



IMPROVING ACCOUNTABILITY

(ELECTING A PREMIER)

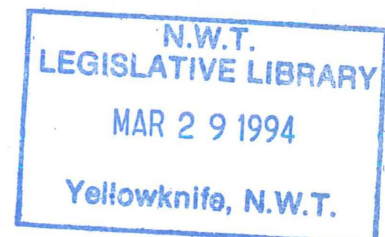
There are two models to choose from if a territorial premier is to be elected through popular vote.

The first model is based on the municipal (city) system in which the public votes for the mayor and alderman in two separate but simultaneous elections. The second model is a further evolution of the current system in the Legislative Assembly in which there are two successive elections: one to choose MLA's, a later one to elect a premier.

The two systems will be described together with a commentary on the pros and cons of each system.

MODEL X MUNICIPAL (CITY) MODEL

- 1) The candidate for premier and MLA appear on two separate ballots.



- 2) The election for premier and MLA are held on the same day using the same polling station.
- 3) A person cannot be a candidate for both premier and MLA.
- 4) There is no process to limit the number of candidates for premier.
- 5) There is no deposit required to be a candidate for premier.
- 6) There is a nomination process. (Currently nominees for mayor require two signatures).
- 7) Qualifications required by candidates for premier are similar to those for mayor with regard to age, citizenship, and residency.
- 8) The person elected as premier becomes chief executive officer in the same way a mayor does.
- 9) The premier elected at large has no constituency.

- 10) The 25th seat currently allowed by legislation but not currently utilized would be filled by the leader.

ADVANTAGES

- A. The premier would be declared elected at the same time as MLA's.
- B. The premier and cabinet could be sworn into office at the same time and no "caretaker" arrangements are required during the period of the leadership election.
- C. The system is already in place for the municipal (city) election and is well understood.
- D. The system is simple, efficient and frugal.
- E. Because the premier is not elected as an MLA he/she can concentrate on territory-wide issues without the burdens of serving a constituency.

DISADVANTAGES

- A. The system will attract candidates who wish to be premier and nothing else.
- B. It is difficult to be nominated at large in such a wide area as the NWT.
- C. The legislature would be enlarged by an extra seat.
- D. The authority of the Legislative Assembly is entirely eliminated.
- E. Following the municipal model, the premier could only be replaced following resignation, death or if found guilty of a criminal offence.

MODEL Y MODIFIED CONSENSUS

- 1) To avoid a public nomination process and the possibility of attracting nominees who are only interested in being premier, nominations for premier will be limited to MLA's who have already been elected in a

general election.

- 2) Any MLA could be a leadership candidate and a nomination process is needed in the Territorial Leadership Committee immediately following a general election.
- 3) Candidates for premier must be nominated and seconded in the Territorial Leadership Committee in the Legislative Assembly.
- 4) The Territorial Leadership Committee of all 24 MLA's will play a role in confirming a final list of candidates for premier.
- 5) The Territorial Leadership Committee is the forum to commence the process towards electing a premier.
- 6) By motion the Territorial Leadership Committee consisting of all elected MLA's will reduce the number of nominations to an agreed or number (three, for example) by secret ballot.

- 7) The process to reduce the list of nominations will include speeches by nominees and questioning of nominees by MLA's on their platforms.
- 8) Even if there are only two or three candidates nominated, nominees will still be requested to make speeches and answer questions by MLA's before the list is confirmed.
- 9) If only one MLA is nominated, the nominee is requested to make a speech and answer questions by MLA's before being acclaimed and confirmed as premier by formal motion in the Legislative Assembly.
- 10) When the Territorial Leadership Committee confirms the list of nominations the Legislative Assembly is convened. A speaker is chosen and a formal motion to call a leadership election is made.
- 11) Until a premier is confirmed by an election, "caretaker" or interim arrangements must be made for the executive function of government.
- 12) The premier will have the power to choose his or her cabinet following

the leadership election.

- 13) Although the premier's mandate is strengthened through a leadership election by popular vote the legislature retains the power to remove the premier through non-confidence motion in the Assembly.
- 14) To remove the premier through a non-confidence motion would require 75% vote of the Assembly. This means that 17 out of a total of 23 members (excluding the speaker) would be needed to carry a vote of non-confidence motion if they wished to remove the premier from office.
- 15) In the leadership election the principle of "one person, one vote" should be adhered to. To ensure that the leader is not elected by weight of number in the large centres, a single transferable vote system is used. People will be asked to rank order their preferences.
- 16) Each leadership candidate nominated will qualify for an election grant to conduct a campaign.

17) Other contributions to a campaign should have strict limits.

ADVANTAGES

- A. The Legislative Assembly would be involved in the nomination of leadership candidates and would have the power to remove the leader.
- B. The leader would have a strong mandate from the people but must still require consensus support for government initiatives from MLA's.
- C. The leader would be fully accountable for the selection of cabinet.
- D. The premier would be difficult to remove except under extraordinary circumstances since 75% vote by MLA's would be required.
- E. The premier is likely to be a well known, experienced individual.
- F. The essential character of the current system of consensus would be retained.

DISADVANTAGES

- A. The Assembly would lose its power to choose the cabinet.
- B. There would be a period between the general election and the leadership election when "caretaker" arrangements are made.
- C. The government would still be in a minority position and the challenges of operating a consensus system would remain.
- D. The proposal does not advance the cabinet/parliamentary system far enough.

CONCLUSION

The weakness of the Canadian parliamentary system is that as few as 1500 Canadians can choose a party leader who has never held public office and that person can become prime minister of Canada. The best recent example is the case of Prime Minister Brian Mulroney. Since there is no party

system in the Northwest Territories the choice of premier is left to the 24 MLA's. In this case, though, the candidate must have already won an election as MLA to be a candidate for premier. Under a party system there are mechanisms for leadership review. Under the territorial system, there is a mid-term review of premier and cabinet and in this instance the ordinary members caucus acts like a political party.

Although all MLA's are involved in choosing premier and cabinet only the fifteen ordinary members are involved in the review. The premier and cabinet are also under review every day the legislature is sitting with the added burden of being in a permanent minority situation.

The weakness of the current territorial system is it's lack of accountability. No one can judge it's effectiveness since the public has never been consulted about the kind of government it wants. The election of a leader through a territorial wide popular vote will help resolve that question. Leadership candidates will be required to put before the public their proposals for good government. The person elected as premier will be empowered to put together a team to deliver the commitment to the public. The only way a

public government will get credibility will be to involve the public in the process. This can be done without threatening the essential authority of the Legislative Assembly in a cabinet/parliamentary system. Unless the current system of government is changed to make it accountable to the people it serves it will have limited credibility. A natural evolution of the current consensus system towards a territory-wide election of a premier will reduce the perception held by many people that the current government is not their government. MLA's should recognize the criticism is valid and act to make the necessary changes.