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**Look Both Ways Before you Cross:  
Floor Crossing in the Canadian House of Commons**

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## **Look Both Ways Before you Cross: Floor Crossing in the Canadian House of Commons**

David Cloutier, and Dr. David Docherty (Mount Royal University)

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### **Introduction to Floor Crossing in Canada**

A recent landslide in Alberta ended a 44-year Progressive Conservative regime, and unexpectedly catapulted the New Democratic Party (NDP) over other parties to form a majority government. Prior to the election being announced, nine of the populist Official Opposition Wildrose Party crossed the floor to the governing Progressive Conservatives (PC). As it turns out, none of the floor crossers survived the election. They either retired, lost the nomination for their new found party, or won the nomination but lost in the general election. All of this happened despite the MLA's publicized convictions that they felt what they were doing was the right choice in representing their constituents' interests<sup>1 2 3</sup>. Did these Members of the Legislative Assembly commit an undemocratic act out of pure political ambition? Did they do the "right" thing only to be punished by an angry electorate? Or, were they simply unwittingly caught up in a

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<sup>1</sup> CBC News. "9 Wildrose MLAs, including Danielle Smith, Cross to Alberta Tories." CBC News. December 17, 2014. Accessed October 29, 2015. <http://www.cbc.ca/news/canada/edmonton/9-wildrose-mlas-including-danielle-smith-cross-to-alberta-tories-1.2876412>.

<sup>2</sup> Petty, Kathleen. "Alberta Election 2015: NDP Win a Different Kind of 'miracle on the Prairies'" CBC News. May 06, 2015. Accessed October 29, 2015. <http://www.cbc.ca/news/canada/calgary/alberta-election-2015-ndp-win-a-different-kind-of-miracle-on-the-prairies-1.3062279>.

<sup>3</sup> Dykstra, Matt. "NDP Wins Landslide Majority in Alberta Election." CANOE.com News. May 6, 2015. Accessed November 1, 2015. <http://cnews.canoe.com/CNEWS/Canada/2015/05/05/22382056.html>.

public desire to throw out the rascals that had governed the province for two score and four years, no matter who paid the price?

Since Canadian Confederation in 1867, 257 members of parliament have been recorded as having “crossed the floor”: an often controversial practice of leaving a party to sit independently, or to sit with another party – all occurring within an active, sitting parliament – and this trend is increasing (see figure 2). These members were elected by their constituency as members of one party, or as independents. Following their decision to switch sides, they no longer felt any loyalty to the party that first gave them the vehicle for election – and instead, unless sitting independently, transferred their loyalty to a party which was ultimately different. With every crossing of the floor, the balance of seats in a legislature changes – and with certain floor crossings, the person who crosses gains some position of influence<sup>4</sup>. Given that local voters are just as surprised as the general electorate that an official who has been elected under one party banner seeks a promotion under a different one, the question of undemocratic principles naturally arises. Does crossing the floor violate the fundamental principles and nature of Canadian democracy?

This paper begins with an examination of the strength of party loyalty in Canada. We then turn our attention to different types of party switching, and to the rationales behind individual desires to switch parties, and to the benefits and costs to political parties for crossing the floor. Members switch parties for a variety of reasons, not all of which are related to satisfying ambition. Thus, it is important to understand

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<sup>4</sup> Though in the case of the nine Wildrose MLA's, there were no positions of influence given by the Progressive Conservative Premier – they remained backbenchers. Topp, Brian. "The Lessons of Danielle Smith's Political Self-destruction." *Toronto Star*. March 30, 2015. Accessed March 23, 2016. <http://www.thestar.com/opinion/commentary/2015/03/30/the-lessons-of-danielle-smiths-political-self-destruction.html>.

the incentives to cross, and the distinction between individual ambition and external changes that force members to re-examine their relationship with the political banner they first ran under.

The Canadian parliament has evolved significantly since Confederation in 1867. From a part-time legislature to a full time professional decision confirming body, the Parliament of Canada has grown with the nation – and while there are no definitive “eras” of parliament what follows is a categorization of the Parliament in its evolution.

#### 1867-1911 – Macdonald and Laurier

The first parliament of Canada can be defined as the initial beginnings of the party system. This era was also defined by two of Canada’s strongest leaders, John A. Macdonald and Wilfrid Laurier. Parliament was largely a two party Assembly, Liberal and Conservative. At the same time, there were a number of what Macdonald termed “loose fish”, independent members who had favourable or unfavourable views of Confederation and who eventually found a home in one of the two national parties. During this era we should expect to see members moving from independent or linked party status to either the Conservatives or the Liberals.

#### 1917-1957 – The war and post war era

While this as a period of relative stability, with majority governments far outnumbering minority houses, this era also saw the rise of the multi-party parliament. The rise and fall of the Progressive Party, a western based grassroots party, gave way to the Progressive Conservative Party. The great economic depression of the 1930’s provided the conditions for left wing supporters to rally around the Co-operative

Commonwealth Federation (CCF). Western discontentment (a recurring theme in Canadian political life) gave rise to the Social Credit movement. We compare any possible trends in party changing as the Canadian government grew to meet economic and war conditions.

### 1962-1988 – “the Modern Parliament”

If there was a transition to a modern parliament, it began in the 1950's but was solidified in the 1960's (see C.G. Power). During this period parliament transformed from a part-time body where members were still expected to make the bulk of their income outside of elected life. As government spent more and increased its role in economic and social affairs, those charged with keeping the government accountable also grew in size and scope. This period was characterized by stable party systems. Until the fall of the Meech Lake Accord and the rise of the Reform and BQ in the very late stages of this era, this was a period of relative partisan tranquility. Up until the latter stages of this era, there were no ideological reasons to switch political allegiances. Members who switched parties during this period would be more driven by personal ambition than they would ideological motives, and we should anticipate seeing party switching more evenly spread out than it was during the first two eras.

### 1993-Present – “The Pizza Parliament years”<sup>5</sup>

The 1993 Federal General Election was a historic vote in Canada. The Progressive Conservative Party of Canada, Canada's founding party, was reduced to two seats in the 295 seat Commons. The Bloc Quebecois, a Quebec sovereigntist party formed in 1990 (a caucus of ten floor crossers) formed the

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<sup>5</sup> The authors are not sure of the origins of the term “Pizza Parliament”. It was first explained to David Docherty in the mid 1990s by long-serving New Democrat MP Bill Blaikie. It refers to multiple party parliaments as demonstrated on a pie graph. A quick Google search will reveal this terms Canadian origins. Docherty still gives Blaikie the credit.

Official Opposition, with 54 seats. The Western Canadian populist Reform Party won 52 seats. The New Democratic, like the PC's, lost official party status. The two populist party's continued their popularity, but leadership changes and leadership challenges (particularly in the Reform Party) caused temporary switching from some members. By 2005, the Reform Party had been replaced by the Canadian Alliance which was subsequently replaced by the Conservative Party of Canada, a merger of the PC's and the Alliance. This was an era of constant switching, leadership changes and minority government. Challenges to leadership saw MP's temporarily take leave of their party only to return. It is also an era of decreased stability in party support among the general electorate. Thus we should expect to see not just an increase in MP's crossing the floor, but in less public backlash toward crossers.

### **Promoting Canadian Democracy**

Political parties in Canada are the mechanism that funnels citizen's choices into a legislative framework<sup>6</sup>. The elegant simplicity of Canadian Parliamentary democracy is that the electorate do not elect a government, but instead, they elect members of parliament who collectively determine who will govern. Largely these choices are decided through political parties. Today, when Canadians vote, they regularly place political party and party leader ahead of local candidate, and thus as the chief determinant of who they will vote for<sup>7</sup>.

Yet, loyalty to parties have also been diminishing among the Canadian public – there is little disputing that party identification in Canada has decreased substantially in the past decades. Party Membership has

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<sup>6</sup> "Political Parties in Canada." Political Parties in Canada - Detailed Article - Compendium of Procedure - House of Commons. Canada. October 2015. Accessed March 15, 2016.  
[http://www.parl.gc.ca/About/House/compendium/web-content/c\\_d\\_politicalpartiescanada-e.htm](http://www.parl.gc.ca/About/House/compendium/web-content/c_d_politicalpartiescanada-e.htm).

<sup>7</sup> Anderson, Cameron D., and Laura Beth Stephenson. *Voting Behaviour in Canada*. Vancouver: UBC Press, 2010, 195-199.

been declining since at least the 1980s, in line with decreasing numbers of eligible voters showing up at the polls<sup>8</sup>. Fewer Canadians are taking out party memberships and volunteering even less time to partisan activities<sup>9 10</sup>. While it was once commonplace for voters to have all parties knock on their doors several times during a campaign, now it is rare to see a veritable army of volunteers marching up and down neighbourhoods canvassing for support<sup>11</sup>.

The question then must be asked, has a decreased loyalty to political parties among voters been mimicked by those elected under a party label? In other words, are elected officials just as likely to abandon long standing party identification as the typical voter is? Citizens choose their party allegiance based on a number of factors, ranging from short term self-interest to longer term societal benefits. While demonstrating causality is difficult, it is possible that the decreasing party loyalty that we see among the public has been mirrored by those they vote for – our analysis of the data tells us that, when it comes to floor crossers who lose, the electorate are not selecting the original party (see figure 1).

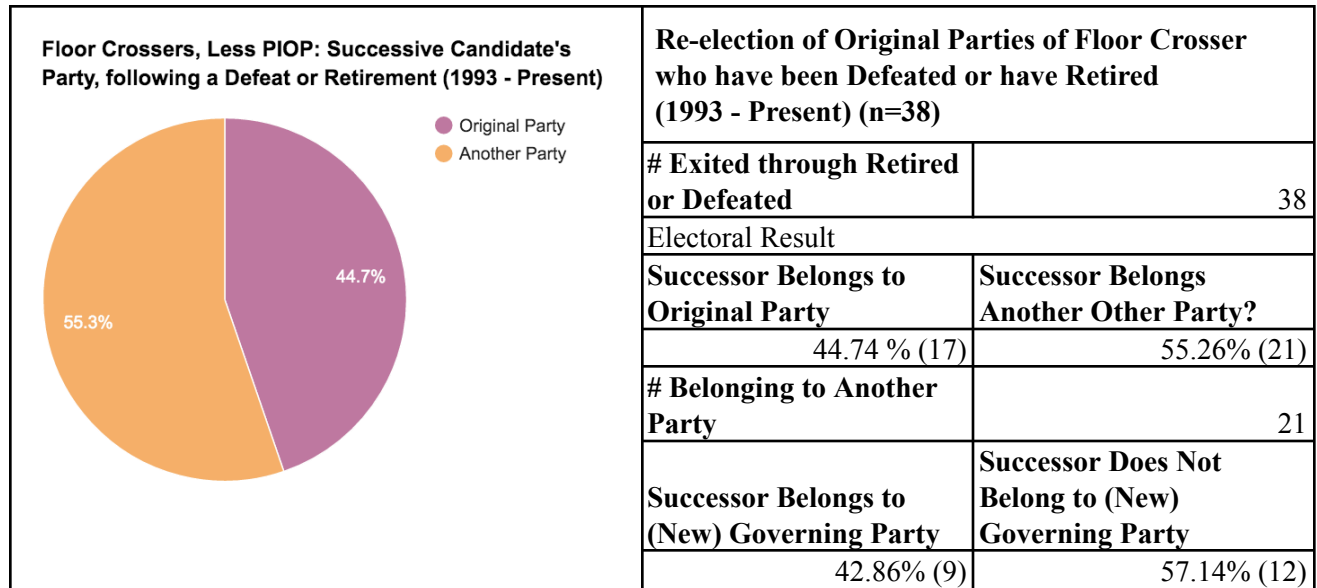
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<sup>8</sup> Up until the 1980's, at least three quarters of eligible voters routinely showed up at the polls on election day. In 2008, less than 60% of eligible voters even bothered to cast a ballot. "Voter Turnout at Federal Elections and Referendums." Voter Turnout at Federal Elections and Referendums. October 15, 2015. Accessed March 24, 2016. <http://www.elections.ca/content.aspx?dir=turn&document=index&lang=e&ion=ele>.

<sup>9</sup> Cross, William P. *Auditing Canadian Democracy*. Vancouver: UBC Press, 2010.

<sup>10</sup> Sears, Robin V. "The Decline and Irrelevance of Canada's Political Parties." Policy Options - IRPP. May 1, 2005. Accessed March 26, 2016. <http://policyoptions.irpp.org/magazines/defending-north-america/the-decline-and-irrelevance-of-canadas-political-parties/>.

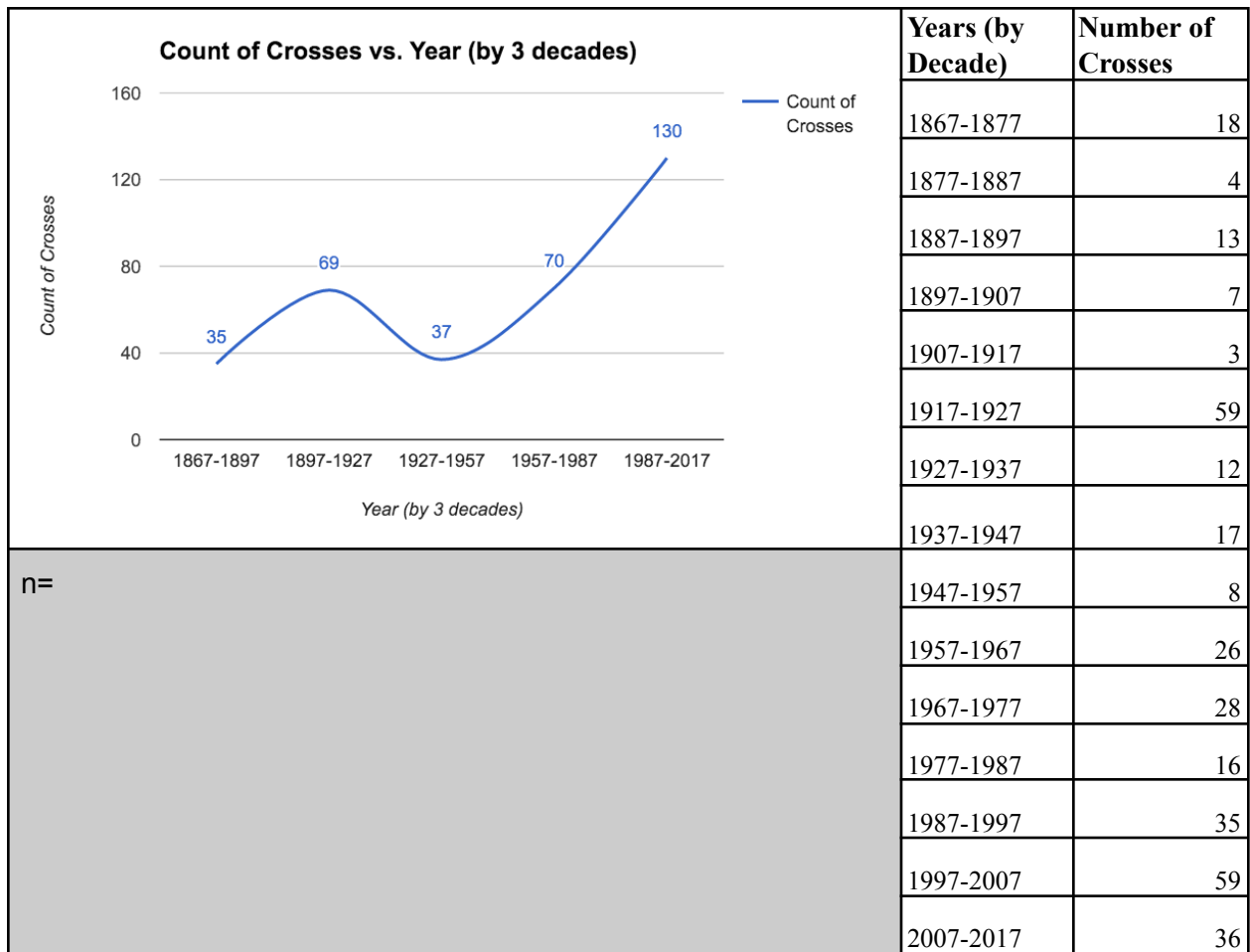
<sup>11</sup> Sears. "Decline and Irrelevance".



*Figure 1. Analysis of Electoral Results, following the Defeat or Resignation of a Floor Crosser. There is not a strong connection to the re-election of the original party, suggesting that party identification may not be that significant to the electorate. (Note: Party to Independent to Original Party - PIOP - removed from this data)*

This paper argues that party switching has increased in recent years, with politicians more likely to shed long term party ties for shorter term political gain. However, we also argue that there are few long term benefits for those who cross the floor. While they may anticipate gain in terms of position and electoral security, most switchers do not survive their subsequent electoral contest. As the experience of the Alberta's Wildrose to PC switchers makes clear, political parties who welcome switchers may think they are helping themselves, but may instead help the switcher's original party to keep the seat, as opposed to making political gains that last beyond the present legislative session. There is short term political gain, for longer term political punishment.





*Figure 2. Count of Individual Floor Crossings, across all members who crossed the floor (Less Party to Independent to Original Party - PIOP). Floor crossings are visibly on the rise in this era of the Canadian House of Commons.*

The democratic check that is voting remains free and accessible to electors on a regular and recurring basis – it is the input that citizens are entitled to through our socially and legally established democracy. It is the mechanism used to choose a representative at the federal level in the form of a Member of Parliament in the House of Commons.

The reality is, the electorate do not often embrace or support floor crossing. In British Columbia MP David Emerson's floor crossing in 2006 (more later), an Ipsos poll suggested that 62% of British Columbians disapproved of his actions, while an even greater 77% believed floor-crossers should face a

by-election<sup>12</sup>. Following an Alberta Provincial Floor-crossing, 59% of Albertans polled by Mainstreet Technologies as reported by the National Post opposed the floor crossing<sup>13</sup>. Floor crossers often don't survive their parliamentary careers on the cessation of a parliament – being voted out in favour of another candidate, moving to other work, or retiring. However, notwithstanding the “party hoppers” (ahead), parliamentarians can rest assured that even those that cross the floor represent democratically. Floor crossing is a bold, powerful, but contentious symbol of upholding the democratic rights of Canadians, when viewed first through the process of representative democracy within the Canadian Parliament.

Those that cross the floor to secure a more influential position, such as David Emerson in 2006, may be the most egregious form of party switchers but they are far from the only ones. There is no one single cause for members to consider switching from one party to another. Some may leave for their ambitions, others feel that they have no choice but to leave, while for others it is a long process of ideological evolution. In order to determine the impact of party switching it is important to understand some of these causes.

### Individual Ambition

Up until the January 2006 Federal Election, David Emerson was a cabinet minister in the Liberal Government of Leader Jean Chretien and then of Leader Paul Martin. In the subsequent election, when power switched to the Conservatives under a minority Government, Mr. Emerson decided to join the party

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<sup>12</sup> "British Columbians React To Emerson Switch." Ipsos – North America. February 13, 2006. Accessed August 26, 2015.  
[http://webcache.googleusercontent.com/search?q=cache:EyTqwt\\_7IzQJ:www.ipsos-na.com/news-polls/pressrelease.aspx?id](http://webcache.googleusercontent.com/search?q=cache:EyTqwt_7IzQJ:www.ipsos-na.com/news-polls/pressrelease.aspx?id).

<sup>13</sup> Southwick, Reid. "PCs Extend Lead over Opposition, but 59% of Albertans against Wildrose MLAs' Decision to Cross Floor: Polls." National Post. December 22, 2014. Accessed October 29, 2015.  
<http://news.nationalpost.com/news/canada/canadian-politics/pcs-extend-lead-over-opposition-but-59-of-albertans-against-wildrose-mlas-decision-to-cross-floor-polls>.

in power and keep his Ministerial post, instead of sticking with the Liberal team and spending his time as a member of the opposition. The fact that Mr. Emerson decided to switch within days of the election did not sit well with many voters, who had thought they were elected a Liberal in the Vancouver-Kingsway riding. Yet, the rules of the game were clear: There were no rules. There was (and is) nothing preventing someone from switching parties for positional gain. Any member can leave their party anytime they want, and all they need is a party willing to take them. It is this form of party switching which appears to be least acceptable. Members elected under one banner switching to another party for personal gain is the form of floor crossing has added to the so-called “democratic deficit.”

### Party Mergers

Despite the relative stability of the Canadian party system, political parties are far from static. Periods of relative calm are punctuated with the development of new parties. This is followed by an inevitable merger of the “protest” party and the brokerage party that caused it to arise. The earliest prominent example of this was the Union government of Robert Borden in 1917 that merged Conservatives, Progressive and some Liberal members during the latter half of the First World War. The second prominent example is the merger of the Progressive Conservative Party with the Canadian Alliance in 2003 into the Conservative Party of Canada. Despite the name, ideologically, the merger favoured the more right-wing Canadian Alliance. As a result, some of the more progressive members of the merger felt they did not have a home. Scott Brison, an openly gay PC Member, indicated that he could not serve in a party that did not welcome same sex marriages as a part of the modern Canadian fabric. Brison accordingly switched to the Liberal Party of Canada. This type of switch is not driven by ambition, but by ideology. One could argue that Scott Brison did not leave his party, as much as his party deserted him. As

such, voters who elected Brison in earlier elections may not feel as deserted as those in the first category. They could, conceivably, support the incumbent without feeling they are betraying their partisan support.

### Leadership Changes

Scott Brison, above, did not embrace the fact that the leader of the newly formed Conservative Party was the leader of the more socially conservative Canadian Alliance Party. Yet sometimes, new leaders emerge in existing parties that signal a change in direction that is not palatable to some members. This happened in 2000 when Stockwell Day won the leadership of the Reform Party (later becoming the Conservative Alliance). A far more publicity oriented and socially conservative leader than his predecessor, Mr. Day caused severe consternation among many members of his caucus, particularly following his loss to Jean Chretien. A subset of his caucus, fearing the long term demise of the party, formed the Democratic Representative Caucus (DRC) that sat as independents<sup>14 15</sup>. Only after the leadership challenges were dealt with did the DRC disband to rejoin the Reform Party of Canada. Like party mergers, malcontents were not driven by individual ambition but rather ideology. In some ways, one might consider that rather than the member abandoning the party, it was rather the party abandoning the member<sup>16</sup>. While the overall impact on the distribution of power is the same, the public sentiment of loyalty should be less tested under these conditions.

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<sup>14</sup> Then Speaker Peter Milliken refused to assign the group privileges, because it did not call or consider itself a party. Laghi, Brian. "Tories, DRC Lose Bid for Privileges." *The Globe and Mail*. September 25, 2001. Accessed March 26, 2016. <http://www.theglobeandmail.com/news/national/tories-drc-lose-bid-for-privileges/article4153439/>.

<sup>15</sup> Chase, Steven, and Daniel LeBlanc. "Rebel MPs in Alliance Establish New Caucus." *The Globe and Mail*. July 20, 2001. Accessed March 27, 2016. <http://www.theglobeandmail.com/news/national/rebel-mps-in-alliance-establish-new-caucus/article25443710>.

<sup>16</sup> Morton, Desmond. "A Note on Party Switchers." *Canadian Parliamentary Review*, Summer 2006, 29, no. 2 (2006): 4-8. <http://www.revparl.ca/english/issue.asp?param=174&art=1186>.

This is no different when a member sits to serve as an independent. There are fewer advantages to be had by sitting as an independent. Switching to another party comes with resources, the opportunity for promotion, staff and other perks. Independent member have less staff support, find it difficult to serve on committees, are not automatically recognized by the Speaker, and face daunting re-election chances. There are many reasons one might serve to leave a party and sit as an independent, rational ambition is not one of them.

### Political Evolution

Bob Rae is a political careerist in the best sense of the term. Elected in 1978 as a Federal NDP Member, Rae was a political star on the rise. He left the Federal scene in 1983 to take over the Ontario Provincial wing of the party. He helped precipitate the downfall of the 43 year reign of the Ontario PC party in 1985, and by 1990, led the NDP to their first (and thus far only) Ontario majority government. Rae served as Premier for five years until his loss in 1995. After a self imposed political exile, Rae returned to the federal scene, but this time as a member of the Liberal Party. First, he secured the nomination for the Liberal Party in the Toronto riding of Rosedale. Then, he won the riding in the general election of 2008. In this case, there was no party switching for personal ambition – and no floor crossing, at all. He served as the Premier of Canada's most populous province prior to serving as a backbencher in the Canadian House of Commons. He put himself in front of a constituency vote, and then the voters of his district. While ambition might well be driving party crosses such as these, they are done in a manner that is ethically clean. There is no taking advantage of existing rules and at each stage voters, be they party members at the nomination stage or citizens in the general election, are the final determiners of the politicians fate.

## The Parliamentarian

The Parliament of Canada defines a Parliamentarian's role as one to “represent their constituents' views by presenting petitions, making statements and asking questions in the House.” Meanwhile, it also suggests that party discipline is an essential feature of Canadian politics – in part through, it is “ideological certainty upon which the voter can rely”.<sup>17</sup>

Parliamentarians have many roles. First and foremost, they are representatives of their constituents interests. Yet what citizens expect can often be beyond the power of their member to deliver – legislators are there to “scrutinize, represent, and debate”.<sup>18</sup> However, in practice, most members spend more time on constituency work than on any other of their responsibilities combined, with over 40% of their time spent on local riding work. For the most part, constituency work is a necessary but far from sufficient condition of re-election. Failure to engage in constituency work is the kiss of electoral death – and while some members local service can withstand swings against their party (See: Ruth Ellen Brosseau<sup>19</sup>), even exceptional work can get lost in a huge electoral swing against a party. MPs are, therefore, intended to represent all of their constituents in a non-partisan manner - not just those that voted for them. Under this view, floor crossing might seem more acceptable, but only if local representation were the only duty of an elected representative. The practical reality is that representing constituency interests is only one duty of a member of the assembly.

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<sup>17</sup> "The Role of a Member of Parliament." Guide to the Canadian House of Commons. 2011. Accessed February 15, 2016. [http://www.lop.parl.gc.ca/About/Parliament/GuideToHoC/pdf/guide\\_canadian\\_house\\_of\\_commons-e.pdf](http://www.lop.parl.gc.ca/About/Parliament/GuideToHoC/pdf/guide_canadian_house_of_commons-e.pdf).

<sup>18</sup> Docherty Chapter on Legislatures. Cross. Auditing Canadian Democracy, 65-67.

<sup>19</sup> NDP's Ruth Ellen Brosseau, elected in Quebec's Berthier-Maskinongé riding, had never visited her riding prior to being elected in the 2011 Federal Election. Then, after becoming super popular among constituents and her work in representing them, she continued to win the subsequent election for a second term. Hamilton, Graeme. "NDP MP, Elected in 2011 without Any Campaigning, Now Popular in Her Adopted Quebec Riding." National Post. August 17, 2015. Accessed March 26, 2016. <http://news.nationalpost.com/news/canada/canadian-politics/ndp-mp-elected-in-2011-without-any-campaigning-now-popular-in-her-adopted-quebec-riding>.

By contrast, David Smith suggests that constituency service is almost wholeheartedly an inefficient necessity – and that Parliamentarians are there to be legislators and to hold government to account. For Smith, the important number is not the total size of the assembly, but rather the fact that there is a government and an opposition, and that even within the government, accountability is a primary function. This view suggests that party loyalty is a primary element of representation.<sup>20</sup>

However, perhaps most fundamental is the motivation of voters themselves – and the studies are clear – Canadians vote for parties and party leaders well ahead of the local member<sup>21</sup>. Electoral swings are swings for and against parties, and their leaders. In the 2011 Federal election, the popularity of Jack Layton and the New Democratic Party in Quebec resulted in NDP victories in several ridings where their candidates did not campaign or attend any events (see: Ruth Ellen Brosseau, footnote 18). The same phenomena held true in Alberta, in 2015.

In Canadian Federal Elections, prior to 1974, political party identification was not displayed on the ballot. Instead the candidate's occupation was displayed. The change in 1974 meant that party leaders now exercised greater control over the selection of candidates, and that the party label was much more significant as citizen's weighed their choices at the polls<sup>22</sup>.

While different in terms of the relevance of the connection to constituents – Smith's work also embraces the fundamental understanding that being a parliamentarian is more than being associated to a party. In fact, it is the affiliation with the party that may prevent such

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<sup>20</sup> Smith, David E. *The People's House of Commons: Theories of Democracy in Contention*. Toronto: University of Toronto Press, 2007, 73.

<sup>21</sup> Anderson, et. al. *Voting Behaviour*, 195-199.

<sup>22</sup> Morton, "A Note", 8.

## Understanding Floor Crossings

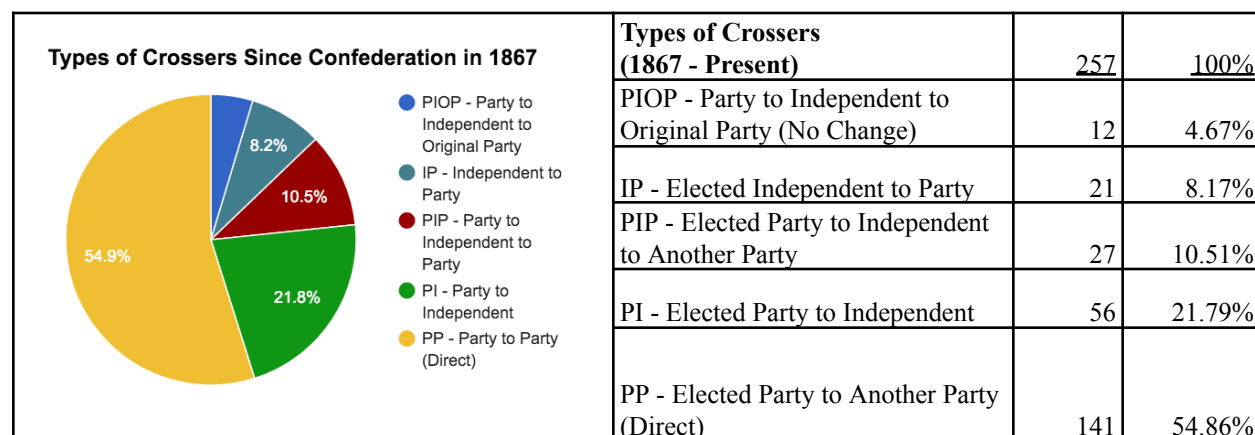


Figure 3. *Unilateral floor crosser types in Canadian Parliament, since Confederation in 1867. Most floor crossings are to another party - either directly, or through sitting for a period of time as an independent. (Note: PIOP has been removed from most of the other data in this paper – since it is/was temporary, and represents no real change in Parliamentary affiliation)*

Within floor crossing, there are several distinctions to make – for the purposes of this paper, we won't be particularly examining floor crossing from a party to an independent (PI / IP). Likewise, we won't be focusing on party-wide changes, such as mergers (although those might merit conversations in-and-of-themselves – given the controversies they can entail). We also removed cases where the member died after crossing the floor, from our reports (see footnote)<sup>23</sup>, since they couldn't be analyzed for their relationship with the electorate. Instead, this paper will be examining cases where a member crosses directly to another party (PP), or to another party for a Ministerial position. It will also examine cases where members crossed to an independent before crossing to another party (PIP).

<sup>23</sup> Interestingly, 15 of the 257 floor crossers we analyzed died, following their cross, before facing the electorate – making up about a 6% rate of death. Overall, out of 4413 total members that served the House of Commons, 318 died - at 7%! When we analyzed the frequency of deaths across eras, we also saw that they were actually decreasing! Floor Crossing: The Fountain of Youth?



Since Confederation, there have been 362 floor crossings (shared across 257 individual members)<sup>24</sup>, meaning that on average, a floor crosser will have crossed the floor about 1.4 times - but with ranges from 1 to as many as 6. 141 (55%) of those crossings were directly and unilaterally to another party, independent of any party-wide changes – while others – 27 (10.5%) – crossed into an independent position before crossing over to another party (See Figure 3).

Though many solutions, and arguments for law, have been proposed to this apparent problem<sup>25 26</sup>, none have been implemented to an extent which holds MPs accountable for their party affiliation (or any changes mid-Parliament). Instead, as the Ethics Commissioner Shapiro noted in reviewing the Emerson floor crossing from the Liberals to the Conservatives (and subsequent Cabinet appointment), natural electoral responses are the only current means to determine the fate of floor crossing MPs<sup>27</sup>. No such arguments have been strongly made for regular members representing their constituents first, which make up the majority of crossings.

Even under this analysis, is their turnover actually all that different from that of other parliamentarians? It is well known that Parliament has a fairly significant turnover<sup>28</sup>. Since 1867, the average time of a

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<sup>24</sup> "MEMBERS OF THE HOUSE OF COMMONS Who Crossed the Floor of the House of Commons or Who Changed Political Affiliation." Library of Parliament. Accessed February 1, 2016.  
<http://www.lop.parl.gc.ca/ParlInfo/lists/CrossedTheFloor.aspx?Menu=HOC-Politic>.

<sup>25</sup> Siles, Cameron. "Modest Steps Toward Reform: A Review of Post-Emerson Initiatives to Curtail Floor Crossing." *Journal of Constitutional Law* 30, no. 2 (June 2012): 171-87. Accessed March 2015.  
<http://search.proquest.com/openview/b83fb2efbfe45228c3dab261217460c9/1?pq-origsite=gscholar&cbl=46307>.

<sup>26</sup> Eltis, Karen. "Proportionally Reconciling Floor-crossing with Conflicting Charter Rights: A Proposal for Regulating the Practice." *National Journal of Constitutional Law* 22, no. 2 (2008): 215-43. Accessed March 3, 2015.  
<http://search.proquest.com/openview/a97ef7fe5f3082b5b1fde058e583cca7/1?pq-origsite=gscholar&cbl=46307>, 230-235.

<sup>27</sup> Siles. "Modest Steps", 172-176.

<sup>28</sup> Docherty, David Campbell. *Mr. Smith Goes to Ottawa: Life in the House of Commons*. Vancouver: UBC Press, 1997.

Parliamentarian is 8 years, and 7 months<sup>29</sup> – hardly a career. Given this information, floor crossers aren't that far off from their counterparts in the legislature that bind themselves to one party alone.

### Ministerial (“Party Hopper”) Crossings

Uncommon, but not unheard of, are floor crossing which result in a ministerial appointment. As the Ethics Commissioner's report has demonstrated, such an accumulation of power through such a move is democratically unvirtuous – unlike the case for common members, representing their constituents. That said, inasmuch data as their is available on the topic within the criteria of party-to-party floor crossing while serving in the House of Commons (n = 12), it is worth considering that floor crossings which results in constituencies having more influence (by virtue of having a Minister as an MP), may be more likely to re-elect their MP even under a different party (only one of the cases not being further successful).

<b>Continuation for Crossers with Ministerial Appointments (n=12)</b>				
Era	Continued (#) (Re-elected)	Continued %	Not Continued (#) (Defeated or Retired)	Not Continued %
1867-1911	0	0.00%	1	100.00%
1911-1962	3	75.00%	1	25.00%
1962-1993	1	25.00%	3	75.00%
1993-Present	3	100.00%	0	0.00%

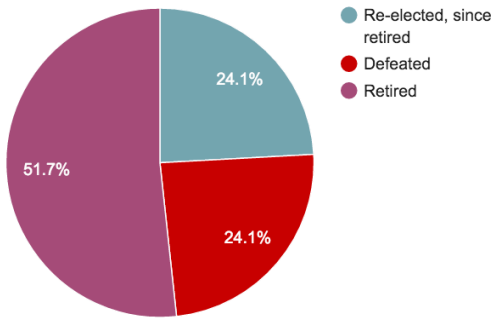
*Figure 4. Tendencies of continuation for crossers who cross to the governing party, and that are appointed to a Ministerial Role. See Figure 5 for a comparative summary to overall crossing tendencies.*

### Life after Crossing the Floor

<sup>29</sup> "YEARS OF SERVICE IN PARLIAMENT." Library of Parliament. Accessed February 1, 2016.  
<http://www.lop.parl.gc.ca/ParlInfo/compilations/parliament/YearsOfService.aspx?Menu=HOC-Politic&Parliament=&Section=03d93c58-f843-49b3-9653-84275c23f3fb&Name=&YearsOfService=&Continuous=False&Current=False>

Naturally, something different has to happen to the parliamentarians that cross the floor, vs. those that remain loyal to their party. As the age-old adage goes – you can never make everyone happy. With floor crossers, there aren't a lot of success stories (Figure 5).

If our voting system works – at least on a representational basis by riding – it is apparent that voters do not respond kindly to floor crossing (from a contemporary and local note, we just saw another example of this in the 2015 Alberta election, mentioned in the preamble of this paper). Likewise, through resignation and voluntary retirement data – it is clear that floor crossing can prove to be a “career ending” move (whether or not the retirement was entirely voluntary - we may never know).

Continuation/Exit Patterns for Floor Crossers			
Era	Graphical Representation	Numerical Breakdown	
1867 - 1911	<b>Floor Crossers, Less PIOP (1867 - 1911): Continuation/Exit Patterns</b> 	<b>Exit Patterns - Overall, Less PIOP (1867-1911)</b>	
		29	100.00%
		<b>Total Continued</b>	7 24.14%
		<b>Still Active</b>	0 0.00%
		<b>Re-elected, since retired</b>	7 24.14%
		<b>Total Not Continued</b>	22 75.86%
		<b>Defeated</b>	7 24.14%
		<b>Retired</b>	15 51.72%
		<b>Died (Removed from Total)</b>	5 71.43%

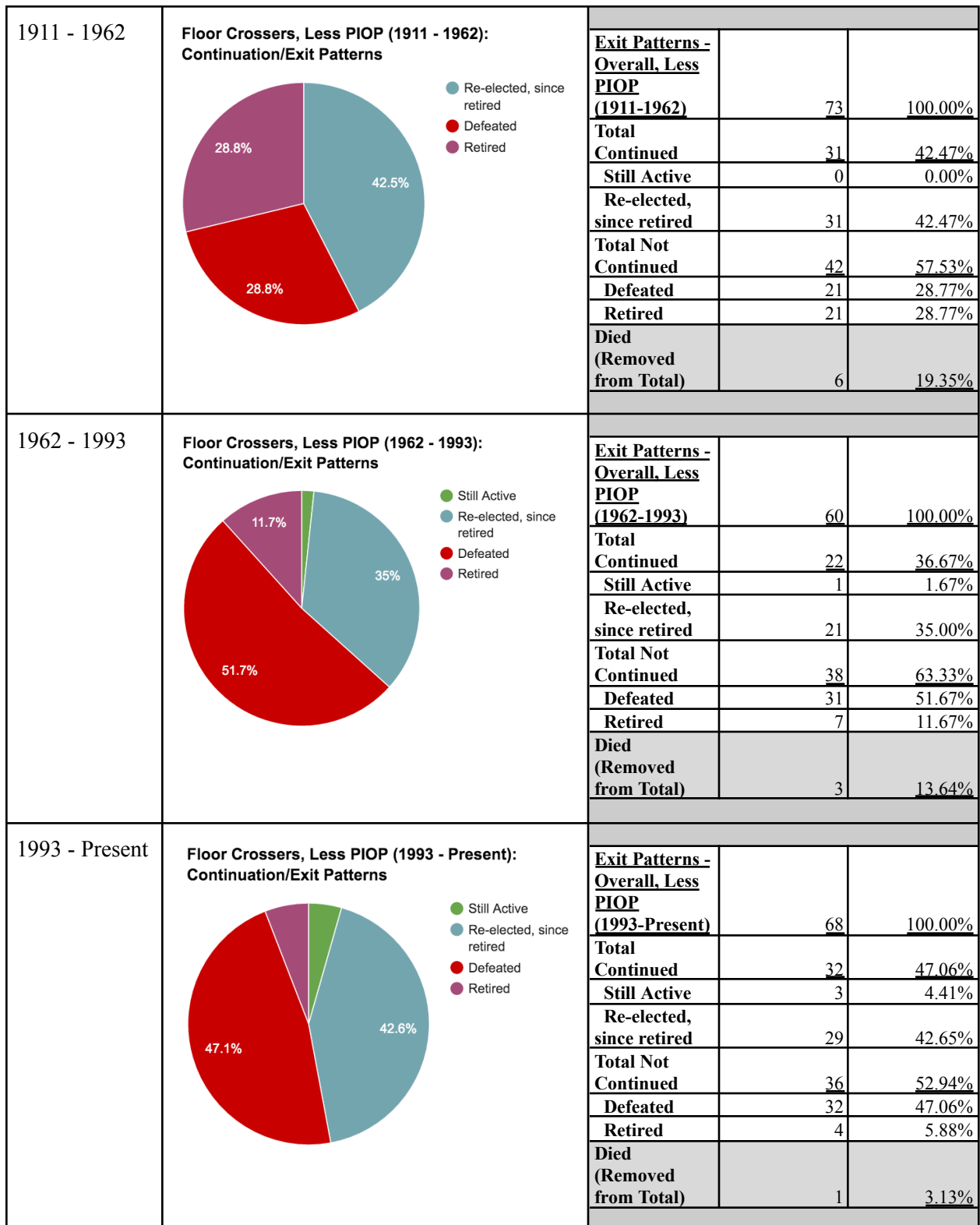


Figure 5. Continuation and Exit Patterns for Floor Crossers (with Party to Independent to Original Party - PIOP - removed), by Parliamentary Era. All cases demonstrate a majority of crossers do not serve another term following their crossing.

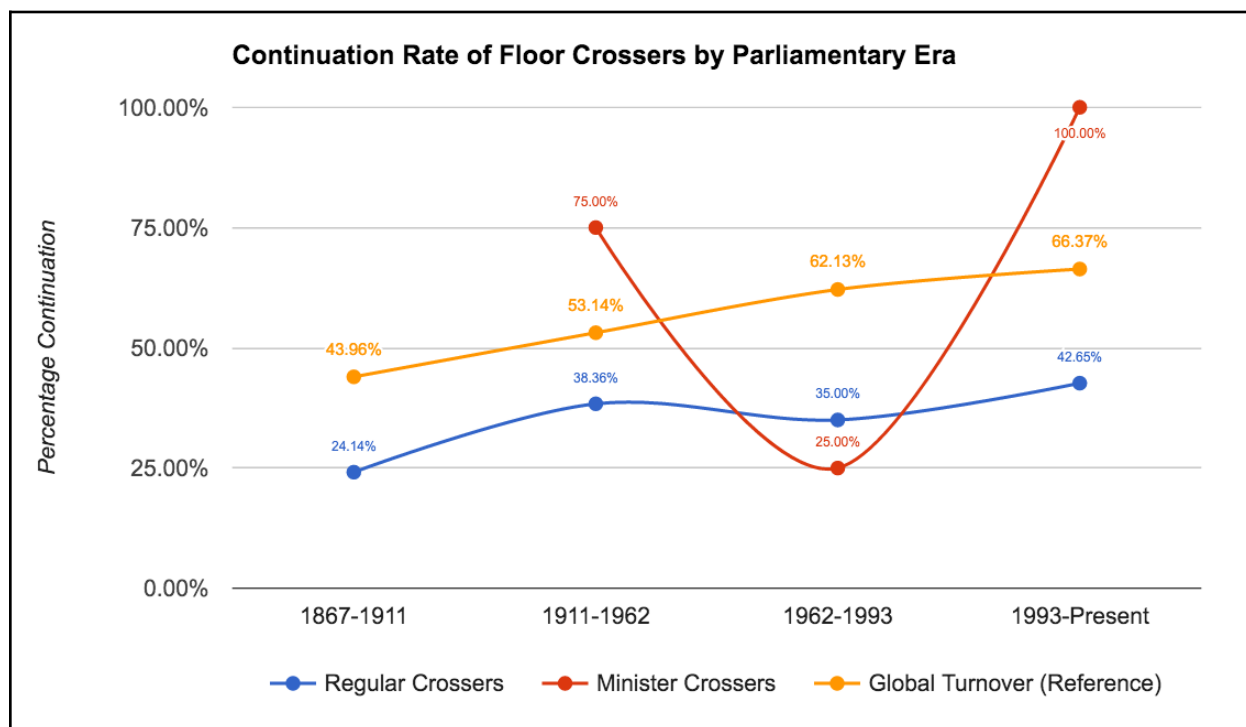


Figure 6. *Continuation Frequencies Examined for Crossers (with Party to Independent to Original Party - PIOP - removed) by Overall Crossers, and by Crossers who are/were appointed to Ministerial Roles, compared with General Parliamentary Turnover rates. Crossers who are/were appointed to Ministerial Roles appear to achieve more success in continuation than both general members (measured by turnover), and all floor crossers collectively. General crossers tend to turnover at a rate greater than the general members. Note that the n of the red line is only 12 (see figure 4).*

### A Scapegoat for the Democratic Deficit?

Perhaps, as Smith suggests, a number of factors contribute to an overall deficit of democracy – among them, “wasted” votes (SMP voting), declining voter turnout, and a lack of institutional reform around these and other issues<sup>30</sup>. Perhaps floor crossing is the easiest and most visible act of controversy in our democracy – and is too easily blamed for a state of general democratic deficit.

<sup>30</sup> Smith. “The People’s”, 96-97.

Kelly Blidook describes the evolution of members' roles in governance to be perceived as meaninglessness without parties (notwithstanding a cabinet position)<sup>31</sup>. Rightfully, it is suggested that individual members affiliated with parties are largely subject to and bound by the parties that they associate with – party discipline. Blidook notes however, even as members of parties, they are entitled to table private members bills<sup>32</sup>. Despite this convention, those bills will still be subject to their own parties decisions – in caucus, and for voting.

The important disconnection that Docherty and Blidook highlight – is that the role of the member of parliament is often misunderstood. We cannot effectively judge democracy solely on the perceptions of the population at any one given day or time (that is, unless we want to argue for direct democracy). Rather, it is important to assess the application of democracy more objectively, on their functions as members, and any compromises to those functions in a floor crossing.

Cross, also in *Auditing Canadian Democracy*, draws attention into the regional aspects of parties – and perhaps why party discipline remains a strong concept in Canada is its essential binding between members<sup>33</sup>. This introduces another challenge towards the result of floor-crossing, which for members may go beyond just their constituents, but to other Canadians as well. That is, between one riding's constituency and the rest of Canada's, can floor crossing be undemocratic to one group, but democratic to another?

We would then bear in mind that whether or not floor crossing is or is not democratic, hinges on this position and understanding. Perhaps as parliamentary democracy continues to evolve in Canada, the

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<sup>31</sup> Blidook, Kelly. "Exploring the Role of 'Legislators' in Canada: Do Members of Parliament Influence Policy?" *The Journal of Legislative Studies* 16, no. 1 (2010): 32-56.

<sup>32</sup> Blidook. "Exploring the Role", 32-33.

<sup>33</sup> Cross. "Auditing Canadian Democracy", 145-146.

practice of floor crossing will shift in its “democratic value” by virtue of this very definition. Will parliamentarians, one day, be representative of their voters more so than their constituents? It’s certainly something we will have to consider if we ever reform our electoral system.

## **Conclusions**

There may indeed be a democratic deficit in Canada – but it may not be by means of the floor crossers. Not only do they account for such a small percentage of the overall house of commons (which wouldn’t necessarily excuse it - if it were a problem), but floor crossers (notwithstanding the small group who cross for a Ministerial appointment) may legitimately be looking for the ways to best do what is intended of their role – to represent their constituents, and to make the best decisions on their behalf.

It is not a relationship to the electors that voted for them, but rather, a relationship to their constituency, and to the Canadian public. Floor crossers are generally not respected by the electorate, at least not to the same level as their non-crossing peers. From a preliminary analysis, this may be different for Ministers – despite the arguable democratic lack of virtue<sup>34</sup>.

There are many areas that still need to be explored to get a fuller understanding of floor crossing. For example, is floor crossing tied to increasing levels of party control? Canada is characterized by such strict adherence to party discipline that choosing to be an independent or to serve with a different party might appear the only logical choice to some floor crossers.

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<sup>34</sup> We may also not have enough data yet to draw those conclusions – having an n of 12.

Has increased urbanization played a factor in floor crossing? If we tie increased urbanization to a decline in voter turnout and weaker ties to political parties is there an equivalent relationship to floor crossers. To be specific, do urban MP's fear less about losing their seats after crossing than rural MP's?

Are there regional and level differences? This paper examined the federal political scene only – but there have been fascinating periods of party change and floor crossing in provinces. This paper did not examine these issues but would be well served to do so.

Finally, this paper makes effective use of secondary data only. A more nuanced analysis would include qualitative data gained by interviewing recent floor crossers and determining the rational ambition that led members to seek a political career under a different banner.

Floor crossing is not going away any time soon in Canada. Yet, it is misunderstood by many, including the public and sitting elected officials. Depending upon the motive, some members that see party switching as a path to electoral success may be sorely disappointed with the result. Others may enjoy longer careers. Understanding the context may inform individual rational decision making. Crossing the road without understanding the context is always risky. Crossing the floor without looking both ways may be just as perilous.



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