

Creating an Independent Commission for Federal Leaders' Debates

Round Table Report



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The opinions expressed in this study are those of the author and do not necessarily reflect the views of the IRPP or its Board of Directors.

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ABSTRACT

Canada's Minister of Democratic Institutions was mandated by the Prime Minister to create an independent commission to organize political party leaders' debates in federal election campaigns. As part of the consultation exercise launched by the Minister, the Institute for Research on Public Policy facilitated five round tables – in Halifax, Montreal, Toronto, Winnipeg and Vancouver – to seek the views of experts and stakeholders on this reform. This report summarizes what was heard during these events and makes recommendations on how best to proceed with the reform. Notwithstanding some disagreements on certain design features of the commission, the idea of creating such a body received strong support from participants in all five cities. Debates are a unique opportunity for citizens to watch party leaders in action and come to a decision on their votes. Getting the debates right is therefore critically important to the democratic process. Thus, participants agreed that the interest of voters must be at the centre of the commission's mandate, and that the role of political parties and media organizations in setting the parameters for debates should be appropriately framed. In the end, this reform should look beyond recent models and create a new process for organizing leaders' debates that seizes the opportunities of new technologies and strengthens debates as a democratic exercise.

RÉSUMÉ

Le premier ministre du Canada a confié à sa ministre des Institutions démocratiques le mandat de créer une commission indépendante chargée d'organiser les débats des chefs de parti lors des campagnes électorales fédérales. Dans le cadre de l'exercice de consultation lancé par la ministre, l'Institut de recherche en politiques publiques a tenu cinq tables rondes (à Halifax, Montréal, Toronto, Winnipeg et Vancouver) pour recueillir les avis d'un ensemble d'experts et d'intervenants. Ce rapport résume leurs échanges et formule des recommandations sur les meilleurs moyens d'engager la réforme. Malgré certains désaccords sur ses particularités de fonctionnement, les participants des cinq tables rondes ont largement soutenu l'idée d'une commission. Pour les citoyens, les débats des chefs sont une occasion unique d'observer les chefs de parti en action et de choisir celui qui obtiendra leur suffrage, d'où leur importance cruciale pour le processus démocratique. Le mandat de la commission doit ainsi privilégier les intérêts des électeurs, ont convenu les participants, tout en encadrant le rôle des partis et des médias en ce qui touche l'élaboration des paramètres des débats. Enfin, toute réforme doit aller au-delà des expériences et modèles passés pour créer un nouveau processus d'organisation des débats qui intègre les dernières technologies et renforce le caractère démocratique de l'exercice.

INTRODUCTION

Since the first one was held in the federal general election of 1968, televised leaders' debates have become important moments in our country's democratic life. Election after election, voters have turned to debates to assess party leaders and their platforms and make their choice as to who they would like to see become prime minister. Over time, leaders' debates became the campaign experience that would be shared by the highest number of voters: to borrow from the jargon of television, a leader's debate was the one "appointment viewing" moment in the campaign.

In recent elections, technological advancements and changes in the conduct of politics have challenged the way in which the debates have been organized as well as their importance in the democratic process in several ways.

- The multiplication of platforms has allowed for more diversity in the number and format of leaders' debates, as well as in the modes of distribution to the voting public.
- The fragmentation of the party system has put more pressure on formats, which have had to accommodate a higher number of party leaders with a legitimate claim to one of the lecterns on the debate-night stage.
- The tactical imperatives of campaigning and the increased ease with which political parties can reach their voters directly have challenged the assumption that a leader's participation in debates is to be expected, if not obligatory.

Although these changes affected leaders' debates over several campaigns, the issue came to a head during the 2015 general election: more debates were held, but they were distributed across smaller platforms and reached fewer voters than in previous elections. The "debate about the debates" became part of the story of the 2015 election, and the experience highlighted the need to review how debates are managed during elections.

In response, Canada's Minister of Democratic Institutions, Karina Gould, was charged by the Prime Minister in her mandate letter to "bring forward options to create an independent commissioner to organize political party leaders' debates during future federal election campaigns, with a mandate to improve Canadians' knowledge of the parties, their leaders, and their policy positions."¹ The intent of the mandate letter is clear: the government is not considering *whether* to reform how debates are managed but *how* to create an independent commission or commissioner to manage them.

To help shape the recommendations she will make to the Prime Minister regarding the governance of leaders' debates and design issues for the debates themselves, the Minister held a series of round tables across Canada in January 2018, to seek the advice and input of experts and stakeholders into this critical issue for the democratic

¹ Minister of Democratic Institutions Mandate Letter (February 1, 2017), <https://pm.gc.ca/eng/minister-democratic-institutions-mandate-letter>.

process. While the Privy Council Office organized these round tables, it partnered with the Institute for Research on Public Policy (IRPP),² which moderated the events and prepared this report.

As part of this exercise, events were held in Halifax, Montreal, Toronto, Winnipeg and Vancouver. All round tables followed a common agenda³ to ensure that the results could be aggregated into a summary report. The participant list included academics, broadcasters and other media organizations, journalists, stakeholder groups and individuals with experience dealing with leaders' debates.⁴

To ensure that everyone had an opportunity to contribute meaningfully to the discussion, and to encourage all participants to speak freely, the groups were kept to fewer than 20 participants and the events were held under the Chatham House Rule. The discussion was on the record but not for attribution; participants took part as individuals and not as official representatives or spokespersons of their organizations; and participants were not to be quoted outside the room (including in this report) without their explicit prior approval.

The aim of the round tables was to seek advice and input from the expert and stakeholder community to determine whether any consensus exists on how to move to a "commission(er)" model to oversee leaders' debates. What role do debates play in federal elections, and what do citizens expect of them? Who should be involved in decisions on when and how debates are held, and who is to participate? What can be said about the accessibility of debates across multiple platforms, technological considerations, and the desire to ensure diversity in formats to increase the appeal and usefulness of debates in the eyes of voters?

To this end, participants were first asked to reflect on their experience with leaders' debates in 2015. Then, the discussion moved to the advancements and lessons to be drawn from that experience as we consider how best to organize debates in future elections. Finally, participants discussed the "mechanics" of creating a commission or commissioner to manage debates and offered their recommendations to the Minister and the government.

1. LEADERS' DEBATES DURING THE 2015 ELECTION

It was clear from the discussions in all five cities that most participants were frustrated by the way debates were organized during the 2015 election, albeit sometimes for

² Founded in 1972, the Institute for Research on Public Policy is an independent, national, bilingual, not-for-profit organization. The IRPP seeks to improve public policy in Canada by generating research, providing insight and informing debate on current and emerging policy issues facing Canadians and their governments, www.irpp.org.

³ Please see appendix A for details.

⁴ Please see appendix B for the list of participants who agreed to have their names disclosed in this report. Also note that the views of political parties were sought by the Minister outside the round table process described in this report.

opposite reasons. Most participants agreed that a return to the *status quo ante* was not the answer, and also that certain innovations from 2015 should be incorporated into any new proposal to manage leaders' debates in future elections. But almost all agreed that a new way forward was in fact needed.

1.1 Voter confusion on when and where to tune in

Leaders' debates are intended to serve as a tool to help voters come to a view on party leaders, as well as their respective characters and party platforms. When participants were asked to look back on the 2015 election campaign, many of them first noted that voters were confused about which debates should be watched and how they could access them. Unlike previous elections, many more leaders' debates took place than the usual two (one in each of Canada's official languages) organized by the consortium of broadcasters. For the first time, nonconsortium organizations took it upon themselves to organize and distribute debates, creating more opportunities to see party leaders in action but also more confusion as to when and where to tune in. With the larger number of debates, and the different formats, venues and platforms, voters did not know which debates to focus on and therefore many of them tuned in to none. One participant went as far as to say that debates effectively did not happen in 2015 because, if they were not seen by most people, they might as well not have happened at all.

1.2 The pros and cons of going beyond the broadcast consortium

Between 1968 and 2011, a consortium of four broadcasters – CBC/Radio-Canada, CTV, Global and TVA – has been responsible for the organization, production and distribution of leaders' debates in Canada. That changed in 2015, and the comparison between those two models was a major focus of the round table discussions.

While participants acknowledged the legitimacy and *raison-d'être* of the broadcast consortium in years past, as well as the general goodwill of its members, many argued that technological advancements and changes in the news consumption habits of voters diminished the value and relevance of the consortium model. Many participants noted that the resources required to organize a debate had decreased considerably, and the needed expertise had become more widely available, allowing a much larger number of media (and other) organizations to take part in such an event. In 2015, this led to more varied formats and the opportunity to focus on particular policy areas. A strong majority of participants viewed this as the main positive impact of 2015, and a feature that should be retained and explored even further in future election cycles.

The main drawback of 2015 was the limited distribution of the debates that were held, and its impact on viewership. Put simply, the audience for all debates put together in 2015 was less than half of that of 2011 – a serious failure according to most participants. This is true, of course, in aggregate numbers, but the failure becomes even more egregious when one considers subgroups of the voting public. Official language minorities were significantly disadvantaged by the absence of the consortium, as were persons with hearing or visual impairments. Debate organizers were not (and

perhaps could not be) held to the standards of the broadcast consortium for reach and accessibility, with important negative consequences for many voters. In this light, the debates may well have met the requirements as journalistic exercises but failed too many voters on democratic engagement grounds.

During a few of the round tables, the discussion on the accessibility of debates in 2015 led to exchanges on the broadcast consortium's motivation in managing debates. While it was generally recognized that members of the consortium came together years ago to assist the democratic process and that there is in fact little for them to gain from the exercise, some participants viewed them as having too much control over the process. A few participants suggested that it seemed as if the consortium was trying to keep other organizations out of the debate process, a charge that was strongly rejected by those close to the consortium. Others noted the lack of public transparency on the guidelines established to determine who participated in the debate and its format. When informed of the guidelines used by the consortium to determine the eligibility of party leaders in elections prior to 2015, most participants agreed they were by and large the right ones, but the fact that decisions were made behind closed doors undermined the public legitimacy of the process.

It is clear from the discussion that the tensions that arose between the different actors in 2015 remain and will have to be taken into account when considering an alternative governance model.

1.3 Competing visions and interests: Parties vs. media vs. voters

The discussion on the 2015 experience also served to highlight a critical component of the "debate about the debates," which is the sometimes-conflicting perceptions different actors have of the debates themselves.

Political parties understandably view the debates through the lens of their broader election strategies. They offer leaders an opportunity to speak directly to voters, with virtually no intermediary. The parties' approaches to debate negotiation will therefore almost necessarily be shaped by their electoral strength relative to their opponents', as well as their campaign objectives. The politicization of the debate-organizing process was never more public than during the 2015 campaign, when Prime Minister Stephen Harper raised doubts about whether he would even participate in the debates. The ensuing controversy demonstrated how much power the incumbent has to decide how, when and whether the debates will take place, revealing another significant flaw in the way debates are managed. Most participants agreed that decisions on formats and schedules should be shielded as much as possible from partisan considerations and campaign tactics.

The media, on the other hand, view debates largely through the lens of journalism. It is an opportunity to hold leaders to account on behalf of voters – to test their mettle and campaign commitments. Thus, the journalistic quality of the debates is a critical determinant of their success. This is true not just of news organizations themselves,

which need stories to cover politics, but of their conception of the service they provide to citizens. A good quality debate with high production value is more likely to attract voters, which enhances the value of the exercise to the democratic process.

Finally, in the view of most (but not all) participants, voters consider debates to be an exercise in democracy. They are the best opportunity Canadians have to hear directly from the party leaders with a legitimate chance at becoming prime minister and learn about their platforms and their characters. For many voters, it is the one time during the campaign when they focus on the election and their impending choice. Changes in the media landscape and news consumption habits notwithstanding, they remain a critical tool for many voters to decide how to cast their ballot.

While there was no consensus on the degree to which these three visions diverged, many participants believed that some effort must be made to ensure an appropriate balance among these competing views, and that the interests of voters remain at the centre of considerations.

2. THE ROLE OF LEADERS' DEBATES IN FEDERAL ELECTIONS

After expressing their views on the current state of debates, participants were asked to share their thoughts on the role of leaders' debates within the context of Canadian federal elections. Participants unanimously agreed that leaders' debates are an essential feature of any federal election, and that their distinct qualities separate them from other campaign events. They were described first and foremost as the most effective and inclusive way to have a national conversation about the issues facing the country. Many participants also raised the point that debates are a rare opportunity for voters to see leaders of major parties share a stage and answer the same questions. Often during a campaign, parties will craft messages targeting certain demographics, whereas in the context of a nationally distributed debate, politicians are put in a situation in which they must have one message for all Canadians. One participant emphasized that many voters only engage with politics during the federal campaign, so debates are a way for them to understand politicians' personas; debates tend to humanize politicians.

Given their central importance to the electoral process, a strong consensus emerged that debates warranted a more robust governance structure that would depoliticize the process. It should be noted that those who disagreed with the notion of reforming the management of debates felt strongly about their position, but they were very much in the minority.

3. CREATING A COMMISSION OR COMMISSIONER TO OVERSEE LEADERS' DEBATES

The idea of establishing a public commission or commissioner to organize leaders' debates was supported by a large majority of participants across the country. Even

those who opposed any reform seemed to accept that this was the most promising option. But flowing from that broad consensus came many different proposals on defining its mandate and its relationships with the many actors involved. Most agreed that the commission(er) should have the ability to set the ground rules for a certain number of debates, determine guiding principles on issues such as participation and distribution, and oversee how the debates are run. That said, conflicting advice was given on the range of duties that would be fulfilled by the commission(er), as well as its ability to enforce certain decisions in the process.

Some participants thought that an independent commission(er) should be responsible for most – if not all – aspects of organizing a debate, from choosing a moderator and establishing the format and questions to producing the feed that would be provided to any and all media organizations wishing to make the debate available on their platform. This would, in their view, ensure that the interests of Canadian voters were kept front and centre. Other participants countered that (in contrast to news organizations) they worried a commission(er) would not be nimble enough to adapt to changing circumstances in the election campaign. Others still thought the commission(er) should be a small organization that delegates duties to rigorously chosen contributors. As an example, some participants described a small commission that had the final word but that was supported by an advisory group composed of journalists, academics and other knowledgeable individuals that would provide the necessary expertise. Another possibility would be to restrict the role of the commission(er) to oversight, accountability and selecting a competent service provider to produce the debates.

Participants also deliberated on the commission(er)'s role in matters that go beyond logistics. Some participants suggested that the commission(er) should have permanent research capacity to ensure debates keep up with technological advancements and best practices. Others explored the possibility of including a fact-checking dimension in the mandate to counter “fake news” and other more sinister attempts at influencing the debate. The idea of including a public education component in the mandate was also seen positively. That said, participants urged caution against over-reach: the mandate should complement those of other institutions such as the Chief Electoral Officer. Moreover, many participants warned against expecting too many different things from this new office: however successful it might be, such a commission(er) cannot be expected to increase voter turnout and youth engagement.

In the end, most participants tended to advocate a commission rather than a single commissioner. They favoured a limited mandate consisting of organizing one or two debates in each official language that would be broadly accessible on as many platforms as possible. They also supported the notion that media organizations and political parties should inform decisions but be kept at a distance from them. Finally, most agreed the commission should not prevent willing organizations and participants from organizing other debates outside its core mandate.

If the government is to create a commission to oversee leaders' debates, most participants agreed it should be independent from government. For reasons similar

to those cited by the Chief Electoral Officer on November 3, 2017, before the Standing Committee of the House of Commons on Procedure and House Affairs, they believed it should be separate from Elections Canada, although the idea of creating an administrative relationship to avoid duplicating bureaucracies received much support. While not necessarily going as far as giving it the status of an agent of Parliament, that idea was frequently used to describe the independence the commission should have from the government.

4. THE RELATIONSHIP BETWEEN THE COMMISSION AND POLITICAL PARTIES, THE MEDIA AND VOTERS

4.1 Political parties

Throughout the round table process, participants were almost unanimous in their view that the commission would need the support of most, if not all, political parties to be seen to be legitimate in the eyes of voters. That public legitimacy would be essential to the commission's ability to compel behaviour from parties and their leaders. They also agreed that there must be consensus among the major parties to ensure that the individual(s) selected to lead this new office had enough credibility and legitimacy to carry out their mandate.

The tone of the discussion was very different when it came to the degree of party involvement in the organization process. While none of the participants supported a commission where parties and their leaders have any decision-making power, two sides emerged. On the one hand, some participants expressed the view that parties should be able to have their views heard by the commission. In this view, decisions should be arrived at in a public process, not issued by edict. One recurring suggestion was that party representatives could be part of a larger advisory group that would also include academics, journalists and citizen groups, for example. On the other hand, some participants strongly believed that the commission should have no links to political parties whatsoever. From their perspective, parties cannot and cannot be expected to set aside their partisan imperatives and therefore have little to contribute to the commission's work beyond lobbying for rules favourable to their interests. Some went as far as to support the idea of an advisory group but insisted that parties be kept on the outside. The idea of how to frame the relationship between the commission and parties remained contested throughout the round table process.

On the issue of participation, some participants argued that the commission should find ways to compel party leaders to attend, or at least penalize those who opt out. That said, most participants thought the idea unworkable, and even undesirable. The commission should strive to use the legitimacy of debates to condition the behaviour of political parties, but the political consequences of political decisions should ultimately be left to voters.

4.2 Media

The discussion on the media's potential role in the work of the commission was just as contentious, and ran largely along similar lines. On one side, participants insisted that the commission should be independent from the media and directly responsible for all aspects pertaining to organizing and producing the leaders' debates. They believe that media organizations have vested interests in the debates (such as the entertainment value of the format, the participation of certain leaders or the time slot given to debates) and that they would naturally seek to shape debates to suit those interests, possibly to the detriment of the public interest. A middle position emerged that media organizations should be allowed to be part of an advisory group alongside academics, journalists and citizens' groups. According to proponents of a third position on this issue, media organizations would play the role of a "supplier" to the commission, rather than a stakeholder. Those interested in organizing the debates that fall under the commission's responsibility would be invited to submit proposals to the commission – including a financial proposal – for their debate. The successful bidder would then act as a "host broadcaster" for the debates, not unlike Olympic Games coverage.

Regardless of the model chosen, many participants argued that it was neither possible nor necessary for the commission to build in-house production capacity and that broadcasting organizations should continue to provide the needed expertise in this regard. Others were less convinced, arguing instead that if nonbroadcast media companies could produce debates in 2015, the commission could do so in future just as well.

In the end, it was agreed that, whatever relationship the commission had with media organizations, it should engage all media – including TV, radio, print and social media.

4.3 Voters

Participants were unanimous in their view that voters' interest must be at the core of the commission's mandate and this trumps the interests of all other actors involved. Many participants argued that not only should voters' interests be paramount, but that they should be given a voice in the commission's structures and processes, and that these should be open and transparent. Specific suggestions included public consultations, an online platform to submit questions for the debates themselves, public opinion research, and community outreach to ensure that the views expressed to the commission are reflective of the diversity of the country.

5. THE STRUCTURE OF THE COMMISSION

To carry out its mandate, the commission must be organized in a way that would safeguard the interests of voters. To that end, participants put forward their perspectives on various aspects of the commission's structure:

- How should the commissioner be selected?
- Who should it report to and how should it be financed?
- Should it carry out its activities internally or delegate them?
- What activities should it conduct besides organizing debates?

As previously noted, participants agreed that to ensure the authority and legitimacy of the commission, the commissioner must be near-unanimously approved by parties in Parliament. One participant suggested a two-thirds majority just in case the unanimity condition leads to deadlock among the parties. Participants also discussed the selection criteria that they believed should be used to evaluate different candidates. There was general agreement that the commissioner should not be a career public servant but rather someone with gravitas who has expertise in a relevant field. Participants differed on whether the commissioner can have a partisan background or not. Those who were opposed said that they were afraid that any partisan affiliation could undermine the legitimacy of the commission because some party leaders could use the affiliation as an excuse to miss the debates. Others argued that a partisan past should not necessarily disqualify someone from serving in the position. Finally, a number of participants insisted that the selection of individual commissioners must lead to a fully bilingual commission.

Once created, most participants believed the commission should be answerable to voters, most likely through Parliament. Moreover, given the central importance of debates to the electoral process, and consistent with the public funding of Elections Canada, it would be legitimate for the commission to be fully supported by public funds.

Participants agreed that the commission should be inclusive in its decision-making. Nonetheless, they had differing perspectives on what that would look like in terms of institutional structure. Regarding content, participants almost unanimously agreed that an advisory group should be put in place to provide feedback to the commission on format and content. While the participants who expressed themselves on the matter believed that the advisory group should be nonpartisan, there was debate on what that meant practically. Some thought that it should be entirely academic, others that journalists and civic groups should be included, and finally some wanted to include representatives from parties and/or the media – at least on format and broad themes, if not on content. Participants also insisted that Canadian voters must be included in the decision-making process.

Regarding the production of the debates themselves, participants were split into two groups. One group believed that the commission should have a production wing that would be responsible for producing the debates and making the feed accessible to all organizations who request it. The commission would have the ability to contract for services but would oversee the operations. A subset of this group suggested that production responsibilities could be assigned to CBC/Radio-Canada as a service provider to the commission, as such a mandate would be consistent with that of a public broadcaster. The other group believed that, in order to ensure a high-quality feed, established broadcasters would have to produce the debates. In their view, the

commission should be a rule-setter rather than a producer. A few within this group suggested the competition-style process of “broadcasters as service suppliers” described above.

Finally, participants also discussed whether other activities should be performed within the commission. For some, the commission should only be active during election periods and should be reduced to a small office staffed by one or two individuals between elections. However, most participants did not think this was realistic or advisable. At a minimum, in the case of a minority government, the commission should be election-ready at all times, for obvious reasons. Furthermore, at least one participant in each city mentioned that the commission should have research capacity that would ensure it kept up with best practices in producing debates as well as the priorities of Canadians. A few participants insisted this research process would be necessary to constantly adapt the commission’s work to the changing demographic and media landscape in Canada. In addition, a large contingent of participants said that the commission should have a role in educating Canadians but that it should not duplicate the work of others, notably Elections Canada. Lastly, a participant suggested that the commission could also serve as a resource for those who would like to organize debates at the local level during federal elections.

6. GUIDING PRINCIPLES OF THE COMMISSION

Beyond structure, participants debated the principles that should guide the commission’s decision-making process. Four main sets were discussed: transparent vs. discreet, rigid vs. adaptable, innovative vs. traditional, and entertaining vs. educational.

6.1 Transparent vs. discreet

Many participants across the country criticized the current debate organization process for being opaque. They objected to the fact that debates were negotiated by two private stakeholder groups – the media consortium and the participating federal parties – with potentially limited regard for the public interest. To counter this trend, participants nearly unanimously called for an open and transparent process. As one participant explained, the organization of debates must be seen by the public, it cannot just happen. Many participants went further and insisted that the commission must democratize the process by consulting Canadians and including them in its decision-making.

6.2 Rigid vs. adaptable

Most participants believed that the commission should have the flexibility to adapt to changing circumstances. In every city, at least one participant put forward the idea of building a commission that has the capability to self-evaluate and evolve over time. They argued that many aspects of society – notably the media – are changing at a rapid pace. Even a decade ago, Facebook and Twitter were still niche platforms, but now they are among the chief ways that Canadians consume political information. As a result, they suggested that the commission should find metrics to monitor its success

and have the capacity to alter itself to suit the needs of an evolving society. This should include monitoring peer institutions in other countries to maintain the most up-to-date structure, rules and format possible.

6.3 Innovative vs. traditional

If participants agreed on one positive aspect of the 2015 leaders' debates, it was their approval of the diversity of debate formats. Organizations coming into the process with new ideas and perspectives on the best way to share leaders' positions with Canadian voters was a definite improvement. Participants also mentioned that technology and changing social norms should be considered in the way debates are organized going forward. Consequently, participants agreed that innovation should be one of the guiding principles of the commission. Throughout the discussion on innovation, however, it was clear that some "established" past achievements regarding reach and accessibility needed to be preserved.

6.4 Entertaining vs. educational

Participants agreed that the principal role of the debate should be to inform voters and help them make their choice on election day. Therefore, most participants thought that the commission should organize debates around the notion that they should be primarily educational exercises. However, a few insisted that the entertainment value of debates – and its impact on the number of viewers – should not be discounted entirely.

7. CIVIC EDUCATION

Leaders' debates are a means of educating the public about the issues facing the country and the policy positions of different parties. On that issue, participants all agreed that the principal role of debates is to inform and educate voters about the choices before them. The other main facet of a civic education mandate would be to socialize Canadians on the importance of the debates themselves and citizen engagement in them. This would be done through various education campaigns and activities organized by the commission. While a majority supported this proposal, participants agreed that the commission should not compete with other institutions but collaborate with them to carry out its civic education mandate. Furthermore, additional elements of its mandate should not be so burdensome as to distract the commission from its core function of organizing debates.

8. WIDE ACCESS: MEDIA PLATFORMS, DISTRIBUTION AND COPYRIGHT

At the moment, television remains the main medium that Canadians use to access the debates. However, with demographic shifts and changing media habits, more

and more individuals will move away from television and toward newer platforms such as social media or streaming services to access election debates – often on their own time. Thus, a majority of participants argued that the commission must always be aware of media developments and strive to adapt its work to whatever new platforms arise.

That said, there was a consensus in all cities that the commission should be mindful of the fact that many communities – rural and remote, low-income and Indigenous – still do not have access to a reliable or affordable Internet connection. Furthermore, many Canadians are not yet proficient with technology. Experimenting with new platforms should not be done at the expense of accessibility. At least for the time being, therefore, the commission must ensure that it still provides access to the debate through traditional media. As one participant put it, the commission should think about Twitter, yes, but also about “rabbit ears.”

Some participants argued that there is also an opportunity to allow nontelevision traditional media to carry the debate, notably radio, magazines and newspapers. Until very recently, they had been excluded because of the high costs of producing and/or airing the debates. *Maclean's* and the *Globe and Mail* broke the trend by organizing their own debates and streaming them on their websites. In fact, radio and print media can provide access to a different audience from both television and online platforms and should be engaged to increase accessibility.

Throughout the consultation process, many participants made the point that debates should be platform-agnostic and that all media organizations, big and small, should have access to the commission's debate feeds for distribution via their platforms. At the moment, though, television is still the medium that can reach the largest number of Canadians. Participants agreed that, if all current broadcast consortium members aired the new commission's debates, it would help maximize reach. However, the question on how to incentivize them to do that was perhaps the most intensely deliberated question of the round table process.

On one side, participants argued that the commission should mandate the main broadcasters to air the debates. They argued that a requirement to broadcast the debates sanctioned by the commission could legitimately be made a condition of licence. Opponents of this view questioned how such a mandate could be imposed on some broadcasters and not others, or even other media organizations. More fundamentally, they also rejected the very notion of using coercion to force broadcasters to air the commission's debates. Instead, they suggested the commission should offer a free feed that any media platform could tap into if it so chose, provided it complied with certain terms and conditions. A middle-ground option was also suggested by a few participants: the commission could mandate CBC/Radio-Canada as the public broadcaster – and the only broadcaster with pan-Canadian reach in both official languages – to air its debates, while encouraging others to use the feed without coercion. In the end, no consensus was reached on this contentious matter.

The issue of copyright was also brought up in almost all cities. Many participants praised the idea of having a free feed that could be carried by virtually any media platform and shared without risk of copyright infringement. However, some participants worried that, if the commission does not control access to the feed to some extent, the debates could be subject to doctoring and might be altered beyond recognition on certain platforms. They explained that technology has reached a point where even artificial intelligence can alter speech and video in a very realistic way. While almost everyone agreed that we should move away from copyright-protected access, protecting the integrity of the feed should be a central concern for the commission, and it should be reflected in the terms and conditions imposed on those who want to distribute it.

9. INCLUSIVE ACCESS

Across the country, many participants complained that past debates were not produced inclusively. Four groups of people were identified as having been particularly affected: Canadians living in rural and remote communities, Canadians with disabilities, new Canadians who have difficulty with French and/or English, and official language minorities.

- Canadians living in rural and remote communities – including on-reserve Indigenous peoples – do not have access to the same services as Canadians living in cities or suburbs. As such, the commission must ensure that at least one quality media platform carrying the debate is able to reach these communities.
- Canadians with disabilities have often been forgotten in the design and production of the leaders' debates. Closed-captioning has often been inaccurate and rarely delivered in a timely manner, which limited some individuals' ability to follow the debate in real time. At times, only English interpretation would be provided, even though many people with hearing impairments are proficient in American Sign Language (ASL) and not necessarily English. Furthermore, closed-captioning was often excluded from the video stream posted after the debate, or the debate was posted on a website that is not accessible to persons with hearing or visual impairments. As one participant argued, if having accessible booths at polling stations is important for Elections Canada, having accessible debates should be a priority for the new commission.
- It was noted that many new Canadians may face language barriers that prevent them from participating in the electoral process and watching debates. Participants argued that, if the commission were to make a feed available free of charge, it could work with ethnic media organizations to have interpretation in languages other than English and French.
- Participants noted that official language minority communities often have few options and limited access to media in the official language of their choice. The mandate of the commission should therefore reflect the values and principles of the *Official Languages Act*.

As a final observation, participants championing the cause of these groups argued that this issue went beyond access, as debates rarely had any content that addressed the concerns of their community. They believe that the commission should be more inclusive in its content choices, not just the accessibility of the production.

10. LOGISTICS OF THE DEBATE

10.1 Leaders' participation

Participants discussed how, in recent election cycles, there have been questions as to why Elizabeth May, the leader of the Green Party of Canada, had been excluded from leaders' debates even though her party is represented in Parliament and usually receives over 5 percent of the popular vote. The decision had been made based on criteria that were known to political parties and debate organizers but not the public. Moreover, the rationale for the decision was not communicated and defended in the public square. As a result, many participants have asked that the new commission set clear and transparent rules to justify its choice of leaders to be included in debates at the start of the planning process. Largely mirroring the ones already used by the consortium, proposed criteria included polling results, number of seats in the House of Commons, running a candidate in every riding, meaningful participation in daily politics, a full-time leader, and having a leader who is proficient in the language of the debate.

As noted in section 4.1, the attendance of party leaders was a controversial topic of discussion. While a majority of participants saw the events that unfolded in 2015 following Conservative Party Leader Stephen Harper's decision not to participate in consortium-led debates as negative, not everyone thought the commission should tackle this issue. In all cities, at least one participant proposed that certain mechanisms be put in place to coerce party leaders to take part in the new commission's debates. The suggested penalties that would be applied to absentee parties included reducing the amount reimbursed for campaign expenses and reducing free air time provided to parties at election time. In contrast, others said that they did not see this issue as problematic. They believed that, if the commissioner is chosen by all parties, and if the debates are seen as important and legitimate by the voting public, it would be more difficult for leaders to justify missing a debate. In their view, shame and social pressure could also be effective ways to encourage leaders to take part in debates.

10.2 Number of debates

Participants near-unanimously agreed that the commission should organize one or two debates in each official language per election campaign and focus its efforts on ensuring that these were of high value to voters. A few participants suggested that the commission should also organize smaller, more issue- or region-specific debates, but that idea was not supported by the majority. Rather, the commission should focus on those few "core" national debates, while not putting limitations on other organizations

wanting to produce their own debates. Not only would this likely increase the total number of debates, but it would also allow for greater experimentation in participation, format and dissemination.

10.3 Official languages

All participants agreed the commission should organize at least one debate in each official language. Moreover, some argued that the French-language debate has traditionally been too focused on Quebec, with little regard for the 1 million francophones living outside Quebec. In addition, many participants argued that both ASL and Quebec Sign Language should be available at all debates.

10.4 Time and place

On both time and place, many participants argued that debates have been too focused on central Canada. Debates are usually held in Toronto, Ottawa and Montreal, and the timing usually suits people living in those cities. In British Columbia, the debates usually take place around 3:00 pm, which makes it very difficult for most west-coast Canadians to watch debates live. Participants suggested that the commission should be more mindful of the impact of such decisions on voters in regions other than central Canada and determine how to make watching the debates as convenient as possible to as many voters as possible.

Regarding venues, a few individuals also advanced the idea that the commission should organize debates in colleges, universities and even museums rather than television studios to better frame them as an exercise in education and culture.

RECOMMENDATIONS

A number of specific recommendations were made by participants throughout the round table process. In other instances, recommendations were discernible from the nature and tone of the exchanges and the level of agreement or consensus on issues raised over the course of the discussions. The following is a summary of recommendations, which are based on the IRPP's assessment of what was heard throughout this consultation exercise.

1. The Government of Canada should proceed with the creation of an independent body to oversee leaders' debates during federal election campaigns.

Based on the discussions held throughout the round table process, there is clear support for the idea of creating an independent body. The proposal received broad support at every round table, often enthusiastically so. Even those participants who supported the status quo over any proposal for reform seemed to agree that it was the reform option they preferred. In fact, no other reform option was raised in any meaningful way at any of the round tables.

2. The government should opt for a commission over an individual commissioner.

Most participants agreed that the independent body would be more effective if it were led by a small group rather than a single individual.

3. The independent commission should have, and be seen to have, broad support from political parties, and it should report to the public, not to the government.

The process of creating such a commission should include some opportunities for political parties to express their opinions and ultimately their support for this reform. Moreover, while most round tables did not go as far as to declare that the commission must have the status of an agent of Parliament, there was strong support for the importance of having similar independence, authority and accountability mechanisms.

4. The commission should be fully supported by public funds.

Consistent with the important role debates play in an election campaign, as well as the established practice of publicly funding elections themselves, the commission should be fully supported by public funds. Of course, measures must be put in place to ensure this is done prudently and in the interests of taxpayers, but the principle of supporting this public process with public funds is sound.

5. The core mandate of the commission should be to organize a few key debates and should not preclude other organizations from producing similar activities or events that would fall outside that mandate.

The diversity in the format of debates in 2015 was widely viewed as a positive innovation that should be preserved in future. The mandate of the commission should focus on one or two debates in each official language and ensure its highest possible value to voters and widest possible distribution. It should not, however, bar other organizations from organizing other debates, be they with party leaders or other spokespersons. The aim of this reform should be to “universalize” access to one set of comprehensive debates, and then allow others to pursue their own initiatives.

6. The process led by the commission should seek input from media organizations and political parties, but also academics, stakeholders and citizens, in an open and transparent manner.

In establishing rules, timetables and formats for leaders' debates, the commission should seek input in a transparent way. Eligibility criteria and other principles that will guide the commission's work should be communicated to the public at the outset, and deliberations should be conducted in full view of the voting public.

7. In matters related to the participants, timing and format of debates, the commission should be the only decision-making authority and should be held to account for its performance after each election cycle.

Once advice from outside groups has been received, the commission should decide how debates will be conducted on its own. It should proactively disclose the rationale for the decisions it makes regarding debates prior to an election, and then be held to account for its results after an election.

8. Beyond persuasion, the commission should not compel the participation of party leaders.

While this was not a unanimous view, the majority of participants felt that participation in debates was a political decision best left to the party leaders and their campaign teams. The penalty for failing to do so should therefore also be political in nature. Let voters decide the price of not participating.

9. The commission can consider making the distribution of the debates mandatory for some media outlets, while encouraging others to follow suit.

While not unanimous, and in contrast to the views on party leaders' participation, there seemed to be greater support for the notion that some media outlets could be compelled to carry the debates to ensure wide access. Many believed that this could come with some financial compensation for those on whom it has been imposed. Other outlets that simply chose to carry the debates should be encouraged to do so and should have access to the feed at no cost, but in these cases, compensation would not be required.

10. The leaders' debate feeds should be made available free of charge to media organizations that wish to carry them, but this must come with strict terms and conditions to protect their integrity.

To encourage the largest number of media platforms to carry the debate feed, the commission must move away from the copyright protection model and allow free access. However, strict terms and conditions must be attached to allow the commission to control the use of feeds and maintain the integrity of debates.

11. Accessibility issues related to geography, language and ability must be paramount.

These issues must be explicitly included in the commission's mandate. Related performance indicators must be made public prior to an election and must be reviewed specifically when the commission's performance is assessed.

12. The commission should be a permanent operation.

While the intensity of its activity is likely to vary, the commission should be allowed to maintain its operations throughout the election cycle. This will allow it to keep up with technological advancements and best practices and be ready should an election be required sooner than anticipated. This would also allow the commission to play a public education role in support of what is already being done by Elections Canada.

CONCLUSION

Leaders' debates are an important feature of federal elections. Getting them right is therefore critical to the democratic process. Rightly or wrongly, the process in the most recent election was seen by many to have been tainted by considerations other than the public interest, and it is widely felt that it must be depoliticized. The broad support heard throughout the round table process in favour of creating an independent commission should therefore not come as a surprise.

In addition to the recommendations outlined above, a few concluding observations can be made from the comments and advice received from participants in all five cities. First, the interests of voters must be at the centre of this reform, outweighing all other considerations. This principle should be reflected not just in the decisions made on debate format and content, but on the governance of the commission itself. Second, journalistic ideals should continue to shape the exercise, even if the mechanics of media participation in debates evolve. Voters will need a high quality debate focused on content and with high production value to attract their interest. Third, as a core component of election campaigns, debates are political exercises. Any new process must be open and transparent – and the commission's decisions must be depoliticized – but it is neither possible nor desirable to completely remove politics from what is in essence a political event. Rather, politics should be framed and channelled appropriately, but not ignored.

Finally, the commission should be built to last. It should be able to adapt to changing voter debate preferences, different party configurations, and ever-evolving societal circumstances. It is more important, therefore, to get it right than to get it soon. This does not mean that no reforms can be implemented before the next federal election, in October 2019. But it might mean that it is worthwhile to consider some changes that can put us on the path of reform prior to the election, with other changes coming after the vote to consolidate the changes already made.

APPENDIX A

Round Table Agenda

Halifax, Nova Scotia – January 15, 2018, 1:00 pm to 4:00 pm

Toronto, Ontario – January 17, 2018, 9:00 am to 12:00 pm

Winnipeg, Manitoba – January 22, 2018, 1:00 pm to 4:00 pm

Vancouver, British Columbia – January 23, 2018, 9:00 am to 12:00 pm

Montreal, Quebec – January 26, 2018, 9:00 am to 12:00 pm

All sessions were moderated by IRPP President Graham Fox

Welcome and Introductions

- Introduction of participants
- Purpose and objectives of this consultation exercise
- Rules of engagement

Session 1: The Role of Leaders' Debates in Federal Elections

- What do citizens expect from leaders' debates?
- What role do debates play in an election, and how important are they?
- How are they viewed by political parties and the media?
- What have been the pros and cons of our experience with leaders' debates during the most recent federal elections (since 2006)?
- What is it, precisely, that we are trying to fix?

Session 2: Establishing an Independent Commissioner for Leaders' Debates

- What values or principles should guide the process of establishing the independent commissioner?
- What options should be considered, and what should be avoided?
- What should be the mandate of the Commissioner, in relation to the role of political parties and their leaders, as well as the media?

BREAK

Session 3: Recommendations to Government

- What considerations should the government keep top of mind in moving ahead with this reform?

Concluding Remarks

APPENDIX B

Round Table Participants

(Please note that these lists include only those individuals who consented to having their names disclosed in this report)

Halifax

- Andy Fillmore, Parliamentary Secretary to the Minister of Democratic Institutions
- Ulrike Bahr-Gedalia, President and CEO, Digital Nova Scotia
- David Bentley, Media Entrepreneur, Eastlink, and allNovaScotia
- Ghislain Boudreau, President, Fédération acadienne de la Nouvelle-Écosse
- Tristan Bray, Executive Director, StudentsNS
- Tim Currie, assistant professor and director of the School of Journalism, University of King's College
- Pamela Lovelace, Nova Scotia Chapter Chair, Equal Voice
- John Paul, Executive Director, Atlantic Policy Congress of First Nations Chiefs Secretariat
- Elliott Richman, Assistant Director, Deaf Outreach, Deafness Advocacy Association Nova Scotia (DAANS)
- Terra Tailleux, assistant professor, School of Journalism, University of King's College; Vice President, Canadian Association of Journalists

Toronto

- Hon. Karina Gould, Minister of Democratic Institutions
- John Beebe, Senior Adviser, Democratic Engagement, Ryerson Faculty of Arts
- Mark Bulgutch, contract lecturer, Ryerson University
- Colin Campbell, Managing Editor, *Maclean's*
- Kevin Chan, Head of Public Policy, Facebook Canada
- Supriya Dwivedi, host, AM640 Toronto
- Anna Esselment, associate professor, University of Waterloo
- Rudyard Griffiths, chair, Munk Debates and Anchor, Bloomberg North
- Jennifer Hollett, Head of News, Twitter Canada
- Jason J. Kee, Public Policy and Government Relations Counsel, Google Canada
- Anton Koschany, Executive Producer, W5, CTV Elections, CTV News
- Jennifer McGuire, General Manager and Editor in Chief of CBC News, CBC Canada
- Trina McQueen, adjunct professor, Schulich School of Business, York University
- Troy Reeb, Senior Vice President, Global News, Corus Radio and Station Operations
- Maria Saras-Voutsinas, Executive Director, National Ethnic Press and Media Council of Canada (NEPMCC)

- Tamara Small, associate professor, Department of Political Science, University of Guelph
- Lauren Strapagiel, Managing Editor, BuzzFeed Canada
- Natalie Turvey, Executive Director, Canadian Journalism Foundation

Winnipeg

- Andy Fillmore, Parliamentary Secretary to the Minister of Democratic Institutions
- Gerry Bowler, senior fellow, Frontier Centre for Public Policy
- Bob Cox, publisher, *Winnipeg Free Press*
- Shelly Fletcher, Executive Director, People First of Canada
- Sophie Gaulin, Director General and Editor-in-Chief, *La Liberté*
- Janet Hunt, Winnipeg Chapter President, Alliance for Equality of Blind Canadians
- Jean La Rose, Chief Executive Officer, Aboriginal Peoples Television Network
- Doug Momotiuk, treasurer and past-president, Canadian Association of the Deaf
- Tamara Pound, Business Development Manager, New Media Manitoba
- Shannon Sampert, associate professor, Department of Political Science, University of Winnipeg
- Paul Thomas, professor emeritus in political studies, University of Manitoba; member, Elections Canada Advisory Board
- Helen Wang, Agent General, National Ethnic Press and Media Council of Canada
- Mary Agnes Welch, Research Associate, Probe Research Inc.

Vancouver

- Andy Fillmore, Parliamentary Secretary to the Minister of Democratic Institutions
- Alireza Ahmadian, writer and researcher, New Canadian Media
- Maxwell A. Cameron, Director, Centre for the Study of Democratic Institutions, University of British Columbia
- Padminee Chundunsing, President, Fédération des francophones de la Colombie-Britannique
- Alfred Hermida, director and associate professor, Graduate School of Journalism, University of British Columbia
- James Ho, President, Mainstream Broadcasting Corporation
- Bhupinder S. Hundal, founder and Social Media Consultant, CrossConnectMedia
- Kirk LaPointe, Editor-in-Chief and Vice-President, *Business in Vancouver*
- Gino LeBlanc, Executive Director, Office of Francophone and Francophile Affairs, Simon Fraser University
- Tara Mahoney, West-Coast Project Coordinator, Apathy is Boring
- Christopher Malmo-Laycock, member of the Bboard of directors, Public Interest Advocacy Centre
- Harold Munro, Editor-in-Chief, *Vancouver Sun*

- Taylor Owen, assistant professor of digital media and global affairs, University of British Columbia; senior fellow, Columbia Journalism School
- Daniel Savas, adjunct professor, Simon Fraser University, School of Public Policy
- Chris Tenove, postdoctoral research fellow, University of British Columbia
- Steve Weldon, associate professor and Director of the Centre for Public Opinion and Political Representation, Simon Fraser University

Montreal

- Hon. Karina Gould, Minister of Democratic Institutions
- André Blais, professor, Canada Research Chair in Electoral Studies, Université de Montréal
- François Cardinal, Editor in Chief, director of the debates section, *La Presse*
- Julie Caron-Malenfant, General Director, L'Institut du Nouveau Monde
- Michel Cormier, General Manager, News and Current Affairs – French Services, CBC/Radio-Canada
- Jacinthe Gagnon, Quebec Chapter Chair, Equal Voice
- Caro Loutfi, Executive Director, Apathy is Boring
- Catherine McDonald, Director, CIVIX-Quebec, CIVIX
- Daniel Morin, Vice-President Production, VICE Media, Inc.
- Patrick White, Editor-in-Chief, Huffington Post Québec



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