

Brief by Christopher Gilmore

Contents

- 1. Summary**
- 2. The Problem (FPTP in Canada)**
- 3. An Alternative? (IRV or AV)**
- 4. The Gender Gap**
- 5. Proposals**

1. Summary

With this brief I intend to make a case as to why First Past the Post has failed Canadians, followed by a critical analysis of the most commonly touted alternatives, and finally will offer a proposal for a proportional voting system tailored towards Canada unique needs and circumstances. I will also offer some thoughts on other topics being investigated by the Committee. To begin with, I would like to congratulate the current government for launching this long overdue process and all of the parties for participating in it.

2. The Problem

As is common knowledge, Canada has used FPTP to elect its House of Commons since the formation of that body in 1867. Previous elections for colonial legislatures were conducted under the same voting system, and with a more restrictive voter franchise. Only Alberta, Manitoba and very briefly British Columbia have ever experimented with alternative voting systems, and all of these provinces returned to using FPTP over half a century ago. It is important to be cognisant of the origins of our voting system as it is a product of the evolution of our overall system of government.

Our parliamentary system can trace its roots back to the representative bodies of England, Spain and Scotland during the 12th and 13th centuries. From these early beginnings, parliament was conceived as being an advisory institution in which the landed gentry (always a small minority of the population) would guide the monarchy in its decisions. It was only during periods of upheaval in English history that Parliament very gradually began to limit the power of monarchs, giving us our modern concept of constitutional parliamentary democracy. The idea that all adult citizens, regardless of their gender or class, have the right to participate in their governance is also an extremely new concept. In the late 19th century, Canada was one of the few places in the British Empire in which “working men” (that is most adult males) could vote, and of course that right was only extended to females more than half a century afterwards (the United Kingdom did not extend the vote to working class men until 1918 and women until 1927).

It is not a coincidence that the expansion of the voting suffrage, gradually during the 19th century and dramatically at the beginning of the 20th century, corresponded with the development and solidification of the party system in

most liberal democracies. The two appear to complement one another. As more people were able to participate in elections, more issues were brought to the forefront and legislative elections became more than questions about the representation of local interests. This is really the crux of the issue, FPTP is a system that predates the existence of democracy as we in the 21st century understand it. Instead, it harks back to an era of feudal restrictions and autocratic royal power. The consequences of using such a voting system in the 21st century are obvious.

Particularly since the end of Canada's two party system in 1921, there has been a notorious disconnect between the way Canadians vote and the results reflected in their Parliament. Political parties have won the largest number of seats, even a majority mandate, despite having lost the popular vote to their nearest competitor (and sometimes by a significant margin); frequently moderate third parties with significant levels of support have been arbitrarily marginalised and under-represented because their supporters are spread out across the country, while in turn often divisive regionalist parties have benefited from being able to concentrate their supporters within specific locales; majority governments are rarely elected with anything approaching a majority of the popular vote, which allows parties with as little as 37% of the vote to ignore opposing viewpoints for a four year period; and when minority parliaments are elected, which occurs 25% of the time, they are often short-lived and unproductive as neither Government nor Opposition has any incentive for long-term cooperation.

The reason why the progress of the Pearson parliaments (1963-1968) stands out is because that level of cross-party cooperation in Canada has been so unprecedented. More common are parliaments in which short-term cooperation is usually decided by ephemeral opinion polling. Governments, when popular, are often tempted to engineer their own downfall in the hopes of winning a majority mandate, while for Opposition parties the prospect of a breakthrough is often too tempting to warrant long-term cooperation. My suggestion that FPTP produces instability will be instantly refuted by those who conjure the all-too familiar "Italy-Israel" argument; however, this oft-used cliché ignores the context of instability in those countries and the examples of OECD states with which Canada has decidedly more in common.

In countries with a significant period of constitutional government, ideological moderation, a high standard of living and internal stability (Germany, New Zealand, Ireland, or Scotland) we see stable coalition governments between moderate parties, predictable election cycles and for the most part the marginalisation of extremists. In fact, on average, Canada has more elections than most of its OECD partners, and the reason for this is simple to deduce. Under a proportional (or even semi-proportional) voting system, in which 37 to 45% of the popular vote would not deliver a majority mandate, the rewards of forcing an early election would simply not outweigh the risk of a popular backlash.

Elections are no longer primarily determined by the personal characteristics of individual candidates but by larger issues surrounding policy direction and the

formation of government; therefore, a political system that ignores the party system altogether and produces results that are largely divorced from the popular vote is not suitable for Canada in the 21st century.

3. An Alternative?

An increasingly mentioned alternative is known as the “Alternative Vote” (it is also called Instant Runoff Voting or IRV, and sometimes rather misleadingly, “the ranked ballot system”). Unlike PR, some form of which is used by most of the democratic and developed world, very few jurisdictions use or have ever used IRV for legislative elections. These include only one member of the OECD, Australia, and interestingly enough the only Canadian provinces to have used a voting system other than FPTP (British Columbia, Alberta and Manitoba). Supporters claim that IRV would reduce wasted votes by ensuring that all candidates are elected with a majority of the vote within their respective riding, would decrease negative campaigning and encourage civility as opposing parties would be forced to court each other’s supporters, encourage moderation by pushing parties to the centre, and would be a simple way to reform the voting system as there would be no need for party lists or multimember ridings.

In order to investigate these claims it is necessary to analyse the historic use of the system, and thankfully Australia and three of Canada’s western provinces present easily comparable case studies.

While it is true that preferential voting and a process of elimination would ensure that all candidates are elected with at least 50 plus 1% of the vote in each riding, this would not translate to the provincial or national level. Indeed, as IRV elections in Australia and Western Canada have demonstrated, this system can serve to over-exaggerate landslide electoral victories (i.e. further marginalising alternate viewpoints and creating less pluralism in Parliament). When studying election alternatives for the UK, the Jenkins Commission came to a similar conclusion that IRV could in fact be more disproportionate than FPTP. Australian federal and state elections have frequently seen over-exaggerated landslide majorities for the victorious party, the gross under-representation of third parties whose support is spread out, the over-exaggeration of regionalism and like some Canadian provinces, a few Australian states have come close to having zero opposition presence in their legislatures (most recently, Queensland in 2012). Likewise parties have won elections despite having received fewer votes than their nearest competitors, and minority parliaments are short-lived and unproductive.

The story was much the same during Western Canada’s short-lived experiment with IRV. British Columbia only used the system for two elections, in quick succession of each other, but in Alberta and Manitoba the results were not impressive: landslide majorities for the governing party and a marginal opposition presence. The idea that preferential voting would lead to increased civility is a nice thought, and possibly it would hold true in Canada, but in the similar federation of Australia that has not been the case. The two-party system is hyper-competitive and polarised, and as some of the rhetoric against former

Prime Minister Julia Gillard demonstrated, politics can be distasteful. Of course, while the two countries share similarities, in the end they also have important differences, but still there is not a strong degree of evidence to suggest that preferential voting would substantially decrease negative campaigning.

Would IRV encourage moderation and centrism? This may or may not be a desirable effect depending on one's ideological outlook, but here too the evidence is debatable. A controversial seat projection by pollster Eric Grenier demonstrated that had the 2015 election been conducted under IRV the Liberals would have won a landslide majority with only 39% of the vote, while the Official Opposition Conservatives would have been severely marginalised. Critics rightly countered that a different voting system would change the behaviour of parties and voters, which is true; however, the projection likely was correct to suggest an over-represented landslide majority for the victor. Had the victor not been the Liberals, this likely would have benefited another party. In Western Canada, IRV did not necessarily lead to the repeated election of centrist governments. In British Columbia and Alberta, it ushered in the election of the right of centre, populist Social Credit League, while in Manitoba it witnessed the dominance of the small-c conservative administration of John Bracken. Australia's party divide is considerably more defined by ideology than Canada's, with right of centre populists and social democrats alternating in power. The notion that Conservative and NDP supporters would consistently rank the Liberals as their second choice, thereby ensuring perpetual Liberal majority governments, is almost cartoonishly simplistic. Instead, it is more likely that IRV would exaggerate the support of whatever party is considered to have a greater chance of winning at the expense of other opposition parties: meaning a two-party system, less choice for voters and less diversity of viewpoints in Parliament.

4. The Gender Gap

I have saved for last one of the most important considerations in this discussion, the under-representation of women. Canada ranks a rather sad 62 on the global list according to the Inter Parliamentary Union, with 26% female representation in the House of Commons, while Australia stands at an equally sad 56th place (or 26.8% female representation). OECD countries with PR voting systems, including New Zealand, dominate the top of the list. This is likely because multimember ridings and/or party lists make gender quotas more palatable to party members or at the very least encourage parties to nominate diverse candidates. The majority of Canadians are not affluent White males from the baby-boomer generation, ergo their representatives had ought to greater reflect the gender, ethnic, economic, sexual orientation and age ratios of the adult population.

As it has been established that both FPTP and IRV produce results that are disconnected from the popular vote, discourage inter-party cooperation, marginalise many mainstream viewpoints and do nothing to eliminate the gender (or age) gap in parliament, it is now appropriate to investigate what type of system might remedy these ailments. Understandably, only one that incorporates PR as a principle would suffice. PR, like ranked ballots, should not

be thought of as a voting system but rather a principle. That being that a party's share of the popular vote should determine its share of seats in the legislature.

5. Proposals

The two most seriously suggested alternatives are Mixed Member Proportional (MMP) and the Single Transferable Vote (STV). Under the version of MMP suggested by the Law Commission of Canada, Canadians would elect representatives for single member ridings as now, and top-up seats determined by a separate party-list vote would bring seat totals in line with the popular vote. However, similar to Scotland, these party lists would be specific to geographic regions and voters would be allowed to select their preferred candidates on the party list. This would in effect give voters greater choice over their local representation than they presently have under FPTP (most Canadians are not members of riding associations). The Scottish/Welsh variant of MMP has the multiple benefits of combining proportionality with strong regional representation and ensuring that distant, rural regions have a distinct voice in the legislature. However, the concept of having two classes of parliamentarians has caused unease before in Canada, and no party list system, no matter how open, will accommodate Canadians who choose to vote for Independent candidates (as a small minority do on occasion).

STV would allow Canadians to use ranked ballots in order to elect MPs from multi-member ridings. Parties would aim to run as many candidates as there are available seats in the riding, to get elected candidates would have to pass a vote threshold (let's say 30%), and finally surplus votes would be transferred from elected candidates and the least popular candidates would be eliminated until every position was filled. The combination of ranked ballots with multiple seats in one riding and the transfer of surplus votes from elected candidates allows for a degree of PR and maintains a strong link between constituents and MPs. This would be a productive way of testing whether ranked ballots might produce greater civility without the aforementioned pitfalls of IRV. In addition, multiple MPs in each riding would give Canadian citizens greater choice in terms of representation. No longer would ideologically left-leaning voters in places such as rural Central Ontario or more right of centre voters in downtown city cores feel as though they are represented by an MP who does not share their viewpoints and concerns.

As such, I would like to suggest that a made-in-Canada system, inspired by STV, would be the most appropriate for our country. This system would have to be adapted to Canada's unique needs and characteristics. For example, ridings such as Nunavut or even Labrador could not be lumped together with other disparate regions. As Canada's population is concentrated along the border with the US, it should be possible to maintain many single member ridings in northern regions without skewing overall proportionality.

Mandatory voting should also be seriously considered as the segments that do not participate, and are often ignored by mainstream politicians, have the most at stake. This is particularly true of the millennial generation, whose economic future is being shaped by present decisions, but also First Nations communities who have been ignored to languish in extreme poverty. Mandatory voting, while not dissimilar from the obligation to wear seatbelts or pay taxes, will irk many hard-core libertarians, but is ultimately a necessary step to ensure a more inclusive democracy.

In addition, lowering the voting age to 16 had ought to be seriously considered. It is never easy for lawmakers to determine a one-size-fits-all age of maturity; hence the disparities in age requirements for the consumption of alcohol, smoking tobacco, voting, marriage, driving, etc. However, many Canadians aged 16 and 17 do contribute to the economy and pay taxes, some even support young children, while some 17 year olds serve in the Canadian Forces. To deny them a say in their governance and nation's future on the basis of an arbitrary number is unreasonable. Many 16 and 17 year olds are more engaged with politics and informed than many 46 and 47 year olds. Granted, determining age requirements for any adult behaviour is a difficult task, but 18 should not necessarily be taken for granted as the baseline. At the very least, lowering the voting age may help engage a generation who are chronically unengaged from their democracy.

Lastly, there is the question of a referendum, and for some this has come to dominate the issue of electoral reform more than any other issue. In my opinion, a government is not morally obliged to hold a referendum on changing the way Canadians vote if that government was forthright in its plans during the election campaign. Realistically, not every proposed change could or should be put to a referendum. Also, it would confuse voters and likely derail the entire process if all of the proposals put before the Committee (mandatory voting, online voting, the voting age and a new voting system) were put to a single vote. In a federation as diverse as Canada, there is also the question of regionalism. The last national referendum in 1992 opened many fissures that nearly tore the country apart. Establishing a threshold for victory that was realistically achievable and respected Canada's regionalism would be a tricky balancing act, to say the least.

There is also the question of voter awareness. During Canada's four referenda on electoral reform, three of which failed to obtain a majority, questions arose about the processes, voter engagement and the unrealistic and arbitrary 60% "super-majority" thresholds. It is difficult to see how the federal government could hold a referendum across a large federation that only requires a 50% plus 1 threshold for success. Ergo, unless electoral reform becomes a polarising issue and there is a widespread and unbridgeable chasm between the Government and Opposition, a national referendum would not be a responsible way to pursue the issue.

I would like to thank any Committee members who took the time to read my rather lengthy brief and will end by expressing my optimism and that of many other Canadians that this process will yield authentic results, marking another bold leap in Canada's history.