

Submission to the Special Committee on Electoral Reform

Dr. Roslyn Fuller

Summary: This contribution deals briefly with the pros and cons of conventional voting systems before turning to the Committee's mandate areas of 'online voting', 'engagement' and 'legitimacy'. The position presented here is that these three components can be dealt with simultaneously by allowing mass participation using available technology.

Conventional Voting Systems

I congratulate the Government of Canada on their decision to examine alternatives to the first-past-the-post (FPTP) voting system. While FPTP can appear simple on the surface, it is, in fact, a clumsy and grossly inaccurate method of electing representatives, and rarely produces a government that enjoys the backing of the absolute majority of the population. Instead, FPTP voting consistently produces governments that enjoy a position of absolute authority in Parliament despite having received significantly less than 50% of the vote. This has consequences. For example, in the 1988 Canadian Federal Election, the Progressive Conservative Party won 57% of seats in the House of Commons with only 43% of the vote, and went on to sign the Free Trade Agreement (FTA) with the United States. Given the context at the time, it seems likely that the majority of Canadians who voted opposed this treaty. But without winning the majority of the vote, the Progressive Conservatives using their comfortable majority in the House of Commons were still able to ratify the FTA (now NAFTA). Among its consequences the FTA resulted in the government scrapping the Manufacturers' Sales Tax and replacing it with GST. FPTP can also lead to situations wherein the party that wins the most votes actually loses the election. This is not merely hypothetical. It happened in 1896 and in 1957 in Canada. When this happens Canadians end up living under a government that – based on votes – unequivocally lost the election.

Most other voting systems somewhat mitigate these harsh outcomes, but none of them is completely accurate. Of all those under consideration, the Alternative Vote does the least to improve fairness and vote equality. The biggest beneficiary of a switch to the Alternative Vote would be the Liberal Party, because a likely vote pattern will be for voters who would vote NDP with their first vote to give their second vote to the Liberals, thus allowing the Liberal candidate to surpass the local Conservative upon elimination of the NDP candidate. Thus, although the NDP (and other smaller party) votes will help the Liberals attain power, these smaller parties will not enjoy any share in that power. The first-choice votes for smaller party candidates will therefore – ultimately – be almost as irrelevant under AV as they under FPTP.

The Single Transferable Vote produces nearly as many manufactured majorities as FPTP, and Mixed-Member-Proportional-Representation can be gamed by vote-splitting, that is, casting one vote in favour of a smaller party and another in favour of a larger-party candidate. The only system that is remotely accurate is pure proportional representation and even there accuracy leaves a lot to be

desired. There are gains to be made, particularly by switching from FPTP to pure proportional voting, but it is unlikely that this will do very much for legitimacy and engagement in the long-run. After all, many European countries that use these very voting systems are also struggling with legitimacy and engagement. This is because the crisis of legitimacy for representative democracy is not related to the concrete voting system used.

Influence Outside of Official Channels

Regardless of the voting system used there is one thing that undoubtedly wins and loses elections and that is money. It doesn't matter how terrific a politician's message is or how much it resonates with voters, if those voters do not hear it, or if they are subjected by such a barrage of countervailing information that it goes under in the general cacophony. This is why parties spend such large amounts of money on campaign advertisements and communications directors. It is also why they cultivate 'good relationships' with journalists, newspapers and television stations. The same can be said of the need to cultivate relationships with big business. No politician wants to have a CEO blaming them for pulling jobs out of their constituency or blaming the politician's actions for an economic downturn. Businesses also run a large number of think tanks (eg. the Fraser Institute,) so they can easily obfuscate the source of such information. As the final incentive, a politician who cultivates good business relations may join one after they step down from politics. Stephen Harper, for example, recently joined Colliers International.

It is for this reason – that money plays a role in politics regardless of the voting system – that I would to speak to the aspects of online voting, legitimacy and engagement, which were also raised in the Committee's mandate.

The problems of representative democracy are two-fold: voting systems that are never actually accurate and the necessity of forming unholy alliances with wealthy individuals and corporations to garner electoral success. I have found this combination in more or less exaggerated form in every country I have studied – in Europe it simply happens at the European Union level and this is the reason why:

There are only a few hundred members of the House of Commons, and the real decisions within that Government are not made by much more than a handful of individuals. This provides a very small surface, for special interests to apply pressure to.

I am not suggesting that members of government are bribed outright – merely that they are aware of the consequences of their actions. There will always be people and businesses one cannot afford to cross. The public, understandably, often criticizes individual politicians for their actions in this regard, but it is an intrinsic part of the system. Indeed, only the most inept politician could fail to be aware of these parameters.

It is with this in mind that I submit that if the Committee is truly serious about engagement and legitimacy, that they look at how they could change the political landscape in such a manner that the leadership would not be so vulnerable to

pressure from special interests. This is only possible in one way: by spreading more power over more people. This is precisely how democracy was practiced in ancient Athens and it was a very successful system of government that produced an astounding degree of equality, liberty and prosperity.

There are several options that we could use to increase legitimacy and engagement among Canadians and to allow online participation.

Mass Online Participation

Online participation software that allows constituents to directly tell their representatives what they want already exists. It can be utilized at any time between elections to produce a reflective and accurate snapshot of voter preferences and can be scaled from local to national questions. Such online participation should be completely transparent, so that constituents can see the results of the vote, and participants should be allowed to debate with each other over a period of time, so as to encourage reflection and reasoned deliberation. Ideally, participants in online decision-making should be paid a small amount of money for taking part, as this strengthens participation from more vulnerable and time-poor segments of society.

Such a system has the salutary effect of putting representatives between a rock and a hard place. Catering to special interests will be more difficult when one has received clear, contrary orders from one's constituents. Viewed from another angle one could say that such exercises provide MPs with the cover they need to stand up to outside pressures – they do not need to take a gamble on whether their constituents will back them up later, because their constituents have backed them in advance.

There are a number of software solutions that are specifically designed for such exercises: DemocracyOS, Loomio, LiquidFeedback. The most sophisticated software I have come across is a Canadian developed solution called Ethelo.

These tools can also be used for participatory budgeting: a method of decision-making that allows participants to choose where to spend a specific allotment of money. For example, one could set aside \$20 million of a budget and let citizens decide what it should be spent on. Participatory budgeting has been used from Chengdu to Paris to New York, and the results show that people tend to spend the allotted budget in a responsible fashion, often focusing on education, public safety, and facilities for the disabled.

Participants in such exercises are forced to weigh the pros and cons of each decision financially and to make their own trade-offs. This means that the final decision should enjoy significantly more legitimacy than a top-down decision, even if the end result were to be identical.

Online participation can be made very secure by using blockchain technology and hashing. Furthermore, while there is every incentive to hack online voting for elections, which, after all, confer power for a number of years, there is no particular incentive to hack a vote that can be re-held the next day, if the public so desires.

Sortition Chamber

A further alternative for reform involves converting the Senate into a 'People's Chamber' where representatives are chosen by sortition, that is by lottery – the same way that people are chosen for jury service. Such 'People's Senators' would sit for short periods, eg. one year. This practice has been particularly encouraged by the New Democracy Foundation in Australia where several experiments of this type have been made.

There are some concerns with this approach: even if people were to be randomly selected to sit in the Senate, there is still a very substantial risk that they would be corrupted by offers of future rewards. Another concern is that ordinary citizens would almost certainly be more reliant on advice from 'experts' than professional politicians are, without being hardened to the agendas that are often pursued when such advice is doled out. Thirdly, many people would doubtless find it extremely difficult to take time away from their work, and potentially their families, to serve in such a chamber. One need only look at how enthusiastically people dodge jury service to see this in play.

On the other hand, it must be admitted that even with these drawbacks, a sortition-selected Senate of short-term service is certainly – from a democratic perspective – a step up on the current Senate, which consists of political appointees given a job until the age of 75. If nothing else, sortition would allow a more diverse set of views to enter the legislative process, increasing engagement and legitimacy.

Thus, while switching from FPTP to a pure proportional voting system will certainly offer some improvement in terms of accuracy of representation, the move to mass participation via the methods outlined above will certainly do much more for legitimacy, engagement and online activity.
