SCER5

Special Committee on Electoral Reform
October 4, 2016

Summary and Recommendations

To have any real effect, the work of the Special Committee should lead to a more permanent committee to focus attention and ongoing action on electoral reform(rec 1). Needed changes will take far longer and deserve more thoughtful assessment than the current timeline allows but certain improvements can be implemented quickly. In particular, two extensions of voting method which could be activated for the next federal election and would expand voters choice are to add "None of the Above" as an option on every ballot(rec 2) and allow voters to vote for as many candidates as they wished, rather than being forced to select only one(rec 3). Other reforms should be subject to more careful study and debate since they often involve substantial changes to voting culture and practice and may have unforeseen consequences.

Votes are Information

The voters in a federal election convey two basic types of information: to determine a representative to act as their primary link to government on local matters and to wield their proxy on policy matters.

The concern of the Special Committee seems limited to viewing votes simply as methods of determining the make-up of the Federal House of Commons. This limit restricts it from investigating substantial improvements to our governance. Even the modes of voting being discussed are quite limited.

The Context

In any election there are two active agents, the voters and those standing for election(parties, candidates) with the election machinery(the CEO, workers, ballots) being the link between them. The first goal is to make the process as simple and straightforward as possible for voters(voting procedure), while extracting the maximum possible information to all involved, including the election machinery(ballot design and counting procedure), by a process that is transparent but not necessarily as simple as possible.

As long as there were only two formal parties, then FPTP was adequate in that it would deliver one or the other a majority, and the reaction to any bothersome anomalies was to absorb them back into one of the two formal parties. From the 1930's the stubborn refusal of the CCF/NDP to be absorbed, and the later rise of others who have maintained their independence(although some, like Social Credit or Reform. didn't) has shown the inadequacy of FPTP.

But in addition to authorizing governance, voting should also be able to convey information about the acceptance and legitimacy of that governance, something FPTP doesn't do very well, if at all.

Many of the witnesses and briefs to the committee have suggested various methods practiced elsewhere or as abstract notions that may seem to fit the committee's mandate. But what needs detailed discussion is both the timeline and order of any proposed change.

Timeline

The committee mandate, "that the Committee be directed to take into account the applicable constitutional, legal and implementation parameters in the development of its recommendations;" cannot be executed in a fulsome manner before the next election. If the Chief Electoral Officer was given a fairly detailed set of instructions he feels the CEO's tasks could be done in time, but in addition any changes that require legislation would have to have made it through to the GG. Anything more than tinkering would only be possible with hurried and inadequate design and testing, if it is possible at all, so the alternate position of taking more time seems reasonable.

But this can be seen as simply a delaying tactic, with the intended result that the committee report ends up collecting dust somewhere and we have business as usual and significant public resignation, disillusion and a feeling of betrayal. The option is to do something and follow through with a mechanism that promises ongoing thoughtful progress on this file.

Order of Change

Some possible changes, such as creating multiple member constituencies, cannot be adequately assessed in time for the next election, but there are some procedural adjustments that should be fairly simple to authorize and implement, thus assuring citizens that assessment and reform of the systems is being pursued, perhaps more slowly than some want, but in a deliberate and responsible manner.

Immediate Changes

There are three actions that would be reassuring that something concrete will result: make the committee permanent, include all options on all ballots, and allow voters to select more than one candidate if they wish.

Make the Committee Permanent

The issue of governance is important enough that it deserves a standing committee that carries on through elections, is charged with monitoring them and assessing procedural changes and informs Parliament on electoral health. It deserves more attention than only being one concern of a House committee that deals mainly with internal House concerns. The structure should also continue to reflect popular vote proportions rather than House seat proportions.

Include All Options

The ballot and the information it conveys at present is pretty restrictive. Consider a riding where three candidates, A, B, and C are running. The voter may vote for A or B or C, but is given no option to express the opinion that two of them could do an adequate job and have reasonable(if differing) policies, or perhaps that all of them do, or perhaps that none of them do. This last option is particularly vexing; it may be that some portion of non-voting is because the options presented are unacceptable to the voter, so voting "only encourages them." but since the ballot has no "None of the Above"(NOTA) option we have no information on how prevalent such a sentiment may be, whether it is concentrated or widespread , or how it may vary over time.

Allow voters to express their preferences by better voting procedures and by revising counting procedures

As noted above, voters may prefer A and B or A and C or B and C or A and B and C or NOTA over the choice of a single candidate. A few presentations have suggested ranked ballots as a way of expressing all relative preference for candidates. The problem with ranking candidates, while some may want to do it, is that many may feel that exact ranking is not needed – they just look at the candidate list and one group is OK and the others are not. The OK group may be just one candidate, or it may be two or three that the voter thinks have good positions or records on issues the voter think are import, but in any case there is voter support. The alternate to ranking is just to allow the voter to put an X beside as many candidates names as they feel are OK.

At first glance it might appear that the results might be indecisive, and on the individual level this may be more likely, but a typical federal constituency involves tens of thousands of voters and the chance of them delivering the same number of votes to any two leading candidates is less than the probability of a tie in any FPTP single vote result. In addition, it is more likely that the winning candidate would have the support of over 50% of voters, while this is rare in our single vote FPTP system.

This is not a novel approach. A similar system is used in the election of directors to a corporate Board, namely the right to vote for or withhold a vote for each individual candidate The notable difference is that in the corporate example votes are awarded in proportion to number of shares held while in an election to the House each eligible voter may only vote once for a given candidate.

Adherence to principles

Of the five principles identified in the motion establishing the committee, namely: Effectiveness and legitimacy, Engagement, Accessibility and inclusiveness, Integrity and Local representation, the above three proposals do not seem to contradict them, and in some cases definitely advance them. Perhaps further work by the committee will find more effective ways for future elections.

Other issues

The committee is also mandated to consider mandatory voting and online voting.

Mandatory voting

Making voting mandatory can really only be making it mandatory to show up at the polls and doing something with a ballot, but as long as the ballot is secret that could simply be spoiling it. But even that idea is pernicious and counterproductive since it simply obscures any problem with the system, making it that much hard to identify and address, all for the sake of creating an illusion of electoral bliss. Giving people a much wider range of options(as suggested) without coercion is more likely to bring them to the polls and if they spoil it it would be useful to know why by giving them a NOTA option.

Online voting

Voting is a mechanical process of registering a preference but it is also a social process of sharing involvement with fellow citizens in public governance. This second is not just a method to feel good, but is a defining feature of our form of democracy. We should preserve the norm of voting in a public

place in the company of, and recognized by, friends and neighbours. Voting online could be an option if special circumstance such as being physically unable to attend the poll make voting too difficult, but the default should be voting in public.

And other things that are brought up or could come up in years after the next election -

A Referendum

This keeps being brought up, but a key question that never seems to come up is "what question should be asked?" As the many briefs and presentations have made clear, this is a complicated, many-layered issue while a referendum should resolve a straightforward, yes/no question and those voting should have an approximately equal knowledge base. We have a long history with FPTP, so both academic and experiential knowledge is widely held, but knowledge or experience with any alternative is quite limited. For there to be any meaningful referendum we would first have to experience a few elections under an alternative before there could be any useful referendum on its adequacy as a replacement.

The Senate

The early idea was that Parliament be bicameral, that is that there be two independent Houses with different sources of authority. This has gradually been eaten away so that the Senate has become nothing more than a projection of the will of the government in the Commons(with a gradually reducing influence of past governments). And while the Commons adapts to changes in the size and location of the population, the Senate is frozen in both and the longer this freeze lasts the worse things get.

The nettle has to be grasped to negotiate the Constitutional changes required to allow the Senate to adjust to changing conditions. The Parliament has two legislative Houses and rather than trying to cram all reform into the Commons, mixing a constituency focus and a PR focus with a hybrid like MMP, they could be better spread , say by leaving the Commons as a constituency House, while electing the Senate by some form of PR(say by modernizing the Divisions and using them as the basic electoral blocks).

A potential resource is being wasted.

Rod Manchee
Ottawa, ON