<u>TO THE CITIZENS'ASSEMBLY</u> (September 27, 2004)

We realise that time is short and the Assembly must begin making decisions. Nevertheless, we hope you will consider the following ideas. After reading many of the other submissions and debating their merits, and after continuing with our own research, we have modified our previous plan. These ideas follow up on submission #1343 and the handouts that some of you received at the Wosk Centre on September 12 and 25. (That handout contained proposals that haven't been posted on the Assembly website.) This submission is more comprehensive, although several appendices have been left out. The appendices will not be available until the next meeting of the Citizens' Assembly in October. If you have any questions or comments you can reach us at michaelcdivine@yahoo.com.

The best electoral system for British Columbia will address the major concerns of all the citizens in all the regions of this province. We are grateful for your efforts in trying to achieve that difficult goal. Good luck.

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<u>GOALS</u>

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We have been guided by three basic goals: First, the final proposal must confront the worst aspects of the present system – namely, the badly flawed FPTP voting procedure <u>and</u> the severe lack of proportionality in election results (particularly, the most recent results). While doing this, the final proposal must preserve a strong measure of local representation. Second, the final proposal must be reasonably familiar and understandable. It must build on the best aspects of the present system. The legislature has set high hurdles for approval of any reform package. If the people of British Columbia are confused or overly burdened, reform will fail. Finally, the proposal must empower the voters – giving them a broader range of choice and sharper tools to utilize in the voting booth. We believe we have succeeded in meeting most of these goals and offer the following for your consideration:

<u>Abstract</u>: The ballot would give the voter the option of making three ranked choices. If a majority was not achieved after the first choice votes were counted, the winner would have to receive significant second and third choice support. After the winners of the 63 local districts were determined, proportionality would be partially achieved by determining the winners of 16 regional districts throughout the province. The citizens, voting in their own local districts, would be responsible for this proportionality adjustment. No party lists would be involved. The governing party would be the party having the most seats in the legislature or having the greatest support of the other parties. Representatives and the government would have a four-year term in office, unless an extraordinary election was called before then. The Electoral Boundaries Commission would be charged with redistricting the province according to guidelines outlined by the Citizens' Assembly. Elections BC would be authorized to investigate alternative systems of representation that would address the deficiencies in representation for rural areas, the loss of voter parity in urban areas, and the under-representation of minorities. The Citizen's Assembly would reconvene in 2018 to assess the results of these changes.

COMPONENTS OF THE PROPOSAL

I) <u>The</u> <u>Top</u> <u>Three</u> <u>Voting</u> <u>System</u> (T3V): This system would give voters the option of making up to three ranked choices among the candidates. NOTA would be included on the ballot for informational purposes only. The voting process would be conducted in such a manner that all votes would be capable of being confirmed by a manual recount.

At the beginning of the count, the first choices are summed. If there is no majority winner, the top three candidates are determined and the remaining candidates are eliminated. The second choices of the losing candidates are then distributed to the top three. If there is no majority winner, the third choices of the losing candidates are distributed to the top three. If there is no majority winner, the candidate with the lowest total is eliminated from the top three and that person's second choices are distributed to the remaining two candidates. If there is no majority winner, the losing candidate's third choices (along with any other accumulated third choices) are distributed to the final two candidates, and the winner is determined. Because of truncated preference voting and preferences not going to the top three, the winner may not have a majority of the total vote.

The results of this voting system would determine the winners of the local seats. The first choices would then be used to determine each party's proportional share of the remaining seats.

<u>Comment</u>: The choice of a voting system is probably the most difficult decision we have made. There are many reasonable systems that are superior to FPTP. The counting procedure in Condorcet Voting would not be acceptable to most voters. Approval or Bucklin voting do not offer enough discrimination and tend to push the centre candidate. Borda, Alternative Vote, or the Supplementary Vote offers more choice – too much in the case of Australian AV. Each of these systems has its merits and defects. (The V123 system, a simplified version of Borda, also looks like a good one. See submission # 1634)

Application of different systems to the same election will often produce surprisingly different results. The distribution of voter support for the competing parties is an important consideration. Some polities have two dominant parties. Others have three or more competitive parties. No system except FPTP has really been tested in electoral contests with thousands of voters and three or more competitive candidates. With proportional representation, British Columbia may become one of those polities with three or more competitive parties.

The theoreticians looking for ways to 'game' a voting system underestimate how difficult that is. Unless you have good polling information going into the voting booth, voting strategically is likely to backfire. The vast majority of voters have preferences located on a left-right political scale. That limits the voting possibilities and makes many of the 'paradoxes' implausible. Most people will resist voting strategically unless there is a clear, risk-free benefit – such as Nader voters casting a strategic vote for Kerry. Even then, there will be at least a million die-hard Nader supporters who will never sacrifice their first preference. A good voting system will allow voters to freely vote their preferences. The best strategy: ignore or misdirect the pollsters and vote for your favourite, unless there is a strong, risk-free reason not to.

T3V is an improvement on the AV system used in Australia and the Supplementary Vote system now being used in the mayoral elections in London. It simplifies the AV system by limiting the voter's choices to three. It also limits the potential winner to the top three first choice candidates. To have legitimacy, a winner should have solid first, second, and third choice support. Furthermore, a system like AV, which can make a winner out of the fourth or fifth ranking candidate, is open to serious question.

The results of recent federal elections in our own district graphically illustrate the deficiencies of FPTP. Our district is moderate-left on the political scale, yet, because of vote splitting, we continue to get conservative representation in Parliament. Any system that would produce such results is beyond salvation.

In appendix A we show how T3V would translate voter preferences into results that were representative of our district. In appendix B we give an example of a fifth place candidate being 'flipped' into first place by the AV method. Nevertheless, AV is much preferable to FPTP, especially where the small party voters are given the opportunity to make a second choice for one of two dominant parties. If AV were to be used, we would recommend that choices be limited to three.

II) <u>Partial Proportional Representation and Redistricting</u>: The legislature would consist of 63 local seats, determined as above, and 16 regional PR seats (20%) to be determined by the method outlined in section III. In order to accommodate the PR seats, the current 79 electoral districts would be reduced to 63. These 63 districts would be grouped into contiguous clusters, ideally four districts per region. The Electoral Boundaries Commission's first priority would be to make sure that each region of the province bore an equal share of the redistricting burden unless geographic and demographic constraints and voter parity requirements made that impossible. The creation of the new local and regional districts would be carried out only after wide-ranging, in-depth public consultation throughout the province. ECB would make every effort to use the latest census data in determining the electoral boundaries before the 2009 election.

<u>Comment</u>: Because of the geography of the province, we were unable to achieve equal-sized regional districts during the 'ballpark' redistricting that we attempted. Our regional districts ranged in size from two to six electoral districts. With a couple of exceptions, all the local districts were reasonably clustered. Local district populations deviated from about 25% above the average to 33% below the average. (based on 1998 data from Elections BC). Regional district populations deviated from about 45% above to 45% below the average. See appendix C for details. <u>A system of 20 regional districts, consisting of nineteen 3-member regions and one 2-member region (ideally), may very well be a better choice.</u>

III) <u>Allocating Representatives to the Regional PR Seats</u>:
  1) <u>Determining the number of PR Seats allocated to each party</u>:
    a) The threshold for a party's participation in the proportional distribution would be set at 5%.
    b) The 16 PR seats would be distributed to the parties so that: 1) no party lost any local seats 2) the party with the highest percentage of the

popular vote would always get at least one more seat than its nearest rival, and 3) subject to the previous rules, the final seat totals of each party would be aligned as closely as possible with each party's percentage of the provincial first choice vote.

Comment: Examples of the allocation process are given in appendix D. If the method had been used in the 2001 election the Liberals would have obtained 61 seats, the NDP 11 seats, and the Greens 7 seats (out of 63 local + 16 PR). In the 1996 election the Liberals would have obtained 32 seats, the NDP 31 seats, BCR 7 seats, and PDA 5 seats (out of 60 local and 15 PR). Of course, if this system had been in place in 1996 and 2001, the voting percentages of the parties would have been different.

2) <u>Assigning the allocated party seats to the regional PR districts</u>:
   a) Rank the parties receiving PR seats according to their finish in the province-wide first choice voting.
   b) In each regional district exclude the first choice votes of the winners and calculate the percentage of the remainder accruing to each of the parties.
      Comment: Including the votes of the winners in the determination would likely result in a weaker party candidate becoming the regional representative.
   c) The first party on the ranked list gets one PR seat in the regional district in which its percentage of the vote was highest. The winning party candidate in that district is the one with the highest percentage of the vote.
   d) Go to the second party on the list and repeat the steps in c). This results in a winner for another regional district. Keep cycling through the list until all 16 regional PR seats are filled.
      Comment: An example of the procedure, using a hypothetical election, is given in appendix E. There are no party lists in this system. Each candidate must face the voters. The PR rep is a hybrid with ties to the party, the region, and the local district.

IV) <u>Governing Party</u>: In case there was no majority party in the legislature after distribution of the PR seats, the governing party would be the party with the most seats in the legislature or the major party that had the most support from the other parties in the legislature. The second and third choices of the minor party voters would be used to help make that determination.
Comment: An example of using second choices to determine the governing party is given in appendix F.

V) <u>Term of Office</u>: Elections would be held every four years beginning in May 2005. Legislators would hold office for four-year terms and the government would be in power for a four-year term unless an extraordinary election was called between the fixed election dates. This would happen when a government proved corrupt or ineffectual and 60% of the legislators voted to call an election.

<u>Comment</u>: Beyond the Assembly's mandate, but could be included in the recommendations.

VI) Elections BC would be authorized to investigate alternative systems of representation that would address the deficiencies of representation in rural areas, the loss of voter parity in urban areas, and the under-representation of minorities. If Elections BC recommended change, it would be voted on in a province-wide referendum.

<u>Comment</u>: Several northern districts violate voter parity constraints, deviating from the average district population by more than 25%. The section II redistricting will not solve the problem. To the contrary, it only puts it in sharper relief.

One possible way to deal with representation and voter parity is to look at what it means to 'represent'. A representative must have 'presence' in the district he or she represents. A representative also has 'presence' in the assembly with the direct power to vote on bills and the indirect power to 'influence' the drafting of bills and to 'persuade' other members to back particular pieces of legislation. A persuasive legislator's influence can far exceed his or her 'voting power'.

This fact could be the key to addressing the rural/urban divide. Over a number of years, the rural populace has lost 'presence' in the home district and in the assembly while maintaining its voting power. It seems reasonable to ask whether representation in huge, sparsely populated rural districts couldn't be increased while, at the same time, increasing the voting power in compact, densely populated urban districts. Could that form the basis of a plan that satisfied the primary interests of the urban and rural populations? Would the courts affirm the constitutionality of such an approach?

Right now, the most populated urban districts have about half the voting power of the least populated rural districts. The fact that the courts allow deviations of 25% on either side of the average doesn't make it right. Even worse, the population deviation standards don't accurately reflect the discrepancy in voting parity. A district that is 25% under-populated actually has 33% more representation than the average. One district in BC, which is 34% under the average, actually has 50% more representation!

We believe that a system that assigns voting power to each district based on population would serve the interests of British Columbians much better than the present one-person-one-vote system. The least populated rural districts would maintain their single vote in the legislature, but, based on 1996 population statistics, urban districts would have up to 1.8 votes in the legislature. In between, districts would be assigned voting power in one-tenth increments according to their populations. No district would deviate by more than 5% from the average district voter parity. This change would give the Electoral Boundaries Commission far more flexibility in establishing boundaries that reflected the geographic and demographic realities of the province.

VII) <u>Assessment</u>: The Citizens' Assembly would reconvene in 2018 to assess the results of the intervening elections and to propose further changes to be voted on in a provincial referendum. If the legislature determined that changes were needed before 2018, its proposed changes would be put before the voters in a provincial referendum. In either case, approval would require the votes of 60% of the voters throughout the province <u>and</u> majorities in 60% of the existing electoral districts.

Comment: True reform will not be achieved in one leap. Prudent experimentation may be necessary. It is important that a long-term follow-up process be put in place before the Assembly disbands.

SUMMARY

1) Election by a majority or a near majority in local ridings based on second and third choice voting. Voters would be able to make a true first choice while still having a say about which party governed. The parties would get better feedback as to their actual strength.
2) Representation by a mixed system of local elections and proportional distribution that was locally based. The make-up of the legislature would more accurately reflected actual voter preferences. A closely divided electorate would be represented by a closely divided legislature, not an artificially created majority.
3) Government by the majority party or a minority party with significant support from the other parties. Some are afraid of minority government. We don't fear that outcome. We welcome it. The legislature was never meant to be a refuge for push-button robots.
4) Legislation enacted after real debate, negotiation, and compromise. Better laws produced.

Sincerely,

Michael Divine & Moira Movanna (New Westminster)
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APPENDICES

A) Results of the 2004 federal election in New Westminster/Coquitlam under T3V:
   (not available at this time)

B) Example – A fifth choice candidate becomes a winner under AV:
   (not available at this time)

C) Reducing the 79 BC electoral districts from 79 to 63 and   creating 16 regional districts of about 4 districts per region (A reduction to 59 districts in 20 regions is also given:
   (not available at this time)

D) Examples of the proportional distribution procedure:

   1) Proportional distribution - definitions:

a) $R = ((\%\text{ of seats}) - (\%\text{ of votes}))/(\%\text{ of votes})$ is the "representation advantage" of a party for a given distribution of legislative seats. $R = 0$ represents perfect proportionality in the seats obtained by a particular party. R greater than 0 means a party got more than its proportional share of seats. R less than zero means a party got fewer than its proportional share of seats.

b) $S = (\text{maximum } R) - (\text{minimum } R)$ represents the level of disproportionality or the overall "spread" in a given distribution of seats. The higher S, the higher the spread and the lower the proportionality in the overall distribution.

c) S-min is the lowest possible spread obtainable over all possible distributions of seats. When S-min is attained in conjunction with the other two section II distribution rules, the results of an election and an at large seat distribution are final. S-min = 0 represents a perfect distribution of seats. (practically, unattainable) The higher S-min, the lower the proportionality of the final result.

2) Example of the distribution procedure:

Assume 79 elected seats and 20 PR seats to be determined after the voting. Suppose the leading party got 38% of the first choice vote and 36 seats (45.6%); the second party got 36% of the first-choice vote and 41 seats (50.6%); the third party got 12% of the first-choice vote and 2 seats (2.5%); the fourth party got 8% of the vote and one seat (1.3%); and 6% of the vote went to other parties/candidates. The distribution of seats is not proportional to the actual voting percentages. The first party has 20.0% more than its share, (45.6-38)/38; the second party has 40.6% more than its share; the third party has 79.2% less than its share, (2.5-12)/12; and the fourth party has 83.8% less than its share. These are the 'Representation Advantages' or 'R' advantages of the four parties before distribution of the 20 at-large seats. 'R' indicates the degree of over or under-representation and is positive or negative, accordingly.

The seat totals need to be more closely aligned to the percentages by distributing the 20 PR seats as follows: The party with 38% of the vote gets 4 additional seats; the second party gets no additional seats; the third party gets an additional 9 seats; and the fourth party gets the remaining 7 seats. Each party now has a distribution of legislative seats that is more closely proportional to the overall vote it received. The first party has 40 seats; the second party maintains its 40 seats; the third party has 11 seats; and the fourth party has 8 seats. Under this distribution the first party received 6.3% more than its proportional share, (40.4-38)/38; the second party received 12.2% more than its share; the third party received 7.5% less than its share, (11.1-12)/12; and the fourth party received 1.0% more than its share. This represents the closest possible alignment under the rules and comprises the final distribution of the 20 PR seats. To be precise, the spread, 'S', between the highest and lowest 'R' in all possible distributions has been minimized with $S = 12.2-(-7.5) = 19.7$ (A 41,40,11,7 distribution would make $S = 23.5$)

Comment: Once in a while, two different distributions would yield the same minimum S, in which case another rule would be needed to allocate the final seat. Also, we haven't used the tiebreak rule in this example.

3) Application of the system to the 2001 election results:

a) 2001 election, actual results - 79 local seats:

    1) Liberal: 57.6% vote……77 seats (97.5%)…..R= +69.3%   S = 169.3%
    2) NDP: 21.6% vote…….2 seats   (2.5%)…..R= -88.4%
    3) Green: 12.4% vote……..0 seats (0.0%)…...R= -100.0%
    4) MP: 3.2% vote……..0 seats (0.0%)
    5) UP: 3.2% vote……..0 seats (0.0%)
    6) Other: 2.0% vote……..0 seats (0.0%)

b) 2001 election, system results - 79 local seats + 20 PR seats (20%):

    1) Liberal: 57.6% vote……77 seats (77.8%)…R= +35.1%   S-min = 69.8%
    2) NDP: 21.6% vote…….14 seats (14.1%)…R= -34.7%
    3) Green: 12.4% vote……. 8 seats (8.1%)…...R= -34.7%
    4) MP: 3.2% vote……..0 seats (0.0%)
    5) UP: 3.2% vote……..0 seats (0.0%)
    6) Other: 2.0% vote……..0 seats (0.0%)

c) 2001 election – 63 local seats (assuming the results are in about the same proportion as a):

    1) Liberal: 57.6% vote……61 seats (96.8%)…..R= +68.2 %   S = 168.2%
    2) NDP: 21.6% vote……..2 seats   (3.2%)…..R= -85.6%
    1) Green: 12.4% vote……. 0 seats   (0.0%)…..R= -100.0%
    2) MP: 3.2% vote……..0 seats (0.0%)
    3) UP: 3.2% vote……..0 seats (0.0%)
    6) Other: 2.0% vote……..0 seats (0.0%)

d) 2001 election, system results – 63 local seats + 16 PR seats:

    1) Liberal: 57.6% vote…….61 seats (77.2%)…R= +34.0%   S-min = 69.6%
    2) NDP: 21.6% vote…….11 seats (13.9%)…R= -35.6%
    3) Green: 12.4% vote……. .7 seats   (8.9%)…R= -28.2%
    4) MP: 3.2% vote……..0 seats (0.0%)
    5) UP: 3.2% vote……..0 seats (0.0%)
    6) Other: 2.0% vote……..0 seats (0.0%)

Comments: Overall proportionality substantially increased along with the proportionality of individual party seat totals in both of these legislative configurations. Because of the extreme representation advantage obtained by the Liberals in the election, the NDP is still six seats short of its fair share, and the Green Party is about three seats short of its fair share in the 79-seat legislature.

4) Application of the system to the 1996 election results:

a) 1996 election, actual results - 75 elected seats:

    1) Liberal: 42.0% vote…….33 seats (44.0%)…R= + 4.8%   S = 108.9%
    2) NDP: 39.6% vote…….39 seats (52.0%)…R= +31.3%
    3) BCR: 9.3% vote……..2 seats (2.7%)…..R= -71.0%
    4) PDA: 5.8% vote……..1 seat (1.3%)…..R= -77.6%
    5) Other: 3.3% vote……..0 seats (0.0%)

b) 1996 election, system results - 75 elected seats + 19 PR seats (20%):

    1) Liberal: 42.0% vote…….40 seats (42.6%)…R= + 1.4%   S-min = 8.9%
    2) NDP: 39.6% vote…….39 seats (41.5%)….R= + 4.8%
    3) BCR: 9.3% vote……..9 seats (9.6%)…..R= + 3.2%
    4) PDA: 5.8% vote……..6 seats (6.4%)…..R= +10.3%
    5) Other: 3.3% vote……..0 seats (0.0%)

c) 1996 election – 60 elected seats (assuming the results are in about the same proportion as a):

    1) Liberal: 42.0% vote…….26 seats (43.3%)….R= + 3.1%   S = 100.7%
    2) NDP: 39.6% vote…….31 seats (51.7%)…R= +30.6%
    3) BCR: 9.3% vote……..2 seats (3.3%)…..R= -64.5%
    4) PDA: 5.8% vote……..1 seats (1.7%)…..R= -70.1%
    5) Other: 3.3% vote……..0 seats (0.0%)

d) 1996 election, system results – 60 elected seats + 15 PR seats (20%):

    1) Liberal: 42.0% vote…….32 seats (42.7%)…..R= +1.7%   S-min = 15.5%
    2) NDP: 39.6% vote…….31 seats (41.3%)…..R= +7.8%
    3) BCR: 9.3% vote……..7 seats (9.3%)…..R= +0.0%
    4) PDA: 5.8% vote……..5 seats (5.3%)…..R=+15.5%
    5) Other: 3.3% vote……..0 seats (0.0%)

Comments: Again, overall proportionality increased substantially at the same time each of the individual parties attained a more proportional result. The initial disproportionality was much less in the 1996 election, and so the final result is much more proportional than in 2001. Note: the 32,32,7,4 and the 33,31,7,4 distributions have slightly higher S values than the 32,31,7,5 distribution.

E) Example of the method for assigning allocated seats:
  (not available at this time)

F) A method for determining the governing party:

In example D2 above, the two leading parties both got 40 seats – less than a 50-seat majority. Which party governs? The following procedure would be applicable whenever an election failed to produce a party with a majority of the seats in the legislature:

> 1) Look at the second-choices of the two minor parties. Suppose the third party's second-choices were: 40% for the first party, 50% for the second party, and 10% for neither. The fourth party's second-choices were: 55% for the first party, 40% for the second party, and 5% for neither.

> 2) For purposes of determining the governing party, the third party's 11 seats are 'distributed' in the ratio of 40:50 to the first and second parties. That gives an additional 4.89 'seats' to the first party and 6.11 'seats' to the second party. Likewise, the fourth party's 8 seats are 'distributed' in the ratio 55:40 to the first and second parties. That gives an additional 4.63 'seats' to the first party and 3.37 'seats' to the second party. The total number of 'seats' for the first party is 40 + 4.89 + 4.63 = 49.52. The total number of 'seats' for the second party is 40 + 6.11 + 3.37 = 49.48. So the first party forms the government by a hair's breadth.

G) <u>Projected voting power of BC electoral districts based on 1998 district populations / with deviations from the average</u>:
(not available at this time)