

EXECUTIVE SUMMARY:

THIS IS A CASE ANALYSIS DEALING WITH THE SELECTION OF AN ELECTORAL SYSTEM FOR BRITISH COLUMBIA. I HAVE DESIGNED AN ELECTORAL SYSTEM WHICH BEST MEETS THE CONSTRAINTS AND OBJECTIVES OUTLINED BY THE CITIZENS' ASSEMBLY.

OBJECTIVE 1: BROAD PROPORTIONALITY

OBJECTIVE 2: AVOID EXCESSIVE POLITICAL FRAGMENTATION

OBJECTIVE 3: EFFECTIVE & RESPONSIVE LOCAL REPRESENTATION

OBJECTIVE 4: MAXIMUM CHOICE OFFERED TO VOTERS ON BALLOT

I AM RECOMMENDING A SYSTEM THAT I HAVE NAMED "*MMM – ENSEMBLE*". THIS MIXED MEMBER MAJORITY ELECTORAL SYSTEM IS A SYNTHESIS OF CONDORCET MAJORITY VOTING FOR AN AT-LARGE SLATE FOR A FEW SEATS COMBINED WITH TWO-TIER DISTRICTING UNDER PROPORTIONAL REPRESENTATION WITH STV ON THE FIRST TIER AND THE D'HONDT GREATEST AVERAGE LIST SYSTEM ON THE SECOND TIER WITH THRESHOLDS. MOST, BUT NOT ALL, OF THE SEATS WOULD BE ELECTED BY PROPORTIONAL REPRESENTATION.

THIS CASE ANALYSIS IS DIVIDED INTO THE FOLLOWING PARTS:

EXECUTIVE SUMMARY

DESCRIPTION OF PROPOSED ELECTORAL SYSTEM

PROBLEM IDENTIFICATION

OBJECTIVES

CONSTRAINTS

STRENGTHS & WEAKNESSES OF THE STATUS QUO (SMP)

STRENGTHS & WEAKNESSES OF THE FOLLOWING OPTIONS:

(1) AV

(2) MMP (SMP + LIST)

(3) MMP (AV + LIST)

(4) STV

(5) MMM (STV + AV)

STRENGTHS & WEAKNESSES OF *MMM – ENSEMBLE*

“If we want to use a procedure that will usually produce an outcome satisfying some favoured criterion for being the fairest, we must adopt a method of assessment that accords with that criterion; it is futile to adopt some other method in the belief that cases in which it will produce the wrong outcome will be of negligible frequency, since there can be no rational basis for that belief.” (Michael Dummett, *Voting Procedures* (Oxford: Clarendon Press, 1984) 171.

MIXED (ELECTORAL) SYSTEMS “It has become common over the last decade for electoral systems to combine two electoral formulas for the choice of candidates for a representative assembly.... While most mixed systems aim to achieve proportional outcomes—the vote share of a party is matched by a similar share of seats in the assembly—this is not always the case. Some mixed systems such as that used for the Japanese House of Representatives produce outcomes which favour large parties. These systems are sometimes called mixed member majority systems (MMM)....” (Citizens’ Assembly Glossary)

DESCRIPTION OF PROPOSED ELECTORAL SYSTEM:

***MMM – ENSEMBLE:* In this Mixed Member Majority System. Some members are elected by Proportional Representation. Some other members are elected AT LARGE through a Condorcet Majority System.**

AT LARGE ELECTION “An election held ‘at large’ is one in which the whole body of voters vote as one **electoral district** for the election of all the members of a representative **assembly**.” (Citizens’ Assembly Glossary)

ASSUMPTION: NO PARTY SHOULD BE SUBSTANTIALLY OVER-REPRESENTED IN THE ASSEMBLY, IF SOME OTHER PARTY IS ABLE TO BEAT ALL THE PARTIES BY A MAJORITY VOTE IN SEQUENTIAL PAIRWISE VOTING.

AN APPROPRIATE CONDORCET MAJORITY SYSTEM SHOULD SATISFY THE FOLLOWING CRITERION:

(1) CONDORCET WINNER CRITERION: If there is a PARTY A which could obtain a majority of votes in pairwise contests against every other party, a voting rule should choose this PARTY A as the winner.

(2) CONDORCET LOSER CRITERION: If there is a PARTY B which would lose in pairwise majority contests against every other alternative, a voting rule should NOT choose this PARTY B as the winner.

(3) PARETO CRITERION: If every voter prefers PARTY A to PARTY B, a voting rule should not produce PARTY B as a winner.

(4) MONOTONICITY CRITERION: If PARTY A is a winner under a voting rule, and one or more voters change their preference in a way favourable to PARTY A (without changing the order in which they prefer any other parties), then PARTY A should still be a winner.

(5) SMITH'S CRITERION: If the parties can be partitioned into two sets X and Y such that every party in X beats every party in Y in pairwise contests, then a voting rule should NOT select a party in set Y.

There are many voting systems that would satisfy all of the above criteria. However, **PLURALITY VOTING** violates the Condorcet Loser Criterion, the Condorcet Winner Criterion, and the Smith Criterion. Further, **ALTERNATIVE VOTE** violates the Monotonicity Criterion, the Condorcet Winner Criterion, and the Smith Criterion. Also, **BORDA COUNT** (suggested by John Kennedy in Written Submission 0751) violates the Condorcet Winner Criterion and the Smith Criterion. Moreover, **NANSON'S RULE – TRINITY COLLEGE DIALECTICAL SOCIETY VERSION** (suggested by Danny Kleinman in Written Submission 0025) violates the Monotonicity Criterion.

I WOULD RECOMMEND THE FOLLOWING: **RUNOFF-PAIRWISE (R-P)**

DEFINITION: THE "SMITH SET" IS THE SMALLEST SET OF OPTIONS SUCH THAT EVERY OPTION IN THE SET BEATS BY A MAJORITY VOTE EVERY OPTION OUTSIDE THE SET IN A PAIRWISE CONTEST.

(1) GIVEN THE FOLLOWING: A SET OF PREFERENTIAL BALLOTS, MODIFIED BY ELIMINATING ALL OPTIONS THAT ARE NOT IN THE SMITH SET.

(2) CONDUCT A SECOND VOTE USING APPROVAL VOTING, WITH THE OPTIONS CHOSEN SOLELY FROM THE SMITH SET.

TO USE THE RUNOFF-PAIRWISE VOTING SYSTEM IT IS NECESSARY THAT EACH VOTER RANK EACH PARTY ON A PREFERENTIAL BALLOT AND ALSO EACH VOTER MUST CATEGORICALLY INDICATE AN APPROVAL VOTE OR A DISAPPROVAL VOTE FOR EACH PARTY.

THE PARTY WINNING ON THE RUNOFF-PAIRWISE VOTE GETS A CERTAIN NUMBER OF SEATS AS A SLATE.

THE MOST IMPORTANT QUESTION TO DETERMINE IS HOW MANY SEATS SHOULD GO TO THE AT-LARGE SLATE?

The answer depends on the following: If the party winning the At-Large Slate happens to be the SAME party winning the most seats under Proportional Representation, what percentage of the popular vote should be required for this party to form a MAJORITY GOVERNMENT?

5 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 47% OF THE POPULAR VOTE.

10 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 44% OF THE POPULAR VOTE.

11 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 43% OF THE POPULAR VOTE.

12 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 42% OF THE POPULAR VOTE.

13 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 41% OF THE POPULAR VOTE.

14 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 40% OF THE POPULAR VOTE.

24 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT POSSIBLE WITH 29% OF THE POPULAR VOTE.

40 SEATS IN THE AT-LARGE SLATE; MAJORITY GOVERNMENT ASSURED IN EVERY ELECTION.

THE “ACCURATE DEMOCRACY WEBSITE” RECOMMENDS THAT ABOUT 13 SEATS TO ABOUT 24 SEATS SHOULD BE SET ASIDE FOR THE AT-LARGE SLATE. [<http://accuratedemocracy.com>]

HOWEVER, THE CITIZENS’ ASSEMBLY PRELIMINARY STATEMENT EMPHASIZED **BROAD PROPORTIONALITY**. SETTING ASIDE ABOUT 10 SEATS FOR THE AT-LARGE SLATE SEEMS APPROPRIATE.

THE REST OF THE SEATS IN THE ASSEMBLY MUST BE CHOSEN BY PROPORTIONAL REPRESENTATION IN ORDER TO MEET THE OBJECTIVE OF BROAD PROPORTIONALITY.

THE APPROACH THAT BEST ACHIEVES THE COMBINED OBJECTIVES OF BROAD PROPORTIONALITY, MINIMIZING PARTY FRAGMENTATION, MAXIMIZING VOTER CHOICE, AND MAXIMIZING EFFECTIVE LOCAL REPRESENTATION IS THE TWO-TIER DISTRICTING APPROACH.

THE SECOND TIER SHOULD BE BY PARTY LIST ACROSS THE PROVINCE TO MAXIMIZE OVERALL PROPORTIONALITY AND ALSO TO CANCEL OUT THE LACK OF MONOTONICITY (WITH RESPECT TO PARTIES) AT THE FIRST TIER. THE SECOND TIER SHOULD USE THE D'HONDT GREATEST AVERAGE PARTY LIST SYSTEM. ALTHOUGH THIS METHOD IS LESS PROPORTIONAL THAN OTHER LIST SYSTEMS, IT IS THE ONLY LIST SYSTEM THAT WILL CONSISTENTLY PUNISH ANY PARTY THAT SPLITS INTO TWO PARTIES AND IT IS THE ONLY LIST SYSTEM THAT WILL CONSISTENTLY REWARD ANY PARTIES THAT MERGE.

“For political stability it would seem desirable to have a method that encourages parties to merge by assuring that this would never result in a loss of seats. Specifically, a method ‘encourages coalitions [i.e., party mergers]’ if the merger of two parties realized by pooling all their votes into one total assures the coalition [i.e., merger] at least as many seats as the two partners would obtain separately, and perhaps more. It is a mathematical fact that among all possible divisor [i.e., greatest average] methods. Jefferson’s [d’Hondt Greatest Average] is the only one that invariably encourages coalitions. If this principle is considered of paramount importance, and the paradoxes are to be avoided, then Jefferson’s method [i.e., d’Hondt Greatest Average] must be chosen for the PR part of the problem.” (M. L. Balinsky and H. P. Young, *Fair Representation: Second Edition* (Washington, Brookings: 2001) 90.)

“Jefferson’s method is used in many countries and goes by several different names.... The most common alternative term for Jefferson’s method is ‘d’Hondt’s method,’ named after the Belgian lawyer Viktor d’Hondt....” (Balinsky & Young 92.)

ONLY A GREATEST AVERAGE SYSTEM OF LIST PR WILL GUARANTEE THAT A PARTY WILL NEVER LOSE SEATS IF IT INCREASES ITS SHARE OF VOTES.

“If one party increases its vote total relative to another in two successive elections it is inconceivable that the first should lose seats to the second.... This is particularly important in PR systems since otherwise it would be possible for a party to misrepresent part of its vote by giving it to a rival party and thereby gain seats. The only way to avoid this paradox is, as we have already seen, to choose a divisor [i.e., greatest average] method.” (Balinsky & Young 89.)

“Jefferson’s [i.e., d’Hondt Greatest Average] is the ONE method that encourages coalitions [i.e., party mergers] and avoids the population paradox.” (Balinsky & Young 90.)

Avoiding excessive political fragmentation is a declared objective of the Citizens’ Assembly and a key concern. Unrestricted proportional representation, without any threshold, is widely believed to have been a factor in the collapse of democracy in Germany in the 1920s and 1930s. Consider the following:

“Ferdinand Hermens ... pointed out as early as 1932 that one of the causes of the disintegration of the party system was of an institutional kind. He held that the ELECTORAL SYSTEM OF UNRESTRICTED PROPORTIONAL REPRESENTATION was crucial for the political crisis of the *Parteienstaat*. It facilitated the formation of small parties and the foundation of ever more by giving them the chance of winning a few seats in the Parliament.... After the election of 1928 there were eighty-eight members of Parliament elected by parties polling less than five percent of the national vote each.... (M. R. Lepsius, “From Fragmented Party Democracy to Government by Emergency Decree and National Socialist Takeover: Germany,” *The Breakdown of Democratic Regimes: Europe*, eds. J. J. Linz and A. Stepan (Baltimore: Johns Hopkins, 1978) 34–79 at 44–45.)

The threshold for small parties should be set for at least five percent as in New Zealand and in Germany in order to limit party fragmentation. Parties winning seats in the first tier should not have the threshold requirement waived. Also, there should be no “*apparentement*” between parties. In fact, it would be a good idea that if any party failed to make the provincial threshold on the second tier, all of the candidates for that party would be disqualified from running in the first tier (and have its candidates’ preferences transferred to other candidates from other parties or to independents as the case may be).

Another possible threshold requirement would be to set an absolute maximum number of parties. For example, if more than seven parties exceeded the five percent cut-off, only the largest seven parties would be allowed to hold any seats. Candidates for any other party in either tier would be disqualified from running. This would be a more effective way to prevent party fragmentation.

Any threshold requirements, however, should be waived for the party winning the at-large slate. Also, the threshold requirements should not apply in the riding (if any) corresponding to the First Nations’ Communal Roll. Further, the threshold requirements should not apply to independent candidates.

Given that the voters have provided rank orderings and approval indications for each party, it is possible to transfer the votes from the excluded parties to the larger parties, if desired.

ONE WAY OF SPLITTING UP FIRST TIER AND SECOND TIER SEATS IS AS FOLLOWS:

The number of second tier seats should be large enough to give effective proportionality. However, too many seats in the second tier will reduce the ability of the system to represent local interests effectively. Fourteen seats on the second tier represent twenty percent of the seats that are not on the at-large slate. This should be more than enough seats, given that the first tier is using a broadly proportional system.

The approximately 55 seats of the first tier should be by Single Transferable Votes in constituencies with district magnitudes ranging between DM=5 and DM=7 (with odd-numbered district magnitudes being preferable for proportionality). Empirical data from Ireland, Malta, and Australia shows that DM=5 and DM=7 are the best district magnitude sizes to balance proportionality with local responsiveness. This will provide enormous discrepancies in the geographic size of the ridings. However, the Legislative Council (Upper House) of Western Australia has similar demographic and geographic issues and uses this system successfully

[<http://www.waec.wa.gov.au/innerFrames.asp?section=electorate&content=2003/proposals.htm>].

Malta now has a provision for additional seats to be added to its Assembly if the STV results from small multimember constituencies are sufficiently disproportional.

AN EXCEPTION FOR THE RECOMMENDED DISTRICT MAGNITUDE SIZE SHOULD BE MADE ONLY FOR THE SEPARATE FIRST NATIONS COMMUNAL ROLL. The *Law Commission of Canada* and the *Lortie Commission* have both supported separate communal rolls as are being used in New Zealand, Maine, Mauritius, and India. The New Zealand model is to allow Aboriginal voters to opt whether they wish to vote on the general rolls or in separate Maori rolls. The 2001 census identifies an “Aboriginal identity” population of about 170,000. (Julian West, 2004 – Written Submission - 0476). VOTING SHOULD BE BY SINGLE TRANSFERABLE VOTE USING A DM=3 OR MORE AND USING THE WHOLE PROVINCE AS A DISTRICT. An increase in the DM would be justified if more First Nations’ members joined the separate communal rolls.

ANOTHER, AND BETTER, WAY OF SPLITTING FIRST TIER AND SECOND TIER SEATS IS AS FOLLOWS:

STEP 1: First, during the balloting, not only will each voter have the opportunity to rank as many or as few of the candidates across all parties in his or her riding and rank all of the political parties, but he or she will also have the opportunity to rank as many or as few of the candidates running in all the ridings from his or her favourite political party and may indicate approvals or disapprovals for each of these candidates.

STEP 2: Next, count the ballots for the separate First Nations Communal Roll and distribute those seats according to STV accordingly. Assume that this will be three seats.

STEP 3: That leaves us with 66 seats to be filled out of 79. The 66 seats would be distributed into multimember STV ridings of DM=5 TO DM=7 throughout the province. Disqualify the candidates from those parties below either threshold. Count the ballots in the STV ridings exactly as STV ballots would normally be counted.

STEP 4: Next determine the number of independents voted in (including “selection by lot” members and including any members voted in on the First Nations’ Communal Roll that come from otherwise disqualified parties).

STEP 5: Subtract the number of independents from the number of seats set aside for proportional representation. This number is the number of seats to be filled by political parties according to the d’Hondt Greatest Average Method.

STEP 6: The number of seats to be awarded to each party is determined according to the d’Hondt Method. If a voter has placed his or her first preference vote for a candidate from a specific political party in his or her riding, the party vote of such a voter will be deemed to be the same as the party of this candidate (notwithstanding how the voter ranked the parties). If a voter has placed his or her first preference vote for an independent candidate that is elected under STV, his or her vote shall not count for any party. If a voter has placed his or her first preference vote for a defeated independent candidate, his or her party vote shall be determined by how the voter ranked the parties. If a voter did not vote for any candidate in his or her local riding, his or her party vote shall be determined by how the voter ranked the parties. Now, some parties will have been awarded more seats in the STV count than under the d’Hondt count and some fewer.

STEP 7: Any party that was awarded more seats under STV than its d’Hondt share must surrender those extra seats. (An exception should be made for the party winning the AT-LARGE SLATE. This party would simply surrender, from the at-large slate, one seat for each disproportionate seat won through the STV first-tier election.) The seats for the First Nations’ Communal Roll must remain untouched. However, any voter who selected as their first choice any party losing seats in this reallocation will have had the opportunity to rank all the candidates within that party’s list across all constituencies. An STV election will take place within such a party’s open list were the candidates are those who were successful in the first tier STV vote and the number of positions will be that party’s allotment under the d’Hondt rule.

STEP 8: This will leave some ridings with vacancies. Go back to the d'Hondt table of Greatest Averages and select the highest winning average for a party underrepresented under the STV first tier vote. For each riding with a newly generated vacancy look at the number of votes that party received and the number of members returned for that party under STV. For each riding (with a vacancy) take the number of votes that party received and subtract from it the following: (Droop Quota x Number of Members Returned for that Party).

STEP 9: The voters in the riding (with a vacancy) with the greatest excess over the Droop Quota multiplied by the number of members elected from that party will decide who will be elected from the underrepresented party to fill that vacancy for their riding. This will be determined by the open party list according to Runoff-Pairwise Condorcet voting. There will then be a need to re-adjust the votes for this party from this riding by subtracting off another Droop Quota from the votes received for the party from this riding.

STEP 10: Again, Go back to the d'Hondt table of Greatest Averages and select the next highest winning average for a party underrepresented under the STV first tier vote. For each riding (with a vacancy) look at the number of votes that party received and the number of members returned for that party under STV. For each riding (with a vacancy) take the number of votes that party received and subtract from it the following: (Droop Quota x Number of Members Returned for that Party).

STEP 11: Go back two paragraphs to "STEP 9" and reiterate the process until all the vacancies have been filled and all parties have their d'Hondt allocations.

This process will make sure the party allocations will follow d'Hondt allocations very closely (except for the thresholds and the independent candidates) for the proportional representation seats. This will make sure that all vacancies in the multi-member districts are filled. This will also make sure that there are no second tier representatives from party lists and without constituencies.

STV MECHANICS:

COUNTING OF BALLOTS UNDER STV: IN ORDER TO MAKE A RECOUNT UNDER STV POSSIBLE IT IS NECESSARY TO USE A FRACTIONAL TRANSFER METHOD. There are many such methods, including the following: Hare-Clark, Gregory's Method, Senatorial Rules, Newland-Britton, Meek's Method, and Warren's Method. The Newland-Britton is one such method that has a long track record of successful use in Northern Ireland and elsewhere. The Quota Preferential System (suggested by Danny Kleinman in Written Submission 0025) might work just as well, but I have no opinion on it. Nicolaus Tideman has described several methods of STV and compared their strengths and weaknesses. A very sophisticated version known as CPO-STV (for Comparisons of Pairs of Outcomes by STV) seems to eliminate the non-monotonicity issue altogether, but is computationally extremely complicated.

[<http://www.econ.vt.edu/tideman/rmt.pdf>]

Also, Thomas Round discusses the strengths and weaknesses of various forms of STV and has devised a hybrid system combining features of STV and proportional approval voting. [<http://www.instantrunoff.org/thesis>]

IN ORDER TO MAKE A RECOUNT POSSIBLE, ALL BALLOTS MUST BE PAPER BALLOTS AND A PAPER TRAIL MUST BE KEPT.

THE BEST APPROACH WOULD PROBABLY BE TO DESIGN THE BALLOTS SO THAT THEY COULD BE OPTICALLY SCANNED INTO A COMPUTER (AS IN MUNICIPAL ELECTIONS IN TORONTO). AFTER THE VOTER HAD FILLED OUT THE BALLOT, THE BALLOT WOULD BE SCANNED. IF THE BALLOT WAS IMPROPERLY FILLED OUT, THE VOTER COULD BE ISSUED A NEW BALLOT AT ONCE.

THE ALGORITHM FOR THE VOTING SYSTEM (AND PREFERABLY THE SOFTWARE) SHOULD BE OPEN SOURCE FREEWARE SO AS TO INCREASE TRANSPARANCY. TO FURTHER INCREASE TRANSPARANCY, ANY MEMBER OF THE PUBLIC SHOULD BE ALLOWED TO REQUESTS A CD-ROM COPY OF THE DATABASE, WHICH WOULD INCLUDE CHARTS REPRESENTING ALL THE INFORMATION ON EACH BALLOT. VOTERS MIGHT NOT UNDERSTAND THE TALLY, BUT THEY WOULD BE ABLE TO REPLICATE IT ON THEIR OWN COMPUTERS.

AS IN THE REPUBLIC OF IRELAND, THE CITY OR TOWN IN WHICH EACH CANDIDATE RESIDES SHOULD BE NOTED NEXT TO HIS OR HER NAME ON THE BALLOT PAPER. THIS PROMOTES VOTING FOR LOCAL CANDIDATES.

Provision could be made for selecting some MLAs by lot. In written submission 0084, Ted Gouge suggested this. Other experts have suggested that such a system

was used extensively in Classical Athenian Democracy and should be considered today. (David Held, *Models of Democracy, Second Edition* (Stanford, California: Stanford University Press, 1996).)

As Ted Gouge (submission 0084) suggests, it might be a good idea to have such members selected by lot serve for a term of less than the normal four years. Perhaps four individuals could be selected by lot and each could serve for a one-year term.

WHERE CANDIDATES ARE LISTED ON THE BALLOTS FOR FIRST TIER RANKING, THERE SHOULD CONTAIN AS MANY BOXES FOR “SELECTION BY LOT” AS THERE ARE SEATS TO BE WON IN THE RIDING. VOTERS COULD RANK THESE BOXES AS THEY WOULD INDEPENDENT CANDIDATES.

IF OVER FIVE PERCENT OF THE VOTERS IN THE PROVINCE, VOTE FOR “SELECTION BY LOT” AS THEIR FIRST CHOICE “CANDIDATE” IN THE FIRST TIER, THEN “SELECTION BY LOT” WOULD BE TREATED AS A PARTY FOR PURPOSES OF THE SECOND TIER ALLOCATION OF SEATS AND CITIZENS WOULD BE RANDOMLY SELECTED FROM THE JURY POOL TO FILL THESE SEATS ON A ROTATING BASIS.

IF FEWER THAN FIVE PER CENT OF THE VOTERS IN THE PROVINCE, VOTE FOR “SELECTION BY LOT” AS THEIR FIRST CHOICE “CANDIDATE” IN THE FIRST TIER, THEN “SELECTION BY LOT” SHOULD BE ALLOCATED ON THE FIRST TIER. FURTHER, THE STV SYSTEM WOULD TALLY THIS SELECTION IN THE SAME WAY AS FOR INDIVIDUAL CANDIDATES. HENCE, A RIDING COULD RETURN AS MANY MEMBERS THROUGH “SELECTION BY LOT” AS THERE WOULD BE DROOP QUOTAS OF VOTES FOR THIS OPTION.

This proposal would have a member of the legislature chosen at random if “SELECTION BY LOT” wins seats. “That would effectively take elections and accountability out of the picture and makes politics the result of a random process rather than a set of choices.” (Fourth Weekend – Session 3 – Notes)

THE FILLING OF CASUAL VACANCIES IN THE STV SEATS SHOULD USE THE RECOUNT AND TRANSFER OF THE BALLOTS IN THE LAST GENERAL ELECTION AS HAS BEEN USED IN TASMANIA AND MALTA, RATHER THAN USING A BY-ELECTION AS IN IRELAND. MY REASON IS THAT NOT HAVING BY-ELECTIONS ENCOURAGES EACH PARTY TO RUN EXTRA CANDIDATES IN EACH RIDING DURING THE GENERAL ELECTION.

[\[http://www.maltadata.com\]](http://www.maltadata.com)

THE FILLING OF CASUAL VACANCIES IN THE LIST SEATS SHOULD PROBABLY GO THE HIGHEST-RANKING INDIVIDUAL ON THE RELEVANT PARTY'S LIST.

Nomination of candidates for election could be by petition. Hoag and Hallett have suggested this draft provision (unfortunately not in plain language) for a U.S. state with about 50,000 inhabitants for each member to be elected (comparable to British Columbia):

“Any qualified elector of the state may be placed in nomination for the assembly in any district by a petition signed by not less than five hundred nor more than seven hundred qualified electors of that district. Each candidate shall be so nominated separately. No elector [*sic*] shall sign the petition of more than one candidate for the assembly and no candidate shall be placed in nomination in more than one district....” (G. H. Hallett and C. G. Hoag, *Proportional Representation* (New York: Macmillan, 1926) 336–338.)

It should be noticed that the Hoag and Hallett rules are much more stringent than the current 25 voters required for nomination under B.C.'s current law. In fact, a number greater than 500 could be justified. When New York City used STV, 2000 signatures were required for nomination, and there were still too many frivolous candidates.

Consideration should be given to enforcement of nomination rules and the verification of any petitions.

Hoag and Hallett discuss the possibility of using a deposit as follows:

“If the deposit method does not seem acceptable as the only method of nomination allowed, it might be made an alternative to the usual method so that an outstanding candidate will not have to go to the trouble of circulating petitions.” (Hallett & Hoag 337.)

The current B.C. law requires a deposit of \$100.00 that is returnable if the given candidate receives at least 15 per cent of the votes. Some consider any deposit requirement undemocratic. Others would consider deposits a justifiable way to eliminate frivolous candidates. Perhaps under a new electoral system, the deposit should be returned if the given candidate receives five per cent of the vote.

The current B.C. law states that party endorsements must come from at least two principal officers of the political party. This centralizes the power of party nomination and is contrary to the Citizens' Assembly objective of effective and responsive local representation.

Party nominations for the STV first tier seats could be by primary election of the rank and file party members at the constituency level. Party headquarters might be allowed to determine the number of candidates it wishes to run in each riding. Each party could be required to nominate the same number of women and men in each riding where that party intends to compete. Further, there could be a requirement that each party nominates some candidates who reside in some of the remote and sparsely populated regions that have lost their single member districts. In fact, the Netherlands uses a system whereby parties are forced to nominate candidates from certain regions. Also, in Denmark each multimember constituency is divided up into as many nomination districts as there are seats to be filled in the constituency.

“PRIMARY An election to decide which of a party’s members will be nominated by the party to contest an election as the party’s candidate is called a primary election, or simply a primary. Primaries can be organized by a party to select its candidates, or primaries can be run as part of the official election process and regulated by legislation.” (Citizens’ Assembly Glossary)

The second tier seats (if not already filled by the STV - d’Hondt method) and the at-large slate seats could be allocated by closed lists or by open lists.

Closed lists would have the advantage that a minimum level of women and men could be specified for the assembly in advance. The at-large slate seats and the second tier seats combined make up thirty percent of the seats. If half of these were guaranteed to women, then there would be at least fifteen per cent of the seats in the assembly being held by women before the distribution of the STV first tier seats. If all the second tier and at-large slate seats were assigned to women, there would be at least thirty percent of the assembly seats going to women.

Open lists would interfere with this affirmative action, but would offer more choice to voters.

Some form of Sequential Proportional Approval Voting for open lists was used effectively in Sweden between 1909 and 1920 (Hallett & Hoag 453–454.) and seems to be as fair as any method for voter selection in open lists.

Alternatively, STV could be used within each party’s open list. Hence, each voter could rank the candidates of his or her favourite party. Full STV has never been used for open party lists; however, after 1920 Sweden used a system similar to STV but it had no provision for the transfer of votes for candidates hopelessly out of the running. (Hallett & Hoag 453–454.)

RECALL PROVISIONS:

Recall of MLAs is usually thought to be incompatible with proportional representation. This is not true. Certainly, if a sufficient number of voters are prepared to sign a recall petition to force a by-election for all the seats in a

multimember constituency, there is no conflict between proportional representation and recall. The tension only exists when the voters seek to recall one single MLA only. The following are some ways to keep proportional representation and allow recall in this situation:

- (1) Require that the recall petition includes a certain minimum percentage of the electors who signed the nomination petition of the member whose recall is requested; (The percentage was fixed at 75 per cent in the rule adopted in 1915 by Ashtabula, Ohio) (Hallett & Hoag 410–411.)**
- (2) Require that a large number of voters in the district must sign the recall petition; (The percentage was fixed at 25 per cent in the rule adopted in 1915 by Ashtabula, Ohio) (Hallett & Hoag p. 410–411.)**
- (3) Require that any vacancy (in the case of seats originally won through STV) caused by the use of recall be filled by the public recount of the ballots (and transfer of preferences) by which it was filled at the last regular election for the member recalled (in the case of seats won through a party list, the vacancy should be filled by the next individual on that party’s list);**
- (4) Require that a super-majority (perhaps a two-thirds majority) of the voters must agree to the recall; and**
- (5) Require that no MLA can be recalled in his or her first year of office.**

POSSIBLE EXTENSION OF THE FRANCHISE:

There are three key issues to be discussed. One is the possibility of compulsory voting. The second is a possible reduction of the voting age. The third is the enumeration of the homeless. Compulsory voting is effectively used in some democracies today and it does increase turnout without giving rise to a dramatic increase in spoiled ballots. Also, some countries have a minimum voting age other than 18. In fact, some countries have a minimum voting age of 16 and have come to no great harm on account of it. Homeless people do not have a fixed address and, hence, do not reside in any particular electoral district. Often, homeless people are denied the vote. Without taking a position on these three controversial issues, I would like to leave it to the Citizens’ Assembly to consider the advantages and disadvantages of changes in these key areas.

I will examine the strengths and weaknesses of *MMM – ENSEMBLE* after I have considered the following:

PROBLEM IDENTIFICATION

OBJECTIVES

CONSTRAINTS

STRENGTHS & WEAKNESSES OF OTHER LEADING OPTIONS

PROBLEM IDENTIFICATION:

“The British Columbia Citizens’ Assembly on Electoral Reform was established by the government and Legislature in the spring of 2003 with a clear mandate. It is to ‘ASSESS MODELS FOR ELECTING MEMBERS OF THE LEGISLATIVE ASSEMBLY’ and specifically the ‘MANNER BY WHICH VOTERS’ BALLOTS ARE TRANSLATED INTO SEATS IN THE LEGISLATIVE ASSEMBLY’.” (Preliminary Statement, 2004)

“The simplest definition of an ELECTORAL SYSTEM is that it is the set of rules for translating votes cast at an election into seats for a representative assembly according to a specified electoral formula. Another way of defining an electoral system is to say that it comprises the electoral formula, the ballot structure, and the number of members in each electoral district (the district magnitude).” (Citizens’ Assembly Glossary)

“We have a flourishing democracy in which voters hold politicians and governments accountable and we would not want to abandon such a system unless it was clear that: 1) the system had deficiencies that detracted from the evolution and maintenance of healthy democratic politics in the province, and 2) we were convinced that there was an alternative system that could be adopted that would speak to the identified deficiencies.” (Preliminary Statement, 2004)

OBJECTIVES:

GENERAL STATEMENT FROM CITIZENS’ ASSEMBLY:

“While it is difficult to predict in detail how any other specific system would work in British Columbia, the Assembly is convinced that any alternative system it considers must reflect the values it believes are central to the political health of the province’s democracy.” (Preliminary Statement, 2004)

OBJECTIVE 1: BROAD PROPORTIONALITY

Proportionality “The Assembly believes it is important that the outcome of an election, in terms of the distribution of seats in the legislature, should reflect the expressed intentions of citizens as expressed in their votes. This is the principle of proportionality – SEATS WON SHOULD BE PROPORTIONAL TO VOTES WON. Beyond an acceptance of this basic principle, the Assembly has learned that there are a number of important reasons why British Columbians might want to consider moving to an electoral system based on proportional representation. Such systems typically ensure that more parties are able to compete successfully and so provide voters with more choice. A direct consequence is that more interests and groups are able to have their voices heard in a legislature that is more reflective of the social composition of the electorate. Given the province’s increasing diversity, this offers the possibility of more genuinely representative politics at a time when voter turnout is falling and apathy is rising among young British Columbians.” (Preliminary Statement, 2004)

“On the other hand, systems that are not responsive to the goal of increasing the proportionality of the system would seem to offer little in the way of advantage over the single-member plurality system we now use.” (Preliminary Statement, 2004)

OBJECTIVE 2: AVOID EXCESSIVE POLITICAL FRAGMENTATION

“To AVOID EXCESSIVE POLITICAL FRAGMENTATION some consideration might have to be given to establishing a modest THRESHOLD that parties would be expected to meet before being guaranteed representation.” (Preliminary Statement, 2004)

OBJECTIVE 3: EFFECTIVE & RESPONSIVE LOCAL REPRESENTATION

Local Representation “Our tradition has long valued a system of representation that provides for local representation – for its politicians to speak for and answer to the distinctive communities that make up the whole province. Citizens believe it is important that the interests of their particular communities be represented in public debate and policy-making. This is accomplished when MLAs have an intimate knowledge of the communities they represent and the concerns of the people in them. With elected politicians rooted in specific geographic areas, it is possible for voters to hold them directly accountable for their performance in defending the values and interests of their local constituents. Having a local representative gives individual citizens a direct personal channel into the government, a local contact they can use to obtain help or advance their concerns. The Assembly is aware that British Columbians in rural areas, and in locations far removed from the heavily populated Lower Mainland region, feel especially strongly that they must struggle to have their concerns heard. It is sensitive to the reality that for them, a vigorous system of local representation remains a highly valued dimension of their political life. It anticipates that any reformed electoral system would need to maintain an element of effective local representation. CREATING AN ELECTORAL SYSTEM THAT ENSURES EFFECTIVE LOCAL REPRESENTATION IS AN IMPORTANT CHALLENGE. The practice of party discipline obliges MLAs to vote as their party decides, not always as their voters prefer. THE ASSEMBLY IS INTERESTED IN CONSIDERING ELECTORAL SYSTEMS WHOSE FEATURES HELP ENSURE THAT ELECTED REPRESENTATIVES ARE MORE RESPONSIVE TO THE CONCERNS AND VIEWS OF THEIR CONSTITUENTS.” (Preliminary Statement, 2004)

OBJECTIVE 4: MAXIMUM CHOICE OFFERED TO VOTERS ON BALLOT

“In the same way, the CHOICES OFFERED VOTERS are an important and integral part of any electoral system and the Assembly would not want to see it constrained.” (Preliminary Statement, 2004)

CONSTRAINTS:

“IN MAKING ANY RECOMMENDATION, THE ASSEMBLY IS TO ENSURE THAT ANY CHANGE WOULD ‘BE CONSISTENT WITH BOTH THE CONSTITUTION OF CANADA AND THE WESTMINSTER PARLIAMENTARY SYSTEM’.” (Preliminary Statement, 2004)

“Whereas the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their Desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a CONSTITUTION SIMILAR IN PRINCIPLE TO THAT OF THE UNITED KINGDOM.”
(*Preamble to Constitutional Act, 1867*)

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society. (*Canadian Charter of Rights and Freedoms*)

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. (*Canadian Charter of Rights and Freedoms*)

4. (1) No House of Commons and no legislative assembly shall continue for longer than FIVE YEARS from the date fixed for the return of the writs of a general election of its members. (*Canadian Charter of Rights and Freedoms*)

4. (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. (*Canadian Charter of Rights and Freedoms*)

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months. (*Canadian Charter of Rights and Freedoms*)

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (*Canadian Charter of Rights and Freedoms*)

15. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (*Canadian Charter of Rights and Freedoms*)

25. The guarantee in this *Charter* of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

a) any rights or freedoms that have been recognized by the *Royal Proclamation of October 7, 1763*; and

b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. (*Canadian Charter of Rights and Freedoms*)

28. Notwithstanding anything in this *Charter*, the rights and freedoms referred to in it are guaranteed equally to male and female persons. (*Canadian Charter of Rights and Freedoms*)

WESTMINSTER SYSTEM “This term is often used to describe the British variant of parliamentary system. While the term is frequently applied to describe the Canadian parliamentary system, Canadian parliamentary institutions differ significantly from the British system, most notably in the limitations on parliamentary government imposed by the federal system and the entrenchment of key sections of the *Canadian Constitution*, judicial review of government action and legislation, and the existence of the *Canadian Charter of Rights and Freedoms*. The most important common factor between the British and Canadian parliamentary traditions is a monarchical executive and the failure of constitutional documents to specify the roles, functions and responsibilities of the head of state, and the relationship between the premier, ministers and parliament.” (Citizens’ Assembly Glossary)

17 There must be in British Columbia a Legislative Assembly constituted as provided by this Act, and the Lieutenant Governor has the power, by and with the advice and consent of the Legislative Assembly, to make laws in and for British Columbia in all cases, subject to the Constitution Act, 1867, and to the order of Her late Majesty in Council. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

“The LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA has been the elected component of the Province’s parliamentary system of government since the establishment of self-government in the Province in 1871. It is currently a representative body of **79 MEMBERS** elected from single member districts for a term of four years unless dissolved earlier (see fixed term; dissolution). **THE GOVERNMENT MUST MAINTAIN THE SUPPORT OF A MAJORITY OF THE MEMBERS OF THE ASSEMBLY TO STAY IN OFFICE.** The functions of the legislative assembly include passing legislation, authorizing the raising and expenditure of public money, scrutinizing the activities of government, raising issues of public concern, investigating matters of public interest, and acting as a forum for publicizing the concerns of individuals and groups throughout British Columbia.” (Citizens’ Assembly Glossary)

“British Columbia has always had a unicameral parliament, with its single chamber known as the legislative assembly.” (Citizens’ Assembly Glossary)

23 (1) The Lieutenant Governor may, by proclamation in Her Majesty's name, prorogue or dissolve the Legislative Assembly when the Lieutenant Governor sees fit. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

23 (2) Subject to subsection (1), a general voting day must occur on May 17, 2005 and thereafter on the second Tuesday in May in the fourth calendar year following

the general voting day for the most recently held general election. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

23 (3) In subsection (2), “general election” and “general voting day” have the same meanings as in section 1 of the Election Act. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

43 All questions must be determined by a majority of votes of the members present, other than the Speaker. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

44 If a vote in the Legislative Assembly is tied, the Speaker has a casting vote. (*Constitution Act*, R.S.B.C. 1996 Ch. 66)

58. For each Province there shall be an Officer, styled the LIEUTENANT GOVERNOR, appointed by the Governor General in Council by Instrument under the Great Seal of Canada. (*Constitutional Act, 1867*)

“In relation to the electoral process, the **LIEUTENANT GOVERNOR** has a formal role in setting in process the procedures for holding legislative assembly elections, but is not otherwise involved. If, after an election, no party gains a majority of seats in the legislative assembly, the lieutenant governor may play an important role in the selection of the premier and the formation of a government. The lieutenant governor may also play in role in the choice of premier if a premier resigns in mid-term.” (Citizens’ Assembly Glossary)

“**CONSTITUTIONAL CONVENTIONS** are accepted practices which supplement or modify the provisions of formal constitutional documents. It is a constitutional convention, for example, that the premier of British Columbia is a member of the legislative assembly, and that the lieutenant governor only dissolves parliament on the advice of the premier.” (Citizens’ Assembly Glossary)

RESPONSIBLE GOVERNMENT “The term responsible government is often used to describe the relationship between the government—the premier and other ministers—and the legislative assembly in British style parliamentary systems. It refers to the fact that the political executive—the premier and ministers—are chosen from and accountable to an elected parliament. In this respect it is a synonym for parliamentary government.” (Citizens’ Assembly Glossary)

ANALYSIS OF OPTIONS:

OPTION ONE: STATUS QUO: SMP (FPP)

Strengths of the Current System:

LOCAL REPRESENTATION AND ACCOUNTABILITY:

“The current system provides for individuals to be elected representing specific and identifiable areas of the province. This fosters a direct link between and their representatives and ensures that all areas of the province have a spokesperson in the legislature. This system allows politicians to speak authoritatively for their area, enables issues of local concern to be placed on the public agenda, and provides a mechanism for voters to hold representatives directly accountable for their actions.” (Preliminary Statement, 2004)

ONE CATEGORY OF MLA WITH COMMON OBLIGATIONS:

“All Members of the Legislative Assembly (MLAs) have EQUAL STANDING in the legislature and SHARE COMMON OBLIGATIONS and relationships to the electorate.” (Preliminary Statement, 2004)

SMP PROMOTES SINGLE PARTY MAJORITY GOVERNMENTS:

“STYLE OF GOVERNMENT AND REPRESENTATION. The current system promotes the creation of MAJORITY GOVERNMENTS that can claim an electoral mandate. These governments have a security of tenure that allows them to plan confidently for the life of the Legislative Assembly and to implement their program as they see fit. By stimulating winner-take-all competition, the electoral system fosters two-party competition and works to limit the place and influence of minor parties and marginal interests.” (Preliminary Statement, 2004)

“While British Columbia has experienced only majority governments since 1953, there were coalition governments between 1941 and 1952 (Liberal and Conservative parties), and a minority government (Social Credit) from 1952 to 1953.” (Citizens’ Assembly Glossary)

FAMILIARITY AND TRANSPARENT COUNTING:

“Elections generally revolve on the issue of the choice of governments. **Simplicity, FAMILIARITY & TRANSPARENT COUNTING.** The single-member plurality system is familiar and straightforward. Voters are simply required to indicate their preferred candidate from the list of names presented. Winners are determined by a simple count of the ballots and are known almost immediately.” (Preliminary Statement, 2004)

SMP DISCOURAGES FRIVOLOUS AND MARGINAL CANDIDATES FROM RUNNING FOR OFFICE.

Weaknesses of the Current System:

LACK OF PROPORTIONALITY:

“Our single-member plurality system is one in which there is no direct connection between the number of votes a party receives and the number of seats it wins in the Legislative Assembly. The system favours large parties over small ones, creating governments with ‘artificial’ majorities and depriving minority views from finding expression in the legislature.” (Preliminary Statement, 2004)

LACK OF VOTER CHOICE:

“THIS TENDS TO LIMIT EFFECTIVE VOTER CHOICE, leads to many votes not contributing to electing any MLA, and SOMETIMES LEADS TO PARTIES WITH THE MOST VOTES NOT WINNING AN ELECTION.” (Preliminary Statement, 2004)

GOVERNMENT-DOMINATED PARLIAMENTS:

“The system fosters an adversarial style of two-party politics in which government domination of the legislature becomes standard practice. With strong party discipline this ensures centralized decision- making with no effective opportunity for the legislature to hold the government accountable between elections.” (Preliminary Statement, 2004)

SMP OFTEN EXCLUDES LOCAL AND MINORITY INTERESTS:

“The system cannot ensure a strong opposition and, with MLAs required to put party interests above those of their constituencies, LOCAL AND MINORITY INTERESTS ARE OFTEN EXCLUDED. **Impacts on Governance and Voters** Adversarial politics often result in sharp swings in public policy as newly elected governments often undo or reverse the programs of their predecessors. This style

of politics contributes to a growing alienation of voters from the political process, which has been reflected in falling voter turnout rates, especially among young voters.” (Preliminary Statement, 2004)

EMPIRICAL EVIDENCE SHOWS THAT THE LINK BETWEEN VOTERS AND REPRESENTATIVES UNDER SMP IS NOT AS STRONG AS HAS BEEN THEORIZED:

For example, in Canada, a survey indicated that only 46 per cent of respondents remembered the names of more than one candidate for their riding at the last election. This contrasts with 58 per cent and 70 per cent of respondents in Denmark and of the respondents in Iceland respectively who remembered the names of more than one candidate for their ridings under PR List systems. Also, in Canada, this survey indicated that 32 per cent of respondents could not remember the names of any candidate for their riding at the last election. This contrasts with 23 per cent and 17 per cent of the respondents in Denmark and of the respondents in Iceland respectively who could not remember the names of any candidate for their riding at the last election under PR List systems. (P. Norris, *Electoral Engineering* (Cambridge: Harvard University, 2004) 239.)

Also, in Canada, a survey indicated that 22 per cent of respondents had contact with their MPs in the last year. This figure was much better than that for other SMP countries. British citizens and American citizens were surveyed and only 13 per cent and 12 per cent of respondents had contact with their elected representative in the last year. However, in Iceland (under a part list system) 31 per cent of respondents had contact with their elected representative within the last year. (Norris 241.)

HISTORICAL EVIDENCE SHOWS THAT WESTMINSTER SYSTEMS IN GENERAL AND BRITISH COLUMBIANS IN PARTICULAR HAVE A LONG STANDING TRADITION OF USING MULTI-MEMBER DISTRICTS:

“.... The traditional pattern of representation in Britain before the 1832 reform was for each county and each enfranchised borough to return two members. It was not until 1885 that this pattern of dual representation was first seriously challenged and the double-member constituency became the exception rather than the rule. It was, however, an exception [*sic*] which lasted well into the twentieth century so that even in the election of 1945 there were fifteen districts [*sic*] which returned two members....

... Similarly in Canada.... Even in the 1960s some 20 percent of the members of the provincial legislatures were elected from districts returning more than one member....

Most multi-member districts are a result of the application of the principle that the boundaries of electoral districts should conform with the boundaries of other governmental units – counties, cities, etc., a principle which itself may be based on a deep sense of tradition... There is also the possibility that the necessity of

conforming to existing boundaries may reduce the opportunities for gerrymandering...

The British Columbia Commission of Inquiry into the Redefinition of Electoral Districts devoted a whole section to the matter of single – versus multi-member constituencies.... The arguments presented in support of multiple ridings, said the commission, were few and mostly weak. Perhaps the strongest argument was that ‘two or even three members may help to preserve the unity of a riding.’ Two other arguments demonstrated, in the Commission’s view, ‘an abdication of political responsibility in favour of local caution.’ These arguments were, first, that by electing members of more than one party, a constituency ‘could play it safe and maximize its chances of having a representative of the government side.’ Secondly, the district could increase its chances of being represented by a Minister of the Crown.” (T. H. Qualter, *The Election Process in Canada* (Toronto: McGraw-Hill, 1970) 118–123.)

EMPIRICAL EVIDENCE SHOWS THAT SMP CAN GIVE RISE TO SPOILED BALLOTS DESPITE ITS SIMPLICITY:

In the 1953 Canadian Federal Election return, 1.06 per cent of the ballots were rejected. Of these spoiled ballots the breakdown was as follows: 36.5 per cent were deliberately spoiled by the voter; 13.0 per cent were left blank; 18.4 per cent showed a vote for more than one candidate; 5.8 per cent were rejected because the voter wrote something on the ballot; 6.0 per cent were rejected because the voter rank ordered his or her preferences among the candidates; 14.5 per cent were rejected because the voter used some symbol other than an “X”; 4.2 per cent were rejected because a pencil had not been used; and 1.6 per cent were rejected erroneously by the election officials. (Qualter 161.)

AN MLA WITH A SAFE SEAT HAS NO INCENTIVE TO PROVIDE GOOD CONSTITUENCY SERVICE:

“Under the plurality system, an MP with a safe seat has no particular incentive to be a good constituency member and because by convention one MP does not encroach upon the constituency of another, the elector has no redress if he is ill-served by his MP.” (Vernon Bogdanor, *The People and the Party System: The Referendum and Electoral Reform in British Politics* (Cambridge: Cambridge University Press, 1981) 258.) See also the following for Wappel’s attitudes on constituent service:

[<http://www.petergoldring.com/press%20releases%202001/pr010510.htm>]

SMP ALLOWS FOR THE ELECTION OF CONDORCET LOSERS:

“The plurality procedure can produce an outcome which is a Condorcet loser. Hence, the plurality winner might lose in a pairwise majority contest with every other candidate [or party as the case may be].” (Dummett 172.)

SMP IN BRITISH COLUMBIA HAS LED TO OVERAMPLIFICATION AND THE DISTORTION OF CHANGES IN POPULAR OPINION:

“Electoral reform might be desirable, from a democratic viewpoint, when the existing rules seriously dampen or overamplify or distort changes in popular opinion.... Overamplification means that small shifts in party votes result in huge shifts in their seat shares; it can result from use of plurality rule in excessively few districts.... In contrast, by distortions we mean unsystematic and unpredictable outcomes which contravene the notion that more votes should mean more seats; this is the case when a party with fewer votes obtains more seats or a party increasing its votes share from one election to the next sees its seats share reduced.” (M. S. Shugart & R. Taagepera, *Seats and Votes* (New Haven: Yale University Press, 1989) 220–221.)

SMP REQUIRES EXPENSIVE AND ARBITRARY REDISTRICTING PROCEDURES:

“On the other hand, one should also beware of apparent simplicity of rules that may hide complications elsewhere. Thus, the simple SMP rule INVOLVES RELATIVELY HIGH DISTRICTING AND VOTER REGISTRATION COSTS. It has embroiled the United States in complex and INTERMINABLE GERRYMANDER AND REDISTRICTING ISSUES. When the entire package is considered, even Single Transferable Vote looks simple in comparison” (Rein Taagepera, “Designing Electoral Rules and Waiting for an Electoral System to Evolve” 1999 at <http://www.nd.edu/~kellogg/pdfs/taageper.pdf>)

OPTION TWO: AV IN SMD

Strengths of the Alternate Vote in Single Member Districts:

ESSENTIALLY THE STRENGTHS ARE THE SAME AS THOSE FOR SMP EXCEPT AS DISCUSSED IN “WEAKNESSES OF THE ALTERNATIVE VOTE IN SINGLE MEMBER DISTRICTS” BELOW. HOWEVER, AV (SMD) HAS THE FOLLOWING EXTRA STRENGTHS:

ENHANCED VOTER CHOICE (Compared to SMP) AND GREATER LIKELIHOOD THAT VOTERS WILL VOTE HONESTLY.

GUARANTEE THAT THE LOCAL MLA WILL NOT BE A CONDORCET LOSER. The winning candidate for each SMD must be able to beat by a majority of the votes each candidate alive at the last round of eliminations.

GREATER LIKELIHOOD THAT LARGE PARTIES WILL COOPERATE WITH SMALLER ONES. Rather than warning voters not to split their votes, larger parties will try to get the lower preference votes of voters who vote for minor parties.

UNDER AV (SMD) VOTERS CAN SIGNAL TO PARTIES WHICH COALITIONS THEY WOULD PREFER. This can be done through the ranking of candidates across multiple parties. If most of the voters for Party A and most of the voters for Party B, rank candidates for each other's party higher than for candidates of Party C, the leadership of Party A and the leadership of Party B will realize that the voters may be signalling the desire for a coalition between Party A and Party B.

Weaknesses of the Alternate Vote in Single Member Districts:

ESSENTIALLY THE WEAKNESSES ARE THE SAME AS THOSE FOR SMP EXCEPT AS DISCUSSED IN "STRENGTHS OF AV (SMD)" ABOVE. HOWEVER, AV (SMD) HAS THE FOLLOWING EXTRA WEAKNESSES:

COMPLEXITY, LACK OF **FAMILIARITY & LACK TRANSPARENT COUNTING**. AV (SMD) requires a preferential ballot which is more complicated for voters than a categorical choice.

AV IS NOT MONOTONIC. A preferential voting system is monotonic if more first place votes can never hurt a candidate. Under certain (rare) circumstances, voters under AV (SMD) may hurt a candidate by voting for him or her. However, note that STV will also be non-monotonic. (S. J. Brams & P. C. Fishburn, "Some Logical Defects of the Single Transferable Vote, " *Choosing an Electoral System: Issues and Alternatives*, eds. A. Lijphart and B. Grofman (New York: Praeger, 1984) 147-151.)

OPTION THREE: MIXED MEMBER PROPORTIONAL (SMP + LIST)

Strengths of MMP (SMP + List):

IDENTIFIABLE LOCAL REPRESENTATIVES:

MMP provides for individuals to be elected representing specific and identifiable areas of the province. This fosters a direct link between and their representatives and ensures that all areas of the province have a spokesperson in the legislature. This system allows politicians to speak authoritatively for their area, enables issues of local concern to be placed on the public agenda, and provides a mechanism for voters to hold representatives directly accountable for their actions.

SOME MEASURE OF PROPORTIONALITY:

For example, the German system secures a nearly perfect proportionality of party representation. (Bogdanor, *The People and the Party System* 220.)

AVOIDANCE OF PARTY PROLIFERATION:

“The results in Germany have demonstrated an elimination rather than a proliferation of new parties. In the first *Bundestag* there were ten parties (counting the CDU and the CSU as one party). By 1961, there were only three parties.” (Bogdanor, *The People and the Party System* 221.)

STABLE GOVERNMENTS:

Germany has had strong and stable two party coalition governments since it introduced MMP. (Bogdanor, *The People and the Party System* 221.)

INCREASED REPRESENTATION FOR WOMEN AND VISIBLE AND ETHNIC MINORITIES:

“Maori and women have gained representation [under MMP], the former in numbers proportionate to their presence in wider society while women have done less well (28% in 2002), although better than under FPP (21% in 1993).” (McLeay 2004)

MORE EFFECTIVE LEGISLATURE:

“Parliament in New Zealand has become more assertive. This is due to several factors: the multi-party Parliament, leading to the parties competing with one another for media attention and, also, to carve out their own distinctive policies; the succession of minority governments; and the existence of an established (before MMP) system of parliamentary committees. Legislation is frequently

amended in committee; and the committees carry out inquiries of policies and government administration.” (McLeay 2004)

Weaknesses of MMP (SMP + List):

MINOR PARTY MAY EXERCISE DISPROPORTIONATE POWER:

It should be noted that a party’s power is not a deterministic direct function of the proportion of seats it has in the assembly. Rather, a party’s power is a probabilistic function of the likelihood that the given party will become a pivotal member of a minimum connected winning coalition.

“In New Zealand, during post-1996 coalition negotiations, the minor party’s choice of coalition partner did not coincide with pre-election statements (discrediting MMP itself). There are now seven parties in the New Zealand Parliament.” (McLeay 2004)

LOCAL CONSTITUENCY VOTE MAINLY DETERMINED BY PARTY CONSIDERATIONS ALONE. HENCE, LIMITED RESPONSIVENESS OF REPRESENTATIVE TO LOCAL ISSUES:

“The main function of the constituency vote is to elect a constituency representative who is usually chosen on party lines.” (Bogdanor, *The People and the Party System* 220.)

AN MLA WITH A SAFE SEAT HAS NO INCENTIVE TO PROVIDE GOOD CONSTITUENCY SERVICE:

“Under the plurality system, an MP with a safe seat has no particular incentive to be a good constituency member and because by convention on MP does not encroach upon the constituency of another, the elector has no redress if he is ill-served by his MP.” (Bogdanor, *The People and the Party System* 258.)

THE LARGEST POLITICAL PARTIES (AND NOT THE VOTERS) LARGELY DETERMINE WHO WILL BE ELECTED IN LOCAL CONSTITUENCIES (ESPECIALLY IN SAFE SEATS). JUST LIKE SMP. HENCE, LIMITED VOTER CHOICE:

“Even if primaries were accepted, they would offer less than the elector could secure under the single transferable vote. For only the paid-up party member would participate in choosing a candidate [under MMP].” (Bogdanor, *The People and the Party System* 257.)

PARTY INSIDERS AND NOT THE VOTERS RESOLVE FACTION DISPUTES WITHIN PARTIES:

“The power given to the parties to select candidates means that when a party is divided into factions, each faction’s representation in the legislature will depend upon the decisions of selection committees and party meetings, and not its support amongst the electorate.” (Bogdanor, *The People and the Party System* 257.)

GEOGRAPHICAL DISTORTIONS OF SMP REMAIN:

“The constituency seats for the larger parties show the same sort of lopsided regional distribution as is seen in SMP voting. These distortions create perverse incentives for certain political parties to favour some regions over others.” (Bogdanor, *The People and the Party System* 220.)

VOTERS DISLIKED DUAL CANDIDATURE:

“Voters in New Zealand distrusted the party list MPs, regarding them as unaccountable to electors.” (McLeay 2004)

FRICION BETWEEN TWO CATEGORIES OF REPRESENTATIVES:

Consider the following observations concerning the Welsh Assembly (Allard, 2004) (See Written Submission 0485):

AMS [i.e. MMP] creates two categories of elected representatives. This is an intrinsic defect of additional member systems. Although in the Assembly constituency and regional list Members have equal rights, there remains a perception that list seats are consolation prizes for parties [sic] which failed to win constituency seats.

Constituency Members are viewed as having greater legitimacy as representatives of issues in their constituencies, while regional list Members are not regarded as local representatives in the same way.

There have been accusations that List Members have concentrated their energies in constituencies in their regions where there are future prospects of winning constituency seats. If the Welsh Assembly were to acquire greater powers, it must be anticipated that the tensions between list and constituency AMs will increase.

SIGNIFICANT ROLE PLAYED BY ONE-SEAT ALTERNATIVE THRESHOLD:

“Voting weight and party campaign distortions.” (McLeay 2004)

UNDER MMP WITH SMP, THERE IS NO CLEAR WAY FOR VOTERS TO SIGNAL TO PARTIES WHICH COALITIONS THE VOTERS MIGHT PREFER.

SECRET NEGOTIATIONS AMONG PARTIES:

“THERE ARE SECRET NEGOTIATIONS BETWEEN PARTIES AFTER ELECTIONS, DURING THE GOVERNMENT FORMATION PROCESS. These negotiations determine the following: government policies, perhaps a formal coalition agreement; the working rules of the coalition; the allocation of cabinet posts (according to relative party strengths); and the selection of ministers.” (McLeay 2004)

PARTIES WERE SLOW TO ADAPT TO THE NEW DEMANDS OF CAMPAIGNING FOR THE LIST VOTE. (McLeay 2004)

ADVERSARIAL RATHER THAN CONSENSUAL STYLE POLITICS. (McLeay 2004)

MMP (SMP + LIST) ALLOWS ELECTION OF CONDORCET LOSERS IN THE LOCAL CONSTITUENCY SEATS:

“The plurality procedure can produce an outcome which is a CONDORCET LOSER. Hence, the plurality winner might lose in a pairwise majority contest with every other candidate.” (Dummett 172.)

OPTION FOUR: MIXED MEMBER PROPORTIONAL (AV + LIST)

Strengths of MMP (AV + LIST):

ESSENTIALLY THE STRENGTHS ARE THE SAME AS THOSE FOR MMP (SMP + LIST) EXCEPT FOR THOSE ITEMS DISCUSSED IN “WEAKNESSES OF MMP (AV + LIST)” BELOW. HOWEVER, MMP (AV + LIST) HAS THE FOLLOWING EXTRA STRENGTHS:

UNDER MMP (AV + LIST) VOTERS CAN SIGNAL TO PARTIES WHICH COALITIONS THEY WOULD PREFER:

This can be done through the ranking of candidates across multiple parties. If most of the voters for Party A and most of the voters for Party B, rank candidates for each other's party higher than for candidates of Party C, the leadership of Party A and the leadership of Party B will realize that the voters may be signalling the desire for a coalition between Party A and Party B.

ENHANCED VOTER CHOICE (Compared to MMP (SMP + List)) AND GREATER LIKELIHOOD THAT VOTERS WILL VOTE HONESTLY.

GUARANTEE THAT LOCAL MLA WILL NOT BE A CONDORCET LOSER:

The winning candidate for each SMD must be able to beat by a majority of the votes each candidate alive at the last round of eliminations.

Weaknesses of MMP (AV + LIST):

ESSENTIALLY THE WEAKNESSES ARE THE SAME AS THOSE FOR MMP (SMP + LIST) EXCEPT AS DISCUSSED IN “STRENGTHS OF MMP (AV + LIST)” ABOVE. HOWEVER, MMP (AV + LIST) HAS THE FOLLOWING EXTRA WEAKNESSES:

COMPLEXITY, LACK OF FAMILIARITY & LACK TRANSPARENT COUNTING.

“AV requires a preferential ballot which is more complicated for voters than a categorical choice.” (Weekend 4 - Session 2 Notes)

AV IS NOT MONOTONIC:

A preferential voting system is monotonic if more first place votes can never hurt a candidate. Under certain (rare) circumstances, voters under MMP (AV + LIST) may hurt a candidate by voting for him or her. However, note that STV will also be non-monotonic. (Brams & Fishburn 150-151.)

OPTION FIVE: SINGLE TRANSFERABLE VOTE

Strengths of the Single Transferable Vote:

BROAD PROPORTIONALITY:

“PR-STV provides the benefits of proportional representation—a close match between seats shares and vote share of parties. It permits candidates to be elected who appeal to a particular constituency, whether geographical, party-based, or based on some other characteristic.” (Weekend 4 - Session 2 Notes)

Indeed, STV allows for the representation of any group larger than a Droop Quota so long as all the members of the group place the same set of candidates as the highest ranked candidates on their respective ballots. Hence, less group organization is required for the protection of minorities under STV than under cumulative voting, limited voting, or proportional approval voting. (Dummett 282.)

STV ALLOWS FOR THE ELECTION OF INDEPENDENTS:

“STV DOES NOT DISCRIMINATE AGAINST INDEPENDENT CANDIDATES.” (Weekend 4 - Session 2 Notes). Of 166 TDs in the Irish parliament, 13 are independents, most of whom were elected [at the general election on 17 May 2002] on local issues.

“Independents have been elected to the Legislative Assembly of British Columbia, the last being in 1949.” (Citizens’ Assembly Glossary)

EXTENSIVE VOTER CHOICE:

“It gives the voter the opportunity to vote for individual candidates as well as parties, and to choose among candidates of the same party or different parties. Even where the choice is between a small number of large parties, the voters have a choice of which of a party’s candidates they prefer. There can be fierce competition between candidates of the same party over which of them is to be elected.” (Weekend 4 - Session 2 Notes)

“Even if primaries were accepted, they would offer less than the elector could secure under the single transferable vote. For only the paid-up party member would participate in choosing a candidate. The single transferable vote, by contrast, offers to every elector the right to choose a candidate without involving a separate primary election.” (Bogdanor, *The People and the Party System* 257.)

STV ALLOWS FACTIONAL DIVERSITY WITHIN PARTIES AND ALLOWS THE VOTERS TO SETTLE DISPUTES AMONG FACTIONS WITHIN ANY PARTY. (Bogdanor, *The People and the Party System* 257.)

WEAKENING OF PARTY DISCIPLINE:

“WEAKENING OF PARTY DISCIPLINE. This means that parties do not have the ability to guarantee victory to a particular candidate—there are no safe seats under PR-STV. Each candidate must maintain his or her own personal appeal to the voters. Candidates may see their major rival as a member of their own party rather than a member of an opposing party. As a consequence, the ability of parties to discipline their candidates is weakened.” (Weekend 4 - Session 2 Notes)

CANDIDATES RESPONSIVE TO LOCAL CONCERNS:

“CANDIDATES ARE HIGHLY RESPONSIVE TO LOCAL ISSUES: Irish politics is characterized by brokerage politics rather than class politics. LOCAL ISSUES ARE AS IMPORTANT AS NATIONAL ONES, and successful candidates must build a local support base. Tasmania, although small (about twice the size of Vancouver Island), is strongly regionalized with local issues dominating politics. Candidates must have strong constituency support in addition to party endorsement.” (Weekend 4 - Session 2 Notes)

“Politics [in Ireland}, therefore is strongly localist, even parochial, and a candidate can easily lose his seat, if by concentrating upon the grand political issues, he neglects to cultivate his constituency. In 1977, 86 per cent of the members of the Dail had been born either in the constituency which they represented or in an adjacent constituency, and 93 per cent lived in their constituency or one adjacent to it.” (Bogdanor, *The People and the Party System* 247.)

STV ALLOWS FOR STABLE, SINGLE PARTY MAJORITY GOVERNMENTS:

“In Tasmania, most governments have been single party majority governments. Tasmania had a Labor Party government from 1937 until 1969.” (Weekend 4 - Session 2 Notes)

Tasmania had a two party system until recently. Tasmania now has a three party system (the Greens have recently won some seats), but still has a stable, one party majority government. (Tasmania Election Results are at the following website:

<http://www.parliament.tas.gov.au/tpl/Elections/ahares.htm>) In Malta, there is currently a two party system with a single party majority government. (Malta election results are at <http://www.maltadata.com>)

REPRESENTATIVES WOULD HAVE EQUAL STANDING AND SHARE COMMON OBLIGATIONS:

Under STV, as under the current system, all Members of the Legislative Assembly (MLAs) would have EQUAL STANDING in the legislature and SHARE COMMON OBLIGATIONS and relationships to the electorate.

UNDER STV VOTERS CAN SIGNAL TO PARTIES WHICH COALITIONS THEY WOULD PREFER:

This can be done through the ranking of candidates across multiple parties. If most of the voters for Party A and most of the voters for Party B, rank candidates for each other's party higher than for candidates of Party C, the leadership of Party A and the leadership of Party B will realize that the voters may be signalling the desire for a coalition between Party A and Party B. Consider the following:

“The system facilitates agreement between the parties because it does not require, as in Britain, an electoral pact involving the withdrawal of candidates to secure co-operation. Every elector can still vote for the party and candidate of his [or her] first choice so long as he [or she] transfers in accordance with the coalition agreement. But he [or she] cannot, of course, be compelled to transfer.... Thus, the single transferable vote prevents coalitions being constructed in the proverbial smoke-filled rooms; voters have to endorse it if it is to prove effective.” (Bogdanor, *The People and the Party System* 245.)

Weaknesses of STV:

THERE IS NO SINGLE, GEOGRAPHICALLY DEFINED, LOCAL MEMBER.
(Weekend 4 - Session 2 Notes)

NEED FOR LARGER GEOGRAPHICAL DISTRICTS:

“The major issue is the geographical size of electoral districts. Voters outside the lower mainland and Vancouver Island would find themselves in ridings at least 3 times or 5 times bigger than at present.” (Weekend 4 - Session 2 Notes)

COMPLEXITY, LACK OF FAMILIARITY & LACK TRANSPARENT COUNTING:

“PR-STV requires a preferential ballot which is more complicated for voters than a categorical choice.” (Weekend 4 - Session 2 Notes)

Electoral Formula is complicated and counterintuitive. Another objection to STV is that there will be too many candidates standing for election in each multi-seat riding, which will be too confusing for the voters. Some versions of STV do not allow for a recount. The percentage of invalid votes is 1.5 percent in Ireland and 3.8 percent in Australia. This compares to 1.4 percent invalid votes in Canada. (David Farrell, *Electoral Systems* (New York: Palgrave, 2001) 202.) In Tasmania, invalid votes range from 3.5 per cent to 5 per cent. (J. F. H. Wright, “Australian Experience with Majority-Preferential and Quota-Preferential Systems,” *Electoral Laws and Their Political Consequences*. eds. B. Grofman and A. Lijphart (New York: Agathon, 1986) 124–137 at 133.)

WITH VERY LARGE DISTRICT MAGNITUDES STV ALLOWS FOR THE ELECTION OF CRANK CANDIDATES AND CRANK PARTIES AND BECOMES MUCH MORE COMPLICATED FOR THE VOTERS AND FOR THE TELLERS:

For example, consider the New South Wales Legislative Council [<http://www.aph.gov.au/library/pubs/rp/1998-99/99rp22.htm>] and the Former New York City Council [http://www.nyu.edu/gsas/dept/history/public_history/PR/intro.html]).

“In New York, specifically in the 1937 city council election, the single transferable vote encouraged multiple candidacy to the point that veritable bedsheet ballots were produced, with battalions of names competing for a relatively small number of seats. In the borough of Brooklyn alone ninety-nine candidates competed for nine seats, requiring sixty counts of the ballots and three weeks to declare final elected candidates.... In the borough of Brooklyn in 1937 this figure [for exhausted ballots] was about 150,000 or about 21 percent of the votes cast.” (A. J. Milnor, *Elections and Political Stability* (Boston: Little, Brown and Co., 1969) 87-88.)

RESPONSIVENESS OF CANDIDATES TO LOCAL ISSUES DECLINES AS THE DISTRICT MAGNITUDE RISES UNDER STV.

WITH SMALL DISTRICT MAGNITUDES STV IS SIGNIFICANTLY LESS PROPORTIONAL THAN IS MMP AND MAY GIVE RISE TO DISTORTIONS.

“.... There have been some highly anomalous results in the Irish Republic. Consider, for example, the results of the general elections in 1965, 1969 and 1973.... In 1965 and 1969 Fianna Fail won an overall majority of the seats in the Dail on less than 50 per cent of the vote. On each occasion it had fewer votes than Fine Gael and Labour combined. Indeed, in 1969 the total votes cast for Fine Gael and Labour together totalled over 50 per cent, yet Fianna Fail, with a smaller share of the vote than in 1965, increased its majority. In 1973, by contrast, Fianna Fail gained a higher vote than in 1969, and the Fine Gael / Labour total share of the vote was lower than in 1965 or 1969. Yet Fine Gael and Labour won an overall majority of the seats, and Fianna Fail was relegated to the Opposition benches.” (Vernon Bogdanor, *What is Proportional Representation?* (Oxford: Martin Robertson, 1984) 99.)

In Malta, which has five member districts, the majority of the seats went to the party that did not have the most votes in 1981 and in 1987. Deviation from PR was only three per cent. However, in a very close election such distortions are possible. (Shugart & Taagepera 237.)

ONE PARTY MAJORITY GOVERNMENT LESS LIKELY:

“PR-STV is more likely to produce coalition governments than plurality or majority systems.” (Weekend 4 - Session 2 Notes)

UNDER-REPRESENTATION OF WOMEN.

In Ireland and Malta women are under-represented in their respective assemblies (especially when compared to List-PR systems and MMP). However, the causes of this under-representation are not clear. (<http://www.maltadata.com/m-women.htm>)

STV IS NOT MONOTONIC.

A preferential voting system is monotonic if more first place votes can never hurt a candidate. Under certain (rare) circumstances, voters under STV may hurt a candidate by voting for him or her. However, note that MMP with Alternate Vote in the constituencies will also be non-monotonic. (Brams & Fishburn 150-151.)

STV DOES NOT GUARANTEE THE ELECTION OF A CONDORCET WINNER WITHOUT TRUNCATION OF PREFERENCES.

A Condorcet winner is a candidate (or party) that can defeat every other candidate (or party) in a pairwise majority contest with each. However, on this criterion, STV performs much better than SMP. (Brams & Fishburn 150-151.)

OPTION SIX: *MMM (STV + AV)*

“From 1926 to 1959 Alberta operated under two different electoral systems, using the alternative, or preferential, ballot in the rural single-member districts, and the single transferable vote in the two multi-member districts of Edmonton and Calgary... The detailed results published after each Alberta provincial election, which gives figures for both the first and the final count in each constituency, make it possible to assess the consequences of the preferential or single transferable vote, although ... they are surprisingly minor consequences.” (Qualter 131–133.)

A total 293 Alberta MLAs won election under the five general elections. Of these, a total of 272 contests were unchanged in the later stages of counting. A total of 21 of these contests resulted in the first count being overturned by later counts. (Qualter 132.)

Strengths of MMM (STV + AV):

THE STRENGTHS OF *MMM (STV + AV)* ARE THE SAME AS THOSE FOR THE SINGLE TRANSFERABLE VOTE, EXCEPT FOR ITEMS DISCUSSED UNDER “WEAKNESSES OF *MMM (STV + AV)*” BELOW. HOWEVER, *MMM (STV + AV)* HAS THE FOLLOWING ADDITIONAL STRENGTHS:

IDENTIFIABLE LOCAL REPRESENTATIVES FOR RURAL AREAS:

MMM (STV + AV) provides for individuals to be elected representing specific and identifiable RURAL AREAS of the province. This fosters a direct link between voters and their representatives and ensures that RURAL AREAS of the province have a spokesperson in the legislature. This system allows politicians to speak authoritatively for their area, enables issues of local concern to be placed on the public agenda, and provides a mechanism for voters to hold representatives directly accountable for their actions.

MAJORITY SINGLE PARTY GOVERNMENT IS MORE LIKELY UNDER *MMM (STV + AV)* THAN UNDER STV OR MMP.

MMM (STV + AV) ALLOWS FOR RURAL CONSTITUENCIES OF THE SAME PHYSICAL SIZE AS UNDER SMP:

“Low DM (1) in rural areas. This way IT IS POSSIBLE TO LIMIT THE PHYSICAL SIZE OF THE AREA without violating equal vote standards (equal numbers of voters per representative).” (Weekend 4 – Session 3 Notes)

MMM (STV + AV) PROVIDES FOR SOME PROPORTIONALITY AND ALLOWS FOR MORE RESILIENT BOUNDARIES THAN UNDER SMP:

“Higher DMs in urban areas. This allows for a PROPORTIONAL ELEMENT to be built into the overall electoral system. Multi-member districts in urban areas are not as difficult to design and can do away with the need to draw arbitrary boundaries within communities.” (Weekend 4 – Session 3 Notes)

ADJUSTABLE PROPORTIONALITY:

“The degree of overall proportionality is dependent on the balance between the two kinds of districts. The more multi-member districts the more proportional the election results can be; the more single-member districts the more disproportional the results.” (Weekend 4 – Session 3 Notes)

Weaknesses of MMM (STV + AV):

THE WEAKNESSES OF *MMM (STV + AV)* ARE THE SAME AS THOSE FOR THE SINGLE TRANSFERABLE VOTE, EXCEPT FOR ITEMS DISCUSSED UNDER “STRENGTHS OF *MMM (STV + AV)*” ABOVE. HOWEVER, *MMM (STV + AV)* HAS THE FOLLOWING ADDITIONAL WEAKNESSES:

MMM (STV + AV) DOES NOT TREAT VOTERS OR PARTIES EQUALLY OR FAIRLY:

The group (or party) that represents the majority in the DM=1 ridings will be permanently and systematically over-represented in the Assembly. Whereas, any group (or party) that is a minority in the DM=1 ridings will be permanently and systematically excluded from proportionate representation in the Assembly.

HENCE, THIS ACTS AS A GERRYMANDER IN FAVOUR OF WHICHEVER PARTY OR GROUP FORMS THE MAJORITY IN THE DM=1 RIDINGS. CONSIDER THE FOLLOWING:

“Irish governments have been able to ... [implement] partisan boundary revisions transforming three-member constituencies into four-member constituencies where they are weak, since two seats can occasionally be won on 37.5 per cent of the vote, and can usually be won on a vote of 42 per cent, and transforming four-member constituencies into three member constituencies where they are strong, since 47 per cent of the vote will normally secure two out of the three seats unless the vote of the opposition is completely solid.” (Bogdanor, *The People and the Party System* 247.)

“... A mix of M = 3 [i.e., DM =3] and M = 2 or 4 [i.e., DM = 2 or 4] must be avoided so as to prevent “magnitude gerrymander.” (Shugart & Taagepera 226.)

HOWEVER, THE POTENTIAL FOR GERRYMANDERING IS MUCH GREATER UNDER *MMM (STV + AV)*, BECAUSE IT HAS A MUCH GREATER RANGE OF DISTRICT MAGNITUDES.

OPTION SIX: *MMM - EMSEMBLE*

Strengths of the MMM-ENSEMBLE:

THE STRENGTHS OF *MMM ENSEMBLE* ARE THE SAME AS THOSE FOR THE SINGLE TRANSFERABLE VOTE, EXCEPT FOR ITEMS DISCUSSED UNDER “WEAKNESSES OF *MMM ENSEMBLE*” BELOW. HOWEVER, *MMM ENSEMBLE* HAS THE FOLLOWING ADDITIONAL STRENGTHS:

UNLIKE PURE PROPORTIONAL REPRESENTATION, *MMM – ENSEMBLE* ENCOURAGES BALANCED AND MODERATE GOVERNMENT AND ENHANCES STABILITY AND TEAMWORK WITHIN THE ASSEMBLY.

UNLIKE *MMM (STV + AV)*, *MMM – ENSEMBLE* ELECTS A SLATE OF MODERATES (THROUGH CONDORCET VOTING) TO THE NON PROPORTIONAL REPRESENTATION SEATS. UNDER *MMM (STV + AV)*, THE NON STV SEATS ARE DETERMINED IN SINGLE MEMBER DISTRICTS BY THE ALTERNATIVE VOTE. THE ALTERNATIVE VOTE OFTEN PICKS HARDLINERS.

“The ALTERNATIVE VOTE procedure tends to favour an outcome that has both strong support and STRONG OPPOSITION, especially if the opposition comes mainly from those who favour some one other outcome. It will be unfavourable to an outcome which is ranked high, but not highest of all, by a great many voters: the extreme case would be that of an outcome that was ranked second by every voter, which would then be eliminated immediately.” (Dummett 164–175.)

Also, see the following: <http://condorcet.org/rp/bell.shtml>

“We believe that when more than two choices present themselves, voters should submit a ranking of candidates and the majority rule – as we have defined it [i.e., Condorcet Method] – should determine the winner.... As the majority dominance theorem shows, it would come closer to an accurate representation of the voters’ wishes than any other system does.” (P. Dasgupta and E. Maskin, “The Fairest Vote of All,” *Scientific American* (March 2004): 92–95 at 95.)

MAJORITY SINGLE PARTY GOVERNMENT IS MORE LIKELY UNDER *MMM – ENSEMBLE* THAN UNDER *MMM (STV + AV)* OR UNDER STV OR MMP. MOREOVER, IT IS MUCH EASIER TO PREDICT OR ADJUST THIS LIKELIHOOD UNDER *MMM - ENSEMBLE* THAN UNDER ANY OF THE OTHER SYSTEMS.

The *MMM – ENSEMBLE* system that I have described, is also more effective at PREVENTING PARTY FRAGMENTATION than other systems, because I have

included a cap on the maximum number of parties as well as a threshold for representation and have used the d'Hondt rule which hurts parties that split and rewards parties that merge.

The second tier allocations compensate for any lack of proportionality in STV.

The *MMM – ENSEMBLE* system provides the voter with much more **CHOICE** than any other system. Each voter may rank both candidates and parties and may include approval indications for parties as well. Further, each voter could specify independent candidates or even “selection by lot.” The direct election of the At-Large Slate sends a signal to the parties as to which party the voters feel should form the government.

“Some people fail to see the benefits of ensemble councils and balanced policies. Some proponents of PR have said ‘I don’t see any value in a central chairperson.’ And some who favour elections by Condorcet’s rule say they don’t see any value in broad representation. But such rules lead to narrow and one-sided policies.” (Accurate Democracy Website)
[<http://accuratedemocracy.com>]

“‘Centrist policy’ denotes a narrow point of view that excludes other opinions and needs. ‘One-sided policy’ also means ignoring rival ideas. ‘Compromise policy’ implies hostile resistance to opponents on every point and mechanical averaging of values into mediocre or irrational combinations. ‘Balanced policy’ suggests blending the best ideas from each side. “ (Accurate Democracy Website) [<http://accuratedemocracy.com>]

“Proportional Representation (PR) was invented in the late 1800s to avoid some of the many problems caused by plurality rule. During the 1900s most democracies adopted PR. It elects several people to represent each large district. PR can give a group that wins, for example 11% of the votes, 11% of the council seats; thus PR always gives large groups their fair shares of representation. It leads to broad representation of issues and viewpoints. But usually there is no central party... and the 2 biggest parties rarely work together. So the side with the most seats.... forms a ruling majority which then enacts policies skewed toward their side.” (Accurate Democracy Website)
[<http://accuratedemocracy.com>]

“New ENSEMBLE COUNCILS will have some reps elected by PR, plus others elected by a central voting rule.... To win by the election system explained next, candidates must have broad appeal and views near the middle of the electorate -- and correspondingly near the middle of a council proportional to the electorate. So they hold the council's decisive swing votes. Their broad constituency demands policies balanced with the best ideas from each side, not mechanically averaged or narrowly centrist.”
(Accurate Democracy Website) [<http://accuratedemocracy.com>]

“DEMOCRACY has become an imprecise term but, at its core, it refers to the belief that GOVERNMENTS SHOULD BE RESPONSIVE TO THE WISHES OF THE MAJORITY OF CITIZENS. This explains why elections and democracy are often thought of as being closely related; elections provide a MEANS OF CHOOSING A GOVERNMENT ACCEPTABLE TO THE MAJORITY OF VOTERS and, by electing a representative assembly, creating a body which can make governments accountable. But what we think of as democratic government needs more than just elections; it requires a constitutional structure (see constitution) and a set of rules which protect minorities and individuals as well as majorities.” (Citizens’ Assembly Glossary)

“There are those who accept ... shortcomings because OUR SYSTEM USUALLY PRODUCES GOVERNMENTS BY PARTIES WHICH IN ONE ON ONE CONTESTS AGAINST ALL OTHER PARTIES WOULD WIN. There are notable exceptions, among which the NDP administrations in BC, the Parti Quebecois administrations in Quebec and the Bob Rae administration in Ontario.” (Nick Loenen, 2003 – Written Submission 0035)

Weaknesses of MMM -ENSEMBLE:

THE WEAKNESSES OF *MMM – ENSEMBLE* ARE THE SAME AS THOSE FOR THE SINGLE TRANSFERABLE VOTE, EXCEPT FOR ITEMS DISCUSSED UNDER “STRENGTHS OF *MMM - ENSEMBLE*” ABOVE. HOWEVER, *MMM -ENSEMBLE* HAS THE FOLLOWING ADDITIONAL WEAKNESSES:

GREATER COMPLEXITY. This system will involve combining the following two complicated systems: Condorcet Voting and STV. Both of the systems are new to the voter and to administrators.

DEPARTURE FROM STRICT PROPORTIONALITY. The amount of the departure from strict proportionality will depend mainly on the number of seats set aside for the at-large slate.

FRICTION BETWEEN VARIOUS CATEGORIES OF REPRESENTATIVE POSSIBLE. This is a similar situation as occurs with *MMP (SMP + List)*. However, I believe that an at-large slate elected by a majority of all the voters through Condorcet voting will have greater legitimacy than the party list top-up members of MMP.

MMM – ENSEMBLE like *MMP (SMP + List)* involves the concept of dual candidature. Hence, not all Members of the Legislative Assembly (MLAs) would SHARE COMMON OBLIGATIONS and relationships to the electorate (particularly in constituency matters).

NO COUNTRY USES *MMM – ENSEMBLE*; HENCE, THERE IS A LACK OF EMPIRICAL DATA.