

Submission from Mike Divine

To the Special Committee on Electoral Reform:

Although a significant minority prefers our current system, polling suggests that a majority of Canadians want electoral reform and a more proportional voting system. [1] Any new system must be understandable and strike a balance between reasonable proportionality, effective local representation, accountability, functionality, reliability, and simplicity. Parliament took the right approach when it decided that all five parties needed to be represented on the Committee. Thank you for working cooperatively to produce a better electoral system for all Canadians.

In 2004 I attended meetings of the BC Citizens Assembly and made submissions to that Assembly and to the 2007 Ontario Citizens' Assembly. In 2009 I volunteered on the campaign to bring the BC-STV voting system to the people of British Columbia. BC-STV received about 58% of the vote in the 2005 referendum – just missing the government's onerous 60% threshold. For any number of reasons, the voters changed their minds, and the proposed system was supported by only 40% of the voters in 2009.

Based on the results of previous provincial referendums, acceptable changes to the voting system have not yet been presented to the voting public. Understandably, voters may be reluctant to make any significant changes without broad-based support in Parliament. The political parties must act in the best interest of all Canadians and not as self-interested factions. Because most Canadian voters have never experienced anything other than the current system, **I do not favour a referendum until voters have experienced at least two election cycles under a new system, and Parliament has had a chance to make necessary adjustments. This very important project may take longer than one or two election cycles.**

Summary

In the first section, the strengths and weaknesses of our current system are described. Then key features of a new Canadian voting system are identified. Next, **Open List-PR** is recommended with a brief discussion of how the system would work in Canada. A **top-up system** is recommended that would enhance the underlying **Open-List PR** system. The submission closes with examples of questions the electoral boundaries commissions will need to answer.

Our Current System

Our First-Past-the-Post (FPTP) voting system has a simple ballot, and it's easy to understand the translation of votes into seats. The ballots are hand-counted by citizens and can easily be checked or recounted. A clear national result is usually known soon after the polls close. Voters must be confident that electoral results are accurate and reliable. I trust 1000's of Canadians working at the polling stations on Election Day. Internet voting, voting machines, and machine counting subject to hacking greatly concern me. [2]

In single-member districts, an MP is reasonably accountable to the local voters. It's easier for voters to hold a single member to account than multiple members who represent a much larger geographical area. On the other hand, FPTP consistently produces party seat counts that do not reflect the people's votes. It also produces inadequate local representation. The analogy to a horse race is inaccurate because in a modern horse race, the owners of the runner-up horses get a share of the purse. FPTP is winner-take-all. Entire regions of the country are sometimes swept by a single party. Government/Cabinet may lack representatives from many areas of the country.

In a single member district, there is only one representative for all the voters in that district. In some districts that strongly favour one party, a substantial minority of voters may go a lifetime without having an MP who truly represents them.

In our current system, the voter marks the ballot with one X for a single candidate. If a voter prefers an independent or a small-party-candidate, his/her vote will most likely be wasted because the preferred candidate has no chance of winning. Alternatively, a voter acts insincerely and marks a less-preferred candidate who has a better chance of winning. In the 2004 federal election, all of the candidates in my local district received less than 33% of the vote. If voters had been able to mark a second preference on the ballot, a winner with more voter support would have emerged.

In the 1996 BC provincial election, the BC liberals won the popular vote by 3%, but the NDP was the wrong winner – obtaining a majority of the seats with only 39% of the vote. In a close election, that can happen in any system that is not fully proportional. After 1996, the NDP was widely regarded as an illegitimate governing party. In the 2001 reaction to 1996, the BC Liberals won all but two seats with 58% of the vote. Because of the Liberals' exaggerated majority, the NDP was denied official party status and did not receive the funding needed to adequately critique the policies of the governing Liberals.

In 2011 and 2015 federal elections, both governing parties obtained a false majority of seats with only 40% of the vote. They were, and are able, to dictate legislation without any good faith negotiations with the other parties. If Canadians wanted one-party majority government with absolute control over legislation, they would give the winning party more than 50% of their votes. It appears that Canadians prefer minority governments where the other parties have some say over legislation.

Some claim that strong, stable majority governments are a strength of the current system. Minority governments with a clear plurality of seats may be marginally less stable, but they more accurately reflect the actual votes & the will of the people and are therefore more legitimate. Minority governments must negotiate with the other parties to pass legislation. We have had many productive minority governments and only one coalition government. I would expect that to continue under a proportional (PR) system.

In the 2015 election, the governing Liberals received 49 (36%) more seats than their fair share of 135. The Conservatives received 10 (9%) less than their fair share of 109, the NDP 23 (34%) less than 67, the BQ 6 (38%) less than 16, and the Greens 10 (91%) less than their fair share of 11. **Those results are unacceptable.** [3]

Key Features of a Made-in-Canada Proportional (PR) System

I) The parties and proportionality: In the territories and nine provinces of Canada there are three competitive parties - in Quebec, four. One small party receives a significant number of votes throughout Canada but has only one seat. Many parties and independents obtain less than one percent of the vote. There are not enough MP's to allow those very small parties to be represented in Parliament. Voters for major & minor parties ought to have representation that is reasonably proportional - nationally, provincially, and locally. **The party make-up of Parliament should closely mirror the national will of the people – independent of arbitrary electoral boundaries and population differences in the local districts.**

II) Voter choice and representation: A voter's first-preference vote is by far the most important - and proportionality ought to be based on the first-preference votes. Small-party voters cannot expect their first-preferences to be represented locally. A small-party voter might expect a first-preference vote to obtain regional, provincial, or national representation. If her vote would otherwise be "wasted", a voter might expect a second-preference vote to help elect a local MP.

III) Multimember districts and proportionality: Right now, all of our electoral districts are single-member. In order to achieve proportionality at the local-regional and national levels, multimember districts are required. The size of the multimember districts, District Magnitude or DM, is the most important factor in achieving adequate proportionality. [4]

In Canada multimember local-regional districts could range in size from 2 to 25 members. A mix of 4, 5, and 6-member local districts throughout Canada would produce more proportional results – and fairer representation - than a mix of 1, 2, and 3-member districts. Districts with lower district magnitudes, or DM's, have a higher natural threshold or barrier to proportionality than districts with higher DM's. Many countries also impose a legal threshold (commonly ranging from 2 to 5%) that a party must meet before getting seats. Those thresholds impose a barrier to smaller parties, but they may prevent the political system from fracturing into a multitude of smaller parties, thereby reducing accountability. [5]

Recommendation

There are several PR systems that would work for Canada – including **MMP**, **STV+**, **Rural-Urban**, and **Open List-PR**. The details can be found in the other submissions, Wikipedia articles, and at www.fairvote.ca. These systems all address the five principles in the Committee mandate – some more than others. **List-PR systems** are adaptable and among the most widely used electoral systems. [6]

D) A Basic, Open List-PR System:

My first preference is for an **Open List-PR** system with members elected from single & multimember local districts - DM's ranging from 1 to 6 and averaging 3+. There wouldn't be any vote transfers as in STV - although a simplified transfer system using second preferences could be used to elect local members. This system does not compensate for the dis-proportionality of the single member districts by electing regional members as in **MMP**. Rather, proportionality is built into each multi-member district. A few large, sparsely populated districts would remain single-member – and use a simplified version of the **AV** system called the **Supplementary Vote** - but most members would be elected in three or four-member districts. This system could be implemented, by having the electoral boundaries commissions - in consultation with Parliament and the voters - combine existing single-member districts into multimember districts. Instead of MP's from 338 single-member districts Parliament would consist of members elected from roughly 100 independent, single or multimember districts.

Procedure for translating votes into multimember local seats in an Open List-PR system: The following procedure is applicable to a district with any number of members. In larger districts, adjustments sometimes have to be made to account for wasted votes or the election of very small parties/independents that would otherwise be ineligible for a seat. Here is an example of a four-member district where three parties – A, B, & C - each nominate up to four candidates to appear on the ballot. An independent candidate (I) is also running as a party of one. There are no second preferences in this example. Each voter selects one candidate.

- 1) The votes for each candidate are counted. The votes for candidates of the same party are totaled. Party A gets 55% of the votes, B gets 31%, C gets 9%, and Party I gets 5%. The quota for a party obtaining one seat is 25% of all votes cast.
- 2) Party A's proportional share is $(0.55) \times 4 = 2.20$ seats, B's share is 1.24 seats, C's share is 0.36 seats, I's share is 0.20 seats. So A gets two seats and B gets one seat. The final seat is determined by seeing which party has the largest fractional seat or greatest remainder – Party C. If the election had been conducted in four single-member districts under FPTP, Party A would have gotten at least three of the seats – a less proportional result. (If this had been a five-member district, Party A would have gotten 3 seats, B 2 seats, and C would have lost its one seat. Paradoxes like this are infrequent but unavoidable.)

- 3) The votes for each candidate of the same party create an ordered list with the candidate getting the most votes winning the first party seat. Continue down each party list until all four seats are filled.

II) A Modest, Compensatory Top-up System:

No local-regional PR system will likely approach the hypothetical results obtained under either Canada-wide or province-wide PR. Canada-wide PR regards Canada as a single district with 338 members. Applying the basic translation procedure to the 2015 election gives results that are proportional to within a fraction of a seat for each of the five parties - assuming a national threshold of 3%. Province-wide PR regards each province as a single district with its allocated number of seats. Proportionality is reduced due to provincial thresholds and lower DM's. DM's are further reduced in local districts, and the larger parties will likely gain seats at the expense of the smaller parties, decreasing proportionality. A modest top-up system would increase national, provincial, and regional proportionality – especially for the smaller parties, and it would also help prevent a wrong-winner. Sweden employs a modest top-up system with Open List-PR. [7]

A top-up system could be phased in by adding 21 top-up members before the 2019 election - increasing the number of MP's to 359. Before the 2023 election, a second set of 20 to 25 top-up members would be created by reducing the existing number of local districts by 20 to 25 and modestly increasing the size of the remaining local districts.

Each of the 21 top-up seats would be located in one of several large provincial regions. Each region would consist of several single-member and multimember electoral districts. The regions would have DM's of 4 to 25 with 1 top-up seat per region. Each Atlantic province would consist of a single region and would get an additional member, as would Manitoba and Saskatchewan. An additional seat would also go to the three Territories, which would become a super-region with an added member. Alberta would get 2 top-up seats, BC 3, Quebec 4, and Ontario 5.

In the post 2019 phase - the Territories, PEI, and Newfoundland/Labrador would not have to accommodate an additional top-up seat by increasing the size of their local districts. The local districts in NB, NS, Man, & Sas would be enlarged to accommodate an additional top-up seat. Local districts in Alberta, Quebec, and Ontario would be enlarged to accommodate, respectively: 2, 3, 5 to 6, and 7 to 10 additional top-up seats. Regions would have one to 3 members.

A) The party identities of the top-up seats could be nationally determined - based on the Canada-wide vote or provincially determined - based on the vote in each province: A provincially determined top-up system would be somewhat less proportional. As in the local elections, the party identities of the top-up seats are determined first. Elected candidates are determined last. The procedure for determining national top-up is:

- 1) After all the first-preference candidate/party votes are counted, the parties' hypothetical proportion of seats are determined based on the Canada-wide percentage they received. Votes for candidates or parties that did not reach the national threshold (3%) are distributed to the remaining parties in proportion to their nation-wide percentage of the vote. (Party percentages would be adjusted by a proportionality factor, PF, which would depend on the percentage of the vote and number of seats won by parties and candidates that were otherwise ineligible for top-up seats.) Based on the 2015 election results, the Liberals hypothetical proportional share of 359 seats is $(0.395) \times (100/99.2) \times (359) = 142.95$ seats. (PF = 100/99.2). The Liberals got 41 more seats, or overhang seats, than their percentage of the vote warranted, so the other parties' shares must be proportionally reduced.

2) Each party's national seat-deficit or surplus is determined - followed by determination of its proportion of the top-up seats. The Liberals got a 41-seat surplus and are not entitled to any additional seats. On the other hand, the Greens proportional share is 12.30 seats but only one candidate was elected. Their seat deficit is $1 - 12.30 = -11.30$, so they would be entitled to additional top-up seats - as would the other three parties. Using greatest remainders, the 21 top-up seats are allocated in proportion to each party's seat-deficit. Final totals are: Liberals $184 + 0$ top-ups (128.7% of their fully proportional share of 143 seats), Conservatives $99 + 6$ (91.4%), NDP $44 + 9$ (74.6%), BQ $10 + 2$ (70.6%), and Greens $1 + 4$ (41.7%). The 21 top-up seats modestly improve the actual results of the underlying FPTP system. **If the underlying system had been Open List-PR, the final results would have been much more proportional.**

3) The allocation of the 21 party seats to the provinces is rather complicated. First, provincial party seat-deficits or surpluses are determined. The BQ's 2 seats are allocated to Quebec. The next seat goes to the province with the greatest provincial party-deficit. The deficit for that party is reduced by one and the province with the next highest deficit gets the next seat. The process continues until each of the 11 provinces/3-territories obtains a seat. The remaining four provinces continue the process in second & third rounds until each party and province has exhausted their share of the 21 seats. Based on the 2015 election results, the top-up seats are distributed as follows:

3-Territories (1 NDP), PEI (1 Con), Nfd/L (1 NDP), NB (1 Con), NS (1 Con), Man (1 Con), Sas (1 NDP), Alb (2 NDP), BC (2 Gr, 1 Con), Que (2 NDP, 2 BQ), Ont (2 NDP, 2 Gr, 1 Con). Totals: 9 NDP, 6 Con, 4 Gr, & 2 BQ.

4) Alternatively, the party identities and provincial locations of the 21 top-up seats could be provincially determined. As in #3, provincial party-deficits or surpluses are calculated. Using greatest remainders, the top-up seats allocated to a province are proportionally distributed to each party based on the provincial party-deficits. Parties with a national surplus do not get a top-up seat. Based on the 2015 election results, with a 2% provincial party threshold, the 21 top-up seats are distributed as follows:

Same results for the first eight 3-territories/provinces. The remaining three provinces: BC (2 Con, 1 Gr), Que (2 BQ, 1 NDP, 1 Gr), Ont (2 NDP, 2 Con, 1 Gr). Totals: 8 NDP, 8 Con, 3 Gr, & 2 BQ. The Conservatives get two more seats at the expense of the Greens & NDP. (With a 3% threshold the Greens lose an additional two seats to the NDP in Quebec and Ontario.)

B) Allocation of the party's provincial top-up seats to regions and local districts: Electoral boundaries commissions would define large regions within each province. From the provincial allocation, one seat(s) is allocated to each region based on the greatest party-seat deficits in that region. Finally, one seat(s) is allocated to a local district(s) with the greatest party-deficit(s) within the region.

C) Determination of the winning candidates: In a local district, a party candidate with the highest vote total - among all same-party candidates who did not win a local seat - wins the top-up seat. Votes for candidates on a regional or provincial party list - tied to the local list - could also determine the winning candidate. (Unlike MMP, the regional-provincial party vote would be consistent with the local party vote.) However, there are relatively few top seats in all but the largest provinces, so that seems unnecessary. The ballot remains simple, with voters in multimember local districts selecting just one candidate/party - with a possible second preference used to help determine local winners. Voters in single-member districts would use **AV** or the **Supplementary Vote**.

III) Status and function of the local MP's and the top-up MP's:

Voters would expect MP's in the local multimember districts to work cooperatively to address the concerns of the voters within that district. Local MP's would cooperate in providing local constituent services.

A top-up candidate would have to obtain sufficient votes in his/her local district, but his/her party would also have to obtain sufficient votes in the region and province/nation. So a top-up MP would more broadly represent her party, the region containing the local district, and the province/nation as a whole.

Voters would expect top-up MP's to work cooperatively with other MP's within the region to address the concerns of the region's voters. The voters might also expect all regional MP's to work cooperatively to address the common concerns of voters in regions throughout the province/nation.

IV) Electoral boundaries:

Before 2019, the boundaries commissions would be tasked with combining single-member districts into multimember local districts. Local districts would be combined into larger provincial regions. What guidelines will Parliament provide to the boundary commissions? For example, will the three most northerly districts in British Columbia remain single, become a three-member district, or become a single and a two-member district?

References

[1] <http://www.theglobeandmail.com/news/politics/canadians-support-reforms-to-voting-system-poll-suggests/article27556928/>

<http://www.insightwest.com/news/half-of-canadians-want-proportional-representation-in-federal-elections/>

[2] <http://www.politico.com/magazine/story/2016/08/2016-elections-russia-hack-how-to-hack-an-election-in-seven-minutes-214144>

[3] See the Elections Canada website for the statistical data used in making these and subsequent calculations.

[4] <http://aceproject.org/ace-en/topics/es/esd/esd02/esd02e/esd02e01>

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[5] http://personal.lse.ac.uk/hix/Working_Papers/Carey_Hix-Electoral_Sweet_Spot-19June09.pdf

[6] <http://aceproject.org/epic-en>

[7] See Rural-Urban in Wilfred Day's and Fair Vote Canada's submissions.

http://www.electoralsystemchanges.eu/Files/media/MEDIA_175/FILE/Sweden_summary.pdf