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PLENARY PRESENTATION
TO THE
CITIZENS' ASSEMBLY ON ELECTORAL
REFORM

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MORRIS J. WOSK CENTRE FOR DIALOGUE

SUMMARY OF SUBMISSION

This submission:

- Supports the introduction of a mixed member proportional (MMP) representation electoral system in British Columbia;
- Summarises the presenter's experience as a New Zealand voter living under both "first past the post" (FPTP) and MMP, and the transition from one system to the other (I have had the privilege of voting in eight elections, five under FPTP and three under MMP);
- Responds to issues raised at the Citizen's Assembly public hearing in Nanaimo on May 27, 2004, and in the media; and
- Recommends a provincial referendum to ask for voter approval of a change to an MMP system.

Basis for recommendation:

The ability to cast a vote is among the most fundamental of human rights (as a former disenfranchised landed immigrant in Canada, it is a right that I sorely missed while waiting to become a citizen in March 2003). When that vote is felt to be wasted, or lost, it is therefore immensely significant. Knowledge that a system exists where no British Columbian voter ever has to feel that their vote is lost – or worse, that voting is a waste of time, which voter turnout to date indicates is increasingly the norm – surely is a compelling argument that the time has come to change to that system.

NZ HISTORY

It is assumed that the assembly has had access to resources available to understand the changes that have occurred in New Zealand. If not, I suggest a review of www.electionresources.org/nz, which contains an excellent summary of the changeover to MMP and the relevant statistics. A hard copy is attached to this submission for ease of distribution.

The first election held under MMP was in 1996, and there have been two subsequent elections. Prior to that NZ had utilized a FPTP system for over eighty years.

Here is a statistic of interest to contemplate:

In the referendum held to approve MMP in New Zealand, the vote held was counted proportionally – a simple yes or no count on a national basis. A clear majority of 53.8% yes to 46.2% no voted in favour of MMP.

If the vote had been counted by majorities in ridings – a FPTP-type count – MMP would have "won" 76 out of 99 ridings, or an apparent 77% approval from voters. In the case of a referendum, the outcome is the same. In an election, it clearly would not be.

MERITS AND FLAWS OF FPTP (the current system in British Columbia).

Merits:

- Clearly preferred regional representation in individual ridings;
- In general, clear majority governments are also easily formed (but not always – in the 1993 election, the National Party in New Zealand won 50.5% of the seats, but only 35% of actual votes cast);
- Generally, a belief there is greater accountability (although when an overriding majority is in power, the balance of accountability diminishes again).

Flaws:

- Effectively FPTP results in a two-party system – elections become competitions between the two parties with the greatest resources (usually, one on the centre left and one on the centre right), minority votes are effectively “lost” and minority parties are unable to secure seats;
- One party also tends to dominate for long periods of time. In New Zealand, for example, the conservative National Party held power for decades punctuated by sporadic and short bursts of power held by the Labour Party;
- Regularly the dominance is so strong that it results in no effective opposition;
- This leads to complacency on the part of the dominant government;
- It also results in a lack of debate in the House;
- Experience indicates that visible minorities have less representation in the legislature;
- On occasion, the governing party which has won the most seats has actually only secured a minority of votes. This occurs because of the imbalance and size in population and area of urban and rural ridings. In other words, votes in low-population ridings may have more “impact” than votes in very high-population ridings; and
- As a result, voter confidence diminishes, as does voter turnout.

STIMULUS FOR CHANGE IN NEW ZEALAND

In New Zealand, research into alternatives was driven by the high level of voter dissatisfaction with the FPTP system. The actual impetus to change was, of course, political will. **Committed political will is crucial to see through a change.** It is encouraging and to be applauded that the current government is continuing to publicly state its commitment to honour the recommendations of the Citizens' Assembly – without such political support, change will never occur.

What happened: The research was begun in 1985: by the time voters were asked in 1992 in a non-binding referendum if they wanted to change the electoral system, voter turnout was high: 55%. The vote was 84.7% in favour of a change to the system. MMP was given a 70.5% approval rating as the choice of alternative system.

When a binding referendum was held one year later, voter turnout was 85%, and almost 54% voted in favour of MMP. MMP came into effect for the 1996 election.

HOW DOES MMP WORK?

By way of a very simplistic explanation:

- All voters get two votes, one for a local candidate in their riding and one for a party;
- The local candidate with the greatest number of candidate votes in his or her riding wins the seat;
- There are a fixed number of such local seats – 65, including 5 dedicated Maori seats;
- There are 120 seats in the House altogether;
- The remaining seats are filled by “list” candidates. These are people on a pre-election set list for each party. Each elected party can “top up” its seats in the House from people on the list in order to ensure it has the proportional representation in the House that its party vote indicates it should have. Voters casting a party vote therefore know in advance who will be provided with a seat in the legislature as a result of their vote;
- To qualify, a party must win at least one seat or receive 5% or more of the party vote.

EXPERIENCES IN NEW ZEALAND

On the downside:

Over three electoral terms a number of things have “shaken down.” It must be expected that wrinkles will require ironing out. No system is perfect, or can cure all the perceived problems of an electorate, and all new systems need time for adjustment and for correcting system errors. For example:

- There will, at least initially, be more inexperienced members in the House;
- The spread of the vote has resulted on all three occasions in the need to negotiate coalition governments;
- List members have no home riding to represent. In one sense, they are sometimes seen as “second-class” members because they are indirectly, rather than directly, elected;
- Tensions and “turf wars” can occur between the elected member in a riding and a list member resident in the same riding if the list member challenges the elected member’s sense of “ownership” in the riding;
- Technical problems can arise. For example, fairly quickly several list members defected from their parties but declared an intention to continue sitting as independents – a nonsense notion given they hold their seats in the first place by virtue of their party affiliation. (This loophole has now been closed by legislation.)

On the upside:

The merits of MMP appear to vastly outweigh any downsides, which are relatively straightforward to deal with:

- Over three electoral terms, experience has come and many of the initial stumbling blocks have been removed or overcome (inexperience on the part of new members may not be a bad thing – they won't have as many bad habits);
- Because the traditional style of parliamentary debate is retained, there are already rules and a structure in place to govern such inexperience (for example, the Speaker);
- As to coalition negotiations, experience has made this process faster and more amenable to compromise as time has progressed (in New Zealand, after the first election, the negotiations took days and ended in a result not expected by most voters; by the time of the last election, experience had resulted in extensive pre-election negotiations that smoothed the way to a speedy and practical resumption of government immediately following the election);
- Voters retain direct regional representation, but have the added advantage of party representation;
- When it comes to “turf wars” in ridings between list and elected members, from a voter perspective, this is fine – regionally, it means they have not one voice in the House, but often two or more, all working to keep each other honest;
- Representation of minority groups rises rapidly (in New Zealand, Maori hold approximately 15% of the seats, which is consistent with the population base, and women hold approximately 30% of the seats. This is attributable in many respects to the rise of minority parties);
- Debate is a great deal more extensive. There is more flexibility between parties to negotiate sound compromises that serve the public better;
- Standing committee processes become more representative instead of being “patsy” processes simply funnelling legislation through, and minority parties are able to have a substantial influence on government policy and represent their constituencies effectively. For example, the Green Party in New Zealand (which holds 9 seats) has managed to achieve substantial progress on bio-security and GM foods. Prior to MMP, the Green Party could not even win one seat and was unable to be influential in any manner;
- Debate is also slowed down significantly. This is a good thing! Significant legislation cannot be simply rushed through the House under the auspices of “urgency.” However, in cases of real urgency or emergency – the Iraq war, for example – parties have the incentive to work together effectively in the national interest, and have demonstrated the ability to do so;
- The need to reach consensus on important issues (ownership of the foreshore and seabed, for instance, as a recent example) lends itself to more robust legislation that has stronger public approval overall;
- Voter turnout may increase with an increased confidence in the system and the value of individual votes (although in New Zealand, it has typically been high over the last fifty years regardless of the system – between 82% and 93%);
- Contrary to the expectations of critics, the country has experienced no more instability of government than under FPTP (British Columbia's own experiences of instability under FPTP since the heady days of John Foster McCreight and Amor de Cosmos lends a strong argument in its own right for change to a system that spreads control over a potentially broader range of coalition parties).

Finally, and perhaps most importantly: voters get the truly representative legislature they deserve – they get what they ask for. Objections to MMP have typically been raised by (a) lobby groups who fear an erosion of their ability to influence one majority party that is unencumbered by the need to compromise with smaller parties (in New Zealand, according to media reports, the Business Round Table spent a budget in the millions of dollars attempting to thwart a yes vote for MMP) or (b) individuals unhappy that certain parties with which they have policy differences have achieved representation in Parliament.

MATTERS RAISED IN PUBLIC FORA IN B.C.

A variety of questions and concerns have been raised about MMP since the Citizens' Assembly process has begun, some of which may be addressed by the New Zealand experience:

- *Why should a system that works in New Zealand work in BC?* Both jurisdictions have much in common. Population size, economy, culturally and socially important issues, aboriginal issues, all parallel each other. Above all, New Zealanders and British Columbians have a common interest in fair and proper representation in government.
- *Why should small segments of society have influence?* The point made in one public submission to the Citizens' Assembly actually was: "Why should small segments of society have influence inconsistent with their political base?" (Jim Nielsen, Kelowna, June 24). But under MMP, in fact, all segments voting for a particular party get representation completely consistent with their political base – it is under FPTP that they do not. And a threshold (in New Zealand, 5%/one seat) constrains a proliferation of minor parties with a tiny number of supporters. There are currently eight parties represented in the New Zealand government, for example, not hundreds;
- *Can MLA's cross the floor without losing their seats?* Yes. In fact, it appears there is less risk of loss of seats, given recent experience in British Columbia. Ultimately, this is an issue of caucus management rather than electoral system.

IN SUMMARY:

MMP makes the voter's voice count – because the voter gets exactly what he or she asked for. The experience in New Zealand has shown it to be a system that has greater benefits for the constituency than the FPTP system. As the function of government is to serve its constituency, I submit it is imperative to call for a change to this system in British Columbia as soon as a referendum can be held.

Writer bio:

The writer of this submission is a Canadian citizen (since March 2003), a freelance journalist and author (previously a business lawyer and negotiator), and is not affiliated to any political party. Prior to moving to British Columbia in 1999, I have lived and voted in New Zealand over the course of 8 elections.

My interest in electoral reform stems from a combination of personal belief in the fundamental value of democracy and a requirement for fairness. My knowledge arises from a combination of working in government systems in both jurisdictions (at Assistant Deputy Minister equivalent-level in British Columbia), and paying attention.