and selection of the Mayor from Council by and at the pleasure of a majority of councilors; or
   (b) in a direct mayoral election, the requirement for simultaneous candidacy by any mayoral candidate for election as a councilor, as per the Montréal system, the seating of the mayor contingent upon a double victory.

3. A multi-member ward system in which councilors in each ward are selected by some form of proportional representation.

4. Prohibition of covert parties and prohibition of the use of federal and provincial party financial resources in municipal elections, paired with the legalization of accountable civic political parties.

5. An end to the prohibition on campaigning and fundraising by civic political parties and independent candidates between elections.

We of the Toronto Democracy Initiative hope all democratic-minded citizens of Torontonians will join this movement and choose this moment to shift the tenor of elections and council debates from narrow advocacy of parochial resource allocation to substantive consideration of city-wide public policy.

Council's business will become citizen-and-councilor-directed rather than mayor-and-staff-dominated only if together we achieve the structural changes required. We want all councilors to function as true leaders of loyal political communities and Council to function with the Mayor as the true centre of accountable democratic government.

April 2008

25. "Solid blueprint for a better city" in *Toronto Star.* February 22, 2008. AA4.