

# **Supplemental Submission by Adriane Carr**

## **Options for a “Made in BC” MMP System to Address Issues of Voter Choice and Local Representation**

**Two issues appear to be stumbling blocks inhibiting some Citizens’ Assembly members from deciding that an MMP (Mixed Member Proportional) voting system is the preferable option for BC:**

### **1. Voter Choice**

There is a concern that closed party lists in an MMP system excessively limit voter choice. This concern stems from distrust of political parties, suspicion that party leaders will exert undue influence in formulating party lists and the fear that party lists will include “zombie” politicians and backroom “party hacks”. Some of these are legitimate concerns – but the way to deal with them is not to choose an STV system. It is to modify an MMP system so that it will hold parties and politicians accountable (see “Made in BC MMP System” below).

### **2. Local Representation – often talked about as “Constituency Size”**

There is a concern that increasing the size of rural constituencies will make it more difficult for rural MLAs to deliver effective local representation and for rural voices to be heard in the legislature. But even with current constituency sizes, this is a problem. The solution is not merely to retain current constituencies but to enhance the ability of MLA to better serve their constituents’ needs (see “Made in BC MMP System” below).

This supplemental submission provides explanations and recommendations in three sections:

- How the MMP system designed in detailed legislation for my 2002 Initiative for an MMP Voting System for BC deals with voter choice and local representation.
- Shortcomings of STV (Single Transferable Vote) voting systems in terms of voter choice and local representation.
- Options for a “Made in BC” MMP system to provide adequate voter choice and local representation.

## **How the 2002 MMP Initiative deals with Voter Choice and Local Representation**

### **1. How did we handle the issue of voter choice in our 2002 MMP Initiative legislation?**

- We made **EFFECTIVE, MEANINGFUL CHOICE** a priority over maximizing choice.
  - a) The **ballot structure gives voters separate choice for a party a constituency representative**. This gives voters meaningful choice. The dilemma for most BC voters is “Do I vote for the person or the party?” A two-vote (local MLA and party vote) MMP system gives voters this choice.
  - b) MMP gives voters effective choice by **making most voters’ first choice count**, enabling them to vote for whom they really want without fear that their vote will be wasted. The only limitation on MMP achieving first choice representation for every voter no matter where they live is the threshold (minimum votes needed for a party to win party seats).

After considerable debate, we chose a **5% threshold** to balance as many peoples' votes counting as possible with the desire for effective government (enabling formation of stable coalition or minority governments because not too many small parties get elected). At a 5% threshold, 91.5% of votes in BC's 2001 election would have counted.

- c) We used a **closed party list** because, in widely discussing the issue of voter choice, we found that most people simply want increased choice in terms of a two-vote ballot, with at least one of their two votes counting towards electing someone. Many voters considered ranking long lists of candidates to be too much choice. I have found youth, in particular, repelled by the idea of ranking long lists of candidates. Also, a closed list can address other problems with our current electoral system such as the under-representation of women and minorities. In countries where closed lists are used, more women and minorities are elected because they are elected from balanced party lists.
- We **rejected the use of a preferential ballot** in electing constituency MLAs for two reasons:
  - a) To **keep it simpler for people**. Keeping the election of local MLAs the same as it is done today gives voters comfort knowing there is a firm anchor in the system they understand and know. We felt it would have been more difficult to gain support for MMP by adding this layer of complexity.
  - b) Many people have experienced or heard about the preferential balloting BC used in the 1950s, and **they don't like it**. (*Preferential voting was established to thwart the CCF from winning an election in a three-way race. Backroom politicians reasoned that "free enterprisers" would never choose a socialist candidate as their second preference. While some say this tactic backfired when voters turned to a new upstart party—Social Credit—as their second choice instead of a Liberal or Conservative, others say it worked like it was supposed to: it effectively kept the CCF out and it united the "right" for a long time.*) The very reason why preferential balloting was discarded in the 1950s persists today: highly adversarial politics and a polarized electorate who are just as likely today to try to block "the other side" from winning – which can result in many "first choice" candidates not winning. The negative impressions that linger regarding preferential voting would make it difficult to garner public support for any new voting system that incorporates it.

## **2. How did we handle the issue of effective local representation/constituency size in our 2002 MMP Initiative legislation?**

There's no getting around the fact that, unless you increase the number of seats in the Legislature, MMP means increasing the size of most electoral districts. But, in talking to people about this issue of constituency size I discovered that:

- a) the vast majority of British Columbians have no idea of the boundaries of their constituency (and many don't even know the name of their MLA).
- b) the vast majority are confused between their federal and provincial boundaries.
- c) most people don't think they are currently getting effective local representation or that their concerns are being heard by government and it has nothing to do with the size of their constituency.
- d) most people don't feel well represented when their MLA comes from a party they didn't vote for.

**We concluded that EFFECTIVE REPRESENTATION is the real concern, and that SIZE OF CONSTITUENCY IS A RED HERRING.** We thus decided to go for the constituency size that made the most common sense. So, the 2002 MMP Initiative legislation:

- Used **federal riding boundaries (currently 36) as provincial electoral districts**.  
The common sense in this choice is: there's no need for long, costly re-drawing of electoral boundaries; it makes it easier for MPs and MLAs to work together on issues and it reduces the costs of maintaining voter lists.
- **Allowed Party List MLAs to run in local constituencies, too**. This was to encourage Party List MLAs to feel allegiance to constituencies and, if elected from their party list, to open constituency offices and respond to requests for help from voters, not only from citizens in the region in which they live but also from citizens sharing "constituencies of interest" which often are province-wide.

## **Shortcomings of STV in Terms of Voter Choice and Local Representation**

### **1. STV provides more voter choice for some voters, but is it effective and meaningful?**

#### **a) Voter choice is not effective if the vote doesn't count.**

The ACE Project website ([http://www.aceproject.org/main/english/es/esy\\_ie.htm](http://www.aceproject.org/main/english/es/esy_ie.htm)) notes that, on average, in Ireland (the only major country using STV) about 20% of the votes don't contribute to the final result. If we are going to go to the trouble of changing our voting system, let's get one where as many of the votes count as possible. (*With MMP and a 5% threshold 91.5% of votes in BC's 2001 election would have counted.*)

#### **b) Voter choice is most meaningful when a voter's first choice counts** towards electing someone (as happens with MMP). People are tired of getting their second or third choice elected. That's what happens now with "strategic" voting and that's what happens with STV. The ACE Project website notes that in Ireland about one-third of voters do not get their first preference elected.

#### **c) STV does not provide more voter choice for supporters of smaller parties.** Smaller parties in Ireland have found the quota in even many 5 member-ridings is too high to elect anyone, especially if their party vote is split amongst their own candidates. Consequently they now mostly run only one candidate in a multi-member riding which diminishes choice for supporters of these parties (see written submission about Ireland by Colleen McCrory).

### **2. STV does not deliver more effective local representation.**

#### **a)** Although STV seems to favour strong local representation (some call it "parish" or "pub" politics) the reality in Ireland is that their Members of Parliament still vote in party blocs. As stated on the ACE Project website, "it is very rare for party representatives to break ranks from the party line on any issue". Furthermore, the effect of STV on effective representation of geographically huge, sparsely populated areas is unknown. Even STV advocates agree that large multi-member ridings would be unacceptable in rural BC. And have proposed that these areas have single or dual seat constituencies.

#### **b)** The answer is not the hybrid "Preferential Plus" system proposed by Nick Loenen. This trade-off may keep rural voters who tend to vote for the winners happy, but at the expense of creating an unfair system with different classes of voters whose chances at having their vote count varying greatly depending on their riding magnitude (number of seat being elected).

## **Basic Design Features of a “Made in BC” MMP Voting System:**

1. Establish a legislature with as equal as possible constituency and party list seats - no less than a 45% party list to 55% constituency seat split (e.g., 36 party list seats to 43 constituency seats).
2. Party list seats should be “top-up” to ensure overall proportionality.
3. Use province-wide party lists not regional lists. We have too few seats in BC to enable regional lists to achieve proportionality. (Germany, with regional lists, has 328 list seats.)
4. Two-vote ballot. The ballot structure must enable voters to vote separately for a party and a local representative.
5. Allow candidates to run both as local constituency candidates and on a party list.
6. A threshold of 5 percent or one seat. (Note: 5 percent of the vote translates into 4 seats in a 79-seat legislature, which would automatically give a party official party status.)
7. Flexible (or partially open) party lists. Flexible lists are used in countries such as Sweden, Austria, the Netherlands and Belgium. After two years of study, a flexible list has been recommended for Canada by the Law Commission of Canada. With a flexible list, voters can vote for one candidate on a fixed party list. That candidate’s “extra” votes are added up and can move that candidate “up” the party list. There are different ways of determining how this is done (see [www.ucl.ac.uk/constitution-unit/files/staff/ben/ARTICLE2.doc](http://www.ucl.ac.uk/constitution-unit/files/staff/ben/ARTICLE2.doc)). The Assembly should consider consulting with experts on flexible lists and aim to achieve balance in ensuring that voters’ choice has impact (i.e. candidates with enough “extra votes” are “re-ordered” sufficiently to get elected) yet remains easy to explain.

## **Additional “Made in BC” Options Concerning Voter Choice and Constituency Size**

1. **Add a “voting down” option on flexible lists (to handle “zombie politicians”)**  
Allow voters a second vote on a flexible party list: that is, to “demote” one candidate. This has not been tried anywhere else, but if it works to “vote up” a list candidate it should work equally well to “vote down” a candidate. The desired effect would be to keep a particularly unpopular candidate on a party list from being elected. That candidate’s “demoted” votes would be added up and would move that candidate “down” the party list.
2. **Accommodate rural concerns with more rural constituencies.**  
**Use the 36 federal riding boundaries as provincial constituency boundaries except in the case of 7 rural ridings.** To accommodate rural concerns, add 7 additional rural constituency seats, to make 43 constituency seats in total. As most federal ridings combine two provincial constituencies, this would be fairly easy – just use the current provincial constituencies (or as close to them as possible). I would suggest dividing into two each of the 7 largest federal rural ridings: Cariboo-Prince George, Kamloops-Thompson, Kootenay-Columbia, Prince George-Peace River, Skeena-Bulkley Valley, Southern Interior and West Vancouver-Sunshine Coast. The court case about the constitutionality of allowing a wider spread in number of electors per electoral district to accommodate the sparsely populated north of Saskatchewan means there is no legal barrier to doing this as long as it can be argued that there are valid reasons for doing so. A legal opinion should be sought to see how far the “one person – one vote” principle can be stretched.
3. **Although it is outside of your mandate, recommend a policy change to government that will increase effective local representation (and won’t cost the government any more money) – that they change MLAs’ budgets for constituency work.**  
Currently every MLA has a budget for constituency work. Much of the work and contact with constituents is through MLAs’ constituency assistants. Currently MLAs receive the

same level of funding for constituency staff whether they represent a rural or urban constituency. This budget is insufficient for MLAs in large rural ridings to staff offices in smaller towns within their ridings. Recommend to government:

- a) Increase staffing and office allowance for MLAs in large rural ridings
  - b) Increase travel allowances for rural MLAs and their staff
  - c) Equivalently decrease constituency budgets for party list MLAs but keep their budgets sufficient so that they can each open one office – because party list MLAs also serve their local constituents and province-wide “constituencies of interest”.
4. Although also outside your mandate, recommend two changes to the Elections Act that directly affect the electoral process and that would **keep political parties more accountable to the public** (issues many of you are concerned about):
- a) **Require that parties use a democratic process to nominate all candidates—both local constituency candidates and party list candidates—and that parties register the process they use with Elections BC so it is open to public review.** Define “democratic process” (e.g., a balloting process involving every member in the appropriate jurisdiction with one member getting one vote).
  - b) **Recommend electoral financing reform similar to the recent federal election financing reform.** This will help make political parties accountable to people who vote for them. We should make parties funded by people, not funded by corporations or unions or any other institutionalized vested interest groups.

I hope these suggestions are useful to you in your deliberations this fall. Should you have any questions, please feel free to contact me.

Adriane Carr

P.S. Please remember the following **selling points for an MMP system**:

1. MMP is designed to deliver **FAIR ELECTION RESULTS** (i.e. proportionality). People want to correct the big problem of skewed election outcomes and “wrong winners”. People don’t want a repeat of 1996 and 2001.
2. Depending on the threshold, close to all **PEOPLES’ VOTES WILL COUNT** and contribute towards electing MLAs they can say represent them. This is a key issue for most people who have opted out of voting, especially youth.
3. MMP gives people **MORE CHOICE BUT NOT TOO MUCH CHOICE**. It gives voters choice around the issue that has bothered them the most in the past – not being able to choose between the best local candidate and the political party that most closely embodies the voter’s values. This is meaningful choice.
4. It’s **SIMPLE ENOUGH AND FAMILIAR ENOUGH** to be easily understood and accepted by the majority of voters province-wide – enough voters to pass a referendum.