
Summary of Recommendations



**Commission
on Legislative
Democracy**



**Commission sur
la démocratie
législative**

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Introduction

The Commission on Legislative Democracy is pleased to provide you with this Summary of Recommendations from our **Final Report**.

After more than a year of extensive research, deliberation, and consultation, we have produced over 90 significant recommendations to make New Brunswick's democracy stronger.

Renewing our democracy is about citizens. It is about making your vote count, making the system work, and making your voice heard. Our recommendations will help create a more citizen-centred democracy in New Brunswick.

Making Your Vote Count - we recommend a new electoral system called New Brunswick Mixed Member Proportional; a fixed election date in October, every four years; a new independent process to draw electoral boundaries after every decennial census; creating a new independent electoral commission called Elections New Brunswick; and changes to our elections laws to boost voter turnout.

Making the System Work - we recommend an enhanced role for MLAs and the legislature making them more independent, with more authority and resources to represent you, the citizen; new rules to make political parties more open and democratic; and a new process for appointments to agencies, boards and commissions giving New Brunswickers the chance to apply for positions.

Making Your Voice Heard - we recommend steps to boost voter turnout and participation by youth in the democratic process; measures to nominate more women as candidates for the legislature; steps to involve Aboriginal people in discussions to become more involved in our province's democratic life; a new *Referendum Act*; and new ways to involve citizens and civil society in public policy development and decision-making.

Our recommendations for democratic renewal are the most comprehensive ever presented in New Brunswick. Go to www.gnb.ca (keyword: democracy) for an online copy of our full report, including Recommendation Appendices, with additional information on the Commission and our work. Then, give us your views on our report and what we recommend.

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Making Your Vote Count



A Mixed Member Proportional Representation Electoral System for New Brunswick

Mandate

“To examine and make recommendations on implementing a proportional representation electoral system for the New Brunswick Legislative Assembly, and propose a specific model best suited for our province that ensures fairer representation, greater equality of votes, an effective legislature and government and a continued role for directly-elected MLAs representing specific geographic boundaries.”

The Commission on Legislative Democracy recommends the following made-in-New Brunswick model of proportional representation (PR) as the model best suited for our province:

Recommendation 1

That a regional, mixed member proportional representation (MMP) system combining 36 single-member riding seats and 20 list PR seats elected within four approximately equal size multi-member regional districts, as set out below, be adopted as the model of PR best suited for New Brunswick.

Recommendation 2

That the MLAs for the 36 single member riding seats continue to be elected using the current first-past-the-post plurality vote system.

Recommendation 3

That voters in each of the four multi-member regional districts elect five MLAs from closed party lists on the basis of the party vote received within the region.

Recommendation 4

That voters cast two separate ballots: one, as they do now, for the local single member riding candidate of their choice, and a second ballot for the party of their choice.

Recommendation 5

That parties be required to reach a minimum five per cent threshold in the separate party vote on a province-wide basis in order to be eligible to win any list PR seats.

Recommendation 6

That candidates be required to choose to run either as a single member riding candidate or as a candidate on a regional PR list, but not both.

Recommendation 7

That the list PR seats be allocated on a regional basis, based on the D'Hondt electoral formula, so as to partially correct for disproportionality in the single member constituency elections.

Recommendation 8

That parties be required to nominate list PR candidates in open conventions based on clear party nomination, financing, and disclosure rules, as recommended by the Commission and set out in detail in the policy framework for Improving Party Democracy contained in Recommendation Appendix "H".

Recommendation 9

That the electoral boundaries for the 36 single member ridings and the four multi-member regional districts be drawn by a Representation and Electoral Boundaries Commission based on the principles and procedures recommended by the Commission and set out in detail in the policy framework for a *Representation and Electoral Boundaries Act* for New Brunswick contained in Recommendation Appendix "A".

Recommendation 10

That a vacancy in a single member riding be filled through a by-election held no later than six months after the seat has been declared vacant. That a vacancy in a multi-member regional district be filled by the next highest-ranking eligible candidate on the same party list as the previous incumbent from the general election.

Recommendation 11

That the recommended new electoral commission, called Elections New Brunswick, initiate a comprehensive public awareness and education campaign prior to the first election under the NB MMP voting system to ensure voters understand how the proposed new system will work.

Implementing a New Proportional Representation Electoral System for New Brunswick

Mandate

“To examine and make recommendations on future steps, including amendments to the Elections Act, required to give effect to a new proportional representation electoral system.”

The Commission on Legislative Democracy recommends that the following steps be taken to implement a new proportional representation electoral system for New Brunswickers:

Recommendation 1

That the government of New Brunswick take the steps necessary to hold a binding referendum no later than at the next provincial general election, to allow the people of New Brunswick to choose whether or not to adopt the Commission’s proposed regional mixed member proportional representation electoral system, in order that it be in place in time for the 2011 provincial general election.

Recommendation 2

That the referendum be held under the rules and procedures recommended by the Commission and set out in detail in the policy framework for a New Brunswick *Referendum Act* contained in Recommendation Appendix “K”.

Recommendation 3

That Elections New Brunswick initiate a comprehensive education and information campaign for New Brunswickers to allow voters to make an informed choice on the proposed question.

Recommendation 4

That a legislative committee be struck after two elections to publicly review the results and procedures of the new MMP voting system to determine any changes or improvements that might be necessary.

Drawing Electoral Boundaries in New Brunswick

Mandate

“To examine and make recommendations on the principles and procedures to guide future changes to New Brunswick’s electoral boundaries, including the number of constituencies to be represented in the Legislative Assembly, that will be referred to a Representation and Electoral Boundaries Commission.”

The Commission on Legislative Democracy recommends the following principles and procedures to guide future changes to New Brunswick’s electoral boundaries:

Recommendation 1

That a *Representation and Electoral Boundaries Act* be adopted to establish a regular and independent process to guide redistributions and changes to electoral boundaries in the province.

Recommendation 2

That the following elements be included in a *Representation and Electoral Boundaries Act*:

- 2.1 **Timing of Redistributions** - would follow every decennial census.
- 2.2 **Appointment of a Representation and Electoral Boundaries Commission** - A five member commission composed of two co-chairs, one from each official linguistic community, who are independent of political parties, along with three other members who are not currently MLAs, MPs or Senators, would be appointed on a two-thirds vote of the Legislative Assembly.
- 2.3 **Terms of Reference of Commission** - A Commission would:
 - 1) Recommend readjustments to the boundaries of electoral districts in the province based on the principles of representation by population, equality of votes, and effective representation of electors.

- 2) Be permitted to deviate from the quotient for each electoral district by no more than 15 per cent, plus or minus, with a deviation of up to 25 per cent, plus or minus, in exceptional circumstances.
 - 3) Take the following into consideration when drawing boundaries: communities of interest; representation of New Brunswick's two official linguistic communities; geographic considerations, including the accessibility, size and shape of a region of the province; existing municipal and other administrative boundaries; rate of population growth of any part of the province; and the challenges of representing rural areas.
- 2.4 **Public Hearings** – A Commission would be required to hold two sets of hearings to allow for substantial public input by New Brunswickers: one before a preliminary report and proposed map of boundary changes is prepared, and one on the proposed map of boundary changes.
- 2.5 **Final Authority** – To reside formally with the Legislative Assembly. A Committee of the legislature could consider any amendments proposed by MLAs to the final report of a Commission. Any amendments to the Commission's final report would require a two-thirds vote of the Legislative Assembly.

Recommendation 3

That the same principles and procedures of a *Representation and Electoral Boundaries Act* be applied to draw boundaries for a new regional, mixed member proportional representation electoral system for New Brunswick.

Recommendation 4

That the policy framework for a *Representation and Electoral Boundaries Act* for New Brunswick contained in Recommendation Appendix "A" be considered as a proposed framework for a new *Act*.

Recommendation 5

That the number of MLAs in the legislature be increased to 56 under the proposed regional mixed-member proportional representation system. That the number of MLAs under the current single member plurality electoral system be approximately 55.

A Fixed Election Date for New Brunswick

Mandate

“To examine and make recommendations on instituting fixed election dates for provincial general elections while proposing a fixed election date and procedures best suited for our province.”

The Commission on Legislative Democracy recommends the following principles and procedures for the institution of a fixed election date:

Recommendation 1

That a provincial election be held on a fixed date every four years commencing Monday, October 15, 2007, and on the third Monday of October every four years thereafter.

Recommendation 2

That the following policy framework be considered for an amendment to the *Legislative Assembly Act* to establish a fixed election date for New Brunswick:

- (1) *Nothing in this section affects the powers of the Lieutenant-Governor, including the power to dissolve the Legislative Assembly, at the Lieutenant-Governor’s discretion.*
- (2) *In order that a general election may be held on a fixed date, as set out herein, every four years:*
 - (a) *The Premier shall advise the Lieutenant-Governor that the Legislative Assembly be dissolved so that a general election may be held on Monday, October 15, 2007, and thereafter, the Premier shall advise the Lieutenant-Governor that the Legislative Assembly be dissolved so that a general election may be held on the third Monday of October in the fourth calendar year following polling day in the most recent general election.*
 - (b) *In the event that a general election is held after the day on which this section receives Royal Assent and before October 15, 2007, because of a dissolution of the Legislative Assembly, the Premier shall advise the Lieutenant-Governor that the Legislative Assembly be dissolved so that a general election may be held on the third Monday of October in the fourth calendar year following polling day in the most recent general election.*

Recommendation 3

That the *Elections Act* be amended to establish a clear 28-day election period.

Recommendation 4

That the *Elections Act* be amended to reduce the time period for by-elections from one year to six months of a vacancy occurring in the Legislative Assembly, unless the vacancy occurs during the last calendar year of the legal life of the Legislative Assembly (i.e. between January 1st and the third Monday in October of the year of the next fixed date election).

Boosting Voter Turnout & Participation and Modernizing our Electoral Infrastructure

Mandate

“To examine and make recommendations on increasing voter turnout in provincial general elections, particularly amongst young New Brunswickers, and improving accessibility to the electoral process in New Brunswick by modernizing our electoral laws while reinforcing the democratic rights and responsibilities of New Brunswickers to vote.”

The Commission on Legislative Democracy recommends the following initiatives to modernize our electoral laws and infrastructure and boost voter turnout:

Recommendation 1

That a new independent electoral commission, called Elections New Brunswick, be established. Elections New Brunswick would combine the current duties and responsibilities of the Office of the Chief Electoral Officer and the Supervisor of Political Financing and have an expanded mandate to: conduct elections and referendums in New Brunswick; supervise political party financing and make it more transparent and accountable; promote awareness and knowledge of, and democratic participation in, New Brunswick’s electoral process; and provide regular and comprehensive reporting of results, activities, policy issues and promotional activities to the Legislative Assembly.

Recommendation 2

That accessibility to and participation in the election process for voters be improved, especially for youth, through the following measures:

- 2.1 An online voter registration system.
- 2.2 Targeted approaches to communicate with high school, university and college students on the registration and voting process.
- 2.3 New electronic tabulation technology that would allow voters who are away from their ordinary place of residence, especially university and community college students, to vote from their current location for a candidate in their home electoral district.
- 2.4 Placing party logos on the ballot next to the names of candidates and the parties they represent.
- 2.5 Identifying and hiring young New Brunswickers to work during elections, so that they may become familiar with and interested in the elections process.
- 2.6 Allowing voters to cast their ballot at any poll within their electoral district.

Recommendation 3

That, where possible, polling stations be placed in New Brunswick schools as locations that are familiar, cost-efficient, and easily accessible to voters, and in order to create a youth-friendly environment for voting.

Recommendation 4

That the electoral process be updated and streamlined to make it easier to cast a vote; make the rules around elections more clear and understandable; and provide a more flexible and efficient process for administering elections by:

- 4.1 Giving the Chief Electoral Officer the authority to appoint and train returning officers, election clerks, deputy returning officers, poll clerks, enumerators and other election workers, and the flexibility to assign these workers to polling stations and electoral districts as needed.
- 4.2 Opening up the advance poll process so that the procedures to vote in the advance poll are the same as those for voting on election day.
- 4.3 Giving the Chief Electoral Officer more flexibility to set the details of elections procedures.
- 4.4 Integrating the provisions of the *Elections Act* regarding registration of political parties, district associations and candidates with the provisions of the *Political Process Financing Act* to provide a more seamless approach to supervision of political financing and improving access to information on financing of candidates and political parties.

Making the System Work



Enhancing the Role of MLAs and the Legislature

Mandate

“To examine and make recommendations on enhancing the role of the Legislative Assembly and MLAs in decision-making while ensuring greater accountability of MLAs to their constituents and to New Brunswickers.”

The Commission on Legislative Democracy recommends that the following steps be taken to enhance the role of the Legislative Assembly and MLAs, and increase accountability of government and the legislature to New Brunswickers:

Enhancing the Role of the Legislative Assembly

Recommendation 1

That party discipline and partisanship be reduced by encouraging more free votes, fewer confidence measures, and the introduction of a three-line whip voting system in the Legislative Assembly.

Recommendation 2

That the role of legislative committees in policy-making be enhanced by providing the committees with designated staff and resources allowing them to conduct independent research and undertake public consultations, including mandatory public hearings on important bills.

Recommendation 3

That the Legislative Assembly committees be restructured to create standing policy committees that would facilitate consideration of bills and encourage stronger MLA policy expertise. The Standing Committees could be:

1. Standing Committee on Natural Resources
2. Standing Committee on Social Policy
3. Standing Committee on Finance and Economic Policy

4. Standing Committee on Public Safety
5. Standing Committee on Government Operations
6. Standing Committee on Public Accounts and Crown Corporations
7. Standing Committee on Legislative Administration, Procedures, Statutory Officers and Legal Issues

Recommendation 4

That an independent Legislative Library Research Office be created and funded to serve all MLAs, and to support the role of strengthened legislative committees, ensuring that individual MLAs can research policy issues on behalf of constituents and acquire more legislative expertise in specific policy areas.

Recommendation 5

That MLAs have the time to review bills before they are adopted in final form by allowing for more time between first and third reading of bills.

Recommendation 6

That a new, designated one-hour dialogue and scrutiny time period every two weeks called, "Interpellation" be provided. Interpellation would be used firstly, to debate reports of committees of the Legislative Assembly and secondly, to allow for more detailed questioning of ministers on specific policy areas.

Recommendation 7

That Hansard and Legislative Assembly reports be accessible online, in a more up-to-date time frame in both official languages. A transcript of Question Period would be published within 24 hours and a transcript of Hansard within 48 hours.

Recommendation 8

That the Legislative Assembly be permitted to independently table its own budget through the Speaker on the same day and as a component part of the Main Estimates tabled by the Minister of Finance, as is stated in the *Legislative Assembly Act*.

Recommendation 9

That the Statutory Officers of the Legislative Assembly be permitted to independently submit the budgets for their offices to the Legislative Administration Committee for review and approval as part of the overall Legislative Assembly budget.

Enhancing the Role of MLAs

Recommendation 10

That the formal Code of Conduct for MLAs proposed by the Legislative Administration Committee and set out in detail in the policy framework on the Roles and Duties of an MLA and a Code of Conduct for Members of the Legislative Assembly in New Brunswick contained in Recommendation Appendix "C", be adopted following a debate in the Legislative Assembly, added as an appendix to the Standing Rules of the Legislative Assembly, and published on the Legislative Assembly website.

Recommendation 11

That the annual constituency budget for each MLA be increased to \$50,000, as set out in the policy framework for MLA Constituency Resources contained in Recommendation Appendix "D", to allow the MLAs to offer more accessible and effective services to their constituents. This budget would be administered by the Legislative Assembly Office to ensure full transparency and accountability. A complete accounting of spending would be published in an annual report by the Legislative Assembly Office.

Recommendation 12

That MLAs be supported in drafting more Private Member's Bills reflecting their independent policy ideas and constituency concerns, by providing access to legal drafting resources and staff through the new Legislative Library Research Office referred to in Recommendation 4. Government and Opposition members would adopt a process to vote on an agreed upon number of such bills during each legislative session.

Recommendation 13

That an independent remuneration review committee of three New Brunswick citizens appointed by a two-thirds vote of the Legislative Assembly be established to determine a new consolidated salary level for all MLAs, to better reflect the full-time reality of the occupation, and the need for regular, appropriate increases, as set out in detail in the policy framework for a Review Committee of MLA Remuneration contained in Recommendation Appendix "E". Per diems and other expenses for undertaking committee and other work would be eliminated in favour of this more transparent and realistic salary level.

Ensuring Greater Accountability of Government and the Legislature to New Brunswickers

Recommendation 14

That a fixed Legislative Calendar Session as set out in detail in the policy framework contained in Recommendation Appendix "F", be introduced, setting out in advance when the legislature would meet each year. This would allow for more effective and efficient use of House time, ensure that designated days are set aside for legislative committees to do their work, and also allow individual Members to more effectively plan their time to meet both their constituency and legislative obligations.

Recommendation 15

That a *Transparency and Accountability Act*, as set out in the policy framework contained in Recommendation Appendix "G", be adopted that would set deadlines for the publication of Public Accounts and quarterly provincial financial reports, and would enumerate what information must be contained in each report. This *Act* would also set out Throne Speech and Budget dates.

Recommendation 16

That up to \$5,000 annually be allocated to each MLA, designated specifically for undertaking direct public consultation with their constituents through town hall meetings and citizens' forums on policy issues. This budget would be administered by the Legislative Assembly Office, with a regular reporting of activities undertaken by members publicized each year.

Recommendation 17

That the Legislative Assembly promote the use of information and communications technology to improve citizen access, including a more extensive and interactive website, with sites for individual MLAs, as well as creating a new online "e-petition" feature that will allow citizens to start and manage their own petitions through the Legislative Assembly website.

Recommendation 18

That petitions be given a higher priority in legislative business by adding petitions to the terms of reference of one or more appropriate standing committees, which would regularly examine petitions received, and would be empowered to invite petitioners to committee meetings to discuss their concerns. Committees taking up petitions would include them in their reports to the Legislative Assembly, and require timely and meaningful responses from government on the petitioners' concerns.

Recommendation 19

That the *Right to Information Act* process be improved *first*, so that where the scope of a request by an applicant under the *Act* is not clear or the request would be best served by a personal inspection of the information by the applicant, the appropriate minister would be permitted to invite the applicant to inspect the information in the offices of the department, if it was practical to do so, within 30 days of the receipt of the application as set out in the *Act*; and, *second*, that Regulation 85-68 under the *Right to Information Act* be amended to include the Legislative Assembly in the list of Departments that are subject to the *Act* as long as providing the information requested does not infringe on the privileges of the Legislative Assembly or the Members of the Legislative Assembly.

Improving Party Democracy

The Commission on Legislative Democracy recommends that the following steps be taken to improve political party democracy in New Brunswick:

Recommendation 1

That the *Political Process Financing Act (PPFA)* be amended to set contribution and spending limits for political party leadership and nomination contestants and require public disclosure of information on the financing of leadership and nomination contests. That these limits and disclosure requirements be as follows:

- 1.1 Leadership campaign expenses would be limited to \$300,000 per candidate.
- 1.2 Nomination campaign expenses would be limited to an amount representing 20 per cent of the average of the spending limits that were allowed for a candidate's election expenses in the province's electoral districts during the immediately preceding general election.

- 1.3 Contributions would be limited to \$3,000 in total to one or more contestants in a leadership contest and \$1,000 in total to one or more nomination contestants; these limits would be in addition to the current limit for contributions to parties under the *PPFA*.
- 1.4 Leadership candidates would be required to file a summary financial return four weeks prior to the date of the leadership contest and a final leadership campaign return within 90 days of the date of the leadership contest. Nomination contestants who accepted contributions or incurred expenses over \$1,000 would have to file a nomination campaign return within 90 days of the selection date for the nomination contest.
- 1.5 Elections New Brunswick would publish information disclosed by leadership and nomination contestants on the financing of their campaigns.

Recommendation 2

That the following new provisions be introduced into the *Elections Act* to set clear, open, and transparent rules and procedures to be followed by political parties during nomination and leadership contests:

- 2.1 All of a party's general election candidates must be endorsed by a vote of eligible party members, in a vote that is open to all eligible party members.
- 2.2 To be eligible for party membership, a person must meet the same eligibility requirements to vote in a provincial election.
- 2.3 To be eligible to vote in a leadership or nomination contest, a person must belong to the political party at least seven days prior to the nomination contest and be a member of the party at the time of the vote.
- 2.4 If fixed election dates are adopted, riding associations must hold a vote of their members for the purpose of choosing their general election candidate no more than 120 days prior to the date of the general election.
- 2.5 Parties must advertise the date, time and location of a leadership or nomination contest at least seven days prior to the closing date for eligible membership.
- 2.6 Parties shall not charge a membership fee greater than \$5 annually.
- 2.7 A declaration, signed by the party leader following a nomination contest and signed by the Party President following a leadership contest, must be filed with the Chief Electoral Officer, certifying that all required procedures were followed and that the nomination or leadership contest was held in a fair and democratic manner.

Recommendation 3

That the policy framework for administering these new political party financing rules contained in Recommendation Appendix "H" be adopted.

Recommendation 4

That all political parties be encouraged to establish Policy Foundations as a way to provide a meaningful opportunity for interested party members to engage in policy study and development and to help ensure parties present strong platforms to voters at election time. That Policy Foundations be established on an arm's-length, non-profit basis and be funded through:

- 1) A one-time, start-up allowance in an amount that is 25 per cent of the annual allowance to which the party is eligible under the *PPFA*, in the Policy Foundation's start-up year, or \$25,000, whichever amount is greater,
- 2) An ongoing additional annual allowance of \$0.25 per valid vote received during the preceding provincial general election, and
- 3) Contributions from individuals, corporations and trade unions, not exceeding \$3,000 in a calendar year, to one or more party Policy Foundations, and to which the New Brunswick Political Contributions Tax Credit would be extended. This contribution limit would be in addition to the current limit for contributions to parties under the *PPFA*.

Recommendation 5

That to be eligible for public funding, a party Policy Foundation would be required to: have a Constitution separate from the political party's Constitution; have a separate board of directors from the provincial party executive; present annual reports to Elections New Brunswick on the Foundation's activities and programs, including full disclosure of all revenues, expenditures, and contributions; prohibit any transfers of funds from the Foundation to the political party for election purposes or operations; and prohibit the director or any full-time personnel from participating directly in the preparation of election-related material or in the conduct of election campaigns.

Opening up the Appointment Process for Agencies, Boards and Commissions

Mandate

“To examine and make recommendations on enhancing transparency and accountability in appointments to government agencies, boards, and commissions.”

The Commission on Legislative Democracy recommends that the following steps be taken to enhance transparency and accountability in appointments to government agencies, boards, and commissions (ABCs):

Recommendation 1

That an ABC Appointments Unit be established within the Office of Human Resources and assigned overall co-ordinating responsibility for appointments to government agencies, boards, and commissions.

Recommendation 2

That the following practices and procedures for making appointments to ABCs be adopted and implemented by the ABC Appointments Unit:

- 2.1 Setting out specific guidelines and processes for appointments to ABCs, appropriate to the nature of the ABC;
- 2.2 Monitoring and reporting on the appointment process to ensure that the guidelines are followed and appointments are made on an open, transparent and consistent basis;
- 2.3 Advertising vacancies on ABCs in a timely fashion;
- 2.4 Identifying, seeking and reviewing qualified candidates for appointment by the Lieutenant-Governor in Council;
- 2.5 Developing and maintaining a central databank of ABC appointments, vacancies and applications;
- 2.6 Providing human resource expertise and assistance in the process of reviewing applications for appointment;
- 2.7 Publicizing appointments; and
- 2.8 Co-ordinating the development and administration of training and orientation programs for ABC members on their roles and responsibilities.

Recommendation 3

That a formal process for appointments to the most significant ABCs be established to ensure merit-based appointments, and to give qualified and competent persons the opportunity to serve on these ABCs. Such a process would include the following steps:

- 3.1 Preparing a Board Profile defining the skills, experience, qualifications, and diversity of representation of members required for the effective operation of the ABC;
- 3.2 Developing Position Descriptions which set out the skills criteria for a vacancy on the ABC;
- 3.3 Advertising of vacancies and Position Descriptions;
- 3.4 Identification of potential candidates;
- 3.5 Formal vetting of applications and a due diligence check of candidates;
- 3.6 Preparation of a short-list of qualified candidates with possible rank-ordering for decision by the Lieutenant-Governor in Council;
- 3.7 Advising unsuccessful candidates of outcome of process;
- 3.8 Publication of appointments on government websites.

Recommendation 4

That, subject to the agreement of the political parties to such involvement, the Legislative Assembly be involved in the preparation and rank-ordering of a short-list of qualified candidates for the most significant ABCs.

Recommendation 5

That the appointment process facilitate the consideration of qualified people from regionally and culturally diverse backgrounds that are representative of the two official linguistic communities, women, aboriginal people, and minorities.

Recommendation 6

That fixed three-year terms for ABC appointments be established across government, while staggering some appointments for an initial two-year term; and consecutive reappointments be limited to no more than two uninterrupted terms.

Recommendation 7

That the detailed process for appointments to the most significant ABCs, the detailed process for appointments to other ABCs, and the suggested classification of ABCs contained in Recommendation Appendix "I" be considered as frameworks for developing a new appointments process for ABCs.

Making Your Voice Heard



Stronger Voices for Youth

Mandate

“To examine and make recommendations on enhancing public involvement in government and legislative decision-making.”

The Commission on Legislative Democracy recommends that the following steps be taken to increase knowledge and understanding of the democratic process by New Brunswick students and to boost youth voter participation with the goal of increasing the turnout of 18-29 year-olds to at least the provincial average by the 2015 provincial general election:

Recommendation 1

That the Mission Statement of the Department of Education be amended to formally recognize as a learning outcome for all graduating students the importance of exercising the responsibilities of citizenship. The new Mission Statement would read:

*“To have each student develop the attributes needed to be a lifelong learner, to achieve personal fulfillment, **to exercise the responsibilities of citizenship**, and to contribute to a productive, just and democratic society.”*

Recommendation 2

That a new, mandatory provincial Civics Program from Kindergarten through Grade 12 be fully implemented as part of the current Social Sciences program in schools beginning in the 2007-2008 school year. This new civics program, as outlined in the policy framework on a new Civics Education Program for Kindergarten to Grade 12 contained in Recommendation Appendix “J”, would help students graduate with the knowledge, understanding, and critical analysis skills necessary to become “active citizens”, able to understand and participate in democratic activities in their community, province, and country.

This new Civics Program would build on and be integrated into the current social sciences program curricula being taught now at various grades under both the anglophone and francophone school systems. The program would be

based on the following standards: *mandatory* for all students; *comprehensive* in scope and subject matter; *integrated* with current offerings; *practical* in application; *non-partisan* in material; and *supported* by teachers, schools, parents, the Department of Education, and the Legislative Assembly.

Recommendation 3

That the Department of Education work directly with New Brunswick teachers, as well as experts in other provinces, to develop flexible, made-in-NB civics teaching resource kits/learning modules for teachers, students, and schools to facilitate teaching and learning of the new mandatory Civics Program. A designated professional development day or period would be set aside to enable teachers to become comfortable with the course materials and learn how to best teach and engage their students in this new mandatory course.

Recommendation 4

That a “Teachers in the Legislature” partnership program between social sciences and civics program teachers and the Legislative Assembly be established under the auspices of the Speaker to bring together teachers from across the province to share ideas and learn more about the legislative and political process in our province.

Recommendation 5

That the following youth education and support activities be developed to promote youth awareness and participation in our democratic system, and support the new focus on civics educational activities in schools and communities:

5.1 “Youth Vote NB”

Creating “Youth Vote NB”, a province-wide mock election program to be held in every middle and high school in the province in conjunction with the next New Brunswick election and subsequent provincial and municipal elections. This youth-run organization, supported by Elections New Brunswick and Student Councils, would help organize the program, work with schools, suggest support activities, and produce and distribute information on issues, candidates, and parties.

5.2 Democracy Awareness Program & “You Can Vote!” Mail Out

Creating a “youth-friendly” democracy awareness program through Elections New Brunswick aimed at informing young New Brunswickers about the importance of the democratic process and voting. Sending a regular mail out from the Chief Electoral Officer to young New Brunswickers as they turn 18 explaining what the act of voting means together with an explanation on our electoral and democratic system.

5.3 **“Promoting Democracy in Schools” Program**

Developing a “Promoting Democracy in Schools” program involving speaking tours by MLAs, political fairs, election simulations, and debates in schools to promote a more practical understanding of and exposure to how our democratic system works. This would be a uniform policy at the District Education Council level. These activities are to be non-partisan at all times.

5.4 **Youth Websites**

Creating youth-focused websites by Elections New Brunswick, the Legislative Assembly, and political parties to engage young people to participate in voting, politics, and democracy. The Elections New Brunswick website, in collaboration with Elections Canada, would provide resource materials aimed at youth and at helping students and organizations learn about our democratic institutions and practices. It would also have youth website links.

5.5 **Involvement of Parents**

Creating a social marketing program to raise the awareness of parents regarding the importance of discussing democratic issues at home and voting with their children. This could be complemented by a “Bring Your Child to Vote” initiative at election time and even a “Bring Your Parent to Vote” initiative.

5.6 **Democracy Support Fund**

Creating a fund administered by Elections New Brunswick to support events and activities organized by youth groups aimed at promoting the participation of young people in our democratic system. The money could be allocated to a Student Council, for example, to organize a mock election or hold a political fair.

5.7 **Student Legislative Seminar and Democracy Camps**

Broadening the current Legislative Assembly Student Legislative Seminar to involve more schools and students. Establishing Democracy Camps to give young New Brunswickers who are in high school the opportunity to spend several days to learn more about our electoral, democratic and legislative processes. These camps would be administered by the Legislative Assembly Office and would gather young people from across the province.

Recommendation 6

That the following steps be taken to facilitate access by youth to the voting process and make it easier for them to vote:

6.1 **Online Registration**

Encouraging youth voters to register online so as to ease some of the administrative barriers often faced by youth and students when facing the voting process, particularly for the first time. The Chief Electoral Officer would develop targeted approaches to communicate with high school, university and college students on the registration and voting process. These approaches could include contacting students by e-mail in advance of elections and developing the interactive component to the website of the Chief Electoral Officer to answer queries and provide and receive registration information.

6.2 **“Vote Where You’re At”**

Placing polling stations with electronic tabulation machines on university campuses and in community colleges so student voters residing outside of their home constituency can choose to vote and have their ballot count in their home riding or in the constituency in which they are studying.

Recommendation 7

That the voting age remain at 18 years.

Stronger Voices for Women

The Commission on Legislative Democracy recommends the following steps be taken with the goal of increasing the representation of women in New Brunswick's Legislative Assembly to 35 per cent by the year 2015:

Recommendation 1

That amendments be made to the *Political Process Financing Act* as a way to achieve gender equality in the Legislative Assembly that would include an increase of the annual allowance to political parties by \$1 per valid vote to any party in which women comprise at least 35 per cent of the candidates in the preceding provincial election. This incentive would be reviewed once the New Brunswick legislature reaches a minimum of 45 per cent women.

Recommendation 2

That an educational/policy program be created with the objective of financially supporting associations in organizing activities, providing information, or developing programs that would promote the participation of women in municipal or provincial politics.

Recommendation 3

That the *Elections Act* be amended to require political parties to file with Elections New Brunswick a biannual report on measures taken to increase women's representation in the legislature. Information on the number and type of positions held by women in provincial and constituency association executives of registered political parties would be made public by Elections New Brunswick as part of its annual report to the Legislative Assembly.

Recommendation 4

That the ABC Appointments Unit be required to actively solicit applications from women for vacancies on ABCs, including using established databanks of potential female applicants.

Stronger Voices for Aboriginal People

The Commission on Legislative Democracy recommends that the following step be taken to increase the voices of Aboriginal people in the democratic life of New Brunswick:

Recommendation 1

That the Government of New Brunswick invite New Brunswick's Aboriginal people to meet, discuss and develop an appropriate process to seek the views of Aboriginal people on representation of Mi'kmaq and Maliseet people in the Legislative Assembly of New Brunswick and on their role in the democratic life of New Brunswick.

A Referendum Act for New Brunswick

Mandate

"To examine and make recommendations on enhancing direct democracy by proposing a New Brunswick Referendum Act that sets out the rules and procedures for allowing province-wide, binding referendums on significant public policy issues."

The Commission on Legislative Democracy recommends that the following principles and provisions be adopted as part of any New Brunswick *Referendum Act* in order to ensure that referendums held in New Brunswick are independent, fair, open, transparent and efficient, and encourage the participation and involvement of New Brunswickers:

Recommendation 1

That the following principles governing the use of referendums in New Brunswick be incorporated in a *Referendum Act*:

- 1.1 **Exceptional Issues** – referendums should be held on exceptional issues only.
- 1.2 **Minority Rights Protection** – no referendums should be held that would have the purpose of undermining or diminishing minority rights as set out in the Canadian *Charter of Rights and Freedoms*, New Brunswick's *Human Rights Act*, New Brunswick's *Official Languages Act*, *An Act Recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*, or any other act that supports, protects, or advances minority rights in the province.

- 1.3 **Initiated by Government** – referendums should be initiated by government only, not by citizens in the form of citizen initiatives.
- 1.4 **Clear Question** – a referendum question should be clearly written so that it can be answered with either a “yes” or “no” response.
- 1.5 **Binding on Government** – results of referendums should be binding on the government to act.
- 1.6 **Double Majority Support** – referendum results should be binding only when more than 50 per cent of valid votes are in favour of the referendum question and at least 50 per cent of eligible voters voted in the referendum.
- 1.7 **Independent & Transparent** – referendums should be independently supervised by Elections New Brunswick with strict financing, disclosure, and advertising rules to ensure a level playing field for all sides with disclosure to voters of who may be funding or supporting each referendum side.

Recommendation 2

That the following key provisions regarding the independent supervision and administration of referendums in New Brunswick be incorporated in a *Referendum Act*:

- 2.1 **Timing** – referendums should be held at the same time as provincial or municipal elections. In an exceptional circumstance, government could hold a referendum on a day other than an election day.
- 2.2 **Consultation and Debate on the Question** – Government would consult on the wording of the question with the Leader of the Opposition and the leaders of other political parties represented in the legislature, and the referendum question would be tabled, debated, and adopted by the legislature.
- 2.3 **Referendum Committees** – An official referendum committee for each side of a referendum question be formally established and registered with the Chief Electoral Officer. Only these committees may make expenditures in excess of \$1,000.
- 2.4 **Spending Limits** – Official referendum committees and their affiliates together be limited to spending no more than \$0.75 per voter during the course of a referendum campaign, and all expenditures be audited and reported to Elections New Brunswick.
- 2.5 **Contribution Limits** – limits on contributions to official referendum committees be set at no more than \$3,000 for an individual, corporation, trade union, or political party.

- 2.6 **Financing Rules** – names of contributors of over \$100 to an official referendum committee be disclosed to Elections New Brunswick.
- 2.7 **Registration** – individuals or groups wishing to incur expenses of \$1,000 or less for advertising be required to register with Elections New Brunswick for transparency purposes, but not be required to participate through an official Referendum Committee.
- 2.8 **Information to Voters** – Elections New Brunswick mail to voters a sample referendum ballot and information containing the arguments for and against the referendum question at least 25 calendar days in advance of voting day.

Recommendation 3

That the policy framework for a draft *Referendum Act* for New Brunswick contained in Recommendation Appendix “K” be considered as a proposed framework for a new *Act*.

Participatory Democracy and Citizen Engagement in New Brunswick

Mandate

“To examine and make recommendations on enhancing public involvement in government and legislative decision-making.”

Participatory Decision-Making

The Commission on Legislative Democracy recommends that the following steps be taken to increase the participation of New Brunswickers in decision-making:

Recommendation 1

That the provincial government conduct an awareness campaign with information packages for prospective candidates on the powers and responsibilities of District Education Councils (DECs) and Regional Health Authorities (RHAs), to encourage more candidates to offer to participate in these local decision-making authorities.

Recommendation 2

That Elections New Brunswick promote greater voter understanding of how and where to vote for DEC and RHA positions by inserting advertisements similar to the Notice of Grant of Poll advertisements used during provincial elections, that include maps of the boundaries of the various authorities and councils being filled by the elections, the locations of polling stations, and the names, addresses, and contact information of the candidates standing for nomination.

Recommendation 3

That Elections New Brunswick publish at least seven days before the date of the quadrennial local governance elections, a short statement prepared by each DEC and RHA candidate.

Recommendation 4

That the elected and appointed members of DECs and RHAs receive formal training and orientation so they can more fully understand and exercise their powers and responsibilities.

Recommendation 5

That an appropriate per diem be paid to members of DECs and RHAs as compensation for the work and time they undertake as members, and to encourage greater participation in the process.

Recommendation 6

That the government initiate a review of DECs and RHAs, in consultation with communities and stakeholders, to determine what is the most appropriate authority for these bodies given community expectations, the need to ensure a more direct correspondence between their mandated responsibilities and actual legislated powers, and to ensure ongoing accountability of public expenditures to taxpayers.

Recommendation 7

That following the next municipal elections, the provincial government evaluate the need to create an independent commission to examine local and regional governance in New Brunswick.

Civic Engagement and Civil Society

Recommendation 8

That a central Public Dialogue Office with consultation expertise be created within government to assist departments and agencies in undertaking and supporting meaningful consultation and deliberative dialogue with citizens and civil society organizations.

Recommendation 9

That a new Civic Engagement Fund, to be administered by the Public Dialogue Office, be created to support civil society groups engaged in various consultation activities with citizens and communities, including conducting research, preparing resource materials, and cost-sharing events.

Recommendation 10

That specific guidelines for Open Consultation be developed, shared, published, and utilized across government as an ongoing framework for meaningful consultation with citizens and civil society organizations, and as an important accountability tool.

Recommendation 11

That the working group model established by the Minister's Working Group on Violence Against Women be utilized as a model for "best practices" engagement on public policy development for other issues.

Recommendation 12

That government explore the value of utilizing "citizens assemblies" and "citizen panels" to engage citizens in deliberative dialogue and/or decision-making on a diverse range of issues.

Recommendation 13

That an annual pre-budget consultation process be undertaken by the Minister of Finance that includes a public information document for citizens, province-wide public hearings, and a public appearance before a Standing Committee of the legislature.

E-Democracy

Recommendation 14

That a central “e-Town Hall” site be created on the main government website, with a link to the new Public Dialogue Office, listing all consultations being undertaken by government at any one time; their status; how citizens can access information on the consultation issue; and a built-in questionnaire and feedback component for citizens to participate in each process.

Recommendation 15

That the results of all e-consultation processes be published on the main government website to share information, demonstrate transparency, and encourage more participation in and use of these engagement tools.

For the complete Final Report and Recommendations of the Commission on Legislative Democracy, please visit our website at:

www.gnb.ca

and choose the keyword *democracy*.

