

# ***A Better Electoral System for Canada***

Brief submitted to the Special Parliamentary Committee on Electoral Reform<sup>i</sup>

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## INTRODUCTION

The mandate given to the committee sets out several criteria for assessing alternative electoral systems. In this brief, which is based on many years of study and observation of the workings of electoral systems in Canada and comparable countries, I set out what I consider the most appropriate system for this country. I start from the first criterion, namely that it should:

increase public confidence among Canadians that their democratic will, as expressed by their votes, will be fairly translated and that the proposed measure reduces distortion and strengthens the link between voter intention and the election of representatives (a).

Single member systems, which include our existing first-past-the-post (FPTP) plurality version, as well as the ranked or second ballot majority versions, fail to meet this criterion, which could be met only by electoral systems delivering a result coming close to proportionality between votes and seats. However, only one of the proportional representation (PR) systems meets another criterion, namely that “local representation”

ensure accountability and recognize the value that Canadians attach to community, to Members of Parliament understanding local conditions and advancing local needs at the national level, and to having access to Members of Parliament to facilitate resolution of their concerns and participation in the democratic process (e).

In what follows I try to show how this proportional system, commonly known as MMP, is most suited for a country as vast as Canada, given that the MMP system is the only one that ensures locally based accountability by preserving single-member constituencies. Moreover, Canadians have become accustomed to having a single MP represent each of them and can justifiably regard this as an acquired right -- thereby, in effect, ruling out all other proportional systems.

## MMP FOR CANADA

The mixed member proportional (MMP) system was first developed in postwar Germany. It was later adopted and adapted in New Zealand, Scotland and Wales (all places where voters were used to having local MPs), and, among others, Hungary and Romania. This is the model that was presented to the House of Commons on December 2014, supported by the NDP and Greens, and half the Liberal MPs. As well Conservative independent Brant Rathgeber added his support. He explained his support as due to a seldom-mentioned advantage of MMP, namely, that the elector can vote for the preferred party to be in government, as well as for the preferred local candidate regardless of party, without hurting the preferred party, and that this means that MPs' support from constituents of all political stripes allows MPs to act more independently in the House of Commons.

MMP was proposed in most of the provinces that considered electoral reform. It was recommended by the Law Commission of Canada, with compensation based on electoral regions, like in Scotland, not the province-wide lists that Ontario voters rejected in their 2007 referendum. Regional lists are unavoidable in applying MMP to Canada, though they do the compensatory method by which MMP votes are converted into seats, as set out below, appear more complicated when first encountered.

The actual process of voting under MMP is straightforward. Under MMP you have two votes. With one, you choose the local MP for your district; with the other, you vote for a regional list of candidates of the party you want to see in government. The preferences of voters, whose votes are wasted when their party candidate loses the constituency election, find their way into the choice of regional MPs that top up the local results. In the end every vote counts because the top-up seats are determined in such a manner as to compensate the parties underrepresented among the district based MPs.

We can see how this works by applying the Law Commission model to the 2015 election results, supposing that the voters would have chosen just as they did under first-past-the-post (FPTP). (In fact many would not have done so since under PR the incentive to vote strategically disappears – for example in 2015 when a large number of left-of-centre votes were cast for the candidate most likely to defeat the Conservative.)

Let us take a hypothetical example: the province of Saskatchewan, with 14 MPs, constitutes an electoral region in the Law Commission model, with nine local MPs and five regional MPs. Of the nine local ridings, based on the 2015 results, the Conservatives would likely have won six, the NDP two and the Liberals one. Green voters cast 2.1% of the votes in Saskatchewan, Liberal voters 23.9%, NDP voters 25.1%, and Conservative voters 48.5%. To make the overall result proportional, Liberal voters would elect three MPs, NDP voters four, and Conservative voters seven. (If Green votes doubled as they likely would under PR, they would also elect an MP.) Consequently, added to the nine local MPs would be two regional Liberal MPs, two NDPers and one Conservative. The same process to select MPs would take place throughout the country.

In designing such a version of MMP most suited to Canada, several choices will have to be made. The size of regions and the breakdown of local and regional seats must be determined so as to best fit our geography and population. In

addition, we would need to decide if electors can make choices within the preferred (open) list, or that the order be left to the parties. We would also need to decide whether one can simultaneously be both a local and a list candidate.

## LEARNING FROM THE EXPERIENCE ELSEWHERE

In deciding such matters, we can benefit from many years of experience of MMP-in-practice in a number of countries, and the extensive research based on it. We know, for example, that having both local and regional MPs is not a problem, nor is it one when one can run simultaneously as both. We know also that electoral regions with as low as eight seats (five district and three regional) allow the attainment of reasonably proportional outcomes overall.<sup>ii</sup> So the percentage of top-up seats could be as low as 37.5 percent, slightly less than the 43 percent of such top-up seats in Scotland. Moreover, we are not required to follow the Scottish example of all regions having the same number of MPs. It would make sense to consider larger regional districts in the metropolitan areas, for example regions of 13 (8 district and 5 regional) and, say, 3 and 2 in sparsely populated regions. It would also be possible to exclude for list-based compensation a handful of far-flung regions, leaving existing constituency boundaries. While it is true that such a system will not deliver absolute proportionality, the data shows that it will come close enough.<sup>iii</sup>

Unless we add MPs, the size of the average single member district will increase by roughly 40 percent, but the work of the MPs is likely to be divided in such a way that the MPs being elected via the regional lists will take on duties in the region and in Parliament to balance those of the district MPs, with partisans bringing their concerns to a list MP from their party rather than their local MP. Research by Professor Louis Massicotte of Laval University into the German experience shows this is very much what has happened.

Experience in countries using MMP effectively serves to counter the often-heard critiques of PR. It is often assumed that all PR systems are based on long lists of candidates drawn up by party central bureaucrats. But this is not the case with MMP. Nor is it the case that, on average, elections are less frequent in comparable PR countries than in Canada.<sup>iv</sup> Yet MMP does provide the usual benefits of proportional systems, namely, making representation more equitable for supporters of small and medium parties, as well as women and minorities, and keeping parties from monopolizing regions, while retaining constituencies that provide close ties to the electorate. It seems evident, as it did for the bulk of the experts recently consulted,<sup>v</sup> these more than outweigh whatever advantage may be derived from retaining FPTP.

The only significant argument against all forms of PR including MMP is that it makes government inefficient by reducing the possibility of attaining one-party majorities than under affirm. It should be noted that this is not a consideration in the Committee's mandate. Indeed, there is an alternate criterion: to "foster greater civility and collaboration among parties." Canadian experience illustrates that one-party majority government stands in the way of that objective. In contrast, the experience in almost all of the many countries in Europe and elsewhere using PR tells us that when you know that you will not be able to govern alone, you learn to work together.

As far as efficiency is concerned, observers agree, that some of our best federal and provincial governments were those lacking a majority, but operating instead on formal or informal agreements with third parties. But they never lasted the four years, because it was a demanding exercise, and minority governing parties would find ways of prematurely dissolving Parliament if and when they thought they could win a majority in a subsequent election. Under PR this is highly unlikely, so these agreements typically last the usual Parliamentary term, providing both stable and generally effective government.

Apart from foster greater cooperation among parties, overall, PR system more than majority systems:

encourage voting and participation in the democratic process, foster greater civility and collaboration in politics, enhance social cohesion and offer opportunities for inclusion of underrepresented groups in the political process (b).

And while it is true that third parties count for more when no party has a majority of seats, it is not true, as opponents of PR claim, that they can easily abuse their position by threatening to bring down the government, since they know that it is they who the electors will blame for bringing on an unwanted election.

Of the two remaining principles, one depends simply on the continued exemplary role of Elections Canada, namely that it, “safeguard public trust in the election process, by ensuring reliable and verifiable results obtained through an effective and objective process that is secure and preserves vote secrecy for individual Canadians (c).”

The final principle reads as follows:

Accessibility and inclusiveness: that the proposed measure would avoid undue complexity in the voting process, while respecting the other principles, and that it would support access by all eligible voters regardless of physical or social condition (d).

Accessibility and inclusiveness do not pose any kind of obstacle to the proposed change. But the question of “avoiding undue complexity” needs to be addressed. The national list-based proportional system is the least complex of electoral systems, since every voter sees immediately the relationship of votes to seats. First past the post seems simple, yet many voters are surprised to learn that it unfairly rewards some parties as compared to others. The compensatory principle underlying MMP is not self-evident, and voters will need a clear explanation of how it turns votes into seats. I have looked at New Zealand experience in particular<sup>vi</sup> which illustrates how this can be accomplished in such a way as to – as

stated in above in (b) - encourage voting and participation in the democratic process.

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<sup>i</sup> I wish to thank Wil Day for his input.

<sup>ii</sup> [http://personal.lse.ac.uk/hix/Working\\_Papers/Carey-Hix-AJPS2011.pdf](http://personal.lse.ac.uk/hix/Working_Papers/Carey-Hix-AJPS2011.pdf)

<sup>iii</sup> David Farrell finds the average vote-seat distortion of MMP systems to be 3.9 percent, as good as other proportional systems. <https://he.palgrave.com/page/detail/Electoral-Systems/?K=9780230546783>

<sup>iv</sup> [http://www.broadbentinstitute.ca/an\\_electoral\\_system\\_for\\_all](http://www.broadbentinstitute.ca/an_electoral_system_for_all)

<sup>v</sup> [https://www.researchgate.net/publication/38175077\\_Expert\\_Opinion\\_on\\_Electoral\\_Systems\\_So\\_Which\\_Electoral\\_System\\_Is\\_Best](https://www.researchgate.net/publication/38175077_Expert_Opinion_on_Electoral_Systems_So_Which_Electoral_System_Is_Best)

<sup>vi</sup> See e.g. <http://irpp.org/wp-content/uploads/assets/research/strengthening-canadian-democracy/new-research-article/pmvol5no9.pdf>