

**Record of Proceedings
of the Citizens' Assembly on Electoral Reform
October 16 - 17, 2004**

In attendance: J. Blaney, Chair
150 Assembly members
10 staff
11 facilitators
9 notetakers
25 observers
3-4 media

On leave: G. Mackinnon
S. Williams

Absent: Dave Callaghan
P. Barakat
D. Coombes
C. Fader
B. Huseby
E. Morrison
M. Pritchard
J. Tait

Recording secretary: L. Perra

Saturday, October 16, 2004

Plenary AM Session

S. Todd, accompanied by his daughter, Marron, led the members of the Citizens' Assembly (the "Assembly") in the singing of the national anthem.

The Chair recognized:

- Linda Johnson, Deputy Chief Electoral Officer, Elections BC
- Janet Erasmus, Senior Legislative Counsel, Ministry of Attorney-General
- Neil Reimer, Senior Evaluation Advisor, Ministry of Attorney General

The Chair provided a brief summary on the History of Democracy:

- Started in city democracies, Greece, Italy;
- First major transformation about 100 years ago - representative democracy;
- In last 100 years that we have mass democracy;
- In last 50 years that women have participated in democratic process;
- Last 20 years that majority of the world had implemented democracy;

- Recent research indicates recent trends:
 - Increased skepticism about political parties, politicians
 - Voter turnout is down
 - Increase in advocacy democracy
 - Citizens are looking for new ways to be engaged such as the Citizens' Assembly

The Chair outlined the key tasks for this and the next weekend.

1. **Presentation: Designing Alternate Electoral Systems - K. Carty**

Review of the STV model adopted on September 26, 2004:

- Local representation from multi-member districts
- Proportionality
- Candidate centered
- DM of 2-7
- Quota - Droop
- Ballot form - Candidates grouped by party, names randomized
- Completion - Voters express as many preferences as they desire
- Transfers - all transfers counted for replicability
- Vacancies - By-elections by AV

Questions/comments from members:

(Note: Text in bold and italics denote answers from CA Staff)

- ◆ Under ballot completion, should the voter mark up to the DM?
- ◆ Need to differentiate between rural and extreme rural. (May need to elaborate.)
- ◆ Can we make suggestions on riding combinations?
- ◆ Will CA have input into work of Boundary Commission?
- ◆ Completion on ballot - Is there not a need for a minimum to ensure proportionality?
- ◆ Don't see a problem regarding minimum completion.
- ◆ More choices enhance apparent legitimacy of the vote.
- ◆ Not critical - parties likely to advocate for more votes.
- ◆ Need to learn from other models and design a better system - there is some value to a minimum number of choices/votes.
- ◆ What happens in case of a tie? ***Most systems have a tie-breaker: re-election, returning officer decides (flip a coin)***
- ◆ Could a person place 1, 2, 3 votes against one name? ***No***
- ◆ Could we establish a minimum quota rule?
- ◆ Is it true that a major community may drive the results? ***Not all the time.***
- ◆ Are there studies done regarding resources coming from a region affecting representation? ***No, politicians represent people, not resources.***

2. **Boundary Commission Review, K. Carty**

Questions from members:

- ◆ Does a larger DM add to competition for seats? *Usually*
- ◆ Will DM of 3 have as many candidates as three DMs of 1? *Not sure*
- ◆ How many federal ridings are there? **36**
- ◆ What is the experience of other countries in drawing boundaries? *Typical process*
- ◆ What is the likelihood of court challenges under different models? *There may well be court challenges. Now a case before the courts on the constitutionality of the FPTP model.*
- ◆ Every second election the Boundary Commission sits to set boundaries and often adds ridings. Is this right? *Population continues to grow in Canada. Owing to federal constitutional rules some areas have protected seats, new seats were recently added to BC owing to growth. There is a political reality about not wanting to reduce seats in rural BC areas and this is sometimes accomplished by adding seats elsewhere.*

3. **Designing a Mixed System, K. Carty**

Questions from members:

- ◆ Are we able to recommend overhang seats? *Not sure, it is a one-time event.*
- ◆ Would an independent have a chance gaining a list seat? *Not likely, possible in small region. Depends on the percentage of list seats, if too low, door will be closed for independents.*
- ◆ Can you elaborate on the option 3.c: list or constituency seats, but not both? *You can be a candidate for a constituency seat or a list seat, but you can't be on both.*

Plenary PM Session

Note: Bolded Text in italics and right-tabbed denote Assembly's decisions

Is there any support for the Mixed Member Majority model?

- Little to no support - *Agreement reached by consensus.*
- One group discussed a three option model:
 - High Density - 50/50 split, local and list
 - Medium Density - 66/33 split
 - Low Density - 75/25 split
- Don't like MM-Lite, not enough proportionality. Some support indicated for this position.
- Difficult to decide between MMP and MM-Lite
- We need to recall that our values include both local representation and proportionality; MM-Lite will do this for us.
- Can different ratios be used across the province? Probably but it will reduce proportionality.
- We need to keep to a 40 to 50% list allocation if we want proportionality.
- In favour of MM-Lite as riding size may not vary as much, small parties will have a chance.
- During hearings we heard a lot about MMP as a preferred choice. Feel MMP is the way to go.
- We can go 50/50 across the province using federal ridings.
- In north, two federal ridings include 8 provincial ridings.
- We should have 50/50 across the province.
- Don't understand why we cannot have 3 tiers to produce a 60/40 split provincially.
- Suppose that it could be feasible under MMP.
- We had three northern representatives in our group. We already have three levels of population density across the province.
- Have difficulty choosing between MMP and MM-Lite. It may depend on the answers to the other features.
- Support for MMP with 50/50 split. Will still have local representation.
- We need to refocus on our values; MMP supports our values more than MM-Lite. Some support indicated.
- Don't think that MM-Lite meets the needs of the province or our values.
- May not please everyone.
- MMP is the only one that meets our values.
- Some people look at MM-Lite because they think it will not impact district size as much as it does - MM-Lite will increase district size by 50%.
- We may still have strong disproportionality with MM-Lite, so why bother.
- There is a need to look at the whole issue, difficult to break out sections. Is there an issue between local and list candidates? Might be better to develop both options a little more.
- List balance has implications with allocation of candidates.
- Need some explanation regarding David Will's point about district size increasing by 50%. David Will responded that in a 66/33 split, you have

- 33 list seats in a legislature of 99 seats. Thus, for each local seat you need to elect .5 list candidates, which will require a 50% increase in district size.
- Keeping in mind that nothing is decided until everything is decided, we should use the electronic voting buttons and move ahead.
- There is perception that we are happy with federal riding size, want to let you know that it is not so.
- We do not see local and regional candidates as the same.
- MMP - votes reflect seats is the goal.
- MM-Lite - votes reflect seats is not the goal but has some proportionality.
- Is 66/33 MMP or MM-Lite? **MMP**

The Chair asked if the Assembly is ready for the question on MMP or MM-Lite?

- Knowing the split would help, think we need to focus on the goal, that is, is proportionality the goal?
- If I value local representation more, does this drive the decision between MMP and MM-Lite?
- If I vote MMP, then I may be denying the needs of the north.
- You can't have MMP with varying ratios in different parts of the province and call it MMP. It can be done, but it won't be MMP and it will lead to disproportionality.
- We are looking for something that will work in the north and the south.
- We are going in circles, if we are looking for proportionality, there is only one choice.
- Confused, do we want proportionality or a mixed bag, for me it's MMP.
- We need to explore MM-Lite a bit more because of the north.
- If this issue is divisive, then maybe we need to develop both options.
- People want it all - if we have 3 types of population densities, why can't we have different levels of proportionality.
- I either want proportionality or not, should not be halfway.
- We are getting wrapped up in labels; we need to design a system that works for BC.
- We should move forward.
- Need to look at issue from right perspective. If we do 50/50 split, then we need to combine two districts. Can we have regional MLA?
- Surprised we are having such difficulty with this issue, we decided under STV to have a DM of 2 to 3 for the north.
- Hard to answer. We want local representation and proportionality without losing what we already have.
- I don't quite understand the tiered model. Are you suggesting that regions would be established and the split local to list would be different in the different regions? **Yes**
- I hear that MM-Lite involves little change, leaves things much as they are; we have a responsibility to look at MMP well because of public input.

○ We are here to look at a system for BC, not parts of BC.
The Chair asked the Assembly if they wish to make an indication, that is, is proportionality the goal or is it something else?

Agreement reached by consensus.

Electronic vote:

- Proportionality - 111
- Something else - 27
- Other - 2

Agreement on that model must provide for proportionality.

- We can move on to less difficult items such as 3, 4, 5, 6, and 7 on the list.
- Must run a local if you want to be on the list.
- Could we look at the results of the last election and require parties to run in the same percentage of ridings as the percentage of votes received?
- We haven't decided whether we will have regional or provincial lists.
- Requiring people to run on both sides of the list will require candidates to focus on both local and provincial issues.
- Should be able to run for one or the other or both.
- If you don't run for both, party chooses the list.
- Are we creating zombie candidates by letting them to run on both?
- If we have an open list, all the party does is place names in the pool, then voter decides.
- Smaller party will gain from list seats.
- Have a problem with requiring candidate to run for both local and list seats. May end up with the best of the losers.
- A loser in a riding may not be a loser in rest of region.
- Have a concern that independents will not be disadvantaged by our choice. Not really, independents can chose which way they want to run, chances are low on the list seat.
- 3.a and 3.c are negative, we need to give parties more options. The more restrictive we make it, the harder it will be for small parties. If we value choice, we should extend some to the parties.
- What problems do we create by providing options? *Not many.*
- We need party leaders to get into the legislature, thus, we should provide both options for this reason.
- Some parties may not have the resources to run both types of candidates, but should be able to decide.

Electronic vote:

- Option 3.a - 9
- Option 3.b - 106
- Option 3.c - 25

Agreement that option 3.b is the choice:

Parties can decide to run candidates in either or both parts of the system.

- **Presentation: Electoral System and Representative Outcomes - Lisa Young**

Questions from members:

(Bolded Text in italics denote answers from Professor Young)

- You mentioned that 35-40% of party memberships are women, how many put names forward to run in election? ***Not many women running.***
- Are there statistics on the persistency in the gender gap, does adversarial politics impact the gap? ***Not much out there to answer the question, hard to know what causes change.***
- Do statistics vary on a regional basis? ***Travel can be a contributor but is not supported by PEI experience. Family responsibility is a factor. Western provinces seem to do better than eastern provinces.***
- Education includes more women, should we be discussing having more men in education? ***Post-secondary education is very important for women but doesn't seem to contribute to more women in politics.***
- Does DM have an impact? ***STV requires a DM of 7 to have an impact on proportionality. Tasmania has moved to smaller DM but still can't measure outcome re women. Agree that there are better results with a larger DM.***
- Do women have an equal chance in re-elections? ***Think so, studies show that people vote parties and having women doesn't impact this fact. There are some difficulties for high profile candidates - media notices and negates male behaviour by women.***
- The President of Fair Vote Canada wrote us a letter wherein she stated that STV does not help women. Can you comment? ***Really struggled with this question. Countries that have adopted STV are not necessarily the areas you want to consider. In Australia, state results don't indicate significant differences based on electoral model. It is possible that internal party dynamics are at work. STV politics may contribute to outcome.***
- Men seem to be forgiven when they make a mess of things, but women get crucified when something happens to them. ***Hard to answer, no real answer. There is still a level of discomfort with women in a public profile.***
- Did federal finance regulations change things for women? ***Regulations control both nomination and campaign finances. Little history to go on, same number of women in parliament at this time.***
- Are there any data at the municipal level? ***Some studies completed, but there is little progression from one level to the other.***
- Your presentation seemed to confirm there are not a lot of barriers. What do you know about spousal support? ***It is much harder to be involved without spousal support, no easy answer.***
- Can you say more about legislative quotas? ***Many quotas in South American countries, in Europe. Rwanda established a quota that balances gender. Pressure from external areas exists on third world countries to involve women in education economy and politics.***

- Struggles with quotas, can it be an impediment to equity? *No particular issue with quotas. In some cases it is the only way to go. In Canada, we have a small “l” liberal culture, we support merit. Women elected through a quota have to prove themselves much more. Our liberal society gets excited about quotas. If the CA includes a quota, this will become the issue.*

Sunday, October 17, 2004

Plenary AM Session

The Chair noted that the previous evening’s discussion focused on MMP and the concerns of the north and rural regions of the province. There was an acceptance that there is no perfect system, there are strengths and weaknesses in all systems. The group did end the evening with a sense that an open regional list seemed an acceptable solution.

In the “Other Considerations” section, comments about the need to recognize the decreasing population of some regions, their geographic size and the need for good access to constituency services could be included. He noted further that the discussion was good and people were trying hard to understand and thanked those members who participated.

The Chair then guided the Assembly to move forward and started the Sunday session by continuing to build the best mixed system starting with open regional lists. The Assembly raised the following questions and comments.

- What is open regional list?
- There are regional lists and these would be open lists.
- We agreed to proportionality as a goal yesterday and candidates would be able to seek to run in either local and/or list seats.
- This is a basic framework. We can’t take seats out of the north so regional lists will help to keep them there.
- Possibly we could move on the issue of regional or provincial list for seat assignment.
- Do we define boundaries or does the Boundary Commission do that?
- We can define these in broad terms and the Commission will determine the boundary lines.
- Maybe we should agree on type of lists and vote on it.
- We have provincial and regional lists and either can be open or closed.
- How is proportionality affected? It can be either way.
- Will proportionality be affected by regional list?
- Our objective is to achieve the most proportionality. Going with regional list is a good idea but we may compromise proportionality. Whether it is open or closed is a good question. Closed lists are simple, easy to implement. We’ve discussed party control. Need to recognize we have party control in all systems. I support closed lists.

- My concern is that at the end of the model building we address our values. Have some concern on the local to list seats. If 75-25, local representation can be addressed through local seats. How do we address proportionality?
- Large centers in a region will tend to dominate rest of the area who will be colonized.
- In support of voter choice, why can't we provide flexible choice, that is select the party or candidate?
- In practice, having the option tends to make this a closed list system as people select the party.

Electronic Vote: Regional or Provincial list for assignment of seats.

- Provincial - 22
- Regional - 120

Agreement that we will use regional lists.

- Are there any constraints on the number of MLAs that can be elected. ***There would be constraints by DM and local versus list seats.***
- If it is open, could one have above-the-line voting? ***Could be two types of open lists.***
- Would above-the-line apply?
- There is a party vote and the order of the list could be optional.
- Could one option be to select a number of candidates? ***On most open lists people chose one candidate.***
- Could we vote for above-the-line or not or for both?
- Surprised to see the resistance in providing voter choice for above or list votes.
- Can't we decide on open or closed and then above-the-line or not?
- I agree that people want the option to make choices.

Electronic Vote: Open or closed list for regional lists.

- Open - 135
- Closed - 8

Agreement that list will be open list.

Allocation:

- The issue is whether proportionality will be determined provincially or on a regional basis.
- If you do allocation provincially, how do you assign seats regionally? Concerned that a list candidate may not reflect their views.
- Candidate will come from the regional list. Allocation determines which parties will get list seats; assignment takes candidate from the regional list.
- Regional approach could be divisive for the province, we should have some concern.

- Regional proportionality reflects the diversity of the province. Each region should reflect its interests. We already have divisive politics by areas. We might have less proportionality provincially, but better local representation.
- Is there less chance of overhang seats with provincial proportionality and regional assignment? It is more of a challenge to deal with overhang seats.
- We have addressed local representation through regional list; we need to address proportionality through provincial allocation.
- Regional parties tend to be regional. Regional assignment reduces proportionality.
- Why is local representation not on the list of options? Included in the item C I Balance.
- Will what we are deciding have an impact for smaller parties? *Not sure, on principle it will. In Scotland, it seems to be yes.*
- Party will receive its allocation on a provincial basis, but assignment will depend on where party got its votes.
- Assume a party has 10 seats off the list. It will be assigned to those areas where they have had votes but no local seats. Parties that win lots of local seats don't get many or any list seats.

Electronic Vote: Regional or Provincial list for allocation of seats.

- Provincial - 111
- Regional - 29

Agreement that we allocate seats on a provincial basis.

Constituency Rules:

- Support AV, more reflective of population.
- Although I agree with voter choice, it (AV) can lead to confusion - having to mark too many choices.
- Simplicity, familiarity, most people do not like change.
- We want voter choice – AV.
- AV- candidate should have majority behind them.
- We should have an affirmed vote - AV - that represents the majority.
- AV, agree with voter choice. Does it make the ballot complicated? Hard to say.
- Discussed AV versus FPTP in our group. I can vote for the party or candidate as I cast my choices.
- Concern regarding acceptability - incrementally - looking at FPTP.
- Support FPTP - don't like the way AV works out - getting the person you can live with.
- Initially FPTP, but like the way AV forces coalition partners.
- Don't feel it is fair to people to keep FPTP.
- AV and FPTP don't create much of a difference in outcome, supporting FPTP.

- AV gives choice, but change for sake of change is patronizing.

Electronic Vote: FPTP or AV for local candidate.

- FPTP - 43
- AV - 99

Agreement that AV will be used for local candidate elections.

- Do we have to vote for all or for one under AV? We would likely vote for each half so there would be at least two votes, one for local and one for list seats.

Is there agreement on that last point, that we would have two votes, one for local and one for list seats?

Agreement reached by consensus.

NOTA:

- We have about 10 minutes before the break. We had some good discussion on the NOTA option in one of our Saturday evening sessions. Is there any interest in discussing this now?
- Not in favour of going that way, we have a lot of work to do.
- Agree we have a lot to do and don't want to spend my time on something negative.
- Agree, NOTA is negative.
- I like NOTA, can we move ahead please.
- This is off topic but can we review Mr. Day's regions next week?
- Think it is interesting that so many don't like NOTA. It is a voter choice.
- Agree, it is a choice. What are we scared of by letting it be there?
- It is an insult to the BC voter. You can not vote if you want to object.
- Don't need this choice.
- Agree with NOTA, don't think absence indicates a protest.

Electronic Vote: Should we recommend NOTA?

- Yes - 35
- No - 102

Agreement that we not recommend NOTA.

Threshold:

- Natural threshold is based on the size of the legislature $1/79 = 1.2658...$
- Is this number based on full PR list? ***No, on DM of the allocation level.***
- While we hear of 5% throughout much of the world, do we need something this high? Could 2 to 3% do? How about 3% plus the natural? ***This would keep out the smaller parties.***
- If we want a fairer system should we go with the natural threshold?
- Agree with last point.
- Should be a higher threshold. Legislature needs to get the business done. Need to keep out the extreme parties. Low thresholds often provide examples of bad systems.

- Where does 5% come from? It is totally arbitrary.
- 1/79 is the correct choice.
- We spoke about inclusiveness. System has a natural threshold, will lead to better inclusiveness.
- Agree with a higher threshold.
- Israel had 1%, now 1.5% and they still have 12 to 13 parties. New Zealand has 5% and has 6 to 7 parties. Threshold controls the number of parties that are in the legislature. Threshold does not exclude people but it will reduce fragmentation.
- See a threshold of 3-5% to keep the legislature working.
- Prefer natural, inclusiveness - don't want to exclude anyone and if they can get into the legislature, it may help to legitimize them.
- Low threshold may be a problem for the regions.
- Think a threshold is good to keep out extremes.
- Support 3%, will help some small parties to get in.
- Support the voice of the little guy, use the natural threshold.
- Legislature is about governance, we need to keep the legislature functioning. Need to ask what type of legislature you want. What kind of parties do you want in the legislature? Leaning to 3% -- should require parties to earn a seat through higher threshold. New Zealand with a threshold of 5% has 120 seats, 3% seems right for 79 seats.
- Need to be concerned about instability after the vote.
- Need to reflect voters' desires as much as possible. Rather than focus on thresholds, possibly there is a need to focus on parliamentary reform and the need for consensus.
- We need a threshold, need to think about ballot, low threshold will lead to a large ballot.
- Lots of people who see Liberal and NDP as nuisance parties. Agree with 5%. As legislature grows, threshold may drop.
- Not likely they will win a seat with a natural threshold, regardless, should have a threshold of 3%.
- Support natural threshold.

Electronic Vote: Threshold-Natural, 3% or 5%

- Natural- 32
- 3% - 67
- 5% - 46

Run off vote:

- 3% - 93
- 5% - 48

Agreement that we will have a threshold of 3%.

- Should we include an option of meeting the threshold by winning a seat?
- 3% is a low limit, if you win a constituency seat you will likely have 3% of the votes to do so.

- If it doesn't make a difference, why not say it? It might help minority groups to get in.
- We can work this out later if we accept MMP as the final option.

Constituency - List Balance

- Having decided on a regional list, we should balance with 50/50 split for proportionality.
- 60/40 might help keep northern ridings smaller.
- Support 60/40, our decision on proportionality has no impact on regional list.
- Support 50/50.
- If we are looking at regional representation and proportionality, then prefer 60/40.
- Support a 70/30 split to make northern ridings more manageable.
- Think it should be 66/33, people can understand 2 local to 1 list seats.
- Law Commission recommended a 66/33 split.
- There is only one jurisdiction with a 66/33 split and the proportionality results have not been good, we should not go below 60/40.
- I like 66/33, we are different than the rest of the world and it might work here.
- Proportionality is a value, we should not go below 60/40.

Electronic Vote: C L Balance

- 50/50 Split - 41
- 60/40 split - 78
- 66/33 split - 22

Run off vote

- 50/50 split - 41
- 60/40 split - 95

Agreement that Constituency List Balance be a 60/40 split

List Access:

- Do list candidates have to run in local seat to have access to list seats? If yes, in how many local contests?
- One per region.
- One regional candidate will provide access to the list.
- Make it as low as possible.
- Only need to run one local seat.
- This question may be premature until we know the number of regions.
- If a party is required to run in too many regions, it may stretch the resources of really small parties.
- Forcing candidates to choose local or list is unfair and inconsistent with having chosen 3.b earlier on access to either or both lists.
- Parties should be required to run same percentage of local seats as percentage of votes in last election.

- Only big parties can afford to play “games” with electoral systems.
- What happens when a party runs one local candidate and 15 list candidates? A solution may be to not allow more list seats than local seats.
- That solution will penalize small parties who are likely to win via a list seat.
- There are modest administration fees for running in elections.
- Leader of small party may be forced to try for local seat even though their best chance is on a list seat, should allow one or the other.
- This is a topic that we can hold over once we have selected an option.
- We are not discussing candidate access but rather party access to the list.
- There may be administrative problems that can be dealt with by the electoral commissions.

The Chair asked for an indication of support for delaying the decision until an option had been selected.

Consensus agreement to delay the decision until MMP had been selected as the option.

Vacancies:

- AV by-election for local, party for list.
- Agree on by-election for local, but need more discussion on list vacancy.
- We should have a single approach for both, by-elections for both.
- MLAs are elected differently and we should treat them differently.
- Proportionality was determined provincially and not regionally.
- Elections would be regional - dynamics could change two to three years down the road.
- Go for an election up to 6 months before the election.
- Local by by-election, list based on provincial vote. If a new provincial vote, big party would win and small party would lose.
- Like by-elections for local, list for provincial - would not support a provincial election for list seat.
- Agree with previous speakers - a new provincial election will skew proportionality.
- AV for by-election, next name on list for a party.
- Can we leave this question open for now?
- Sympathetic with next name on the list but it may not be there - prefer a by-election.
- If list is exhausted, let the leader decide.
- This gets more complicated with independents.

Can we agree with AV by-election for local vacancy and list seat belongs to the party to fill.

Consensus agreement on AV-by-election for local; list seat to be decided but it was agreed that the seat “belonged” to the party which had controlled it before the vacancy occurred.

Formula:

Consensus agreement that we delay decision until option is selected.

The Chair closed the session noting that the Assembly had:

- made key decisions on the key aspects of MMP;
- a very good and intense weekend;
- learned something about electoral systems; and
- learned how to work together.

The meeting was adjourned at 11:45 am. The Assembly was asked to complete evaluation forms.