

**SUBMISSION TO  
THE HOUSE OF COMMONS SPECIAL COMMITTEE  
ON ELECTORAL REFORM**

**David S. Dunaway**  
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The perspective that I present is that of one who will not provide tacit consent to the distorting realities of FPTP/SMP; comprises the studied observations of one who resides outside of the intellectual cloister of those comfortably numb to the influences of FPTP; the notion that it's better to ask the dissatisfied about the source of their dissatisfaction than to ask the satisfied to ponder something they don't see; as such, reflects the bare minimum in the way of change needed to engage my person.

**"Effectiveness and legitimacy":**

The fundamental fault with FPTP is that it asks too little of voters and extrapolates too much from that minimalist inquiry - a subject others have quite eloquently addressed; adding only that dissatisfaction with FPTP long predates this Committee, going back at least to the work of Thomas Hare. Retaining FPTP is not an option.

Focusing on the fundamental essence of Single Transferable Vote systems rather than external superficialities, all variants of STV suffer an inherently high threshold for election. At best, variants of STV can only address proportionality amongst parties of the mainstream. With the constitutional imperative of ***Figueroa v. Canada*** as our moral compass - the need to be inclusive of the political "fringe" (leading or trailing edge of the public opinion wave, notwithstanding), not just during elections, but also within Parliament proper - even when STV ballots increase the number of candidates to be elected in a quest to lower the threshold, ballots suffer a direct increase in complexity as the threshold drops, yet never can reach a threshold low enough to elect those of the "fringe" (unless a many fold alternative to the limited seating capacity of Parliament Hill can be found). Contrarily, when STV elects only one, its relative simplicity invokes a threshold so exceedingly high as to run counter to ***Figueroa***. STV always favours the mainstream. Votes won't count until they conform sufficiently with the mainstream.

Thus to the last alternative, Mixed Member Proportional, a variety of systems that need to be approached with an eye to ensuring a tailored fit - rather than trying to squeeze into something bought from a second-hand rack.

**"Engagement" & "inclusiveness" ("empowering the electorate"):**

With a House that currently accomodates 338 Members, our target threshhold for election to the House should, at the least, be no higher than that of the approx. 0.295% of the popular vote that is equivalent to one seat in the House - the number of seats in the House being the natural, physical, threshhold limit (more seats, lower threshhold). The two part ballot of an MMP election, which elects a portion of the House from constituency candiates and the remainder from lists, is the only structure which offers the opportunity to approach that low level of election threshhold, but, while acknowledging that no proportional system is ever likely to be perfectly proportional, to have its results perfectly reflect the votes cast, in the effort to better reflect its proportional aim, MMP must employ some manner of STV rather than the more distortive FPTP on the constituency side of its ballots. When electing one constituency representative it doesn't much matter which flavour of STV one prefers, as all STV variants (as noted above) always favour mainstream candidates. STV will (as a function of its nature) reflect a proportional approximation of the fat part of the public opinion bell curve; with corrections provided by the MMP lists. Foregoing STV in favour of FPTP on the constituency portion of an MMP ballot would incur the very real risk of having a result so distorted as to be beyond adequate correction by those lists.

With regard MMP lists: they must be open; constituency candidates must be free to put themselves forward as list candidates; independent candidates must be regarded as collective equals to those appearing under party banners; and, to avoid unnecessary complication (all list candidates running against only those wearing silks from the same stable), FPTP should be the preferred means of election. Open lists provide the means by which an unpopular candidate, locally and nationally, cannot rely on his or her party status to frustrate voter preferences. Efforts to limit a candidate to one side of the ballot or the other should be seen as simply an effort to impede a candidates Charter rights. Similarly, efforts to impose a bias by way of distinguishing between party list candidates and independent list candidates should be seen as a like infringement. All candidates must be treated equally.

To this MMP structure, in which first constituency choices are used in conjunction with voters single list choice to calculate proportions, I would add two more prerequisites; the first being that when any party or faction, having elected one or more candidates to the House, has received a portion of the popular vote higher than the number of seats won but lower than the additional percentage necessary to claim one more seat (0.294% or less above any whole seat number v. the whole seat awarding 0.295%), that the additional percentage be collected along with the like, surplus percentages of the other elected, that those parties or factions yet to have an individual elected, there being seats in the House available, in order of popularity, have its most popular list candidate elected - and having a candidate so elected, not be elegeble to have a second such candidate elected:

a structural effort to expand the inclusivity of the electoral process below the 0.295% threshold - apt as it is to only add a few from the "fringe"; better the addition of one disparate voice than one more to an existing choir. The lure away from "strategic abandonment"?

The second prerequisite is that of a **"NONE OF THE ABOVE"** option on both portions of the ballot; with the attendant provision that if the NONE OF THE ABOVE option carries the majority, that option shall prevail and none of those failed candidates allowed to contest any subsequent election to fill the vacancy. The NONE OF THE ABOVE option is the only means to provide voters with a tool that has the potential to inject merit into the political landscape. Parliament belongs to the electorate, not parties, so the electorate must have the capacity to say no to party nominations...

MMP as an 'elect one' (or not) STV ballot to one side and a 'choose one' (or not) FPTP ballot to the other. With grade school math for Elections Canada.

#### **"Accessibility" & "integrity":**

Computers would be a valuable asset if and when the number of candidates contesting an MMP election creates a large, unwieldy ballot; touchscreen technology being a wonderfully convenient interface by which computers could print out a voter's completed ballot on a comparatively small piece of paper; but always with the caveat that - in a world that has witnessed targeted computer code disrupt 'the' computer critical to the operation of Iran's nuclear enrichment program - we must understand that we must never relent to online voting or the use of computers to count votes. Where some see coding competency, others may see coding incompetency. The only safeguard to electoral integrity is the paper trail that multiple eyes can track and retain.

#### **"Local representation":**

Committee members must resist the temptation to inflate the worth of constituency representatives. From one who seldom finds common ground with the mainstream ideologies of the Liberal, Conservative, New Democratic, Bloc and Green parties - the collective array that will continue carrying the constituency portion of MMP elections - be assured that I would have a far, far, greater affinity to any list MP who better reflected my views and concerns, no matter if he or she hails from Iqaluit rather than Nanaimo. Constituency MPs, like list MPs, as Aesops tells us, can only ever represent themselves or some small faction of their neighbourhood; no one can be everything to everyone.

#### **Looming word count (aka "Closure"):**

Beware of engagement as a mere euphemism for indoctrination -

witness the frequent use of "democracy" to describe, what the **Constitution Act** otherwise, quite explicitly (*Preamble, Parts III & IV [Oath of Office?]*), establishes as a constitutional monarchy - for misplaced enthusiasm eventually begets an equal jading.

And in re "adversarial Parliament": look to Parliament's accomodation of St. Stephens' furnishings - rather than an insistance that furnishings accomodate Parliament; see also, Edmund Burke's condemnation of party in Thoughts on the Present Discontents; and (by way of slight paraphrase), **Parliament's "exercise of control over the Executive, is of fundamental importance to the constitution of the United Kingdom"** (Prof. Harry Calvert, An Introduction to British Constitutional Law, at p. 53). Recognize that it is up to MPs to guard against unjustifiable conventions, not electoral systems.

And to borrow from Dr. Beauchesne (*HoC Special Committee Report BNA Act 1935 @ p.126*), that nobody is left with a grievance, **"A spirit of conciliation should predominate"**.