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PLEASE REPLY ATTENTION OF: R. Bruce E. Hallsor
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Monday, March 19, 2004

Citizens' Assembly on Electoral Reform
#2288 - 555 West Hastings Street
PO Box 12118
Vancouver BC V6B 4N6

Dear Sirs:

Re: Electoral Reform Submission

In my legal practice, I have been involved in several cases dealing with controverted elections including judicial recounts. I have also represented both proponents and opponents under British Columbia's recent recall legislation. In short, I have had the opportunity to consider our democratic process up close from a legal perspective. I have also enjoyed hands on experience with the electoral process as a partisan activist, campaign manager, and candidate for Parliament in the 2000 federal election. I have recently been elected Vice-President of Fair Vote Canada, a national organization with members from all political backgrounds, that has advocated for changes to our electoral system since its inception in 2000.

I would like to begin my submission with a story which illustrates first hand one of the worst characteristics of our first past the post electoral system. In the 2000 federal election, I ran in a close race against incumbent MP David Anderson. For most of the election, local polls showed our race was neck and neck, some showed me ahead by a small margin, others showed David ahead by the same small margin. The recent history of our riding was that the Liberals and Canadian Alliance (Reform) were the strongest parties, with the NDP and PC vote having fallen in recent elections. In the last four elections, our riding had elected MPs with a popular vote in the high 30% to low 40% range. Logic dictated that my job was to win over the PC vote, and to help the NDP hold their vote, and that David's was to win over the NDP vote and help the PCs hold their vote. This is what the electoral system forced us to do. In an ideal world, we would have set out our own platforms before the voters, and tried to convince undecided voters through a positive message that our policies were the right ones for Canada. In the first past the post world, we each set out to frighten voters of other parties about the consequences of electing a Liberal or Canadian Alliance government or MP.

My campaign message was directed to voters whose preference was the PC party. It was not to convince them that the Canadian Alliance was better than the PCs, only that David Anderson or Jean Chretien were very bad and must be stopped, and that I stood a better chance of doing that than their PC candidate. David Anderson's message was similarly directed at New Democrats. He did not attempt to defend his government's record on issues of concern to those voters. What he did instead was convince New Democrats that their party had no chance, and that they had better vote for him in order to stop Stockwell Day or even me.

The result of the first past the post system is to force even unwilling participants into negative campaigning. The result of this has been a steady increase in negative campaigning by all parties over the past few decades. I believe that this is the most direct cause of public cynicism in politics, and in lower and lower voter turn out. Our democracy is sick, and it will not become healthy again until we change our electoral system.

There are many technical reasons why other systems are better than first past the post, and I am sure that you will hear them articulated much more effectively than I am about to do. But my main reason for becoming involved with the electoral reform movement has to do with the above issue, and the harm that an inherently negative system of elections is doing to our whole society. I was involved with electoral reform groups before becoming a candidate in the 2000 election. I should advise you that I although I am National Vice-President of Fair Vote Canada, and may be making an oral submission to you in that capacity, my opinions expressed in this letter are not necessarily positions of Fair Vote Canada, but merely reflect my own thoughts.

Fair Vote Canada does not support any particular model of electoral reform, but has articulated broad principles which should inform the selection of a new electoral system. In my view, these broad principles are best expressed as follows:

- Broad Proportionality,
- Extended Voter Choice,
- Regional Representation,
- Equality of votes.

You will have many submissions before you providing ideas for many different models of voting systems. I urge that you consider all of them in the context of these criteria, which I believe provide the right values for the kind of voting system which will best serve British Columbia.

Broad Proportionality

This is the simple principle that partisan representation in the legislature should be broadly representative of the total votes each party received in the previous election. I do not believe that strict 100% proportionality is necessary, but whatever system is chosen should do away with the clearly unfair results we have seen in this province in the last twenty years.

Clearly, all reasonable people agree that the party with the most votes should receive the greatest number of seats, and the anomaly which took place in BC in 1996 and has taken place elsewhere in Canada too frequently, should not be permitted to happen again.

The more fundamental problem, of course, is that parties which have respectable overall support (5 to 15%) but enjoy no geographic concentration of support, usually get shut out of the legislature. This effectively disenfranchises a large percentage of our population and breeds cynicism about the opportunities for effective change and fair representation in our legislature.

Finally, the phenomenon of the exaggerated majority, which exists in our current legislature, serves to further deny representation to large segments of British Columbians.

Extended Voter Choice

Our current system denies real voter choice, for the reasons I outlined in my preamble. Most voters head to the polls with an awareness that only one or two candidates have a chance to win their riding, and they should limit their choice as a result. In some cases, their choice is limited for them because the political party they do support may not be on their local ballot.

Choice is also limited when voters are formally asked to vote for a local representative, but the system really requires them to vote along party lines on a provincial basis. Research shows that the vast majority of voters select the party they want, regardless of who the local candidate is. Sometimes, voters will instead choose the local candidate, even if he or she represents a party they do not support. Either way, the voter is not allowed to satisfactorily express their wishes. Ideally, voters should be provided with an ability to express these distinctions.

Regional Representation

500 years ago, when our present electoral system was being formed, and perhaps even 100 years ago, people's primary identification was with their local community or neighbourhood. That is no longer the case with most people today. Many people, especially in urban centres, do not know their immediate neighbours and have no connection with the place that they reside except that they sleep and eat there. People today often identify with social communities, religious communities, and workplace communities before identifying with their geographical community. In doing so, they share values with voters who form communities of interest that are not defined by traditional geographic boundaries.

Nevertheless, although geography might not define the issues that are most important to them, many British Columbians do continue value the idea of having a local representative who can pay particular attention to their local issues. Particularly in rural British Columbia, but also in urban centres, there is a value to knowing that there is at least one person in the legislature who has a reason to care about your community and the issues that affect it.

Adopting a more proportional system need not mean doing away with regional representation. But I do believe that our new voting system does not need to focus exclusively on regional representation.

Equality of Votes

British Columbians want to know not only that their vote counts, but that it matters as much as every other British Columbian's vote. Systems which treat voters differently based on where they live, or their gender or ethnicity for that matter, should be rejected. Systems which do not translate votes for small parties into any representation in the legislature should equally be discarded.

If electoral boundaries are going to be maintained, the population differences between electoral districts should not be kept very small. If a list system is going to be established, the cut off for small parties should not be so high that it creates significant distortion in the proportional allocation of seats in the legislature.

A voting system is, at its most basic, a means of translating people's votes into seats in a legislature. Our current system fails to do this with any mathematical efficiency. Any new system we adopt should be guaranteed to improve significantly on that translation, or it should be rejected by you.

Conclusion

I will personally be happy if you recommend any system which meets the above criteria more than the present system. There are some proposals you have before you which trouble me because they do not meet these criteria.

For example, the transferable ballot system which British Columbia briefly employed in the early 1950s can actually provide less proportionality than the current system. It is a system that might also encourage to even more negative campaigning than the current system does, by rewarding parties for solidifying second choice votes by bashing other leading parties.

Another troublesome example can occur if you choose a Mixed Member Proportional system with too large a regional component. With MMP, the larger the number of constituency-based seats there are, the more difficult it is mathematically to ensure proportionality through the list seats. For example, in a system where $\frac{2}{3}$ of the seats are constituency based, one party could still obtain $\frac{2}{3}+1$ of the constituency seats with 40% of the popular vote, and form a majority government. Even if that party obtained a minority with $\frac{2}{3}-1$ of the constituency seats, the other parties would remain under-represented because they are distributing 60% of the popular vote into only 51% of the seats. Invariably, if the number of seats is not large enough, some parties will suffer further from mathematical rounding.

A final value which I do not think is essential, but is preferable, is simplicity. Between two systems of equal utility, that which is simplest to use and understand should be preferable. I think that British Columbia voters are very intelligent and educated, and can certainly handle a lot more choice than they have now. But long and complicated lists with fractional voting could be a deterrent to some voter participation.

Having looked at all the systems presented before you to date, I personally like the Preferential Plus system presented by Nick Loenen and others. I also believe that MMP meets the criteria I have set out, provided it is well designed.

I thank you for the opportunity to present my views to you, and look forward to seeing the results of your deliberations.

Yours truly,

R. BRUCE E. HALLSOR