Chairperson and Members of the Special Committee on Electoral Reform
House of Commons,
Ottawa, Ontario
Canada
K1A OA6

September 20, 2016

Dear Sirs and Madams:

The attached Abstract (Summary), Brief, and three Appendices complete my submission to the committee for your consideration.

Thank you for your work on the entire matter of electoral reform and for your attention to, and consideration of, the data and information I have presented in these documents.

Respectfully,

Terrance W. Robertson,
Kelowna, BC

Abstract (Summary)

This submission to the Special Committee on Electoral Reform consists of three parts.

Part 1, uses the Canadian Charter of Rights and Freedoms to document how the various sections of the Charter such as - a) the freedom of thought opinion belief and expression; b) the right to vote. c) equality in benefit of the law without discrimination and a 1991 Supreme Court ("Saskatchewan Reference") case combine to guarantee that all Canadians have the right express their political thoughts and beliefs by voting in a fair election without discrimination. Further that to be a fair election, all voters must be treated equally regardless of their political belief or their place of residence. Therefore a ballot cast by one elector must have the same power to express the political belief and opinion of that elector as a ballot cast by any other elector in Canada. The First Past the Post (FPTP) system fails to meet the standard of fairness because it facilitates and frequently empowers a plurality with the legislative power over the lives of the majority of Canadians. It is unequal in its allocation of power and seats in parliament and systematically discriminates agarnst millions of Canadians. FPTP means there is a great disps $r{:}ty$ between votes cast by different electors from different parties in different places. A maximum variance m vote parity of around 25% could be acceptable as that amount is used by Elections Canada for vote parity variance caused by differing ridings populations .

Part 2 continues with the assertion that the FPTP electoral method discriminates against and unfairly damages the legitimate expression of political thought and opinion of millions of Canadian electors. It documents the unequal and discriminatory consequences of using the FPTP system, beginning with the disparity in the weight or effective electing power of different ballots cast by the supporters of different parties in different ridings. The frequency of false majority governments since 1918 is also cited as evidence of systematic unfairness and discrimination in the FPTP method of voting.

The FPTP bias can change from one election to another from disadvantaging a party one time;to benefiting it the next time out. However it matters not, who benefits today or who may benefit in the future, but who is being disadvantaged now! Discrimination is always wrong and must stop!

The range of disproportionality of some electoral systems and specific elections are compared and the assertion is made that some form of proportionality representation is needed to address the problem of discrimination and inequality of the FPTP system.

A Referendum is unnecessary and inappropriate when the issue is a basic human, or Charter right.
A Citizens' Assembly et.al. would be redundant, since past provincial assemblies and The 2004 Law Commission study all recommended the implementation of some form of proportional representation.

ERRE is a proportional committee of a parliament composed of a true majority of parties that campaigned in the 2015 election to make it the last one run under FPTP rules, *So go ahead, surprise me and deliver on your election commitment!*

Part 3 outlines a unique Canadian Best Runners-up Proportional (CBRP) system, that is a modification of the electoral method used by the German state of Baden-Wurttemberg. It is basically an MMP system where every candidate stands for election in a separate, specific, identifiable constituency either a single member or double sized, dual member riding. There are no party lists and thus there is only one class of MP,just that they are elected in slightly different ways within their ridings. The first member elected from any riding is the FPTP winner in that riding. In dual member ridings, a second member is also elected from a party which is eligible for a seat to bring their numbers in the house into line with that party's share of the vote. This second member for that riding is usually one who finished second in the vote count in that riding. The order in which the candidates from a party are chosen to fill any seats their party is entitled to, is determined by the share of the vote they received in their election contests vis-a-vis other candidates from the same party in their own ridings.

Right to a Fair and Equal Election

According to the Canadian Charter of Rights and Freedoms, as Canadian citizens we are entitled to:

(a) *freedom of* (political) *thought, belief opinion and expression* (Section 2.(b))

and

(b) *vote in an election,* either federal or provincial (Section 3.)

Since the act of voting is specifically mentioned in the Charter, it follows that voting must be included as one of the ways of expressing political belief or opinion.

The Charter also gives us the right to:

(c) *equal benefit of the law without discrimination* (Section 15.)

This is a guarantee that we are entitled to equality in the number of ballots we cast in an election. To comply with this section it must therefore surely also include equality in the weight or effectiveness of each voter's ballot.

Finally the Charter states that Canadians have the right to:

(d) *move and take up residence in any province* (Section 6.(2a)).

That general statement says we are able to choose to live in whatever region, city and community we desire in Canada. This right includes protection from general discrimination based on place of residence since Section 6 {3a) specifically mentions exceptions when discrimination may be permitted under certain provincial laws.

In the 1991 Supreme Court of Canada *Reference re Prov. Electoral Boundaries {Sask.)* (referred to as the *"Saskatchewan Reference"),* the Court determined that the right to vote involved a number of factors, "like geography, community history, community interests and minority representation may need to be taken into account: .."

> *"...The first is relative parity of voting power.* A system which dilutes one citizen's vote unduly as compared with another citizen's vote runs the risk of providing

FPTP... Unequal and Discriminatory Consequences

Icontend that the purely FPTP system of election is effectively a form systemic discrimination against electors dependent on what the individuals beliefs are and where that individual resides. By our Charter Rights, we do not have to change either our beliefs nor place of residence in order to be assured of equal treatment, protection or benefit from the law,including electoral law and practice.

The FPTP system routinely favours the status quo, existing parties with concentrated local and regional strength and unfairly disadvantages and discriminates against the smaller,often innovative political philosophies with less concentrated support. It does so, even if the country-wide support for the two different groups is   similar.

FPTP systematically gives additional vote power,not to the majority,but to what is almost always a minority of the total electorate; a mere plurality of the voters. By unfairly limiting the number of seats any new or minority party is likely to win, the system subtly but surely limits or even muzzles the legitimate political expression of millions of electors. For innumerable Canadians, in every election this discrimination limits their legitimate political expression.

If you have any doubt about the existence of systemic discrimination under FPTP one simply needs to look at the 2015 election. On average only 37,728 votes were needed for Liberal electors to send one MP to parliament while the Green party was barely able to elect one MP despite receiving over 605,000 votes. This meant a Liberal vote was almost 16 times more powerful than one cast by a Green elector.This is a huge discrimination gap but not unusual under FPTP and differences of 200 percent and more happen in almost every FPTP election.

If *"Green"* were a reference to the colour of the skin of that party's supporters, rather than an allusion to their concern for environmental issues, then the vast disparity in the effective power of votes cast by different political beliefs, in different locations, would be easier for all to identify as outright discrimination.

While perfect equality of votes might be difficult to achieve, there does need to be a limitation on the variance the ineffective electing power of a vote from one party to another in any election. Or as the Supreme Court, in the "Saskatchewan Reference" case, refers to it as *relative parity of voting power."*

Based largely on the 1991 Supreme Court decision, Elections Canada normally limits the number of electors from one riding to another within each province to no more than 25% from the provincial average number of electors per riding .This is done so as to preserve some reasonable degree of equity of the electing power or *parity* of all ballots cast; at least within each province. Likewise, the effective number of votes it takes to elect an MP from one political party to another, should similarly vary by no more than 25%....The 200 to 1600 percent and more variation that

Table 1

Disproportionality Index *Estimates*

(Loosemore-Hanby index of disproportionality)

Election Event	Index	Comments
List PR Elections •.	0.0 to 3.0	estimate depending on rounding process et. al.
MMP Elections…•	1.0 to 10.0	estimate depending on thresholds et. al.
2002 Irish Election (STV)	9.4	based on 1st preferences
STV Elections generally…	5.0 to 12.0	estimate depending on district magnitude et. al.
2015 Canadian Election•..	14.7	Prime Minister Justin Trudeau was elected
2015 Cdn. Election (CBRP)	14	data sourced from CBRP sprreadsheets *
2015 Cdn. Election (AV)**	26.5	Alternative Vote data sourced from internet
2015 UK Election (FPTP)•.•	23.2	data sourced from internet
2015 Alberta Election•.•	23.7	the first NOP government elected in Alberta
1984 Canadian Election…	25.0	first Mulroney PC government
1993 Canadian Election. ……..	23.8	the first Chretien Liberal government
1987 Nw Brunswick Election	39.6	the N.B. Liberals won 58 of 58 seats
1998 B.C. Election.……	37.0	the B.C. Liberals won 77 of 79 seats
FPTP Elections generally…	10.0 to 40.0	estimated

* See Appendices 2 and 3

** The index for AV or Ranked Ballot elections are generally close to FPTP results or worse.

NB: All values shown are approximations and estimates done by the author from raw internet and other data sources.

A Request for Action

Canada is a representative democracy or at least a quasi-democracy, and Canadians have elected you to the current Parliament with a usual FPTP mandate (flawed as it may be). However with the agreement of two or more of the opposition parties, *Parliament* would have the true, clear and broad based majority needed to change the electoral system to a fairer more proportional one.

To all committee members, the real and pressing need here is to assure all Canadians when they cast their ballot that their vote at least has a reasonable level of parity with every other vote cast. I would hope that you will be able to work together with all possible haste to make sure the 2015 election was indeed the last one marred by such inequalities.

By contributing rather than quarrelling, the electoral system in place for the next election will be of the superior quality Canadians are expecting. In addition, learning to co-operate, compromise and function effectively in this *proportional* committee will be good practice for you if you are re-elected to the first proportional House in 2019.

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A two page evaluation of a unique *Canadian Best Runners-up Proporiional (CBRP)* electoral system that addresses many of the major concerns about other Proportional Representiation systems, follows in Part 3 on the following page.

X   Only one MP is elected from each single member riding and only two MPs are to be elected from any dual member riding. In the example outlined here, 116 of the largest more rural ridings in Canada would remain single member ridings precisely as they are now.

X   The other 222 (less rural and somewhat more densely populated) ridings across the country that exist today would be combined into 111 adjacent pairs of dual member ridings.

X   These 111 new dual-member ridings would elect one MP using the FPTP method and one MP using a best runners-up proportional method to achieve a proportional balance between the parties in the House.(see Appendix 1)

X   The proportional top-up or proportional balance MPs elected from each party are the ones in the dual member ridings with the best voter support of all their party's candidates in those dual member ridings.

X   Expressed another way there would be 227 "direct-mandate" MPs selected, one from each of the single and dual member ridings, as they are now using the FPTP method. A further 111 MPs, one from each dual member riding,(about 34%) will also be selected as "balance-mandate" MPs using the (CBRP) method, as detailed in Appendix 1.

X   In total there would be 227 ridings electing 338 members; the same number of MPs currently in the House. (See Appendix 2 and Appendix 3 for a look at the makeup of the House of Commons after October 19, 2015 using a CBRP electoral system.)

End of Formal Brief to the Special Committee on Electoral Reform

September 20, 2016

Submitted by:

Terrance W. Robertson

Kelowna, BC

A Detailed Guide to the CBRP Election Method

General Information

1. The candidate elected in each riding by the first past the post method is known as the direct-mandate MP *FROM* that riding The MP *FROM* Burnaby-New Westminster. The second candidate elected in each dual embedding using the CBRP method is known as balance-mandate MP *FOR* the various Ridings (i.e.) The MP for Burnaby-New Westminster.

2. In the example outlined here, the *new* ridings have been assembled into regional groupings of about 20 to 30 single and dual member ridings, comprising a total of between 30 and 45 MPs in each region.

3. Conversion of each party's percentage share of the vote to their "whole number" share of the seats in the House is achieved using the "Largest Remainder" method and other standard mathematical procedures as needed to complete the process fairly.

4. Any pre-determined minimum threshold limit would be checked at this point and any parties failing to reach the threshold would be removed from further consideration. (A threshold of 2.5% of the vote *or* the election of at least one direct-mandate MP might be initially considered as appropriate.)

5. When the number of seats that any particular party has already filled with their elected direct-mandate MPs are subtracted from the total number of seats any party has earned, the remainder is the number of balance-mandate seats each party is eligible to fill.

NB: The regional party preference vote is used to determine how many of any one party's candidates are elected as balance-mandate MPs. However all of those MPs elected through the balance-mandate process as a second MP in a dual riding are determined based on the votes they received in the riding elections. Each elected balance-mandate MP shares the responsibility to represent the constituents of their dual member riding along with the direct-mandate MP for the same riding. As such they are not elected to represent a region in the way MPs in the usual MMP electoral system are.

How the Balance-Mandate MPs are Determined?

1. Firstly, which of the candidates are deemed to be elected as balance-mandate MPs from each of the dual member constituencies is dependent on the percentage of the popular voter each party receives in combined party preference ballots from all single *and* dual member ridings in the region. This determines the total number of seats in the House there should be for each party

2. Secondly the candidates who are elected from each party is dependent on the where all the candidates for that party in the *dual member ridings* of the region finished vis-a-vis each other. The candidates in the single member ridings are not part of this process and are not eligible for election as balance-mandate MPs.

3. The procedure to determine which candidate in each riding is elected as the balance-mandate MPs begins with the parties eligible for seats whose candidates finished second in in the vote count in dual member ridings.

4. All of the candidates, from each of the parties eligible to fill balance-mandate seats, who finished in second place in each of the dual member ridings in the region are compared vis-a-vis other candidates from the same party in that region. They are ranked based on the percentage of the vote they received in their particular riding. The balance-mandate seats are filled in sequence from the top down until all the seats) that party is entitled to$_1$ have been filled.

5. For example if a party receives sufficient votes across the region to earn three balance-mandate seats, then among that party's candidates who finished *second* in the vote count in their *dual member ridings,* the three with the highest percentage of the vote within their party would be deemed to be elected as the balance-mandate MP from each of their particular ridings.

2015 Canadian Election if run under Canadian Best Runners-up System

As determined on October 19, 2015

PARTY	National Vote Total	National Vote Percentage	Actual# of MPs after 2015 Election	Percent of MPs	
Liberal	6,930,136	39.79%	184	54.44%	
Conservative	5,600,496	32.16%	99	29.29%	
NOP	3,461,262	19.87%	44	13.02%	
Green	605,864	3.48%	1	0.30%	
Bloc Quebec	818,652	4.70%	10	2.96%	
Other*	0	0.00%	0	0.00%	* Other very small parties' and independent Candidates' results were eliminated from the
Totals	17,416,410	100.00%	338	100.00%	calculations.

With CBRP model based on regional grouping data from Appendix 3

PARTY	vvvvv Local MPs Elected	vvvvv Balance MPs To be Elected	vvvvv Total MPs Elected	Percent. of MPs	National Percent of Vote	# of MPs Change with CBRP system	Total # of MPs with CBRP
Liberal	123	15	138	40.83%	39.79%	-46	138
Conservative	69	40	109	32.25%	32.16%	10	109
NOP	27	39	66	19.53%	19.87%	22	66
Green	1	9	10	2.96%	3.48%	9	10
Bloc Quebec	7	8	15	4.44%	4.70%	5	15
Other*	0	0	0	0.00%	0.00%	0	0
		0					
Totals	227	111	338	100.00%	100.00%	0	338

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The number of MPs shown in these three columns are based on the summation of the numbers of MPs calculated for each region or provincial grouping of ridings. The results may vary somewhat depending on the configuration of the groupings, thresholds and other factors used in the model being examined.

* Other very small parties' and independent Candidates' results were eliminated from the calculations.

Regional **Groupings** Analysis for 2015 Election Results under CBRP

BC and Yukon Region	Total Votes	% of Vote	Direct-mandate MPs Elected	Balance MPs To be Elected	Total MPs Elected	Percentage of MPs	Vote Percentage
Liberal Party	840,693	35.50%	13	2	15	34.88%	35.50%
Conservative Party	712,938	30.11%	6	7	13	30.23%	30.11%
New Democratic Party	619,099	26.14%	9	2	11	25.58%	26.14%
Green Party	195,380	8.25%	1	3	4	9.30%	8.25%
Other*	0	0.00%	0	0	0	0.00%	0.00%
Total Votes	2,368,110	100.00%	29	14	43	100.00%	100.00%

43 MPs in 14 double & 15 single ridings

Alberta & NWT Region	Total Votes	% of Vote	Direct-mandate MPs Elected	Balance MPs To be Elected	Total MPs Elected	Percentage of MPs	Vote Percentage
Liberal Party	482,827	25.22%	2	7	9	25.71%	25.22%
Conservative Party	1J152,064	60.18%	22	0	22	62.86%	60.18%
New Democratic Party	230,043	12.02%	0	4	4	11.43%	12.02%
Green Party	49,443	2.58%	0		0	0.00%	2.58%
Other*	0	0.00%	0	0		0.00%	0.00%
Total Votes	1,914,377	100.00%	24	11	35	100.00%	100.00%

35 MPs in 11 double & 13 single ridings

Saskatchewan & Manitoba Region	Total Votes	% of Vote	Direct-mandate MPs Elected	Balance MPs To be Elected	Total MPs Elected	Percentage of MPs	Vote Percentage
Liberal Party	399,589	34.93%	5	4	9	32.14%	34.93%
Conservative Party	492,116	43.02%	11	1	12	42.86%	43.02%
New Democratic Party	221,570	19.37%	3	3	6	21.43%	19.37%
Green Party	30,669	2.68%	0	1	1	3.57%	2.68%
Other*	0	0.00%	0	0	0	0.00%	0.00%
Total Votes	1,143,944	100.00%	19	9	28	100.00%	100.00%

28 MPs in 9 double & 10 single ridings

Appendix 3   (Continued)

Canada as a Whole (A sum of the seats won in the Regions)	Total Votes	% of Vote Nationally	Direct-mandate MPs Elected	Balance MPs To be Elected	Total MPs Elected	Percentage of MPs	National Vote Percentage
Liberal Party	6,930,136	39.78%	123	15	138	40.83%	39.79%
Conservative Party	5,600,496	32.15%	69	40	109	32.25%	32.16%
New Democratic Party	3,461,262	19.89%	27	39	66	19.53%	19.87%
Green Party	605,864	3.48%	1	9	10	2.96%	3.48%
Bloc Quebecois	818,652	4.70%	7	8	15	4.44%	4.70%
Other*		0.00%	0	0	0	0.00%	0.00%
			-	0			
Total Votes	17,416,410	100.00%	227	111	338	100.00%	100.00%
338 MPs in 111 double & 117 single ridings							
			227	111	338		

   * Other very small parties' and independent candidates' results were removed from these calculations.

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NB: Some of the vote numbers used were from data published before the release of the official results by Elections Canada..

……   As a result, some totals in some columns may not tally up to the precise totals anticipated.

    Margin of error is approximately one in ten thousand.