

BRIEF TO THE SPECIAL COMMITTEE ON ELECTORAL REFORM

SUMMARY

This submission presents high level design elements for a made-in-Canada, *list PR system* (see **ANNEX A** for diagram). I echo the suggestions of the #ERRE witnesses who encourage the Committee to consult Canadians on four or five concrete electoral system options during the next phase of the Committee's work.

Given Canada's longstanding representative democracy tradition – and the maximum proportionality that a list PR system offers voters – I also encourage the Committee to include some form of list PR electoral system as an option so that Canadians have a concrete example of how it might work and can make informed conclusions regarding their preference. I hope that this proposal provides useful food for thought.

Several #ERRE witnesses have highlighted that the electoral system is but one area requiring attention. To that end and – because the electorate would not vote for local candidates during an election under this proposal – this paper describes the broad strokes of supporting conditions that I believe would be conducive to enhancing citizen perception of fairness and legitimacy as well as their engagement in the democratic process. Many of these supporting conditions could be applied to any electoral system that is chosen.

RECOMMENDATIONS

ANNEX B features a table which lists the means by which the various elements of this proposal support the Principles featured in the #ERRE Committee's [mandate](#).

It is recommended that:

1. The Committee include this or some other improved upon proposal for *list PR* as an option for Canadians to consider during the next phase of its study on Electoral Reform.
2. That Elections Canada input be sought in order to assess the viability of implementing a *list PR* system – if selected by the Government – from a technical perspective and within established time frames.
3. Should the Committee ascertain through input from constitutional experts and/or Elections Canada that a *list PR* electoral system is not viable, it is recommended that the supporting conditions listed below (earmarked with a *) nevertheless be considered for inclusion in the Committee's final report for further debate by the House of Commons.

DEFINING THE PROBLEM

Canada is a representative democracy. *Representative democracy* is a governmental structure based upon citizens electing representatives to serve on their behalf. Representative democracy contrasts with direct democracy, in which citizens directly manage the affairs of the government.

A [recent survey](#) commissioned by the Broadbent Institute sought to measure Canadians' attitudes concerning voting system design and preference for electoral reform. The survey found that *Canadians want the new government to keep its promise to change the voting system by an almost two to one margin. An even larger margin prefers a proportional system to ranked ballots. The study also found that voting with a preferential ballot would have produced an even larger false majority in the 2015 Canadian General Election.* Additionally, the [survey](#) found that:

- ✓ *38% agreed that they have sometimes not voted, or considered not voting, because their vote would not change the outcome of their electoral district.*
- ✓ *Under our current voting system, 46% said that they have voted for a party that was not their first choice, in order to prevent another party from winning*

Our electoral system should result in a House of Commons membership that represents as closely as possible the choices made by voters. Under our current first-past-the-post (FPTP) system, it is common for the votes of 60% or more of Canadians to not elect a voice of their choosing to represent them in the House of Commons: what this means is that most Canadians have a local representative belonging to a party they did not vote for and may feel reluctant to reach out to their MP knowing that they disagree on many fundamental policy issues. A further consequence of the distortion created by the FPTP system is reduced diversity of voices in our House of Commons. This [three-part HuffPost Blog series](#) features an analysis that I made regarding some of the downstream outcomes associated with voices in the House of Commons being less diverse than those of the electorate.

OPTIONS FOR REFORM

There has been much discussion at #ERRE regarding two options for replacing our current electoral system: [Mixed Member Proportional](#) and [Single Transferable Vote](#).

While both of these systems improve the alignment of MP's in the House of Commons in relation to the share of votes cast, [they are not fully proportional systems at the national level](#). The reason for this is that they both require the formation of districts in order to allow voters to vote directly for a local representative without jeopardizing ballot simplicity. The more districts there are, the less proportional the system is at the national level and the larger the number of votes that continue to be "wasted" between districts.

[As reported recently by the CBC](#), some witnesses before the Committee suggested that ... *no electoral system is perfect and that they come with trade-offs, such as less local representation in favour of more proportionality.* Not surprisingly, much of the deliberations by Committee members and various witnesses has sought to assess whether the ability to select a local representative at election time is seen as more valuable by Canadians than producing a House of Commons that mirrors proportionally national level popular vote results of parties.

The recent [survey](#)¹ by the Broadbent Institute is interesting in this context as it sheds light on this emerging tension between the selection of local candidates during an election, and the proportionality of the House of Commons that the election produces.

1 See pp. 9 and 10

- When asked to choose five of their most important goals for a voting system (from a list of 15):
 - 46% of respondents said that they most wanted the ability to directly elect MPs who represent their community
 - 43% said it was most important that their government have MPs from every region of the country
 - 41% said that they most wanted a system that *ensures that the number of seats held by a party in Parliament closely matches their actual level of support throughout the country*
 - 38% chose *ensures seats in Parliament reflect the proportion of the vote a party receives nationally* as their first choice
 - Based on respondent choices, these four goals placed 3rd, 4th, 5th and 7th in terms of overall importance out of the total list of 15.
- First choice selections by those who wanted to change the electoral system², resulted in the above-noted proportional representation goals being ranked 1st and 4th (deemed most important by 50% and 46%, of respondents respectively), and the two local representation goals being ranked 7th and 6th (first choice selections of 38% and 40%, of respondents respectively).

The above findings suggest that there is tension between the share of Canadians who value local representation as a top priority and those who most value proportional representation. What these results don't tell us is to what extent those who expressed preference for an electoral system allowing them to directly elect an MP would be interested in engaging earlier in the democratic process to influence candidate selection if presented with a reform option that permitted them to do so.

A. MADE-IN-CANADA LIST PR

1. Voters vote for parties at the national level. After the election, Elections Canada divides the 338 House of Commons seats between the parties, based on their respective shares of the national popular vote in a manner that satisfies constitutional requirements for regional/provincial representation (see [s. 51 and 52](#)). The resulting House of Commons is as close as possible to 100% proportional. As well, the ballot used during the election is simple – citizens vote for one party.
2. Parties decide how to assign their complement of MPs to districts they design in detail, while taking care to respect the minimum provincial/regional seat framework provided to them by Elections Canada. Nationally oriented parties strive to ensure voters across the country have MP representation, ideally by using more granular level data on their popular vote share. Regionally oriented parties (like the Bloc) would narrow the geographic focus of their MP assignments, again using their more detailed popular vote share as a guide.
3. Parties establish and rank party lists that they make public before the election. Party members select and rank candidates in advance of the election as part of their existing party organization and election platform development exercises. While candidate selection and ranking mechanisms would be designed by each party, one option might be to employ grassroots

² *Forty-two per cent of Canadians thought that the system needs major changes or needs to be changed completely. Respondents who live in Quebec or voted for the NDP, Green Party or Bloc Quebecois were more likely to believe that the system needs major changes or needs to be changed completely. Over a third of those who voted LPC or CPC also thought major changes or a complete system change was needed.(p.4)*

approaches whereby local riding associations work together to develop and feed lists of candidates that they have ranked into the national party list.

4. There would be no minimum threshold of popular vote required for a party to gain seats in the House of Commons. This is based on the assumption that a truly representative democracy that values voter fairness, diversity of voices and inclusiveness should not use the electoral system to silence or marginalize voices but should, instead, rely on open and honest discourse and collegiality before and after the election to both govern the country on behalf of Canadians and find common ground to settle disagreements. Furthermore, an electoral system where votes are cast and counted at the national level would not disadvantage parties - and, more importantly, their voters - that receive a sizeable number of votes across the country that would be wasted as a by-product of riding or region based electoral systems design. A national electoral system should incentivize voters, parties and candidates to think and behave nationally, and in doing so foster national unity. It might be argued that riding and region based electoral systems, through their design, reward and thus incentivize riding and region based attitudes and behaviours.

B. SUPPORTING CONDITIONS

1. The funding of political parties should re-visited in order to level the playing field for all Canadian voters. The recent [abolishment of per vote subsidies](#) means wealthier Canadians (who have more disposable income to donate to their party of choice/pay party membership fees) effectively have a greater voice than Canadians of more modest means. Similarly, tax rebates to Canadians who make a political donation assume that all Canadians have the means to contribute financially to support their party of choice. Political donation tax rebates should be abolished, and the savings used to fund all parties proportionally by re-instating the per vote subsidy. One's representation in our representative democracy should not hinge upon one's ability to fund their chosen party's capacity to increase outreach and engagement with all Canadians.*
2. Elections Canada's mandate for outreach and education [should be reinstated](#) and sufficiently funded. We need to ensure voters who decide not to vote understand that they are, in effect, accepting to supplant their voice with the voices of other Canadians. Leveling the playing field with respect to political party funding and ensuring Canadians understand that their vote translates into a per vote subsidy for their party of choice would also be a powerful motivator to encourage engagement of citizens in the democratic process and voter turnout by citizens. Finally, an outreach and education program which describes the benefits to voters of a PR system which enhances the value of all votes would also serve to increase voter turnout. I do not favour mandatory voting; while voting is a right, it is also a privilege that should only be extended to citizens who choose to exercise their franchise because they are interested in shaping the future of the country.*
3. Any Canadian who is concerned about "party elites" potentially wielding too much power during the candidate selection process can become a voting member of the party. In order to enhance inclusiveness in the democratic process, party membership fees could be abolished ([as the Liberal Party has already done](#)).*
4. With respect to concerns that may surface over a perceived loss of local representation if voters do not vote for a local candidate at election time, I would argue that where local representation

really counts is through decisions made by MPs in the House of Commons after an election. Increasingly, party discipline drives decision-making by MPs which is not always what local constituents want. This [rant by Rick Mercer](#) sums it up beautifully. Should all parties adopt the Green Party's [free vote policy](#), this - coupled with the inclusive approaches described above for candidate selection - would effectively lead to a better quality of local representation than we have today.*

5. For those who might express concern that the system featured in this proposal excludes would-be independent candidates from contesting an election, it is true that they would not do well under this system. That said, while our current FPTP system doesn't preclude independents from running, [very few get elected](#).

Practically speaking even if large numbers of independents were to get elected, once their feet hit the floor of the Commons they would need to collaborate and find common ground in order to get anything done. In a House of Commons setting, collaboration and compromise are a must. If they don't happen before the election - through alliance with a political party - they must surely happen afterwards.

My hope would be that if all political parties were to adopt a free vote policy that mirrors the Green Party's, prospective independent candidates would feel more comfortable aligning with one of Canada's political parties. As well, a free vote policy similar to the Green Party's provides voters with the best of both worlds: clarity around core values and key policy positions of parties and candidates, and freedom for MPs to think and behave independently when their judgment tells them that that is the right thing to do.

Similarly, should all parties adopt more inviting and inclusive approaches to candidate selection – similar to those being pursued by the Liberals – prospective candidates who choose to join a political party would not be disadvantaged by a need for their supporters to purchase memberships in order to support their preferred candidate during party selection and ranking exercises.

6. With regards to concerns that may surface over the possibility of small parties wielding a disproportionate amount of power following an election, any coalitions or arrangements made between parties post election would require voting by a majority of seats in the House of Commons (representing a true majority of voters). Under today's system, less than 40% of the popular vote affords 100% power to one party.

Additionally, as is the case today, parties whose behaviours or decisions are found to be wanting by a majority of voters during a House of Commons session could be voted out during the next election. Similarly, MP's whose behaviours have been found wanting can be voted out by party members during the candidate selection process for the next election. Again, should all parties adopt more inviting and inclusive approaches - similar to those being pursued by the Liberals - any Canadian who has concerns over an MP's or candidate's suitability for office can make those concerns known through the political party system.

7. I believe this proposal is constitutionally viable. That said, I am not a constitutional expert. Should the Committee have concerns there would be a need to seek input from Canadian constitutional experts.

According to [Electoral Systems and Electoral Reform in Canada and Elsewhere: An Overview](#),³

... Canada's Constitution does not contain any specific reference to what electoral system should be used to elect members to the House of Commons. The Constitution nonetheless does contain sections that have some application to the operation of the electoral system (sections 51 to 52). ... section 51 of the Constitution Act, 1867 sets out the seat allocation formula for the House of Commons. As well, section 51A, also known as the “senatorial clause,” that a province can under no circumstance have fewer seats in the House than it does in the Senate.

Prepared by: Kathleen O'Connor
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³ see Legal Basis, page 6


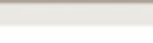

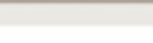

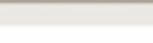

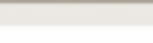
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List Proportional Representation

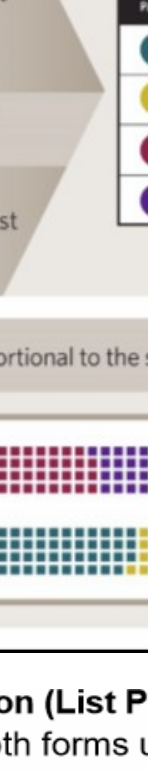
Closed List
Before election day, parties create ranked party lists
Citizens vote for a party, not a specific candidate

Open List
Before election day, parties create party lists
Citizens vote for preferred candidate(s) from a party list

OUTCOME
Turquoise party has won the greatest proportion of votes and thus is allotted the most seats

PARTY	NUMBER OF VOTES	% OF VOTES	% OF SEATS	NUMBER OF SEATS (OUT OF 338)
		38	38	128
		26	26	88
		20	20	68
		16	16	54

Conclusion Each party's seat count is proportional to the share of votes it received in the election



Winning candidates are chosen according to their rank on the list, assigned by either the party (closed list) or the voters (open list)

- **List Proportional Representation (List PR):** There are two main forms of List PR: closed-list and open-list. Both forms use a regional or national list of candidates in each constituency drawn up by each party before election day.

In closed-list PR, the party ranks the names on the list, and citizens vote for a party, not a specific candidate. Once all votes have been counted, each party is awarded seats in proportion to its share of the national vote. Individual seats are then allocated to candidates of each party in the order in which they are ranked on the party list.

In open-list PR, voters choose a preferred candidate (or candidates) from the list of the party for which they wish to vote. This means that voters effectively determine the order in which the candidates on the list will be awarded seats.

List PR systems are very flexible and have been adapted by the countries using them.

ANNEX B

ERRE Principles	Supported by
Effectiveness and legitimacy: the proposed measure increases public confidence among Canadians that their democratic will, as expressed by their votes, will be fairly translated & the proposed measure reduces distortion & strengthens the link between voter intention & the election of representatives	A.1, A.2, A.3, A.4, B.3, B.4, B.6
Engagement: the proposed measure encourages voting and participation in the democratic process, fosters greater civility & collaboration in politics, enhances social cohesion & offers opportunities for inclusion of underrepresented groups in the political process	A.3, A.4, B.1, B.2, B.3, B.4, B.5
Accessibility & inclusiveness: the proposed measure avoids undue complexity in the voting process, while respecting the other principles, and supports access by all eligible voters regardless of physical or social condition	A.1, A.3, A.4, B.1, B.2, B.3
Integrity: the proposed measure can be implemented while safeguarding 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	A.1, A.2, A.3, A.4, B.6
Local representation: the proposed measure ensures accountability & recognizes the value that Canadians attach to community, to Members of Parliament understanding local conditions & advancing local needs at the national level, and to having access to Members of Parliament to facilitate resolution of their concerns & participation in the democratic process	A.1, A.2, A.3, A.4, B.3, B.4, B.5, B.6