

**For 1-Vote MMP with Repêchage**  
A submission to the House Committee on Electoral Reform  
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**Summary**

We believe that Canada needs an electoral system that reduces the imbalance between popular vote and seats, while retaining the transparency and simplicity of the current system. *We recommend replacing the present first-past-the-post (FPTP) plurality system of voting by a modified version of mixed member proportional representation (MMP).* Under the proposed modified MMP system, electors have one vote that counts towards both the election of a riding candidate and the election of “top-up” members for each province or other multi-riding region. The “top-up” members are chosen from each party’s unsuccessful candidates (repechage) to align the province’s House of Commons representation with the political party distribution in the popular vote.

One-vote MMP with repechage eliminates many of the problems with the current FPTP system: wasted votes; creation of large majorities of seats from modest plurality of votes; regional imbalance of parties; under-representation of minor parties; negative strategic voting. At the same time, it retains many of the advantages of the current system: close linkage between MPs and “their” riding; simplicity and transparency of the voting procedure; selection of candidates by local riding associations.

The single vote with repechage has advantages over the conventional version of MMP, which requires two votes and closed lists of candidates: it uses the same method of voting as in the current system; it is immune to subversion by decoy lists and discourages other strategies to game the system; “top-up” MPs are less dependent on party bosses.

## 1. The present system distorts the popular vote

In the present system, party candidates are chosen by local party associations to contest single member constituencies (ridings). Each elector casts one vote for a candidate and the candidate with a plurality of votes is elected (“first-past-the-post”, FPTP system). For most voters the most important property in a Member of Parliament (MP) is the party affiliation. The present system does not recognize parties, leading to chronic frustration of voters at the outcomes of elections.

Distortions and democratic shortfall caused by FPTP:

- A party can gain a controlling majority in the House with far less than a majority of the popular vote. In 2011 and again in 2015 a party got 54% of the seats from fewer than 40% of the votes
- Modest majorities of votes can generate a landslide of seats, leaving almost one-half of the voters in a region without a voice. Examples include Saskatchewan in 2008 (13 of 14 seats from 54% of the popular vote) and New Brunswick in 2015 (10 of 10 seats from 52% of the vote)
- Minor parties tend to be shut out of parliament, unless their support is highly concentrated. In 2008 the Bloc Québécois gained 49 seats from 10% of the national popular vote, while the Green party earned no seats from 6.8% of the vote.
- Voters whose candidate was not elected may feel that their vote was wasted.<sup>1</sup>
- Voters often feel obliged to engage in negative voting: they support a candidate other than their preferred one in order to block a win by the Party of Darkness.

Advantages of the present system:

- An MP is linked to a specific geographical region. Citizens can contact “their” MP for help in dealing with federal agencies.
- The method of awarding seats is very easy to understand.
- Selection of candidates is (by and large) in the hands of local party associations.
- It favours formation of a small number of parties. They develop party platforms that present voters with distinct, organized visions for a program of government.

There are other issues (increased power of the Prime Minister’s Office, under-representation of minorities and women, mistrust of politicians) that are not as directly attributable to FPTP. They may not be eliminated solely by a change in electoral system.

## 2. A better system would balance the simplicity of single member constituencies with popular vote representation

Two reports from 2004 provide an excellent foundation for electoral reform in Canada. The Law Commission Report<sup>2</sup> considered a number of choices for federal elections and proposed MMP with two votes and a “flexible” party list. A report prepared by Louis Massicotte for the Quebec National Assembly<sup>3</sup> looked in detail at the half-century of German experience with MMP, as well as the more recent appearance of MMP in New Zealand, Scotland and Wales. Massicotte opted for MMP with one vote and a party list headed by its riding candidates.

We also have another dozen years of experience with MMP in other countries. After considering that history, **we recommend adoption of a modified MMP, in which electors vote for one candidate in a**

riding contest and those votes count also towards a party's popular vote added up in a multi-riding region. The top-up MPs would be selected by "repechage"<sup>4</sup> of those candidates of the party who gained the highest percentage of votes within the region. In effect, it is Massicotte's proposal except that here the order of selecting top-up MPs is decided by the voters, not the party. This resembles the electoral system in the German state of Baden-Württemberg. It differs from the most common version of MMP, where electors have 2 votes and the top-up candidates are taken from lists supplied by the parties. See Appendices 1 and 2 for details.

- *MMP with 1 vote retains the simplicity of the present system.* Electors cast 1 vote for a riding candidate: no re-education of voters is needed. For voters accustomed only to FPTP, it provides a smooth transition into a new electoral method. **[Mandate item 3: "avoid undue complexity in the voting process"]**
- *It addresses the issues of disproportionality, regional imbalances, wasted votes, safe seats and tactical voting.* The number of wasted votes (those not contributing to the election of an MP) drops from 50% down to 5 -10%. **[Mandate item 1: "proposed system reduces distortion"]**
- It is *immune to the decoy lists* by which unprincipled parties can subvert 2-vote MMP (detailed in Appendix 3). It discourages formation of small puppet parties reliant on votes from supporters of major parties, as has happened with 2-vote MMP. **[Mandate item 4: "safeguarding public trust in the election process"]**

### 3. Consequences of the Repechage version of MMP

- Even in safe ridings (i.e., ridings with a history of strong party preference), all parties have an incentive to get out the party vote. Candidates with little hope of winning the riding may campaign more vigorously in hopes of a repechage seat. **[Mandate item 2, "encourage voting and participation"]**
- The repechage method retains most of the FPTP system's close links between MP and electors. The regional MPs have ties to the ridings that they contested. All have faced the voters. **[Mandate item 5, local representation]**
- Repechage could be said to unfairly give some ridings 2 or even 3 MPs. The objection highlights an ambiguity in the position of those MPs: top-ups MPs have an official role solely at the level of the multi-riding Region; the FPTP winner is the official representative of the riding (the only one whose death or resignation will trigger a by-election). Rather, it should be viewed as a positive feature that each party's MPs are "local" to the largest possible number of people in the region. In contrast, MPs from a list may have a haphazard geographical distribution of home bases.
- Repechage could appear to be unfair to a candidate who finished second in FPTP, only to see the third place candidate selected as an MP for a small party. This view mistakenly thinks of the top-up selection as continuation of *inter*-party competition. That second place candidate lost in the *intra*-party competition against other runners-up of his/her own party.
- Repechage is said to "make winners out of losers". In countries with 2-vote MMP and party lists, it is quite normal for top-up MPs to have lost a FPTP contest: in the current New Zealand parliament 76% of the list MPs were losers in electorate contests. If losers in a riding are acceptable top-up MPs via party lists, they are acceptable also via repechage.

- MMP parliaments in other countries tend to produce governments formed by alliances of parties. The requirement to co-operate should act as a brake on the power of the prime minister and the Prime Minister's Office. **[Mandate item 2: "foster greater civility and collaboration in politics"]**
- Alternates (see Appendix 2, last item) gain exposure and campaign experience that provide an advantage in seeking a future nomination. If alternate nominees are chosen to help balance a ticket (as with nominees for vice president in the US), it could provide an advantage to minority groups, compared to the present single-nominee system. **[Mandate item 2: "inclusion of underrepresented groups"]**

#### 4. The proposed system avoids the unpopularity of closed lists

Conventional MMP draws top-up MPs from lists supplied by the parties. A list permits expression of various points of view, philosophies and ambitions within the party; the party is not limited to a single compromise candidate for each riding. However, the list must be "closed" in order to maintain what is often a delicate balance of interests: voters cannot change a candidate's position on the list. Closed lists give freedom to the parties but the choice for electors is "take it or leave it."

The Law Commission Report of 2004 cited feedback during the consultation process indicating that Canadian voters favoured open lists and in its proposal to implement MMP recommended a "flexible" list. But a proposed system of MMP was put to a referendum in PEI in 2005 with *closed* lists; it was rejected by a 5:3 margin. In 2007 a similar proposal was rejected in Ontario, also by a 5:3 margin. Surveys of voters at the time of the Ontario referendum<sup>5</sup> identified several factors contributing to the defeat of the proposal. Although two-thirds liked the idea of casting two votes, **only 16%** liked the idea of closed party lists.

MMP with closed party lists is unlikely to fare any better today. Opponents can frame the issue as follows: "Those MPs needn't have local ties, didn't directly face the voters, got on the list thanks to horse-trading between factions within the party and are under the thumbs of party bosses." Coupled with voters' general mistrust of politicians, it makes a devastating argument against MMP.

#### 5. MMP compared to other systems

**Single transferable vote (STV)** constituencies are 2 to 4 times larger than in MMP and the link to a single MP is lost; limited degree of proportionality; less transparent – a vote can get sliced and diced like a mortgage in the hands of Wall Street financiers.

**Alternative voting (AV)** gives no MPs for minor parties; potentially has a landslide effect even greater than pure FPTP; uncertain value of a "majority" made of second and third choices; ignores second choices of voters whose first choice was for one of the two leading candidates; some candidates who would be winners under FPTP are turned into losers

**P3**, with high effective threshold, does little for 3<sup>rd</sup> and 4<sup>th</sup> parties and there is no place for independents. Constituencies are large, proportionality is limited and the system is complex.

**Dual-Member Proportional**, like this proposal, is for 1-vote MMP with repechage and co-nomination of primary candidates and alternates. The number of top-up seats is exactly equal to the number of ridings, so ridings are 100% larger than at present. A complex method of selecting top-up MPs draws 1 MP from each riding, but doesn't necessarily pick the best of a party's losing candidates.

## **6. In conclusion**

**This proposal for MMP with repechage of candidates has three principal advantages: (1) it reduces the imbalance between popular vote and seats, with almost all votes contributing to the election of an MP, (2) it avoids closed party lists, the cause of previous rejections of MMP by voters in Canada and (3) It is a simple and robust system that retains transparency for the average Canadian.**

## APPENDIX 1: Options for implementation of MMP

- Size of multi-riding regions. For the larger provinces a region size between 10 and 25 seats should give a reasonable degree of proportionality and allow reasonable variation between rural and urban regions. Scotland has chosen regions of about 16 seats.
- Fraction of top-up seats. A fraction of 1/3 should permit proportionality in most cases and come close to it in landslide cases such as the Atlantic Provinces in the 2015 federal election. Ridings would become about 50% larger than at present; in view of this, it is proposed to exempt from MMP the large northern provincial ridings and the three territories (15 in all) and leave them as single-member ridings.
- Treatment of overhang. “Overhang” occurs when a party wins more seats in riding contests than the number warranted by its popular vote. In New Zealand and Germany seats are added to compensate other parties when overhang occurs. This proposal has no post-election addition of seats, so there would be no change in the number of seats in a province and thus no need for a constitutional change.
- Seat apportionment rule. This proposal is for the D’Hondt method. It provides no incentive for a party to try to gain advantage by splitting into two smaller parties.
- Threshold. The selected apportionment method implies that a party must gain 50,000 or more regional votes to have a chance for a first top-up seat (roughly 4/3 the average number needed to win a riding FPTP contest). As was done in Scotland, we choose to have no formal threshold to qualify for top-up seats.

Other acceptable options are available and may be chosen after voters and parties gain experience with MMP.

## APPENDIX 2: The election process

- After a census, the constitutional formula is applied, as currently, to calculate the number of seats due each province.
- Sparsely populated areas (less than 1 person per square kilometer) are identified. The rest of the seats in a larger province are grouped in regions (e.g. “Western Ontario”); the seats in a smaller province form a single region. The number of ridings is 2/3 the number of seats.
- A general election is held to choose MPs for these ridings by plurality of votes (FPTP). Each elector casts one vote for one of the candidates. The vote counts also towards the regional popular vote for the candidate’s party.
- The remaining 1/3 of a region’s seats are used as “top up” so that, as nearly as possible, the average number of votes to elect an MP is the same for each party.
- Top-up seats are filled by “repechage” of candidates. Each party’s candidates throughout the region are ranked in order of their percentage of the vote in the riding. A party’s first top-up seat goes to the candidate with the highest percentage, the next seat to the one with the second highest, skipping any candidates who succeeded in winning a riding, until all seats have been allocated.
- At the time a candidate is nominated, an alternate is named also. The alternate’s name will appear on the ballot in smaller print. If a top-up MP dies in office or resigns, the alternate fills the position. If the official representative of the riding (FPTP winner) dies or resigns, a by-election will be held. If a party should have such a high percentage of popular vote (over 67%)

that it has no unelected candidates to fill top-up seats, the alternates of the candidates with the highest percentage of votes will fill the seats.

### APPENDIX 3: 2-vote MMP and proportionality

*There is an inherent conflict between having proportional representation and allowing electors to cast 2 votes with no restrictions.*

Under 2-vote MMP the Party votes are meant to determine the total number of seats awarded to a party and the Person votes to give electors a choice as to *which* candidates are elected. Proponents of 2-vote MMP say electors may wish to split their votes for reasons of personal preference: to elect an independent candidate or because they don't like their party's local standard-bearer, for example.

The ability to split votes has enabled unscrupulous parties to game the system.

A major party either creates a fake party or it runs fake "independent" candidates and tells its supporters to give one of their votes to the party and the other vote to the fake(s). Then, riding wins are not subtracted from the total seats awarded on the basis of popular vote. Such "decoy lists" have caused 2-vote MMP to be abandoned in Italy, Venezuela and Lesotho.<sup>6</sup> In Germany the Party vote is discarded if the Person vote was for a successful independent candidate;<sup>7</sup> this removes any advantage in having a party's riding candidates run as "independents".

Two-vote MMP has been manipulated in New Zealand ("Tea tape scandal"<sup>8</sup>) and there have been attempts at manipulation in Scotland and Wales.<sup>9</sup>

One way to protect 2-vote MMP from being gamed is to discount the Party vote under certain circumstances. The price would be complication of vote counting and negation of the *raison d'être* of a separate Party vote.

## Endnotes and references

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<sup>1</sup> From the point of view of a party and its partisans, for whom the important thing is the number of MPs elected by the party, a “wasted” vote is one that has zero influence on the number of MPs elected.

<sup>2</sup> Law Commission Report “Voting Counts: Electoral Reform for Canada”, <http://publications.gc.ca/collections/Collection/J31-61-2004E.pdf>, accessed November 26, 2015.

<sup>3</sup> Louis Massicotte, *In Search of a Compensatory Mixed Electoral System for Quebec, 2004* Gouvernement du Quebec, <http://www.fairvote.ca/wp-content/uploads/2015/07/Massicotte-Report-English.pdf>, accessed July 10, 2016.

<sup>4</sup> Other terms for such candidates are “best loser” and “near winner”; the former term is unduly negative and the latter not always correct. In sports contests repechage is used to give a second chance to the best losers of preliminary heats.

<sup>5</sup> Fred Cutler and Patrick Fournier, “Why Ontarians said No to MMP”, Toronto Globe and Mail of October 25, 2007.

<sup>6</sup> Source: Wikipedia, “Mixed-member proportional representation”, [https://en.wikipedia.org/wiki/Mixed-member\\_proportional\\_representation#Collusion](https://en.wikipedia.org/wiki/Mixed-member_proportional_representation#Collusion), accessed November 25, 2015.

<sup>7</sup> Source: “German Electoral Law”, <http://germanlawarchive.iuscomp.org/?p=228>, Article 6, paragraph 1, clause 2, accessed July 10, 2016.

<sup>8</sup> Source: Wikipedia, “Electoral system of New Zealand”, [https://en.wikipedia.org/wiki/Electoral\\_system\\_of\\_New\\_Zealand#Strategic\\_voting](https://en.wikipedia.org/wiki/Electoral_system_of_New_Zealand#Strategic_voting), accessed July 8, 2016.

<sup>9</sup> Source: Wikipedia, “Additional member system”, [https://en.wikipedia.org/wiki/Additional\\_Member\\_System](https://en.wikipedia.org/wiki/Additional_Member_System), accessed November 25, 2015.