

## **Brief to the Special Committee on Electoral Reform**

By Jim Bell

### **Summary**

The salient question facing the Special Committee on Electoral Reform is Mixed Member Proportional (MMP) versus Single Transferable Vote (STV). Although MMP is the most popular and most often recommended electoral system, STV is probably the best for Canada.

### **Submission**

The election of 2015 was the last first-past-the-post (FPTP), and by spring 2017 we must have a new electoral system before the House. The system must reasonably meet five principles: effectiveness and legitimacy, engagement, accessibility and inclusiveness, integrity, and local representation. The only family of electoral systems that meets those criteria is proportional representation. Of the three main types in that family—List PR, STV, and MMP—List PR does not meet the criteria of “local representation” because it turns the nation or each province into a giant riding.

So the question facing the Special Committee is “Should Canada adopt Single Transferable Vote or Mixed Member Proportional?” What a happy choice. When electoral system experts were surveyed, they said that two electoral systems were far and away the best: MMP and STV (Farrell & Pettitt).

I have watched all of the televised Special Committee sessions (although I have not watched all of the round-table questioning in the final half dozen episodes). I congratulate you on your collegial work and on your dedication during some long days. I also leave it to you to imagine the plethora of topics that the Special Committee does not need to be considering now.

STV or MMP? MMP is definitely the front-runner and most likely winner. Most PR countries have some form of MMP, while Ireland and Malta and the Australian Senate have STV (although many lower levels of government use STV). In Canada, all of the electoral reform commissions except one have recommended some form of MMP. Yet, while MMP is the most popular, it is not the best.

MMP is often recommended not because it is the best system but because it is comfortable and, maybe, most easily accepted. One half of the two-part ballot is exactly what Canadians are familiar with and therefore they are more likely to accept the system. For instance, former New Democratic Party (NDP) leader Ed Broadbent (Meeting 17; the website for ERRE and its meetings can be found at <http://www.parl.gc.ca/Committees/en/ERRE>) says that he prefers MMP as recommended by the NDP in part because he is an institutional conservative who wants to change things slowly, and he thinks most Canadians agree with him. On an MMP ballot, you get two votes: one is FPTP just as you have always had, and second is some form of party vote. The implicit claim is that Canadians cannot handle the complicated STV ballot. Canadians can put an x beside a name on a ballot, but they cannot rank candidates 1, 2, 3, 4, 5. This raises the question of how pathetic Canadians really are. I do not claim to know. In Scotland, where people have 4 different voting systems, people maintain that STV is easy to use, and the small percentage of spoiled ballots

suggests that the Scots can not only do STV but three other systems as well (Meeting 20, Pitcaithly & O’Neil). We should also note that on an STV ballot, voters can simply put a 1 beside their favourite candidate and do no other ranking. And we should note that the second half of many MMP ballots is every bit as complicated as any STV ballot.

However, say some people, the STV ballot is too long. For example, if we say an average riding has 5 Member of Parliament (MP) positions and 5 parties running, that makes 25 names on the ballot, an overwhelming number. In reality, no party will run 5 candidates for 5 positions because the party knows that under a proportional system it has essentially no chance of winning all of the seats. Any excess candidates dilute the party vote. So the parties calculate how many seats they have a chance of winning and then run that number of candidates. So 12-15 would be a traditional number of names in the example above.

Supporters of MMP often cite the prestigious Law Commission (2004) as recommending MMP, but MMP was chosen not because it was closest to ideal but because it was closest to the middle of the road. As the Commission’s Nathalie des Rosiers (Meeting 14) said, the Commission was attempting to be moderate and recommend something that Canadians would be likely to accept as not too great a change.

Another reason MMP is so popular is local representation. Under MMP, half the ballot allows you to vote for one candidate to represent your local riding, exactly as under FPTP. There are two arguments in support of this, and they are usually conflated. First, it is good. Second, it is what Canadians are familiar with and they cannot adjust to any other kind of representation. As an example of this second claim, Professor Henry Milner (Meeting 10) likes some form of MMP because, he says, he and Canadians are used to having one person represent them, and MMP allows that while also giving fair representation. Note, again, the argument is not that MMP is best but rather that the FPTP element is familiar.

“Local” representation is largely a myth. What do we mean by “local” representation? Generally, we mean “exactly what we have now”. To get specific, here is what we have now on Vancouver Island.

<i>Member of Parliament</i>	<i>Party</i>	<i>Riding</i>	<i>Constituency Office</i>
Elizabeth May	Green	Saanich-Gulf Islands	Sidney
Murray Rankin	NDP	Victoria	Victoria
Rachel Blaney	NDP	North Island-Powel River	Campbell River
Randal Garrison	NDP	Esquimalt-Saanich-Sooke	Victoria
Gord Johns	NDP	Courtney-Alberni	Parksville
Sheila Malcolmson	NDP	Nanaimo-Ladysmith	Nanaimo
Alistair MacGregor	NDP	Cowichan-Malahat-Langford	Duncan

Only the two Victoria MPs are in a reasonable sense “local.” Elizabeth May has her office in Saanich yet many interested constituents are scattered over the islands. Rachel Blaney has her office on

Vancouver Island and constituents on the mainland. Gord Johns lives in Port Alberni, has his office over the mountains in Parksville, but still has to somehow be in the Comox Valley. Sheila Malcolmson, a special case, has no trouble representing Nanaimo with an office in Nanaimo except that she is from the different culture of Gabriola Island and has spent her career largely on Gulf Islands issues. And poor Alistair MacGregor has his office in Duncan but represents citizens in Langford; the two areas are separated by the Malahat, the most dreaded drive on the Island.

Just as it is false to claim that FPTP and MMP give us truly “local” representation, it is misleading to claim that STV does not. To continue the example from above, if the 7 ridings were combined into one large riding with 7 MP positions, the MPs would probably spread out “randomly” as follows: 2 or 3 from the Victoria area, maybe one from the Cowichan Valley, one or two from the central island, one from the north island or Powell River, and maybe one from the islands. If this did not happen naturally, parties would ensure it happened. They know that when voters are ranking candidates, local counts. So under STV, the parties make sure they have a good geographic distribution of candidates.

STV actually provides somewhat better local representation than MMP does. To continue with our BC example, STV provides 7 representatives from the Island, probably with one MP as close by as FPTP provides. MMP initially seems to give us a better guarantee of having a candidate from somewhere nearby, but under MMP the present ridings increase in size by 40-60% to accommodate the list or regional members, so whether your local rep is actually closer to you than under STV seems dubious. But then you have the list MPs, about 40% of your representatives. It is recommended that they come from an area of about 14 traditional-sized ridings. We do not know what 7 traditional ridings on the mainland would be selected, but Vancouver Island top-up MPs could be from Vancouver Island, Vancouver, and the central interior. This is not more local.

Yes, but some people say we need a directly elected local representation because under STV the seven MPs are scattered around the island and won't pay any attention to local concerns. Let us look at the salient example of STV, Ireland. Although the Irish have twice given STV a vote of confidence, there is one current complaint: too much focus on local issues. Seriously. I suppose we can discount this in lots of ways: they are Irish, or Ireland is a smaller country than Canada, or they have had the system for nearly a century, or . . . But when Professors Michael Gallagher and Michael Marsh of Trinity College, Dublin, listed five impacts of STV on Ireland, they included “Links with constituents,” describing the links not as just satisfactory but as “very strong” (Meeting 7, Marsh & Gallagher) Although some citizens complain of “pot hole politics,” the “main point is that PR-STV gives every MP a strong incentive to respond to voters’ wishes.” Part of this motivation comes from knowing that as an MP your greatest chance of defeat is not necessarily from your political opponent but from a member of your own party.

Yes, but some people say we need a directly elected local representative because, not to put too fine a point on it, we need to be able to “throw the bums out” if they do not do a good job. The intended meaning of this common expression is that if my local MP does not serve my community well, I can vote him or her out in the next election. However, that is not the way it actually works. The plural form of “bum” is a grammatical slip that points to the reality: Canadians vote largely by

party. Dennis Pilon (Meeting 12) say, “We know from a considerable body of research that party choice is the key factor influencing how people vote, not the specific attributes of local candidates.” The near impossibility of independents being elected lends support. As well, we all know examples of the inept local MP who survived three terms sheltering under the party banner; and we all know of the talented MPs swept out of office by the blue wave or the orange tide or whatever party benefits from a surge of enthusiasm.

MMP is also popular because it gives power to the political parties. The Party, as at present, puts forward a single candidate for the voter to accept or reject. The Party, with a closed list, puts forward a ranked list of party members for voters to accept or reject. The Party decides who the top-up candidates are. Various versions of the open list give citizens more say in who represents them. “Politicians don’t like STV,” said Dennis Pilon on a Fair Vote Canada presentation, for STV shifts some power to the voter. This should not be a surprise, as STV is almost a pre-party system. The first use I know of is 1819; the next use I know of is in Adelaide, Australia, in 1840. As a reminder, those were the days when ballots simply had people’s names and, sometimes, their occupations. Voter power and voter choice are essential principles of STV, and, predictably, you do not find those related principles on the party-created list of five principles used in the current consultation. What happens when voter power and voter choice are introduced as important principles? The Citizens’ Assembly in BC had as its three “basic values” fair election results through proportionality, effective local representation, and “greater voter choice.” The assembly followed these basic values with two recurring issues, the first being “The voter and political parties” which it described as follows: “There is a groundswell of opposition in this province to the current imbalance of power between voters and parties. Indeed, some of the submissions we received called for banning parties on the grounds that they so dominate electoral politics that local representation is undermined by party discipline and practices, and voter choice is stifled” (Making). I vote to add “voter choice” to the criteria against which electoral systems are judged.

Because we have read so much about MMP, we have trouble seeing it afresh, but let’s try to see it in broad strokes. We spend years detailing the inadequacies of FPTP and building the case for proportional representation, and then, with MMP, the first thing we do is have first-past-the-post, and the second thing we do is use some form of party vote—the variations are innumerable—to ameliorate the mess. Couldn’t we do it right in the first place? Yes. We know that any geographic area in Canada will have quite a diversity in what topics people think important and quite a range of opinions on any one topic. So we select an area large enough to have several representatives, voters rank the candidates in that large riding, and the winners represent the diversity of views. Compared to MMP, STV is elegant, a feature prized in many things but usually neglected in electoral systems.

The only problem with STV in Canada is that Canada has large, rural expanses—especially in the north—that make it difficult to create ridings with an adequate number of MPs. There are three common solutions to this problem. The first is to dismiss STV as useless. I have seen this thinking strategy many times in the last decade: You look assiduously for a flaw in a superior system and when you discover a weakness you declare the system imperfect, throw it out, and revert to the inferior system you are familiar with, satisfied with the victory. Second, have proportional representation in the cities and FPTP in the country. Third, the Rural-Urban model has PR in urban

areas, FPTP or equivalent in rural areas, and then regional lists in an effort to correct the distortion caused by single-member ridings. Unfortunately, the RU model is complicated. I have suggested that Canadians are capable of ranking candidates on a ballot, but I am hesitant to say they will grasp a system of, say, STV in cities, FPTP or Alternative Vote (AV) in the country, and MMP lists to tidy things up. Maybe they can and will. But both proposals rely heavily on FPTP, the system we are trying to get rid of. Also, if we are to learn from history rather than repeat it, consider Manitoba. According to Harold Janson (Meeting 14), from 1920 until 1955 Manitoba had a system of STV in Winnipeg and FPTP elsewhere. It fell apart in 1955 not because STV did not work but because of the disparity between STV and FPTP. A 10% change in the vote in Winnipeg might earn a party one more seat in a proportional representation system; but a 10% change in the vote in rural Manitoba could mean a provincial sweep for a party under the winner-take-all system. So the politicians gave inordinate attention to the country and unwittingly drove Winnipeggers to change the electoral arrangement. We should make sure we do not repeat the mistake.

Northwest Territories, Nunavut, and Yukon are so vast that it is probably best if they stay single-seat ridings. But the rest of Canada fits fairly easily into the STV system. By lumping existing ridings together, 335 MPs will be elected from 60 or 70 larger ridings, each returning from 3-7 MPs. As examples, Newfoundland and Labrador's 7 seats become a riding, Vancouver Island's 7 become a 7-seat riding, Prince Edward Island's guaranteed 4 seats become a 4-seat riding, New Brunswick can split its 10 seats into two ridings of 5, and so on. The 3-7 MPs per riding is not chosen casually. The more seats per riding up to 7, the more proportional, the better chance for smaller parties' representation, and the better the chance a voter will elect his or her first choice. After 7 seats, benefits diminish rapidly. A riding with 7 seats creates a threshold of about 5%; that is, small parties need about 5% of the popular vote to get anywhere. We know from considerable experience with MMP systems that 5% is a good threshold, high enough to keep out bizarre parties but low enough to enable a rich variety of voices. In a riding with 5 seats, 85% of voters see a candidate from the party of their first choice. Although these benefits diminish as we drop to 3-seat ridings, all is not lost. (Ireland's STV works well with a 3-seat minimum.) A 3-seat riding is still far preferable to a single-seat, winner-take-all fiasco. Such a riding gives reasonable proportionality for larger parties but is less favourable to small parties. While results may not be very proportional in one particular riding, results in another 3-seat riding may be not very proportional in the opposite direction, resulting in national results that are reasonably proportional.

After Canada has had two elections using Single Transferable Vote, the system should be reviewed. One way is to have experts examine and adjust the system. Another way is to hold a referendum. However, the referendum cannot ask, "Do you want STV or FPTP?" To reword that, the referendum cannot ask, "Do you want every vote to count and every citizen to have fair representation or do you want an unfairly chosen minority to dictate to the majority?" This issue is a matter of civil rights: in a representative democracy you have a right to have your views represented.

## References

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