

Regional lists, provincial compensation

- an update to submission DAY-1203.

Why does a guy in Ontario waste time suggesting options for the BC voting system?

Here's a quote from Henry Milner's brand-new book, *Steps Toward Making Every Vote Count*. At p. 69, Prof. Louis Massicotte says (talking about a German-style system for Canada) "The PR members would likely be returned from province-wide districts, except in Ontario and Quebec, and perhaps BC and Alberta, where the creation of regional "top-up areas" would probably emerge as the most appropriate solution."

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He's talking about federal elections. But either federally or provincially, Ontario and Quebec will need regional lists. If we want regions small enough to be manageable and accountable, we need a mechanism for regional lists with provincial compensation -- that is, with the "top-up" (compensatory) seats calculated at the provincial level. Several of us are working on the various options on how to do that.

"Perhaps B.C."

"Perhaps B.C." says Prof. Massicotte. **Maybe you are happy with province-wide lists.** Maybe Nick Loenen is wrong when he says you can't sell province-wide lists "beyond Hope" and "BC's geography requires regional lists."

But **if you want regional lists**, you will perhaps design a system that Quebec and Ontario will copy.

When Nick says "MMP will not sell beyond Hope" you can say, as Bruce Hallsor's personal submission says, yes, it will, **"provided it is well designed."** It's important to know you can have regional lists with MMP.

you can have regional lists with MMP.

If you tell Ken Carty you want **regional lists with provincial compensation**, he will design it well.

For example, here are **a few more options** omitted from my submission DAY-1203.

Options for regional lists, provincial compensation:

1. Distribute the seats within the party by the party votes.

This is how Germany does it federally. Canada could not do this federally, but **you can provincially**. They calculate the "top-up" list seats across Germany. Then, within each party, they calculate what percent of that party's vote came from which province, and that province gets that percent of the party's seats.

This works fine as long as there are no wasted votes. If one province gives a lot of votes to a party which fails to make it over the national threshold -- this actually happened in the last German federal election -- that province will lose a few seats. In Canada, that would be unconstitutional.

But within BC, that's not very likely. You might not be too worried about some region losing one MLA because too many of its voters voted for the Marijuana Party.

You could calculate the "top-up" list seats across BC. Then, within each party, you calculate what percent of that party's vote came from which region, and **that region gets that percent of the party's seats, from the party's regional list**. The regions could be as large or small as you like.

As I outlined earlier, you could add the Bavarian feature of open lists, giving voters the **option** of voting for the party slate or changing the order of the list.

2. Three tiers

Hungary adopted the German MMP system in 1989, when they set up a democratic system after the fall of the communist regime there.

"Hungary added a few twists of their own."

But Hungary added a few twists of their own.

They wanted to use their 20 existing districts, averaging 16 MPs, but **some with as few as four MPs**. And they decided not to use German-style “overhang seats” to expand the Parliament when one party wins more than its share of local seats, and not to copy some German states which also added “balance seats” to compensate for the “overhang seats.”

So they added a **national tier**. After the seats were calculated in the 20 districts, they calculate the national vote percents, and give parties some seats from their national lists to compensate for any remaining disproportionalities -- but only if they reached the 4% threshold.

If you copied Hungary’s proportions, you might have **36 local MLAs, 31 regional MLAs, and 12 provincial MLAs**.

3. Like Hungary, but no provincial lists

If you calculated the seats as Hungary does, you could then **allocate the 12 provincially calculated seats to the party’s candidates on their regional lists** who had come closest to winning a regional seat. I think a couple of places now do this, but I don’t have up to date information on them.

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Options for northern seats.

I suggested ways to keep northern seats unchanged. There’s one more, used in Scotland. They just give northern voters fewer voters per MP, as **exceptions** for extreme geography.

In Ontario’s last redistribution, our Boundaries Commission did this for northwestern Ontario, giving Kenora an MP for only 60,572 voters, which is 43.73 per cent below the provincial quotient of 107,642. Even under FPTP this can be justified.

Under MMP it’s even easier to justify, with provincially-calculated compensatory seats, because the party makeup of the legislature is calculated based on every vote being equal. If one party wins all five little northern seats, that come off its seat total, so it gets fewer compensatory seats.

Why not STV?

In case some CA members are seriously considering STV, I’d like to make sure you know **some of its flaws**. Because I have family in Northern Ireland, I’ve been watching closely how it works there.

The first thing you need to understand about STV is **exhausted ballots**.

In Northern Ireland they have six-member ridings. Typically they will have 14 candidates. **If voters rank them all, the system will work as intended**. A candidate who gets “quota” -- one-seventh of the votes plus one vote -- will be elected. Some will get quota right away, and have surplus votes to be transferred. Others will get quota on subsequent counts.

On the final count, there will be two final candidates. One, in sixth place, will have more than quota, and be elected. The other, in seventh place, will have less than quota, and be defeated. That’s why the quota is one-seventh.

However, **if some voters only rank their favourite few candidates**, then sooner or later their choices will all either be elected or be dropped from the count, and their **choices will be exhausted**. Their vote will no longer count. With enough exhausted ballots, **on the final count, no one will have quota**. The final count will be “first-past-the-last-post” and someone will **win without a full quota**. Indeed, two or even three candidates can win without a full quota.

In the Irish Republic, where voters have used this system since 1920, **they’re used to it**. Typically a voter there will rank his or her top few choices in order of preference, **then rank their last choices at the bottom of the pack** -- the ones they want to make sure are defeated. Then they will sprinkle the rest of the rankings through the middle of the pack, who they don’t care about, almost at random, to prevent their ballot being “spoiled.” That works.

32 MLAs snuck in with less than a full quota.

Many Northern Ireland voters don’t get it. Of the 108 members of the Northern Ireland Assembly from the last election, in 18 ridings, **32 MLAs snuck in with less than a full quota**. This can lead to **unexpected results**.

The Northern Irish Protestant hard-liners are particularly **slow learners** about how to use STV. As a result, **ironically, many of their greatest enemies**, the Sinn Fein MLAs, were elected with less than a full quota, in both their first STV election and their most recent one.

**Those 32 MLAs included
10 of Sinn Fein's 24 seats.**

Those 32 MLAs recently elected without a full quota included **10 of Sinn Fein's 24 seats**, nine of the other nationalist party SDLP's 18 seats, and four of the liberal Alliance's six seats, but only five of Ian Paisley's DUP's 30 seats and two of David Trimble's UUP's 27. **By exhausting their ballots, they only cheated themselves.**

In Australia, where they elect their Senate by STV, they never learned it as easily as the Republic of Ireland did. Having discovered that you need to rank all the candidates, **most couldn't be bothered.**

In the last Senate elections, for the six seats from each state, **they faced, on average, 43 candidates.**

At first, Australians laboriously copied the full rankings of the many candidates from their party's unofficial "How To Vote" Card. Party canvassers handed out the cards to voters in huge numbers.

**Australia found STV
too complicated to use.**

Finally, some clever Australian figured out a **labour-saving shortcut**. They changed the ballot so that you had the option of voting "above the line" for your party, or "below the line" for the individual candidates. If you vote "above the line" the counting system automatically applies the rankings in **your party's "How To Vote" card, which has become an official part of the voting system.**

In recent years, **about 95% of Australian voters in Senate elections vote for their party, not really using STV at all.**

Australia has, in effect, **converted STV into a closed party list system, because they found STV too complicated to use.**

Yet **in the Republic of Ireland**, they make STV work. Twice, political parties have tried to change back to the English First Past The Post system. Twice, referendums stuck with STV. Something about it **suits the Irish political culture.**

Picture a contest on Vancouver Island for six North Island MLAs. The same sports fans who turn out to cheer for Courtenay against Nanaimo in the North Island League one week will go to the ballot box the next week **to vote for the Courtenay man against the Nanaimo man.**

At least, that often happens in the Irish Republic. A fine system for municipal elections. A fine system if you want to elect a non-party legislature.

. . . three elections in 17 months.

But in the Parliamentary system, where the government is responsible to the legislature and requires the confidence of the legislature to stay in office, **this can cause problems.**

In Ireland in 1981 and 1982 they held **three elections in 17 months.** The first left five independent members and three others holding the balance of power. The second gave four independents and three others the balance of power. The third resulted in a stable coalition.

Author's note: *Wilfred Day is a member of the National Council of Fair Vote Canada, but makes this submission as an individual. A lawyer in Port Hope, Ontario for 33 years, he was elected as a school trustee from 1982 to 1994, and sits on the Ontario Bar Association's Council. Over the years since 1961 he has worked with many BC residents in a political party and in the Canadian School Boards Association. He has visited BC several times, and his son recently lived in BC for three years.*