

**An
Incremental and Attainable
Democratic Model
for
British Columbia**

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An Incremental and Attainable Democratic Model for British Columbia

INTRODUCTION

The Canadian brand of democracy has several problems as can be seen in the enthusiasm with which the Citizens Assembly has been embraced.

The aim of this paper is to create a “just noticeable” improvement in a few of these problems. The areas of concern to be addressed are as follows:

- A low voter turnout
- The high parliamentary member turnover
- A large electoral disenfranchisement due to the First Past the Post System (FPTP)
- The inexperience of new governments
- Lost opportunities for accountability and informed dialogue due to poor opposition party financing within the Legislative Assembly.
- The power resident in an unelected Premier’s Office and political party bureaucracy.

It must be acknowledged that government is a complex entity. A small change in one area, will cascade, in chaos theory fashion, toward large changes elsewhere. As has been said in Australia:

An intriguing feature of electoral systems is that small, apparently insignificant changes to their constituent rules can have important consequences.¹

As a result only eight very small changes are being proposed.

The suggestions below are evolutionary in process, as befits our evolving democratic system of governance. Any tampering with the system dating from the Magna Carta: Exemplification of 1215, will of necessity have unforeseen consequences. Proportional Representation (PR) is not a quick fix. The model being recommended is “incrementalist”; implement a minimal change, assess the result over time, and then proceed. In that vein a very subdued form of Proportional Representation (PR) is proposed.

THE PROPOSALS

The suggested changes are as follows:

1. that Official Party status be granted, within the Legislative Assembly, to each registered political party obtaining five percent or greater of the vote by electors in a general election.
2. that each Official Party have the representation of at least two members in the Legislative Assembly.
3. that where an Official Party fails to elect two members to the Legislative Assembly, the candidate or candidates, as necessary, of the said party having the greatest percentage of votes in their own riding be appointed by the Lieutenant Governor to represent that party in the House.
4. that the allocation of time and questions during Question Period be directly based upon the popular vote obtained by the Official Parties.
5. that budget, office space, and staffing within the Legislative Assembly buildings be allocated based directly upon the popular vote obtained by the Official Parties.
6. that there be an All Party Special Committee of the Legislative Assembly, where all motions be debated and voted upon based upon the percentage of the popular vote obtained by each Official Party and passed only with a vote greater than fifty percent. Each Official Party shall have two members on the committee. Clause 53 (1) of the Constitution Act shall apply to permit the committee to meet when the Legislative Assembly is not in session.
7. that all appointments to positions of a duration beyond the mandatory call for the next provincial election be the responsibility of the All Party Special Committee. This includes provincial government boards, commissions, crown corporations and agencies. This committee will recommend to the Government of Canada, on behalf of the Province of British Columbia, individuals for the Senate of Canada as well as the Lieutenant Governor of British Columbia. Proposed judges to the Supreme Court of British Columbia are to be confirmed by this committee.
8. that the Citizens' Assembly be reconstituted and reconvened every 15 years.

EXPLANATION

The essence of this proposal is to give official recognition to more parties in the legislative assembly but without proportional voting power. The PR power given to the parties is found in front of the media through question period and in the background with one committee and PR based official party financing.

1. **that Official Party status be granted, within the Legislative Assembly, to a registered party obtaining five percent or greater of the vote by electors in a general election.**
2. **that each Official Party have the representation of at least two members in the Legislative Assembly.**

The concept of “Official Party” needs to be transferred from the Federal Government. Items one and two create the framework for a very slightly modified form of proportional representation. Five percent of the popular vote seems to be an accepted world norm for party representation in parliament. Germany has a five percent threshold and is often cited as an exemplar. Israel, with a cutoff threshold of 1.5% has problems with never having a majority government and the significantly non-representative influence of small parties³. They are seeking to change the system but are having difficulties due to the power broking of the small parties. Implementing items one and two into the present vote allocation would require two additional MLA’s to represent the Green Party.

3. **that where an Official Party fails to elect two members to the Legislative Assembly, the candidate or candidates, as necessary, of the said party having the greatest percentage of votes in their own riding be appointed by the Lieutenant Governor to represent that party in the House and fulfill item 2.**

Item number three is structured to prevent the type of "party list" cronyism seen in Italy, where many of the longest serving parliamentarians have not been elected, but instead have been appointed as a result of proportional representation lists. Consideration must be given to the possible intention of parties to “jockey” individuals into the Legislative Assembly. These additional caveats are required to strengthen the intent of this item:

- should the appointed member die, the candidate with the next largest number of votes would be appointed,
- should the appointed member resign or cease to belong to the party, the candidate with the next largest number of votes would be appointed in place of the original appointed member,
- should a candidate refuse to be appointed or a second appointed member resign or cease to belong to the party, the party would be represented by a single member
- should the party be deregistered the appointed MLA’s shall resign

- 4. that the allocation of time and questions during Question Period be directly based upon the popular vote obtained by the Official Parties.**

Item number four acknowledges that the first past the post system can distort the accurate spectrum of the views of the electorate. Parliamentary presence creates the venue for media and popular discussion. The accountability of the government to the entire electorate is addressed by giving the opposition parties the financial wherewithal to examine the way the government conducts itself, and the venue to expose, where necessary, flaws and inconsistencies.

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- 5. that budget, office space, and staffing within the Legislative Assembly buildings be allocated based directly upon the popular vote obtained by the Official Parties.**

Item numbers one and five creates an infrastructure of experience within each Official Party. Financing based upon popular votes allows the research necessary to give the opposition a credible voice on government policy. The staff in opposition is given experience in the process of government. This will help remove the naivety of newly elected governments.

- 6. that there be an All Party Special Committee of the Legislative Assembly, where all motions be debated and voted upon based upon the percentage of the popular vote obtained by each Official Party and passed only with a vote greater than fifty percent. Each Official Party shall have two members on the committee. Clause 53 (1) of the Constitution Act shall apply to permit the committee to meet when the Legislative Assembly is not in session.**
- 7. that all appointments to positions of a duration beyond the mandatory call for the next provincial election be the responsibility of the All Party Special Committee. This will include provincial government boards, crown corporations and agencies. This committee will recommend to the Government of Canada, on behalf of the Province of British Columbia, individuals for the Senate of Canada as well as the Lieutenant Governor of British Columbia. Proposed judges to the Supreme Court of British Columbia are to be confirmed by this committee.**

Items six and seven address patronage appointments as well as undue influence coming from beyond the grave of a government. The termination of the John Turner Government at a federal level demonstrates how Canadians view excesses in the patronage area. These items address accountability.

Reward and punishment are the typical mechanisms used by the party in power to maintain party solidarity. Patronage appointments are one method of rewarding

assistance to the party. The appointments do not necessarily go to the most capable person. This proposal does reduce power of the Office of the Premier.

8. that the Citizens' Assembly be reconstituted and reconvened every 15 years.

Item eight acknowledges that it will take time to assess the impact of change. Italy reformed its electoral process in 1998 with the aim of creating more stable governments. It took eight years for that change to generate a long lasting government. This item also provides an opportunity to continue this evolution of democracy. Suggestions, which might be addressed in the future include:

- increasing the size of the proportional representation to four members for every five percent of popular vote.
- increasing the number of committees in which the vote is on the same basis as the All Party Select Committee. A natural fit may be a committee to oversee the Provincial Auditor General. Another would be the Select Standing Committee on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills. The Select Standing Committee on Crown Corporations is another example to be investigated at the time.

A recurring role for the Citizens' Assembly is the biggest proposal for change contained in this paper.

DISCUSSION

As the Meech Lake Accord has shown, top-down reform through constitutional amendment is very difficult. A ground-up method is a viable alternative. The Citizens' Assembly of British Columbia is providing a venue for demonstrating attainable reform to the country as a whole.

In the United Kingdom the Jenkins Commission had as a mandate to recommend a new electoral system but it also had an obligation to "observe the requirement for broad proportionality, the need for stable government, an extension of voter choice and the maintenance of a link between MPs and geographical constituencies"². Do these eight proposals meet that standard?

1. Broad proportionality..... Nearly NO. This system provides broad proportionality only during question period, on one committee and in party financing.
2. Stable government YES. Parliamentary votes are by members, the great majority of whom have been elected in an FPTP manner. A five percent party cut-off threshold and only two members appointed for each non-represented party assures the FPTP primacy.
3. An extension of voter choice YES. Smaller parties are encouraged once they have exceeded the five percent threshold.
4. A link between MLA's and geographical constituencies YES. The modified "top-up" nature of the proposals ensures that each riding has a MLA that is the result of a local FPTP vote.
5. No increase in complexityYES. While not a part of Lord Jenkins mandate this issue was a consideration within that report. There would be no change for the voter. The election officials would have to record the tallies for parties. In practice this already occurs.

To continue the score card approach the problems cited in the introduction will be evaluated:

- A low voter turnout Almost YES. Although a complete conversion to PR has been seen to increase voter turnout by only ten percent. This model should generate some positive change.
- The high parliamentary member turnover Almost YES. With increased financing and media presence the makeup of the Legislative Assembly should become more stable.
- A large electoral disenfranchisement due to FPTP Almost YES. This model starts the process of conversion toward PR.
- The inexperience of new governments Almost YES. A core of experience is to be built for each party to assist new members in adapting.
- Lost opportunities for accountability and informed dialogue due to poor opposition party financing in the Legislative Assembly YES

- The power resident in an unelected Premier's Office and political party bureaucracy..... Almost YES. The All Party Special Committee will remove one small element of that power. Appointing members according to votes rather than party lists will maintain the current level of party influence and the better financing of parties in opposition will enhance the party's legislative expertise.

On tally the score for these proposals is not overwhelming. What this model has proposed is not a massive change but a small one in a positive direction. At that level of expectation, the tally is acceptable and attainable.

CONCLUSION

Countries with PR are seeking the stability and focus of FPTP (Israel, Italy). Countries with FPTP are seeking the equity of PR (UK, Australia). This paper proposes the start of a fine line between the extremes of those two electoral models. “Incrementalism” is perhaps an invented word but it aptly describes the process recommended here. As time goes by the line between PR and FPTP should be made bolder, but using the increments of the magnitude exemplified in this proposal.

2004 is the centennial year of Fernie B.C. As a celebratory project, reforming (slightly) the democratic process in British Columbia seems to be a fitting endeavour.

Respectfully submitted

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BIBLIOGRAPHY, LINKS, AND BACKGROUND

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Appendix One

A Sample of Legislation Requiring Change

Election Act

The percentage of the vote obtained by each Official Party should be placed within this act. It may be determined by noting the political party of those candidates winning their election rather than as part of the ballot count. The percentage vote should be recalibrated after each by-election.

Constitution Act

Definition requires amending

1 In this Act, "**leader of a recognized political party**" means a member of the Legislative Assembly other than the Premier or Leader of the Official Opposition, who is the leader in the Legislative Assembly of an affiliation of electors comprised in a political organization whose prime purpose is the fielding of candidates for election to the Legislative Assembly and that is represented in the Legislative Assembly by 4 or more members.

Members represent electoral districts requires amending

18 (1) For returning members of the Legislative Assembly, there are to be the number of electoral districts established by the *Electoral Districts Act*, with the names, boundaries and areas determined in the manner provided for by the *Electoral Boundaries Commission Act*.

(2) The Legislative Assembly consists of the members elected in the manner provided for by the *Election Act*.

(3) A member represents the electoral district for which the member was elected.

The proposals require the compliance directed to the following acts:

The Legislative Assembly Management Committee Act, and

The Legislative Procedure Review Act.