

Brief to the Parliamentary Committee on Electoral Reform
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Radha Jhappan

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Dear Members of the Parliamentary Committee on Electoral Reform,

First, let me express my gratitude for the opportunity the government has extended to all Canadians to participate in a meaningful consultative process about the fundamental cornerstone of our representative democracy, the electoral system.

Adopting a fair, equitable, and proportionately representative electoral system is long overdue, in my view. It is about time we updated our 19th century system designed to alternate power between two dominant parties

I will address the five ERRE principles as you have requested, in the form of recommendations (though that seems a little arrogant for one individual!).

Overall recommendations:

1. a system of proportional representation

- either STV or MMP (even a party list system would be a significant advance over FTPT in the 21st century).

My reasons in terms of your five guiding principles are as follows:

(a) Effectiveness and legitimacy

As is well known, FPTP/ plurality over-rewards the 'winning' party and penalizes smaller parties, who find it very difficult to break into the system, results in many wasted votes, and obliges many to vote strategically rather than for their true preferences. The great diversity of contemporary society demands that multiple perspectives and interests (ideological, social, economic, experiential, etc.) be represented in our political institutions. In human history, it is usually the marginalized voices that effect expansion of perspectives and move society forward towards fairness, equity, and inclusiveness. A PR system will much more effectively promote representation of our diversity, gender, ethnic, religious and other, and this will increase the legitimacy of the system substantially when people feel that their votes are not wasted, but actually count.

(b) Voter engagement: the experience of many other countries that use PR systems generally shows greater voter engagement – you have the statistics. Voter engagement goes to legitimacy, and people will feel more buy-in when their vote counts, and are more likely to participate in democratic activities beyond simple voting as well. This is healthy for a democracy.

© Accessibility and inclusiveness: I think this is covered in my points above.

(d) Integrity: PR is fair, FPTP is not.

(6) Local representation: the STV or MMP models allow for local as well as proportional party representation, though in my view, geography is not the most important determinant of our interests. I would rather have gender equity in Parliament (and more proportionate Aboriginal, ethnic, religious and ideological representation) with no specific geographic representation (party list) than FPTP which assumes that our primary interests are tied to geography.

2. PLEBISCITE: legitimate the new system via advisory, non-binding plebiscite, NOT by referendum.

Given that this reform is about how we shape our democracy and will have far-reaching effects, it seems imperative to me that there is some measure to ensure democratic consent. However, the recent British experience with Brexit should be a cautionary tale. Many people did not take the trouble to get themselves informed, and regretted their leave votes soon after the referendum. And as the Charlottetown Accord demonstrated, a No vote can effectively halt constitutional reform for a generation or more.

Although referendums are not formally binding in Canada, the perception is that they are – politically, if not legally. Therefore, I suggest that the government be very clear that there will be a consultative plebiscite, an advisory tool to gauge the level of public support for its proposed model, and justify it on the grounds that it will avoid rancorous and divisive all-or-nothing debates. The plebiscite will be open-ended so as not to forestall any other/future options, unless it is an absolutely clear majority vote (60%? 65%?) against change.

The rationale for having a high threshold to keep the status quo is that the government was elected on a very clear platform that included electoral reform, and given that it has a Parliamentary majority and can effect change if it wishes despite official opposition or public opinion, the people would need to send a very clear message against change in order for the government to relinquish its commitment to electoral reform.

I would suggest offering **three choices** on the ballot:

1. the status quo – FPTP
2. the committee's unanimously proposed model (hopefully PR!)

3. back to the drawing board – this would be regarded as an instruction to the government to take public opinion into account and propose another solution.

The idea is to offer **ONE** alternative to FPTP, outline its pros and cons relative to the current system's pros and cons, have a robust public education campaign to allow people various options for getting themselves informed (addressed in more detail below).

Alternatively, there could be two reform options (e.g. STV or MMP) (along with status quo or back to the drawing board). This might prevent the need for a further plebiscite later. However, in my view one reform option that is the result of broad consensus will simplify matters and make people less nervous about choosing.

When the government finally makes a decision, it will stand or fall on the ultimate referendum – the next election using the system it implements.

3. Public education campaign

A rigorous public education campaign is needed to make sure people have various ways to get informed. There should be a media blitz on talk shows and social media etc., especially by the Prime Minister, who is popular and the best spokesperson for his government. We must learn the lessons from Ontario's unsuccessful campaign: the literature mailed to households was very badly written, in small fonts so that it was virtually unreadable, and, one suspects, designed to make people vote no.

I recommend that a very clear, attractive, readable pamphlet be distributed to all households that includes:

- a clear and simple short explanation of origins and context of FPTP, a system that was designed and works well for a two-party system, but that is not suited to the multiparty system we actually have
- spell out clearly the case for change - exactly why FPTP is unfair in a multiparty system
- clear readable tables showing the distortions produced by FPTP (see appended Tables for example)
- clear readable tables showing how the alternative systems work, with simple explanations
- more detailed information on a website with easy to understand graphics with clear explanations of what causes the distortions (plurality) and what it means re over- and under-rewarding parties
- urge people to become informed about the options and exercise their democratic right to participate

4. Integrity: Serious penalties for electoral fraud

The 2011 “robocalls” scandal seriously shook the integrity of the electoral system, and in my view it is absolutely unacceptable that the only consequence to the Conservative party was that one party worker was prosecuted, received a light sentence, and was released with no further consequence. This was a deliberate, sustained, and widespread attempt to disenfranchise sections of the electorate – liberal supporters – and as such should have been severely punished up the chain of command. Of course, it is often hard to prove guilt, since fraudsters attempt to cover their tracks. This is why I recommend **severe penalties for the party or parties that benefit or are the intended beneficiaries of fraud**. If we really want to have a high integrity system, then let us send very strong signals that those found guilty will be severely punished by long custodial sentences. Fines are utterly insufficient. Given the high stakes of winning political power, with all the patronage that subsequently entails, it is worth the risk to try to hijack an election if the only penalty is a fine, and a small one to boot. The \$20,000 fine the Conservatives passed in the “Fair Elections Act” is ridiculous – that is loose change for the party and an insult to Canadians that their democracy can be bought so cheaply. Thus, the beneficiary party should also be punished along with the individual perpetrator/s. This is to send a very strong signal to all players all the way up the chain, from volunteers to party workers to MPs and leaders, that the consequences of fraud will be that the party forfeits seats and/or power. Stiff penalties – custodial sentences and large financial penalties - create a very grave disincentive for anyone to try to steal Canadians’ votes – and lets everyone know how seriously we take our democratic rights.

Now, as I have only 1 hour to get this emailed in before your deadline at midnight tonight, I will perhaps overstate the case and the possible penalties for the sake of illustration. I am conscious that there are legal, due process, and constitutional issues, but this is to give you a sense of the sorts of measures that would deter cheating.

- Where serious electoral fraud is proven, the party leader must resign – if s/he is Prime Minister, the government must resign.
- A governing party found guilty of election fraud **MUST RESIGN**
- Any party found guilty of serious election fraud forfeits the number of seats in which fraud is proven, plus another 25%
- Three strikes: fraud in more than three ridings forfeits ALL the party’s seats (by-elections to follow, cheating party banned)
- Ban from participating in elections for 10 years or 2 elections
- Give Elections Canada *extra* powers and very strict oversight
- Serious Fines: e.g. \$10 million per riding

- Jail time: 5-10 years depending on seriousness of the fraud or attempted fraud (i.e. whether it is successful or not), lifetime ban from electoral politics
- perpetrators should be banned from the party and from electoral politics, and possibly disenfranchised for a period of (10 years seems an adequate period – two elections – for disenfranchising other Canadians)

Please repeal the “Fair Elections Act”, a solution in search of a problem.

5. Online voting: ABSOLUTELY NOT

As the current US election is amply demonstrating, the opportunities for hacking electronic data and systems (whether by the Russians as alleged, or by the Republicans, who have the proven track record in this area) are legion, and could well derail our system altogether. The 2000 US election, with the massive problems caused by “hanging chads” and voter registration fraud by the Republicans are also a cautionary tale for us. The one aspect of our current system that ain’t broke is the practice is marking our X on a paper ballot in a polling station alongside our neighbours. It works. Please leave it alone.

In closing, I thank you for this opportunity to participate in this critically important reform process, and I wish you good luck, godspeed and the alignment of all positive forces necessary to get this done for our country.