

Submission to the House of Commons Electoral Reform Committee

By: Larry D. Pardy

September 23, 2016

Introduction

Canada's Parliamentary and voting systems have evolved together since the founding of the country. By way of incremental changes, the two systems solidified a geographically immense and sparsely populated northern country faced with linguistic and regional tensions while enhancing our democratic foundations and strengthening our independence as a country. As a majoritarian system, First Past the Post (FPTP) compelled parties to develop broad, national support that spanned these fault-lines even during the most dire national unity crises. This voting system allowed for even the most remote voices of the country to be heard while facilitating the election of majority governments that could wrest power from the Crown and England in favour of our own democratically elected representatives.

Adopting a system of Proportional Representation (PR) would represent a dramatic change from this past. Since our voting system simultaneously impacts which party forms government and who represents us in the House of Commons, switching to a PR system could generate instability in terms of government formation and dissolution as well as diminish local representation in larger ridings.

Before proceeding to adopt any PR system, I would urge your committee to carefully consider the following:

Adaptability of PR to Canada's Parliamentary system

Clearly, many countries operate well under PR systems with Germany, in particular, offering an apparently successful model. However, if proposed changes are limited to the voting system alone, the success of these PR countries would not be adequately replicated in Canada.

Thus far, you have not considered the mechanisms that evolved in PR countries to provide for the orderly dissolution, formation and operation of their governments. Canada's conventions and practices are simply not compatible with a government elected under a PR system.

Representation for geographically large ridings

FPTP is particularly well-suited to providing representation in large geographic ridings since it provides the minimal possible riding size for any individual Member of Parliament to represent. This facilitates activities such as raising money, being nominated, seeking voter support and then maintaining effective contact once elected. It also extends to the ability of community members to interact with their

representative. As the geographic boundaries of the riding grow, the level of interaction necessarily decreases. This is particularly the case with many larger ridings in the North and northern parts of many provinces.

Inherent Advantages of First Past the Post (FPTP)

As many witnesses have made clear, there is no single “best system” and, consequently, the choice of one system over another involves trade-offs. This is particularly true when considering moving from our current FPTP system to a PR system. Adopting PR would certainly improve proportionality and could have potential benefits for diversity, but at what cost? At a minimum, foregoing FPTP for PR would result in:

- Less effective local representation
- A different or even diminished level of democracy
- Decreased accountability
- Weakening of national parties
- Loss of an electoral system that is consistently applied country-wide.

Recommendations

1. As an integral part of any new voting system, the Committee must identify the mechanisms that exist under successful PR systems which provide for the effective transition, formation, operation and dissolution of governments and explain the constitutional or legal changes required to implement them in Canada.
2. Given the extreme size of many ridings in Canada (and even the challenges in representing many large, rural ridings), and respecting the need to maximize the interaction, relationship and accountability between an MP and their constituents, the Committee needs to approach electoral reform with great care so as to protect local representation in these parts of the country.
3. The Committee must fully and carefully assess the trade-offs inherent in any proposed changes and to document these gains and losses in a transparent and forthright manner.

Analysis

Adaptability of PR to Canada’s Parliamentary System

Your Committee has been directed to:

“... take into account the applicable constitutional, legal and implementation parameters in the development of its recommendations”.

Order Paper and Notice Paper No. 53, May 10, 2016

This is absolutely critical since our Parliamentary structures and democratic institutions have evolved based on the First Past the Post (FPTP) system. The decisive nature of FPTP elections combined with

demands for democracy resulted in an ever-reduced role for our unelected Governor General and resulted in conventions for government formation and dissolution with much of the power now resting with the Prime Minister.

Since the King-Byng Affair, certain practices and conventions have been strictly and consistently applied:

- The party with the most seats on election night is given the opportunity to form the government.
- Governments are sworn into office on this basis and then proceed to meet Parliament to seek the confidence of the House.
- Any time the government loses a confidence vote (or at a time of the Prime Minister's choosing), Parliament is dissolved.
- The Governor General leaves political decisions to the politicians.

As a consequence, our Federal Parliament does not lend itself to coalition governments, second place parties are not asked to form government and there are no changes of government from one party to another within the same Parliament. Moreover, even in minority government situations, a government has never been defeated on its initial Speech from the Throne.

In the absence of formal changes, these mechanisms would remain in effect even if we moved to a PR voting system. This would clearly be a recipe for instability given the greater frequency of minority governments. Yet, there has been virtually no discussion regarding potential changes to our institutions or conventions that would be required in order to effectively switch to a new voting system.

The stability of PR governments depends on features such as:

- Chancellor's Majority (Germany)
- Constructive vote of no-confidence
- Dissolution power is not held by the Prime Minister
- Head of state (preferably elected) possesses responsibilities for government formation.
- Governments are sworn in after obtaining confidence, not before.

We have none of these.

Ireland, Spain and Belgium – is Canada next?

Ireland, Spain and Belgium share a common weakness related to their PR voting system and offer an example of the instability that can result. For Ireland (2016 – 63 days), Spain (2015 – 253 days+) and Belgium (2010 – 589 days), these countries were unable to form a new government following an

“PR would result in coalition governments”

Fact: Coalition governments arise when a party must demonstrate confidence of Parliament before they are sworn into office. In Canada, governments are sworn in based on election results and meet Parliament after a Speech from the Throne. It is only then that a confidence vote is held.

election as the multiplicity of parties could not agree on a Prime Minister who could secure the confidence of Parliament.

Each shares a common characteristic: a head of state which does not possess the authority to take an active role in resolving political disputes over government formation. In each instance, a PR voting system resulted in a highly divided Parliament with the party leaders left to their own devices as to how to proceed.

Given that Canada's Governor General is as equally removed from political decisions as his counterparts in these countries, Canada could find itself in the same predicament in future elections. Even more problematic, in Canada, the Prime Minister must be appointed and a Cabinet sworn in before Parliament ever convenes to determine confidence.

New Zealand – Re-empowering the Governor General

New Zealand is often compared with Canada due to our common Westminster heritage. However, there are at least two important distinctions. The first is that the New Zealand Parliament has a term of only three years. This greatly limits the opportunity for a government to make fundamental changes before facing the voters again and simultaneously reduces the need for opposition parties to dispose of a government through a non-confidence vote.

Secondly, and more importantly, since the adoption of PR in 1996, their Governor General began taking an active role in deciding who forms government. Prior to this, government formation in New Zealand followed the same pattern as in Canada.

In a scenario that seems implausible in the context of our Parliamentary conventions around the roles and responsibilities of the Governor General, their Governor General Hardie-Boys, after researching the issue, gave a speech to the Institute of International Affairs in May 1996 where he outlined in general terms how he would assess who could secure the confidence of Parliament. By his actions, he effectively replaced the decision-making of elected officials with his own.

Would Canada, after King-Byng and a history of removing the Governor General from such a political role welcome such a procedural change? More importantly, in the event of a conflict over who should form government, would Canadians accept an unelected official making that choice for us based on murky, historical (and seldom used) rules?

Germany – Complementary Systems

Contrast the situation in these PR countries with that of Germany where their PR voting system is complemented by their mechanisms for government formation and dissolution. They possess the mechanisms identified previously which provides their PR governments with stability, orderly transition

“Canada has more elections than most PR countries”

Fact: The frequency of elections in Canada is a result of the power of Prime Ministers to dissolve Parliament. This will only be exacerbated with more frequent minority governments under PR.

and clarity on dissolution. Equally important, powers are dispersed between the Chancellor (prime minister), the President and Parliament.

Representation for Geographically Large Ridings

PR advocates have proposed combining ridings in order to create the multi-member ridings necessary to achieve a more proportional outcome. In some proposals, five or more ridings would be combined into one large riding.

As a former resident of Labrador and presently living in the largely rural riding of Cumberland-Colchester, I am particularly sensitive to the question of local representation and the impact of enlarging riding sizes. The geographic size of these ridings already creates challenges for representation; these would be greatly exacerbated if ridings were enlarged to accommodate proportional representation.

Cumberland-Colchester covers 8,269 km² with parts of Halifax plus Truro, Amherst, Springhill, Oxford and many smaller communities. With close to half of the provincial population in Halifax regional municipality, merging ridings would mean unmanageably large rural ridings stretching from one end of the Province to the other or tying them in with Halifax where the urban concentration of voters would capture any politician's focus.

In terms of size, Labrador falls into another category altogether. It is a large, northern, sparsely-populated riding with many remote, fly-in communities, limited media, lower quality internet services and limited transportation links. At 294,300 km², it falls into the category of the dozen or so ridings that are larger than many European countries, including the United Kingdom. Annex A provides a listing of these ridings and a comparison to various European countries.

PR advocates have claimed that such a change would not undermine representation since there would now be four, five or six Members of Parliament to serve the much larger area. However, if we are retaining the notion of individual MP accountability to the voters, there has to be individual MP responsibility based on individual actions and individual relationships with voters.

It has also been suggested that exemptions could be granted for these very large ridings; that they would continue to elect members using FPTP because combining them with other ridings would be unrealistic.

But then, where do you draw the line? If the ridings in Annex A are left intact, suppose we combine some of their regional neighbours. In northern Ontario, this would see ridings around Thunder Bay, Algoma and Sudbury combined but then they too would be unmanageably large. In Newfoundland, do we combine all of the Federal ridings on the Island portion of the province, creating a single six-member riding of 108,000 km² with the vast majority of the population concentrated on the Avalon Peninsula?

Inherent Advantages of First Past the Post (FPTP)

Much of the debate to this point has been about the specific deficiencies of our very tangible and specific FPTP system and broad generalizations about the virtues of an endless variety of systems that

may or may not replace it. It is important that your Committee not overlook the advantages found in FPTP and, equally consider the trade-offs that would be required to switch to a particular PR system.

The following represents a number of key trade-offs for your consideration (summarized in Table A):

Effectiveness and Legitimacy – Democratic Will

Is it more democratic to have proportionality between seats and votes but, in the process, remove the decisive ability of majoritarian systems to allow voters to directly impact who forms government or, more importantly, when a government should be removed from power? Do we want to devolve to the situation in other countries where voters wait for behind-the-scenes negotiations as parties wrangle over government formation, offering concessions that had just been promised to voters, in order to secure a role in a coalition or perhaps even a Cabinet seat or the position of Prime Minister, itself? Or do we retain our system where, on election night, the sitting PM assesses whether he or she has won or lost based on the just-expressed will of the voters, and continues on or concedes defeat?

From the perspective on individual representation, do we forego FPTP where individual MPs garner in the 35-55% range of popular support in their ridings for a PR system where individual MPs would be elected with a fraction of that support (or perhaps a more majoritarian system such as AV where each MP gets greater than 50%)?

Engagement – Social Cohesion

Do we enhance social cohesion and foster collaboration by organizing votes and representation under FPTP as a “community of interest” or do we divide the population into voting niches where representatives are only concerned with their ideological slice of the population?

Engagement – Social Cohesion through National Parties

Do we forego FPTP which compels parties to take national approaches and soften rhetorical edges in order to maximize appeal to the broad political center and instead opt for a PR system which encourages and rewards parties that take hard ideological stances that appeal to a its own niche of the population? Do we risk the rise of regional and issue-specific parties which target Canada’s historic fault-lines – language,

“FPTP rewards regional parties”

Fact: Regional parties have arisen from regional frustrations but they do not last under FPTP because they cannot access power – either by forming a government or in a coalition arrangement.

Moreover, if Canada had a PR system, a party such as Reform would have secured seats sooner – both in Alberta in 1988 and Manitoba and Ontario in 1993 – where they easily eclipsed provincial thresholds for PR but could not obtain a plurality in individual ridings.

regional alienation – and are sustained by the ability to exercise power in minority government situations?

Accessibility and Inclusiveness - Avoid undue complexity

Do we forego a FPTP system in which every riding in the country adheres to precisely the same election rules – single member, plurality support, directly elected, same ballot format, same counting procedure – for one that would likely see single member ridings in the Territories, single member ridings for extremely large ridings in each Province, a 4-member riding in PEI, perhaps a 5- and 6-member seat in Nova Scotia and a variety of others with some members elected directly and others by lists (exceptions necessitated by provincial boundaries, constitutional rules or geographic circumstances)?

Local Representation – Relationship with Voters

Should we retain our FPTP system which provides the smallest possible riding size for each MP to represent and thereby maximize opportunities for contact between voter and representative? Or, do we opt for a PR system which increases the riding size in order to accommodate multiple representatives (either within a single riding or a combination of riding and regional representatives) in order for various political perspectives to be represented in each area? At what point does a riding's increased size diminish local considerations for regional ones and prioritize urban issues over rural ones?

Local Representation – Accountability

Should we retain FPTP where we choose between four or five candidates and then assess a single winner based on their performance? Or, do we opt for PR with perhaps five candidates per party and five or more parties represented on the ballot? How many candidates for office can we reasonably assess and once elected, how do we evaluate the performance of each one? How soon will it be before we decide, like other Open List countries, to give citizens the ability to just vote for a party's slate of candidates because we can't possibly know them all anyway. At a very basic level, how do you have a riding-level debate ... is it 25 people on the stage or do we just attend our preferred party's debate to see how we will rank them?

Table A – Trade-offs between PR and FPTP Voting Systems

	FPTP	PR
1. Effectiveness and legitimacy – Democratic Will	Government is decided on election night by the expressed will of voters Representatives obtain 30-55% support in their riding	Government is negotiated following election by parties Individual representatives are elected off lists or receive a fraction of their party’s support in a multi-member riding
2. Engagement – Social Cohesion	MPs represent an entire riding as a “community of interests”	MPs represent ideological niches of supporters
3. Engagement – Social Cohesion	National parties	Regional and Ideological niche parties
4. Accessibility and Inclusiveness – avoid complexity	Identical voting system in every riding across Canada	Different systems – urban vs rural, northern vs southern, small provinces vs large
5. Local Representation – Relationship with voter	Offers the smallest possible riding to maximize interaction between voter and representative	Ridings are expanded by three to five times to create multi-member constituencies
6. Local Representation – Accountability	Voters assess individual candidates from each party	Voters assess up to 40 candidates (5 or more per party)

Geographically Large Ridings

Country or Federal Riding	Area (km2)	Population	Notes
<i>Nunavut</i>	1,877,787	31,906	<i>Territory</i>
<i>NWT</i>	1,346,106	41,462	<i>Territory</i>
<i>Abitibi-Baie James-Nunavik-Eeyou (PQ)</i>	854,754	85,475	
Ukraine	603,000		
France	551,000		
Spain	505,000		
<i>Churchill-Keewatinook Aski (Man)</i>	494,701	85,148	
<i>Yukon</i>	482,443	33,897	<i>Territory</i>
Sweden	449,000		
Germany	357,000		
<i>Desnethe-Missinippi-Churchill River (Man)</i>	342,903	69,471	
Finland	338,000		
<i>Skeena-Bulkley Valley (BC)</i>	327,275	90,586	
Norway	323,000		
<i>Kenora (Ont)</i>	321,741	55,977	
Poland	312,000		
Italy	301,000		
<i>Manicougan (PQ)</i>	264,226	94,766	
<i>Labrador (NL)</i>	294,330	26,728	<i>Stand-alone riding since 1988</i>
<i>Timmins-James Bay (Ont)</i>	251,599	83,104	
UK	244,000		
<i>Prince George-Peace River-Northern Rockies (BC)</i>	243,276	107,382	
Netherlands	41,000		
Switzerland	41,000		