

## **Summary**

This submission supports MMP as the best electoral system to provide fair representation to citizens under the Westminster Parliamentary governance system (ie. during the period between elections) and to address common concerns about elections themselves including low voter turn out, distorted results, swings in public policy and poor representation of women.

### **Votes Not Counting + People Not Voting = Bad Public Policy**

I would very much like to thank all the members of the Citizen's Assembly, and the staff supporting your work, for the time you are taking away from your family and friends to contribute to the development of public policy.

In many respects you and I have been on the same journey in regards to electoral reform. Like many people my age, I was engaged in political activism very early on in life. Before I reached voting age, I'd attended many rallies, signed many petitions, attended many meetings.

In 1991 I finally got my chance to vote. No more meetings, no more petitions: I was finally going to have a direct say in public policy by electing an MLA. Now it should have been a clue that many of my friends weren't excited about voting and in fact none did. But remember that I was young.

I proudly went to the voting booth, cast my ballot, went home and I waited. And the candidate I had painstakingly chosen, after much review and investigation, to represent me in the BC legislature...lost. I have since voted in 10 elections: 3 provincial, 3 civic, and 4 federal and the only time my vote ever counted in all those elections was when I finally ran — and voted for — myself and was elected to the Vancouver School Board in 2002.

Because I don't think everyone should have to go to the lengths I went to for their vote to count, I started looking into exactly why it was so difficult for so many people to have their votes matter and for a reason for my friends to vote for someone other than me. On that long road I found out many things, most importantly:

- That it wasn't just my friends and youth in general who weren't voting. In 1991, turn out of eligible voters was only 64%. By 2001 that number had dropped to 55%<sup>1</sup>.
- That it wasn't just me whose vote didn't count. In my first election, 73% of the eligible votes in my constituency either didn't cast a ballot or their ballot didn't count if they did make the effort to vote<sup>2</sup>.

Given those two factors — arguably very related because only an idiot keeps voting when clearly it doesn't matter — is it any wonder then that politics are such a mess in BC?

The “majority” governments we're electing don't have anywhere close to the support of half the people. Such massive imbalances between power and popular support are destined to produce massive public policy failure.

Reading your preliminary statement I believe we've come to the same conclusion on that point. And after reading your preliminary statement, it's clear that you know more about voting systems than I do, too. So I'm going to jump forward past the middle to the end.

## ***The Test Of A Good Voting System Is How Well It Works With The Governance System***

The issue before you as members of the Citizens' Assembly is how best to reform the *voting* system. However, the terms of reference for the Citizen's Assembly clearly lay out that the *governance* system in BC will remain as the Westminster Parliamentary system.

I stress this because the Westminster system facilitates and encourages representative democracy where representatives are organized in the party system. Unlike in other systems, such as the Presidential model, voters in the parliamentary system only elect parliament itself. It is then up to parliament to defer the status of "government" and "opposition" to one set of parties or another, to choose an executive (Premier and cabinet) and to hold that executive accountable either in secret at the governing party(ies) caucus table or by the opposition party(ies) in public question period. The executive controls the legislative agenda, and individual legislators have little political power to introduce their own legislative initiatives.

Because parties both make the legislation and provide the checks and balances on the executive making the legislation in the Westminster system, they tend to be extremely well-disciplined. Even one legislator voting against their party is exceedingly rare and wholesale votes of non-confidence are even more so. Obviously in this system it would be difficult at best for independents to have any real influence.

**When the governance system gives power to parties the test of a fair and robust electoral system is how accurately citizen's votes are translated into party seats to represent their vote for the four years in between elections.** MMP, as used in Germany and New Zealand, is the only system that can ensure citizen's votes are fairly translated into a voice in government while at the same time meeting the need to represent diverse regions of BC with knowledgeable, if largely legislatively impotent, local representatives.

In fact, on paper no system does better at electing "strong" local representatives than our current constituency-based FPTP system but as the submissions to your Assembly show, this is not the reality once MLAs get to our Westminster Parliamentary legislature. STV, on the other hand, sacrifices both local representation and intentional proportionality, which may help explain why only two countries (Ireland, Malta) out of dozens with parliamentary systems, use this electoral system.

If you choose an electoral system that is out of whack with the governance system and attempts to elect "strong local MLAs" such as FPTP and STV purport to do, I guarantee that you will destine those people to failure in the BC Legislature. And in four years, or eight years or maybe even twelve long years, you and I will be back here again talking about electoral reform.

## **Key Elements Of MMP System Design**

Although systems that incorporate some form of list proportional representation (PR) are the most common electoral systems on the planet<sup>3</sup>, individual jurisdictions tailor elements to meet their particular needs, as you know. In the following section I have included some particular recommendations in this regard which I believe are important considerations to meet BC's unique needs.

### **Size of ridings**

In a representative democracy adequate regional representation plays an important role. Ideally, a local representative can bring a solid understanding of a region to the party caucus table while assisting local constituents with their access to government.

However, as I've discussed in the previous section, the theoretical ability of each system to deliver this kind of representation and the reality are worlds apart. Some of the best examples of regional representation come from systems other than constituency-based FPTP.

At the Vancouver School Board, for example, although trustees are elected city-wide we adopt "liaison schools" for the purpose of ensuring both ready access to government for our constituents and gives us hands on knowledge of how particular schools will be affected by a decision.

Perhaps most interesting is the New Zealand experience where constituents enjoy often having two (or more) representatives vying for their votes: in addition to constituency MPs setting up offices, list MPs from other parties set up "competing" offices to provide more services to voters. This is due in part to a desire by list MPs to win a constituency seat. Constituency MPs have more financial resources and, because the previous system was based entirely on constituency MPs, it grants higher status.

I was unable to find any evidence of functional regional representation in the Irish STV system, which due to its Westminster parliamentary system, has strict party discipline similar to our own. In regards to Malta its small size and small population<sup>4</sup> makes it hard to determine if regional representation exists in the way British Columbians would deem adequate.

When I presented to the Assembly in Vancouver I learned that another consideration on the size of ridings may be the so-called "25% rule" suggested by a court ruling in British Columbia in 1989 as a result of some northern ridings having more than ten times the population of southern ridings.

I am skeptical on the relevance of that ruling if BC were to adopt MMP. A subsequent ruling by the Supreme Court of Canada on another similar case established that it is acceptable to draw electoral boundaries by "both the 25 percent population deviation limits and the 'extraordinary circumstances' clause permitting deviations in excess of 25 percent".<sup>5</sup> As a result southern BC constituencies still have had double the population of some northern ridings<sup>6</sup> without any outcry. The Supreme Court of Canada ruling also established that "the purpose of the right to vote enshrined in Section 3 of the Charter is not equality of voting power per se, but the right to 'effective representation.'" <sup>7</sup>. With the addition of proportional representation the issue of

whether your vote counted “more” would be moot. At least for the party list seats, votes would count strictly on a one person, one vote basis which is certainly not the case right now even with north-south distortions in riding size.

At the heart of the matter is, of course, whether you have representation at all. Personally, it doesn't matter to me how big my riding is because you could have 35,000 or 350,000 people and still 60-75% of the votes won't count or won't be cast because of a perception that they don't count. So if you need to make a riding bigger, by all means choose mine. Or choose any riding where the majority of votes are getting thrown away anyway and you can keep geographical size sane and manageable.

### Number of party list seats

Closely related to the size of ridings is the issue of how many party list seats are appropriate for any given MMP system. If you go below 33% you start to lose the ability to top-up parties seats to accurately reflect voter intentions. If you go above 50% and you start to lose the “mixed” part of MMP.

To address the problems you've identified in your preliminary statement and raised by many presenters, I believe that a range of 45% - 50% of seats allocated to list PR is appropriate to ensure the highest amount of proportionality possible. This is especially important if the Assembly chooses to maintain a fixed number of legislative seats. Being able to reflect votes as accurately as possible has positive and needed effects on:

- **Fair representation of votes:** While far better than FPTP, Alternative Vote or STV, mixed systems with less than 45% of seats allocated to list PR exponentially lose the ability to fairly represent votes<sup>8</sup>.
- **Issue focused elections:** Negative voting and personality based voting diminishes as the number of constituency seats decreases, whether they are FPTP or STV where strategic, personality driven voting is especially abundant. Correspondingly, the higher the number of party seats, the more voting is based on issues and policies<sup>9</sup>.
- **Increased voter turn out:** Mixed systems with more than 45% of seats allocated to list PR have on average 10% higher turn out of the Voting Age Population than all other systems, excepting pure list PR which is on par or greater<sup>10</sup>.
- **Increased representation of women:** Mixed systems with 45% - 50% of seats allocated to list PR have on average 7% higher representation of women than mixed systems with lower percentages of party seats. It is also about 10% higher than FPTP systems<sup>11</sup>. Statistics on the ability of STV to mitigate systemic barriers to the election of women to parliaments are not that meaningful as only about 3.5 million people in two countries worldwide have chosen to use this system and both of those countries are considered to have antiquated attitudes towards women's equality. Given that, they rank last and fifth last worldwide in electing women. Perhaps the most telling indication of what the effect on women of a STV system in BC would be is the low number of women who have written the Assembly to support the system. As of Wednesday, August 11 only five women, 11% of total pro-STV submissions, had

written in support of the system. Conversely, more than 40% of the MMP submissions were provided by women.<sup>12</sup>

### Open Lists vs. Closed

On the issue of open or closed party lists, personally I'm a big fan of open lists. However, I'm also a big fan of changing the way we nominate local constituency candidates as well.

I would submit to you however, that how the two sides – party list candidates and local candidates – are chosen, must be consistent. If you support the current nomination process for constituency candidates, then you must also support closed lists because there is no difference between how candidates are chosen.

There are of course some very distasteful recent examples of abuses of this system. Namely, parachute appointments by party leaders. But there is an easy way to fix those abuses and that is to add a small phrase to the Elections Act that states “that party nominations must be by a democratic process”. Then parties are free to decide what democratic nomination process to use and voters are free to decide which party to join and participate in that democratic nomination process. I know that it isn't within your power to make such a recommendation binding in the electoral system you develop to take forward in the referendum. But surely you can recommend it since the elected parties so far haven't and aren't proposing such a change.

### Threshold

It goes without saying that a minimum threshold of 4% - 5% must be in place to avoid the much-vilified pitfalls that Italy found itself in before putting in reforms in the early 1990s.

At the same time its important to note that minority and coalition governments are not unstable in and of themselves. If we look at other 30 member countries Organization for Economic Cooperation and Development (OECD), for example, 20 are currently governed by coalitions while two have presidential systems that legally don't allow for coalitions but functionally require the president to find multi-partisan support. So that's 22 coalition governments out of 30, or 73%. This number shouldn't be surprising: it mirrors the global average.

As for the myth that coalition governments make terrible public policy, if they make any at all measures of well-being in these countries tells a different story. On average, OECD countries with a tradition of electing coalition governments have half as many children living in poverty, citizens are three times less likely to be infected with HIV and crime is substantially lower. People have universal access to health care, more leisure time and unemployment rates are generally lower. In fact, the only place majority governments tend to do marginally better is with GDP, except that the benefits of increased national wealth are enjoyed by far fewer citizens than in the countries where coalitions govern<sup>13</sup>.

It kind of makes sense that quality of life would be higher across the board in countries with coalition governments. When everyone affected by a problem has to sit down and come up with a solution, those solutions tend to work better and work for more people.

## ***Meeting the Test of The Super Majority: Don't Make Perfect the Enemy of Better***

The final and most important test of the electoral system you create will be whether it can pass the “super majority” referendum mandated as the conclusion of the Assembly process. Not only do you need to choose the best system to address the deficits our current electoral system has created, you must also be able to effectively communicate the advantages of your recommendation to 60% or more of the province’s voters.

MMP, particularly with the specific consideration to key design elements outlined above, I believe can easily meet that test.

In closing, I want to thank you again for your contribution and sympathize with the task you’ve undertaken. In my short time as a school trustee I’ve learned there are few easy decisions when you take on the responsibility of public policy making. From the outside of that role, everything looked so obvious, so black and white. From the inside it’s often a big sea of grey as you weigh off the interests and needs of the public.

I would like to leave you with one important lesson I’ve learned in navigating that great grey sea: just as you mustn’t settle for second best, you must also strive not to make perfect the enemy of better.

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<sup>1</sup> 1991 provincial election saw 1,493,183 votes cast province wide out of 2,306,860 estimated eligible voters. 2001 provincial election saw 1,599,864 cast votes cast province wide out of 2,904,200 estimated eligible voters. Elections BC. <http://www.elections.bc.ca>

<sup>2</sup> Vancouver Burrard winner in the 1991 election was elected with 9,725 votes out of 34,750 estimated eligible voters (27% of eligible voters). Elections BC. <http://www.elections.bc.ca>

<sup>3</sup> 43 countries use a form of list PR, 16 use alternate systems including FPTP, STV and Alternate Vote. (*Electoral Systems*, David M. Farrell)

<sup>4</sup> 396,851 people, 316 sq km. (*CIA Factbook*, <http://www.cia.gov/cia/publications/factbook/>)

<sup>5</sup> Administration and Cost of Elections Project. <http://www.aceproject.org/>

<sup>6</sup> The most extreme example of this under our current system is the difference between Peace River South (20,490 eligible voters) and Vancouver Burrard (52,095 eligible voters) — Elections BC

<sup>7</sup> *Reference re Provincial Electoral Boundaries*, Supreme Court of Canada (1991)

<sup>8</sup> *Electoral Systems*, David M Farrell.

<sup>9</sup> *Electoral Systems*, David M Farrell.

<sup>10</sup> International Institute for Democracy and Electoral Assistance. <http://www.idea.int/index.htm>

<sup>11</sup> *Electoral Systems*, David M Farrell.

<sup>12</sup> Citizen's Assembly website, August 11, 2004. <http://www.citizensassembly.bc.ca>

<sup>13</sup> Organization for Economic Cooperation and Development. <http://www.oecd.org/statsportal>.  
Centre for the Study of Living Standards. <http://www.csls.ca/>