

## Ahead to the Past: The Return of the Delegated Leadership Convention

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Even in “counter-revolutionary” Canada, democratizing claims have proven difficult to resist. Since Confederation, changes in the federal franchise have invariably served to widen, rather than narrow, the pool of Canadian citizens able to participate in the electoral process. Once members of a social group have become eligible voters (and the earliest franchise contained restrictions based on class, gender and ethnicity), their subsequent disenfranchisement has rarely been contemplated and never achieved. Virtually all Canadian adults are now eligible to vote; even so, it is likely that, through re-defining “adult” to include those aged sixteen or seventeen, the franchise will be further widened in the future.

A similar pattern has been apparent in the selection of Canadian party leaders. Again, the eligible electorate has progressively widened. In the period immediately after Confederation, the preference of a single individual, the Governor-General, was decisive. This power subsequently devolved, first to the parliamentary caucus and, after World War I, to delegates of the rank and file membership. Again, the effect was like a ratchet pawl; no return to the status quo ante was possible. By the end of the twentieth century, a new notch had been gained. Canadian political parties replaced the delegated convention with some variant of the universal vote (and thereby gave all party members a leadership ballot). Although many members of the academy fulminated about this change,<sup>1</sup> it too was widely regarded as irreversible.

Nevertheless, on October 15, 2005, the 42 person executive of the Nova Scotia Progressive Conservatives opted to roll back the democratic tide. To replace departing leader John Hamm, the party decided to hold a delegated convention on February 11, 2006. The race’s morning line favourite was Central Nova MP Peter McKay who, three years previously, had secured the leadership of the national wing of the party before merging it with the Canadian Alliance. Yet even leaving aside the \$40,000 pay cut entailed by a move to the Nova Scotia Premier’s Office, provincial politics seemed to hold little allure for McKay. “Peter’s not going to throw away a chance to be prime minister in the next couple of years, or national leader,” noted one Tory insider, “to make what could be a 10-year commitment in Nova Scotia.”<sup>2</sup> Within a week of Hamm’s resignation, McKay had officially opted out of the race; he would stay in Ottawa and continue his “uneasy alliance” with leader Stephen Harper.<sup>3</sup>

Others were less reticent. First to declare was Bill Black, a 54 year old Halifax businessman. Black was widely recognized as a successful and innovative entrepreneur; as head of Maritime Life, he had won kudos for building a multi-million dollar company while converting prime view offices into employee lounges.<sup>4</sup> On the other hand, Black was a political novice; he had never held elected office and had only recently won a highly competitive contest to become the Tory nominee in the vacant riding of Halifax-Citadel.

The next candidate in the race, Neil LeBlanc, had a very different profile. The 49 year old LeBlanc had spent fourteen years in the legislature (the last four as John Hamm's deficit-taming Minister of Finance) before leaving provincial politics in 2003 to become the Chief Administrative Officer for the municipality of Argyle. LeBlanc had remained active in Conservative circles, however, and his leadership ambitions were an open secret. With five members of the government caucus attending his campaign launch, the media quickly dubbed LeBlanc as the front-runner.

One might have anticipated that several Conservative front-benchers would also have entered the fray, but such luminaries as Michael Baker, Ernie Fage and Cecil Clarke eventually declined to offer. The way was thus clear for Rodney MacDonald, the Juno-nominated fiddler and former gym teacher from Cape Breton who, while only 33 years old, already had six years of cabinet experience. At least initially, some members of the media dismissed MacDonald's chances: "With due respect to Tourism Minister Rodney MacDonald, who is expected to throw his hat into the ring this week, it's hard to imagine him being able to pull ahead of either of the perceived front-runners (Black and LeBlanc)."<sup>5</sup> Nor, despite the presence of eight members of the government caucus, was MacDonald's campaign launch particularly auspicious. MacDonald had a grab-bag of ministerial responsibilities in the final Hamm administration: Tourism and Culture, Immigration, and Health Promotion. Alas, to announce his candidacy as planned, MacDonald was obliged to send senior officials not only to open a national tourism conference in Halifax, but also to attend meetings in Ottawa chaired by the federal Citizenship and Immigration Minister to map Canada's immigration strategy.<sup>6</sup> Despite MacDonald's protestations that the public interest was being well-represented at both gatherings, neither the media nor the opposition was much impressed by this apparent dereliction of duty.<sup>7</sup>

The contest's rules were straightforward. The three candidates had a \$250,000 spending cap, and financial statements were to be made public three weeks after the vote. Membership sales were cut off on December 27, 2005, the constituency delegates were selected in a two week period between January 7 and 21, 2006, and a series of all-candidate debates were held around Nova Scotia. Entering the convention, it was apparent that no candidate had secured enough delegates to win on the first ballot, but the relative standing of Black, LeBlanc and MacDonald was far from clear (especially with many of Black's Halifax supporters declining to take a day off work to listen to the speeches at the Metro Centre).<sup>8</sup> Thanks to barcodes on the delegate badges, voting proceeded smoothly on February 11, although the closeness of the first ballot results necessitated a recount. Eventually, it was announced that MacDonald had secured 789 votes, while Black had 742, and LeBlanc 730 (with 3 spoiled). LeBlanc briefly huddled with his advisors before donning a Rodney MacDonald scarf and leading a flotilla of party luminaries to the Cape Bretoner's box. The final ballot was an anti-climatic affair

with MacDonald receiving 1263 votes to Black's tally of 855 (with 12 spoiled). Like Conservative icon Robert Stanfield, Rodney MacDonald had secured his party's leadership at the age of 34. Two weeks later, MacDonald was sworn in as Nova Scotia's 26<sup>th</sup> Premier.

How are we to understand the Nova Scotia Progressive Conservative party's return to a delegated leadership convention? Certainly, few could have predicted that eventuality. Since allowing all party members a direct say in leadership election is manifestly more "democratic" than restricting the franchise to those fortunate enough to be selected as constituency delegates, proponents of the former procedure would have been presumed to hold the master trump at the meeting of the party's executive. Moreover, a return to the status quo ante would lessen the lucrative flow to the party of fresh membership fees. Delegated conventions provide some incentive for candidates to undertake membership recruitment drives, but only in those constituencies where the delegate selection outcome is in some doubt. By contrast, under the universal ballot, a member's geographic location is irrelevant, and all new recruits are equally valuable. Furthermore, retiring leader John Hamm clearly preferred that his successor be elected by a universal ballot: "I like the idea of all members of the party being able to express themselves."<sup>9</sup> Finally, the Nova Scotia Tories had not been scarred by an unfortunate experience with an all-member leadership vote. The party had only employed this method on one previous occasion (in 1995, when outgoing leader John Hamm had easily triumphed on the first ballot). While Hamm had taken some time to grow into the role (even, at one point, facing down a full-fledged caucus revolt), his popularity with the electorate was a key factor in his party's successes in the 1999 and 2003 provincial elections. Shortly before the Premier announced his retirement, in fact, provincial party president John MacDonell stated: "It's in the best interests of the province and the party for John Hamm to stay in the leadership of the party as long as he is willing to do so."<sup>10</sup> In short, there were few obvious justifications for Nova Scotia's Progressive Conservatives to race ahead to the past when the party's executive met in mid-October, 2005 to lay the ground rules for a leadership race.

Nevertheless, they rejected the all-member vote. Four options were considered, but a large majority of the executive plumped for a return to a delegated convention. According to President MacDonell, the party brass "felt that was the most fair, the most equal, and the most exciting way to do this."<sup>11</sup> Let us consider each of these rationales.

#### Most Exciting:

Choosing a leader is serious business, but the process employed need not be dull or drab. Political parties have traditionally regarded leadership renewal as an opportunity to build connections with an otherwise disengaged citizenry, to pique interest, cultivate attention and, ultimately, capture support. In this regard, however, all-member votes have generally been failures. There has often been little suspense as to the outcome. In the previous decade, Nova Scotia parties had, on five separate occasions, employed some variant of the universal ballot; in every instance, the result was a first round walkover. Moreover, with party members able to cast their ballots by mail or by telephone or at local polling stations, the convention proper has been robbed of its sense of occasion as funereal hospitality suites, pathetic floor demonstrations and rows of empty chairs have become the norm. At one level, the 1995 Tory convention which selected John Hamm

was clearly a success. Yet this “incredibly dull”<sup>12</sup> gathering had been derided as an occasion “when a few hundred people tried to look like a thousand.”<sup>13</sup> That the Tory brand could be more successfully marketed via a delegated convention was clearly on the minds of the party brass.

Were there aspirations realized? Not initially. As in 1995, when the looming Quebec sovereignty referendum dwarfed the Conservative leadership race, other matters conspired to deflect public attention from the travails of Messrs. Black, LeBlanc and MacDonald. For much of the time, the death rattles of Paul Martin’s minority federal administration, the subsequent election campaign and the installation of Canada’s first non-Liberal government in over a decade absorbed the political attentions of most Nova Scotians. As well, the Tory contest had to compete with the usual holiday festivities (“when most sensible people are focused on other matters than politics”<sup>14</sup>) and with the Winter Olympics. One report on the race commenced with “Talk about being overshadowed;”<sup>15</sup> another headlined it as “Ho-hum.”<sup>16</sup> A mid-campaign poll, in fact, discovered that 72 per cent of Nova Scotians could not name any of the candidates, although Neil LeBlanc bravely insisted that nobody expected the public to be absorbed in “the pre-game show.”<sup>17</sup> With a week to go before the vote, one of the convention’s co-chairs finally claimed to detect increasing interest in the event. “We’re down to the wire and, politically, people don’t have that much else to do right now,” averred Judy Streach. “The excitement is building, no question.”<sup>18</sup>

Yet if the Tory campaign failed to galvanize the attention of most Nova Scotians, the same cannot be said of voting day. Delegated leadership conventions have considerable theatrical potential. On this occasion at least, the combination of a large and raucous crowd, the tightness of the first ballot results and the movement en masse of LeBlanc and his people to the MacDonald camp made for an engrossing spectacle. It was, by one account, “the most exciting convention Nova Scotia has seen in 15 years.”<sup>19</sup>

To a large degree, however, the Conservatives were merely very fortunate. Ken Carty has persuasively argued that the advent of pre-contest intimidation and slate politics has meant that few delegated contests since the 1970s have actually been decided on the convention floor.<sup>20</sup> With most delegates effectively locked into supporting a particular candidate well in advance of the vote, there have simply not been sufficient undecided voters available for convention events to affect the outcome. So it was for the Nova Scotia Tories in 2006. Of course, prominent Conservatives attempted to heighten the drama by mystifying the unpredictability of what was to come. “There’s a lot of – again to use a Maritime expression – ‘loose fish’ at the convention,” asserted Peter MacKay, “people that haven’t quite made up their minds.”<sup>21</sup> News that Genesta Hamm, the outgoing Premier’s wife, was still undecided and poring over the candidates’ literature added to this perception.<sup>22</sup> The reality, however, was rather different. As Table 1 makes clear, the pool of undecided voters at the convention was very small. Only 8% of the delegates indicated that they made up their minds at the convention and only another 7% were undecided in the week before the convention. Fully 64% of the delegates had reached a decision more than a month before the convention. Thus the events at the convention were relatively unimportant for most of the delegates. Of course, given the closeness of the race, the 8% who made up their minds at the convention could well have been important.

We can compare these numbers with the results from the 1995 universal ballot. In 1995, 11% of the voters made their voting decision on the last day, with an additional 8% deciding in the last week. Thus the pool of undecided was actually stronger in the universal ballot.

Table 1: Timing of Voting Decision

	2006 Convention	1995 Universal Ballot
Decided at Convention or day of Universal Ballot	8%	11%
Decided in last week	7%	8%
Decided Earlier	85%	81%

With such a small group of undecided voters, the “overwhelming majority” of the Nova Scotia PC executive who were convinced that a delegated convention would “grab the most media attention” was rather fortunate.<sup>23</sup> They could as easily have replicated the tedium of the 1998 New Brunswick Liberal meeting where one candidate’s success with delegate slates had effectively rendered superfluous the actual vote.<sup>24</sup>

Most Equal:

President MacDonell’s suggestion that political equality would be enhanced by a return to a delegated convention seems, on the face of it, implausible. After all, the basic premise of the universal ballot is that all party members should have an equal say in leadership selection. A delegated convention, by contrast, creates three classes of party members. At the top of the hierarchy are those whose service to the party (as members of the executive, as candidates, and the like) is deemed to have sufficient worth to merit automatic enfranchisement. About three hundred of these ex officio delegates were eligible to attend the Nova Scotia PC convention. One of the major arguments in favor of conventions has been the potential role played by these party officials, who presumably have the long term interests of the party at heart and an immediate interest in choosing the best leader. As well, their roles give them potential insight into the candidate abilities that is not available to ordinary delegates.<sup>25</sup> In this case, a majority of the ex officio delegates were allegedly in the camp of Neil LeBlanc.<sup>26</sup> The next group of members includes those ordinary delegates whose enfranchisement is dependent on being elected at constituency association meetings. There were 45 such delegates elected in each of Nova Scotia’s 52 ridings (for a total of 2340). At the bottom of the heap are those party members who will have no direct say in the choice of their new leader. Since membership in the Nova Scotia Tories grew by 56 per cent (from 6000 to 9400) in the interval between the end of September, 2005 and the late December, 2005 membership cutoff,<sup>27</sup> this effectively meant that three-quarters of party members were disenfranchised by the return to a delegated convention.

Table 2 indicates that differences of opinion existed between ex-officio delegates and their counterparts. On the first ballot, as suggested by media analysis, Neil LeBlanc won plurality support from ex-officio delegates. However, he ranked third in votes cast by constituency delegates. Bill Black received the least support from ex officio delegates,

a trend that was accentuated on the second ballot when his support from this group grew by only 3 percentage point despite the elimination of LeBlanc from the contest. On the first ballot, Black enjoyed a modest lead in votes cast by constituency delegates and remained more competitive with this group on the final ballot as well.

Table 2: Vote by Delegate Type

	Ex officio Delegates	Delegates from Constituency Associations
<u>1<sup>st</sup> Ballot</u>		
Black	27%	37%
LeBlanc	39	27
MacDonald	34	36
N=	64	317
<u>2<sup>nd</sup> Ballot</u>		
Black	30%	43%
MacDonald	70	57
N=	63	307

In 2006, the dividing line between party member second class and party member third class (between those who won delegate status and those who did not) seemed rather capricious. Events at the Bedford selection meeting on January 7, 2006 nicely illustrate this point. Neil LeBlanc had the visible backing of Bedford MLA (and Minister of Finance) Peter Christie and the support of a clear plurality of the members in attendance. Had each candidate's team advanced a slate of forty names,<sup>28</sup> the LeBlanc forces would have swept the board. Accordingly, a member of MacDonald's entourage approached a Black representative to suggest a temporary alliance. "If we don't work together, we're going to be shut out," he warned.<sup>29</sup> A joint slate was quickly cobbled together, with the result that 23 MacDonald delegates were elected, along with 16 Black backers and a solitary LeBlanc supporter. Not surprisingly, agents of the latter cried foul. The MacDonald-Black alliance was "somewhat disruptive"<sup>30</sup> and "a bit underhanded."<sup>31</sup>

Constituency association president Joan MacKinnon launched appeals to both the party's chief electoral officer and the convention's rules committee on the grounds that the Bedford results did not "reflect the guiding principles of our party, its vision and mission statement."<sup>32</sup> "People were manipulated," claimed MacKinnon. "If I went in to vote for Bill Black and I was handed my slate of delegates to vote for and I came out of that meeting finding out that I voted in the majority for Rodney MacDonald, I would be very angry."<sup>33</sup> Perhaps, but with the official rules making no reference to full, partial, joint or any other type of slate, there was no chance of overturning the Bedford results, and both appeals were lost. For the record, however, the LeBlanc team stated their position "that joint delegate slating ought not to be permissible."<sup>34</sup> Yet even before their Bedford appeals had been dismissed, LeBlanc's organizers were availing themselves of the same tactic. In two Metro ridings where Bill Black appeared dominant, supporters of MacDonald and LeBlanc concocted joint slates (without much luck in Halifax Chebucto, but with some modest success in Timberlea-Prospect).<sup>35</sup>

These controversies at the delegate selection phase could not have been unexpected; indeed, such shenanigans have become endemic features of the modern

delegated convention. Inevitably, their effect has been to disenfranchise some long-standing and committed party activists, while granting a vote to others who, by every reasonable criterion, are less deserving of same. Neil LeBlanc professed to be troubled by this circumstance and suggested that, irrespective of their candidate preference, strong party workers should be supported by all three organizations. “I’m prepared to respect,” asserted LeBlanc, “that at least some of the core workers go to the convention.”<sup>36</sup> Unfortunately, this proposal jibed poorly with the LeBlanc camp’s objections in principle (although not always in practice) to the construction of joint slates.

Examining the past record of party involvement of the delegates in 2006 leaves one hard pressed to advance the claims that restricting the decision to convention delegates enfranchised a group with much stronger party roots than would a universal ballot.<sup>37</sup> As Table 3 shows, in 1995, only 17% of the voters had never worked for the Conservative party and only 8% joined the party the year of the vote. Eleven percent of the 2006 delegates reported memberships of less than a year and the percentage claiming memberships of more than 10 years actually declined by almost 10 percentage points. The percentage of delegates who had never worked for the party was marginally higher than in 1995 at 20%. It is thus difficult to argue that this was an electorate with substantially deeper party roots than that enfranchised in the 1995 universal ballot. In both cases the choice of a leader was made by individuals with deep roots in the Conservative party. With respect to engagement, 70% of the delegates attempted to persuade others to vote for their favoured candidate, but this only marginally higher than the 61% of universal ballot voters who tried to influence others in 1995.

Table 3: Party Background and Process involvement

	2006 Convention	1995 Universal Ballot
Member for less than a year	11%	8%
Member for more than 10 years	53%	63%
Worked previously for party	80%	83%
Persuaded others	70%	61%

Ultimately, the Bedford nomination meeting had some impact on the contest’s outcome. Had LeBlanc secured all forty delegates, as had been anticipated at the meeting’s outset, he would have, all else being equal, actually been in first, rather than third, place after the initial ballot (by the admittedly slender margin of three votes). Bill Black would thus have been eliminated from the decisive final round. As Table 4 makes clear, it is likely that, independent of any endorsement from their fallen champion, the majority of Black’s first ballot supporters would have moved to Rodney MacDonald in sufficient numbers to put the Cape Bretoner over the top in any case.

When delegates were asked to rank order their preferences, it becomes clear that MacDonald was the convention’s overwhelming choice. More than 3/5 of the delegates who indicated that Black was their first choice ranked MacDonald second. Thus a LeBlanc – MacDonald final ballot would have almost certainly also resulted in a MacDonald victory. MacDonald thus appears to be the clear Condorcet winner.

Black would have been unlikely to win a direct contest with LeBlanc either. Only 36% of those who ranked MacDonald as their first choice placed Black as their next choice.

Table 4: Second Preference Rankings

First Preference	Black	LeBlanc	MacDonald
<u>Second Preference</u>			
Black	NA	22%	36%
LeBlanc	38%	NA	62
MacDonald	62	77	NA
N=	146	145	170

When President MacDonell talked of employing a delegated convention in order to heighten political equality, he was clearly not speaking of the individual member (since, at that level, the effect was precisely the opposite). Instead, he was referring to equality among the 52 constituency associations. Under the universal ballot, no such equality exists; a riding association with 1000 members has ten times the voting influence of one with only 100 members (although that influence would not, in fact, be structured by or mediated through the constituency association). Such a circumstance contains obvious pitfalls for any party which must subsequently compete in general elections in which every constituency is of equal importance. Consider the case of Bill Black. During his contested nomination struggle in Halifax Citadel, the constituency rolls had swelled by over 1000 members (or one-sixth of the party's provincial total at the time). Under a universal ballot, and leaving aside subsequent recruitment drives there and elsewhere, the Conservatives of Halifax Citadel would account for 16 per cent of the total votes. Under a delegated convention, by contrast, the corresponding figure would be only 2 per cent. Thus, the guarantee of constituency equality embedded in the latter, but not the former, process would oblige candidates to seek support in most, if not all, parts of the province. One observer noted that the "last thing" the Tories wanted was a candidate who wins through a concerted regional campaign, then goes over like a lead balloon in the rest of the province."<sup>38</sup> Only a delegated convention, it was thought, could provide the necessary protection against such a scenario. As Cross explains:

In a direct election there is no way to ensure an equitable number of voters in each region: the electorate is comprised of whichever party members choose to participate. Logic dictates and experience shows, that the electorate will come disproportionately from areas where a party has strong electoral support.<sup>39</sup>

As Table 5 indicates, the convention did provide a somewhat different regional portrait than the 1995 convention. Residents of Halifax made up a much larger proportion of the convention electorate. The percentage of Cape Bretoners was unchanged by these rules, resulting in a diminution of the voice of the Conservative party's rural mainland base. It is quite likely that this is the sort of representation desired by the party as it provided a greater voice for the Halifax region, an area where the party wished to grow.

Unfortunately, the Halifax voters fell disproportionately into the camp of Bill Black and were eventually on the losing side.

Table 5: Regional Composition of Party Electorate

	2006 Convention	1995 Universal Ballot
Halifax	37%	28%
Cape Breton	15	15
Rural Mainland	51	58

In embracing the principle of constituency equality, the Tory executive was clearly mindful of the recent leadership travails of the Nova Scotia Liberal Party. On three occasions since John Hamm had been elevated to the Conservative leadership, their Liberal opponents had employed the universal ballot to select their new head. In every instance, the influence of Cape Breton members had been disproportionately high and, without exception, the Liberal Party’s experiences in subsequent general elections had been disappointing. Their most recent all-member vote had elevated Francis MacKenzie to the party leadership in the fall of 2004, but one year on, it seemed certain that MacKenzie would prove to be an electoral mill-stone. Columnists referred contemptuously to the “bombastic vacuum otherwise known as Francis,”<sup>40</sup> and complained that his speeches were “somehow sounding plastic and saccharine at once.”<sup>41</sup> Little wonder that, in justifying the executive decision, President MacDonell commented: “We certainly looked at the process the Liberal party has followed and the results the Liberal party has obtained.”<sup>42</sup>

That the Tory leadership rules were designed to induce the candidates to seek backing in all parts of Nova Scotia did not mean, however, that there would be no regional variations in delegate support. In fact, as Table 6 makes clear, the ubiquitous “Neighbourhood Effect” was very much in evidence. Each of the three candidates received disproportionate support from the delegates from their area, and if voting were restricted to each candidate’s home county, there would have been three different winners. The loyalty of Cape Breton is particularly noteworthy. MacDonald won the support of every delegate from his home county of Inverness and his support on the rest of the island was also strong. More than 80% of Cape Breton delegates opted for MacDonald on the first ballot. LeBlanc was also popular in his home region winning the votes of 88% of the Yarmouth county delegates. He also won 88% of the vote in neighbouring Digby county and 70% in the adjacent county of Shelburne. Black was also the beneficiary of the “Neighbourhood Effect” winning 52% of the votes cast by residents of Halifax county. However, not only was Black’s neighbourhood support less overwhelming, it did not extend to adjacent counties.<sup>43</sup> MacDonald was far more popular among delegates from Guysborough and Hants, while LeBlanc carried the support of a majority of Lunenburg delegates.

The loyalty of Cape Breton delegates played a major role in MacDonald’s victory. Absent his Cape Breton vote, MacDonald would have finished third on the first ballot resulting almost certainly in a LeBlanc victory. A vote without Halifax delegates would have left Black off of the second ballot.

Table 6: The Neighbourhood Effect

	Share of Vote in Home County	Overall Vote Share	Neighbourhood Boost
<u>First Ballot</u>			
Black	52%	32%	+20
LeBlanc	88%	32%	+56
MacDonald	100%	36%	+64
<u>Second Ballot</u>			
Black	55%	37%	+18
MacDonald	100%	63%	+37

It is also interesting to note the continued relevance of religion on voting choice in the party. Ninety-three percent of the delegates identified themselves as either Catholic or Protestant and voting divisions on this basis were significant on both ballots. Black won a narrow plurality of 36% of the Protestant vote on the first ballot, but trailed badly among Catholics, garnering just 24% of the vote. MacDonald won almost half of the Catholic vote but trailed both other candidates among Protestant voters. Even on the final ballot, MacDonald carried 71% of the Catholic vote and only 59% of the Protestant vote. On both ballots, Black won the support of most of the delegates who came from a non-Christian religion or claimed no religious affiliation. More than half of these voters were from the Halifax area.

The return to a delegated convention by the Nova Scotia PCs advanced one type of equality (that between constituencies), while retarding another (that between individuals). Such a balance would resonate with those Canadian parliamentary reformers who wish to graft a “Triple-E” Senate on to a “rep by pop” House of Commons. Yet for those who consider democratic institutions to be principally concerned with the representation of people rather than space, this tradeoff is more difficult to countenance.

Most Fair:

It has long been known that institutions are not neutral, that particular configurations of rules and structures can advantage some social actors and disadvantage others. The relative “fairness” of these effects, however, is more problematic. Was it more or less fair that the 1983 federal PC leadership convention which elected Brian Mulroney employed a multiple ballot with a mandatory majority as opposed to a single plurality vote (from which Joe Clark would have been victorious) or some variant of a single ballot Borda count (with a John Crosbie triumph the likely outcome)? No straightforward answer seems possible, even though much was clearly at stake – not merely the fates of these individual politicians, but also the constellation of ideological, cultural and social forces they represented. So it was in October, 2005. Most observers were manifestly aware that the Nova Scotia Tory brass was making a decision of some

import. One noted that the executive's ruling "could cost some contenders any chance of succeeding Premier John Hamm."<sup>44</sup> Another claimed that "for the candidates considering a leadership bid, much could be won or lost with today's decision."<sup>45</sup> In fact, one of the pre-race favourites, Justice Minister Michael Baker, refused even to contemplate a bid until he had been fully apprised of the rules.

Yet while all agreed that the contest's rules were consequential to the outcome, there was no consensus as to which types of candidates would be most advantaged by a particular institutional arrangement. Consider this analysis:

Party insiders yesterday speculated that a one-member, one-vote election might help contenders from rural areas where the Tories are strong – contenders such as Ernie Fage and Rodney MacDonald. A delegates' convention, where the 52 ridings are more evenly represented, might favour city candidates such as Peter Kelly and Bill Black.<sup>46</sup>

Or this one:

Phoned-in or mailed ballots would be popular in the rural mainland, where most Tories live. Metro Halifax has lots of ridings, but fewer party members, and might prefer leaving the decision to delegates... There would be a lot of pressure within the mainland-dominated caucus not to have a delegate system that would favour a metro candidate.<sup>47</sup>

These understandings were clearly predicated on the premise that the leadership electorate under a universal ballot would closely conform to the existing membership rolls. Yet given the fevered membership recruitment drives of previous all-member votes, the validity of this assumption could legitimately be questioned. Thus an alternative, much more plausible, analysis was also in circulation. A delegated convention, went this line of argument, would reflect an

attempt to keep control of the party in the rural areas, where its grassroot ties are strongest. This method also tends to favour candidates whose power bases are primarily rural by limiting the influence that would come from the more populous area of metro Halifax under the OMOV (one member, one vote) model.<sup>48</sup>

From this perspective, maintaining the universal ballot "would be a great boon"<sup>49</sup> to someone such as Bill Black; alas, the candidate himself was to muddy the waters further by coming out in favour of a delegated convention. "We're going to have to fight an election sometime within the next 12 months, and being the winner of a divided party won't be that satisfactory," Black insisted. "I think all of the people who decide to go for it should feel an obligation to really seek support from all parts of the province."<sup>50</sup>

Amid the confusion, Peter Kelly may have had the clearest sense of his own interests. When Hamm announced his resignation, the mayor of the Halifax Regional Municipality "was at the forefront in the speculation over a successor."<sup>51</sup> Kelly did

nothing to discourage such suggestions, but cautioned that much hinged on the forthcoming decision of the party executive. “The process in place will either be inclusive,” he observed, “or it may be, sadly, exclusive depending upon the decisions made.” Driving the point home, Kelly went some distance to praise the party’s 1995 universal ballot:

It worked very well. It was fair. It was open. It was inclusive. It was affordable. And if that’s the approach they take, then I would be encouraged.<sup>52</sup>

Kelly had been re-elected as HRM’s mayor in 2004 with a massive 80 per cent share of the vote, and clearly hoped to put his potent political machine to work in metro recruiting fresh members for the Nova Scotia PCs. Yet after a “backroom tug of war,”<sup>53</sup> the Tory executive opted for a delegated convention, a decision that many interpreted as “an effort to shut (Kelly) out.”<sup>54</sup> If that was, in fact, their intent, it proved successful. Kelly was “clearly disappointed”<sup>55</sup> with the outcome, and despite having commissioned a poll which purported to show that the Tories would enjoy greater electoral success under his leadership than that of any other contender (with Peter MacKay second and Neil LeBlanc third), he bowed out of the race.<sup>56</sup>

Kelly’s decision was presumably based not merely on the fact that the return to a delegated convention would blunt the efficacy of a large-scale recruitment drive in metropolitan Halifax. In actuality, as Table 7 makes clear, there was only a modest increase in new members during the sign-up window and no particular regional bias could be detected. As well, Kelly must have known that the process favoured candidates with

Table 7: Membership Change in the Nova Scotia Progressive Conservative Party

	Nov. 3	Dec. 27	Change	Percentage
<b>TOTAL</b>	<b>6,045</b>	<b>9,519</b>	<b>3,474</b>	<b>57%</b>
<i>Metro Halifax</i>	2,557	3,892	1,335	52%
<i>Outside of Halifax</i>	3,488	5,627	2,139	61%
Average - Metro Halifax	142	216	74	
Average - Outside of Halifax	103	166	63	
Average - Overall	116	183	67	

close links to the government caucus. Conservative MLAs, who would have been largely bypassed under the universal ballot, suddenly re-emerged as potential power brokers at the delegate selection stage. As soon as the contest rules were announced, even little-

known backbenchers began to be courted by possible candidates. “We’re getting some calls. I’m not sure you’d call it love,” observed Ron Chisholm (Guysborough-Sheet Harbour). “It’s an interesting time and they’re after our support, no doubt about it.”<sup>57</sup> Both Neil LeBlanc and Rodney MacDonald, with years of experience in the Tory caucus, were much better situated than neophyte Bill Black to win that support. Community Services Minister David Morse acknowledged that Black was hampered by his status as a political outsider: “Even though he has an outstanding résumé, I think that will present an obstacle to his candidacy.”<sup>58</sup> Ultimately, Black was able to win the backing of only one of the 25 member government caucus (maverick MLA Mark Parent). LeBlanc, by contrast, had 9 cabinet ministers and 3 back-benchers in his entourage, while MacDonald enjoyed the support of 4 ministers and 5 back-benchers. At the delegate selection phase, these endorsements were often pivotal. Thus, Education Minister Jamie Muir, who had blandly observed that “some people who are going to be delegates are going to look to the sitting member to help them with their decision,”<sup>59</sup> was able to deliver all 45 delegates from his Truro-Bible Hill bailiwick to Neil LeBlanc.<sup>60</sup> In contrast, Bill Black’s sparse caucus support obliged him to concentrate on the so-called “orphan” ridings (those without an incumbent Conservative MLA) in metro Halifax and the rural mainland. Even after the delegates had been selected, the influence of sitting MLAs could be detected. Thus, Brooke Taylor, a MacDonald backer, worked hard to ensure there was no backsliding among his riding’s delegates. “Like a doctor with house calls,” noted the Colchester-Musquodoboit Valley MLA, “I have done personal visits with everyone.”<sup>61</sup>

Nor were delegates entirely free from elite manipulation on the convention floor. While the impact of backroom dealings and candidate endorsements on convention voting has often been exaggerated,<sup>62</sup> it is not entirely inconsequential. Bill Black blamed his second ballot thrashing in some measure on the very public decision by Neil LeBlanc and his team to move to the Rodney MacDonald entourage. “The third-place candidate should sit there and let their delegates make their own choice,” complained Black. “If Mr. LeBlanc had sat on his hands, and the cabinet ministers had gone 50-50, it would have been a real different picture. But there it is.”<sup>63</sup> In fact, there was a natural affinity between the camps of the two non-Haligonians; it had long been recognized that the “dream scenario for both of the Tory insiders was to be on a second ballot with Black.”<sup>64</sup> As we saw in Table 2, LeBlanc was in all probability only “leading” his delegates in a direction most were already heading. The endorsement was thus in all likelihood redundant.

Another element important in assessing the fairness and equality of the process is the nature of the electorate. Analysis of conventions has generally noted the relatively elite nature of these gatherings and a tendency to over represent youth and under represent women. Universal ballots, in contrast, tended to provide more representation for women and increased participation by seniors.<sup>65</sup> The switch back to conventions in 2006 had only a modest effect on these matters. As Table 8 shows, women were slightly better represented in the universal ballot as were those without university degrees, while the youth made up a larger proportion of the convention electorate. One would however, find it difficult to argue that the convention delegates were more representative of the Nova Scotian population. Once more, the claim that the delegated convention is “most fair” is far from certain.

Table 8: Characteristics of Voters

	2006 Convention	1995 Universal Ballot
Women	39%	43%
Under 30	11%	8%
60 and older	42%	40%
University Degree	47%	38%

President MacDonell justified his party’s return to a delegated convention as “the most fair, the most equal, and the most exciting way” to select their new leader. Upon closer inspection, however, these claims are difficult to substantiate. True, there was much drama on voting day, but given the low proportion of undecided delegates, the Conservatives were very fortunate in that respect. Equality between constituencies was, in fact, heightened, but only at the cost of introducing a substantial and capricious inequality between individual party members.<sup>66</sup> As to fairness, it seemed entirely irrelevant to the proceedings. The decision to adopt a delegated convention rather than a universal ballot may have advantaged a candidate such as Rodney MacDonald and disadvantaged a candidate such as Bill Black. The reverse decision might well have had the reverse effect. Matters of fairness were simply beside the point.

Can the decision of the Tory brass be justified on more pragmatic grounds? If Rodney MacDonald was the party’s best option to succeed John Hamm, then rejecting the universal ballot at least had some internal merit. Most neutral observers of the race, however, regarded Neil LeBlanc as “the blue chip stock” of the three candidates.<sup>67</sup> One analyst itemized the positive attributes of the former Minister of Finance (the most political experience, the most long-term public exposure, the most charming, the most caucus support, and “by far the best people skills”) before concluding: “On paper, Neil LeBlanc is the best candidate in the Tory leadership race.”<sup>68</sup> Perhaps, but organizational skills (or at least the ability to recognize and retain those who have same) are also an indispensable feature of political leadership, and it cannot be denied that at several points in the campaign, the LeBlanc team was out-organized. His successor may not warrant John Hamm’s extravagant praise (“Rodney is another Angus L.”),<sup>69</sup> and MacDonald’s vapid campaign slogan (“Respected, ready, real”) should at least have set some alarm bells ringing. Nevertheless, while MacDonald received some internal party criticism for only securing a minority government in the June, 2006 provincial election, it is worth noting that he did at least as well as any of the other four Nova Scotia Premiers in the latter half of the twentieth century who assumed the post mid-term (Henry Hicks, Ike Smith, Donald Cameron and Russell MacLellan). Thus, the jury is still out on the collective wisdom of the Nova Scotia Tories in placing Rodney MacDonald at their head.

The Conservatives were not alone in moving back to conventions they were joined in this ‘retreat from democracy’ by their Liberal counterparts who held a traditional convention in April 2007. The decision by the Liberals to move away from universal ballots is perhaps more comprehensible as the party has lost three straight elections and does not even enjoy official opposition status in the Nova Scotia legislature. Blame for this turn of events has been attached to the leaders, particularly Francis MacKenzie, and blame for his selection, as we noted earlier, has fallen to some degree on the leadership process.

While the move to universal ballots was celebrated as a democratic achievement, the retreat from this process in Nova Scotia has generated little controversy, even though, as we show below, the majority of Conservative delegates in 2006 actually endorsed a universal ballot process. A meeting open to all Nova Scotia Liberals to discuss changes to the universal ballot attracted fewer than 200 participants, most of whom supported the return to a delegated convention.<sup>70</sup> The Liberals justified their retreat on their third party status, the lack of excitement involved in their universal ballots, and the need to broaden their base. Concerns were expressed that more than half of the votes cast in recent Liberal universal ballots came from Cape Breton.<sup>71</sup> As a Chronicle Herald editorial summarized, in the Liberal universal ballots:

new members were recruited by competing camps, but they had no lasting commitment to the party. Many instant Grits didn't bother voting for the leader and disappeared from the membership rolls once the choice was made... the party also paid heavily in terms of generating public interest in its races due to the absence of much drama<sup>72</sup>.

The Liberal convention which allowed for a maximum of 30 delegates from each constituency undoubtedly reduced the role of Cape Breton in the process and for the first time in three elections elected a leader without ties to the region. Like the Conservatives, the Liberals also attracted much media attention. However, in terms of engaging Nova Scotians, while more than 20,000 memberships were purchased during universal ballot elections, only 8241 memberships were sold in the party by the February 21 deadline for participation in the delegate selection process.<sup>73</sup> Slightly less than 1400 delegates eventually voted at the late April convention. Excitement apparently need not be accompanied by engagement and parties may well prefer the former.

Although the Liberal constitution indicates that "every person who is a member in good standing... shall have a vote to select the leader"<sup>74</sup> the party's return to convention did not require constitutional changes since the party maintained "Every member is still going to be entitled to vote, to select the delegates... Every member will be included and that meets the criteria in our constitution."<sup>75</sup> However, during the election of delegates, ordinary members could not vote even indirectly for the leader since delegates, unlike the federal Liberal system, were not bound to vote for a particular candidate on the first ballot. It is difficult to argue that the delegates were authorized by the members in their constituency or accountable in any way to those members.

Maurice Duverger in his classic analysis of political parties had an assessment about the nature of participating in leadership selection through delegate election that differs from that of the Nova Scotia Liberal party. As he put it:

Now indirect representation is an admirable means of banishing democracy while pretending to apply it...the mentality of the delegates is never the same as that of those who delegate them... The election of the leaders of a party by a small group of delegates is not the same in character as their direct election by the mass of members.<sup>76</sup>

The Liberals may well have had more cause than the Conservatives to abandon the universal ballot, but even in that party there is likely a degree of blame shifting or scapegoating involved. It seems unlikely that the rise of the NDP in the province can be attributed to the Liberals allowing all members to choose the party's leader. Indeed, three of the leaders chosen by universal ballot must be considered at least modestly successful. John Savage and Russell MacLellan both led the Liberals to election victories and the Danny Graham led Liberals outpolled the NDP in 2003. Finally, if the Liberals' major concern was the over-representation of Cape Breton, they could have used a universal ballot system that treated constituencies equally regardless of membership size.<sup>77</sup>

We conclude our analysis by giving the final word on the merits of universal ballots to the 2006 Conservative delegates. Almost two-thirds of the delegates felt that all members of the party should select the leader. This view was consistent among the supporters of all candidates: only 32% of Black voters, 31% of LeBlanc voters and 28% of MacDonald voters disagreed with the universal ballot voter option. Thus even among party delegates, even before the outcome of the 2006 provincial election, a preference for all-member votes was dominant. Had the question also been put to the 7500 party members who were effectively disenfranchised by the return to a delegated convention, one can reasonably surmise that support for the universal ballot would have been even stronger. The arguments put forward by the Conservative executive were obviously insufficient to convince the Conservative grassroots.

## Conclusion

The enthusiasm of the Conservative executive for abandoning the universal ballot is obvious. We have shown that their rationale for the shift was far from compelling and the threats said to accompany the universal ballot were in all likelihood exaggerated. The 2006 convention was fortuitously more exciting than the preceding universal ballot, but it is far from clear that it was "more fair" or "more equal".

While it is clear that conventions are more compelling to the media, it is not clear how much of this media attention spills over to the general public and it is certainly the case that fewer individuals become directly involved in the process. As we noted earlier, excitement comes at the cost of engagement. Although the Conservatives escaped huge controversy in the delegate selection process, it seems inevitable to us that slate politics will again intrude on the convention process. In any event, the 2006 delegate selection process generated a degree of negative coverage with words like 'underhanded' and 'disruptive' used to describe it.

It remains to be seen whether parties in other provinces will join in this retreat from all-member votes. Certainly, some of the concerns raised in Nova Scotia have not been borne out in other jurisdictions. The Ontario Conservative system permits for the equal weighting of all constituencies and the Alberta Conservative universal ballot in December 2006 attracted wide spread media attention *and* turned more than 144,000 Albertans out to vote in polling stations across the province in snowy and cold winter conditions. Regardless of the reaction of parties, it is almost certain that a potential return to delegated conventions will be greeted with great enthusiasm by those political scientists who clearly missed the convention process.<sup>78</sup>

## Endnotes

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- <sup>1</sup> Ian Stewart and David Stewart, Conventional Choices: Maritime Leadership Politics, Vancouver: UBC Press, 2007, 187-197.
- <sup>2</sup> Halifax Daily News, 4 October, 2005: 2.
- <sup>3</sup> Halifax Daily News, 8 October, 2005: 11.
- <sup>4</sup> Halifax Daily News, 30 October, 2005: 16.
- <sup>5</sup> Halifax Daily News, 31 October, 2005: 10.
- <sup>6</sup> Halifax Daily News, 5 November, 2005: 7.
- <sup>7</sup> Ibid.
- <sup>8</sup> Halifax Daily News, 11 February, 2006: 6. During the speeches, LeBlanc made the unfortunate gaffe (for a former finance minister) of confusing “billion” with “million.” In LeBlanc’s words: “There’s just you, your experience, tens of thousands of public servants and a \$6 million budget to manage.” (Sunday Herald, 12 February, 2006: A3)
- <sup>9</sup> Halifax Daily News, 1 October, 2005: 4.
- <sup>10</sup> Halifax Daily News, 27 July, 2005: 2.
- <sup>11</sup> Halifax Daily News, 16 October, 2005: 6.
- <sup>12</sup> Chronicle-Herald, 4 October, 2005:
- <sup>13</sup> Chronicle-Herald, 22 October, 2005: B4.
- <sup>14</sup> Halifax Daily News, 2 January, 2006: 10.
- <sup>15</sup> Chronicle-Herald, 2 January, 2006: A7.
- <sup>16</sup> Chronicle-Herald, 15 December, 2005:
- <sup>17</sup> Halifax Daily News, 14 December, 2005: 5.
- <sup>18</sup> Chronicle-Herald, 2 February, 2006:
- <sup>19</sup> Halifax Daily News, 12 February, 2006: 5.
- <sup>20</sup> Ken Carty, “Transforming the Politics of Party Leadership,” paper presented at the Annual Meeting of the Atlantic Provinces Political Studies Association, Halifax, 1994.
- <sup>21</sup> Chronicle-Herald, 11 February, 2006:
- <sup>22</sup> Chronicle-Herald, 10 February, 2006: A4.
- <sup>23</sup> Halifax Daily News, 16 October, 2005: 6.
- <sup>24</sup> See Stewart and Stewart, 2007, 239-242.
- <sup>25</sup> See for example John C. Courtney, Do Conventions Matter, Montreal and Kingston: Mc-Gill Queens University Press, 1995, 287.
- <sup>26</sup> Chronicle-Herald, 17 January, 2006:
- <sup>27</sup> Chronicle-Herald, 6 January, 2006:
- <sup>28</sup> The five delegates from the Bedford women’s association were to be elected subsequently.
- <sup>29</sup> Chronicle-Herald, 10 January, 2006:
- <sup>30</sup> Ibid.
- <sup>31</sup> Sunday Herald, 8 January, 2006: A6.
- <sup>32</sup> Chronicle-Herald, 11 January, 2006: A6.
- <sup>33</sup> Chronicle-Herald, 14 January, 2006: B7.
- <sup>34</sup> Ibid.
- <sup>35</sup> Halifax Daily News, 24 January, 2006: 12.
- <sup>36</sup> Chronicle-Herald, 14 January, 2006: B7.
- <sup>37</sup> Our earlier work suggested that the movement to the universal ballot in the Maritimes had not created a large group of ‘tourists’ and uncommitted voters swamping the leadership selection process. See Stewart and Stewart, 48-60.
- <sup>38</sup> Halifax Daily News, 2 October, 2005: 14.
- <sup>39</sup> William Cross, Political Parties, Vancouver: UBC Press, 2004, 94.
- <sup>40</sup> Chronicle-Herald, 21 September, 2005: B3.
- <sup>41</sup> Halifax Daily News, 28 September, 2005: 2.
- <sup>42</sup> Halifax Daily News, 16 October, 2005: 6.
- <sup>43</sup> The stronger nature of the Neighbourhood Effect in rural areas is a recurring theme in Maritime leadership elections. See Stewart and Stewart, 84.
- <sup>44</sup> Halifax Daily News, 1 October, 2005: 4.

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- <sup>45</sup> Chronicle-Herald, 15 October, 2005: B6.
- <sup>46</sup> Halifax Daily News, 30 September, 2005: 5.
- <sup>47</sup> Halifax Daily News, 1 October, 2005: 4.
- <sup>48</sup> Chronicle-Herald, 15 October, 2005: B6.
- <sup>49</sup> Ibid.
- <sup>50</sup> Halifax Daily News, 18 October, 2005: 2.
- <sup>51</sup> Halifax Daily News, 27 October, 2005: 11.
- <sup>52</sup> Halifax Daily News, 6 October, 2005: 2.
- <sup>53</sup> Chronicle-Herald, 15 October, 2005: B6.
- <sup>54</sup> Chronicle-Herald, 22 October, 2005: B4. One member of the PC brass acknowledged that about one-half of the executive had already begun to identify with a particular candidate (and relatively few of these were Peter Kelly supporters) even as they were formulating the convention rules and processes.
- <sup>55</sup> Halifax Daily News, 18 October, 2005: 2.
- <sup>56</sup> Chronicle-Herald, 26 October, 2005: B1.
- <sup>57</sup> Chronicle-Herald, 19 October, 2005: A1.
- <sup>58</sup> Halifax Daily News, 15 November, 2005: 2.
- <sup>59</sup> Ibid.
- <sup>60</sup> Chronicle-Herald, 17 January, 2006:
- <sup>61</sup> Halifax Daily News, 9 February, 2006: 7.
- <sup>62</sup> Conventional Choices: 130-142.
- <sup>63</sup> Halifax Daily News, 12 February, 2006: 4.
- <sup>64</sup> Sunday Herald, 12 February, 2006: A1.
- <sup>65</sup> Cross, .93.
- <sup>66</sup> See David K. Stewart and R.K. Carty, "Leadership Politics as Party Building" in William Cross ed., Political Parties, Representation and Electoral Democracy in Canada, Toronto: Oxford University Press, 2002 for a discussion of how constituency equality creates membership inequality.
- <sup>67</sup> Chronicle-Herald, 17 February, 2006: A5.
- <sup>68</sup> Chronicle-Herald, 8 February, 2006:
- <sup>69</sup> Halifax Daily News, 18 February, 2006:15.
- <sup>70</sup> Halifax Chronicle Herald, 1 November 2006: B1.
- <sup>71</sup> Halifax Daily News, 16 January 2007: 5. The evidence for this claim is not clear. We surveyed voters in the 2003 Liberal leadership election and the proportion of our respondents who were from Cape Breton was just 15%. It may have been the case that many who took out memberships simply did not vote.
- <sup>72</sup> Chronicle Herald, 31 October 2006: A6.
- <sup>73</sup> Chronicle Herald, 2 March 2007: B5.
- <sup>74</sup> As quoted in the Chronicle Herald, 25 October 2006, B1.
- <sup>75</sup> Party President Derek Wells quoted in The Sunday Herald, 29 October 2006: A4.
- <sup>76</sup> Maurice Duverger, Political Parties, London: Methuen, 1964 [1955], 140.
- <sup>77</sup> Such a system was used by the federal Conservatives when they elected Stephen Harper and the Ontario Conservatives in their last three leadership elections. See John C. Courtney, Do Conventions Matter for a valuable discussion of the various forms of universal ballots utilized in different provinces.
- <sup>78</sup> See Stewart and Stewart, chapter 14.