

Brief on Electoral Reform

From
Heather Oxman
Lethbridge Alberta

-
-
-
-

a private citizen
a former civil servant
a community volunteer
a voter

Brief on Electoral Reform

RECOMMENDATIONS

- Choose to institute OPEN LIST Proportionality
- Revise voting age to 16
- Make voting a mandatory activity, like participating in the Census
- Revise Fair Elections Act (C23) to provide resources to the Chief Electoral Officer for education and advertising about the voting process. Revise the Robo-Call section of Fair Elections Canada Act (C-23) to cause calling parties to retain numbers called in a secure file, confidentially, for at least 5 years or at most 10 years, as recommended by the Elections Commissioner.
- Make access to AND information retention with interactive tools such as government based surveys and information, etc viable for **all** browsers including Safari, Chrome, Explorer, Firefox, etc.
- Make on-line voting secure, simple, and accessible. Follow the Census lead.
- Create a way for the electors to select Senators that are non-partisan.

Introduction

“Since Confederation, in addition to the extension of the right to vote, the evolution of the Canadian electoral process has been shaped by two fundamental developments: first, the creation of a non-partisan electoral system governed by highly specific procedures overseen by an independent election agency; and, second, the regulation of political party campaigning, particularly campaign financing. The latter development is comparatively recent.”¹ Now, there is opportunity to further reform electoral processes to create representation in Parliament of more citizens’ voices, improved civic literacy about the election process before and during elections, greater civic involvement, and reduced corruption of the system.

Single Member Plurality is not good enough

¹ The Canadian Electoral System, by Dara Lithwick & Sebastian Spano, Legal and Social Affairs Division, Parliamentary Information and Research Service, October, 2015, Publication No. 2013-81-E

When the winner takes all, and the majority of votes, voices, in an constituency are not represented, this discouraged voter turnout in future elections and misrepresents the majority of the electorate in Parliament. Regional parties or larger parties with geographical support become over-represented in the House, and smaller parties or parties with diffuse support are under-represented.

“Each citizen has an equal voice and then, by mutual consent, we live by majority rule.” Eric Naville, Swiss political scientist, 1865

We do not live in a representative democracy but we believe we do. Votes are wasted and voices are lost. The person who goes to Parliament in the single member plurality system works for her party, not for her constituents, and thus does not fully and clearly represent the interests of his constituents to the body of Parliament.

Consider the following results from the June 2004 federal election².

- A half-million Green Party voters across the country elected nobody, while fewer than a half-million Liberal voters in Atlantic Canada elected 22 MPs.
- In the prairie provinces, the Conservatives attracted twice as many votes as the Liberals but won seven times as many seats.
- The NDP received far more votes than the Bloc Quebecois, but the Bloc gained nearly three times as many seats and hold the balance of power.
- Thirteen Conservative MPs were elected in Saskatchewan, but none in Quebec, where almost twice as many people voted Conservative.

TOP TEN RIDINGS FOR WASTED VOTES IN 2004 ELECTION

CONSTITUENCY	VOTES % TO WIN AS MP	WASTED VOTES %
Saskatoon - Humboldt	26.8	73.2
Newton-North Delta	32.8	67.2
New Westminster - Coquitlam	32.9	67.1
Oshawa	33.2	66.8
Regina Lumsden - Lake Centre	33.2	66.8
Burnaby - New Westminster	33.7	66.3

²Dubious Democracy: Report on Federal Elections in Canada 1980-2004, by Fair Vote Canada, 2006 <http://www.fairvote.ca/wp-content/uploads/2015/07/Dubious-Democracy-Federal.pdf>

Saanich - Gulf Islands	34.6	65.4
Burnaby - Douglas	34.6	65.4
Hamilton Mountain	34.8	65.2
Victoria	35.0	65.0

If the voting system treated all votes equally, the ratios for each party would be similar. That would indicate that the weight of each vote is similar, regardless of what party the voter supports.

The following chart shows the averages in the 2004 election³.

Wasted votes are not just a problem for small parties. In fact, 59% of all wasted votes cast in 2004 were cast by Liberal and Conservative voters, who happened to live in the “wrong” place.

NUMBER OF VOTERS TOOK TO ELECT A PARTY'S MP IN 2004

Bloc: 1MP	per	31,000 Bloc voters
Liberal: 1MP	per	37,000 Liberal voters
Conservative 1MP	per	40,000 Conservative voters
NDP: 1MP	per	111,000 NDP voters
Green: 0MP	per	580,000 Green voters

Although women may be well represented in the current cabinet, only 26% of seats are held by women. Indigenous people, minority groups and women have a greater chance of being included in party lists of multi-member districts in a proportional representational system. Party lists can be “zippered”, alternating men and women, giving the parties incentive to include women and candidates who appeal to a cross section of the electorate. Parties can also develop quotas for women and less represented candidates.

When one compares the three remaining major western democracies using single member plurality, with major western democracies using various forms of proportional representation, the advantage for female representation is clear⁴

DIFFERENCES IN REPRESENTATION BY WOMEN IN TWO DIFFERENT ELECTORAL SYSTEMS

ELECTORAL SYSTEM	COUNTRY	PERCENTAGE OF WOMEN AS ELECTED REPRESENTATIVES
SINGLE MEMBER PLURALITY	Canada	26.04

³Dubious Democracy: Report on Federal Elections in Canada 1980-2004, by Fair Vote Canada, 2006 <http://www.fairvote.ca/wp-content/uploads/2015/07/Dubious-Democracy-Federal.pdf>

⁴from Inter Parliamentary Union as of April 1, 2016, www.ipu.org/parline-e/parlinesearch.asp

	United States	19.35
	United Kingdom	29.38
PROPORTIONAL REPRESENTATION	Sweden	43.55
	Norway	39.65
	Denmark	37.43
	Finland	41.50
	Netherlands	37.33
	Spain	40.0
	Germany	36.45
	Iceland	41.27

What needs to be done to make representative democracy a reality in Canada?

Please consider a mixed member proportional system. It may seem a bit more complicated than other systems but once in place can deliver more voices to the political system. The direct translation of votes into seats may result in more coalition governments, and as a confederation, Canada should act more collaboratively to resolve our concerns in the true spirit of democracy. Regional issues must be considered in the scope of the national interest and the best outcome for all Canadians. Parties, coalitions in themselves, must improve and expand their coalition and collaboration to conducting politics in the open. Mr Harper cast coalition governments in an evil light by proroguing Parliament when other parties suggested that they work together to offer an alternative government to the the Governor General. Cooperating is not wrong - it is the moral heart of Canada and how we work out our differences locally, regionally and nationally. As well we model this method to the world.

If fearing an increase in the number of parties, then require that at least 5% of the electorate must exhibit support for a group before it can proclaim itself a party and gain seats. This is a common rule in other proportional representation democracies and reduces the likelihood that a proliferation of tiny parties will appear.

For the past 15 years or so, citizens have expressed support for a change in the electoral system and for proportional representation. Commissions and assemblies convened during that time have all concluded that proportionality must be part of our electoral system.⁵

⁵ Carmichael, Kelly. The Straw Man Case against Proportional Representation iPolitics 23 Feb, 2015 Web

RECOMMENDATION

Looking over all the alternatives, OPEN LIST Proportionality, where the voter selects a person and selects a party, makes the most sense for change.

Revise federal election voting age to 16.

In May 2004, the Alberta Court of Appeal ruled against two Edmonton teenagers who argued that their rights under the Charter had been violated by Alberta's Elections Act.⁶⁴ The Court agreed with the trial judge that a voting age limit was, in principle, a violation, but that it was justified in order to maintain the integrity of the electoral system.

Given that 16 year old persons will be more immediately affected by decisions made by their democratic representative and will have this representative for part of their "age of majority", it seems appropriate to involve them in voting at this time. The Young Criminal Justice Act defines "youth who are at least 12 but under 18 years old" and affects young people. Other laws touch their lives. It seems appropriate that young people be involved in selecting representatives shaping such legislation.

RECOMMENDATION

Make the necessary changes to legislation and enlist those aged 16 at Election Day to vote. Proof of birth date must accompany voter registration for all voters.

Make voting mandatory for everyone over 16 on Election Day

The right to vote is constitutionally entrenched in section 3 of the Canadian Charter of Rights and Freedoms (Charter), which states: "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein." This right, as expressed in the Charter, has been interpreted in very broad terms by the Supreme Court of Canada as the right to effective representation and the right to play a meaningful role in the electoral process.⁶

Several arguments are consistently put forth by proponents of mandatory voting, including the following:

- There is increased voter turnout.
- The views of the electorate are better represented in Parliament.

⁶The Canadian Electoral System, by Dara Lithwick & Sebastian Spano, Legal and Social Affairs Division, Parliamentary Information and Research Service, October, 2015, Publication No. 2013-81-E

- Voting is considered a civic duty similar to jury duty, payment of taxes, etc.
- Election campaigns can place more focus on issues, rather than on getting citizens out to vote on election day.
- Voters are not forced to vote; rather, they are obliged to turn out to vote.
- If they are required to participate, voters may become more involved in the political process.

Arguments against mandatory voting include the following:

- Forcing a person to vote is undemocratic and interferes with an individual's Charter rights. I counter this by saying no one is forcing someone to vote; they are asked to register, as we ask citizens to complete the Census. And citizens can spoil their ballot or pay the fine.
- Mandatory voting does not address the issue of educating the electorate to ensure that citizens are making informed choices on political issues. I counter this argument by mandating the Chief Electoral Officer and Elections Canada with this task of educating the electorate (see further recommendation)
- Although mandatory voting may increase voter turnout, it may not necessarily increase the representation of the views of the electorate or lead to more informed voting. I counter this by saying that having people voicing their opinion by marking a ballot is better than remaining silent.
- Mandatory voting does not address the question of why citizens are not voting. I counter this by suggesting that people may feel their vote is wasted in the current system of single member plurality.
- Enforcing the penalties against those who fail to vote can be expensive. I counter this argument by suggesting that a tax be levied through CRA on any who do not vote.

Voters would still have had the option of refusing the ballot, voting for "none of the candidates," or providing Elections Canada with an acceptable reason for not voting. Impose a taxation penalty of \$100 if someone does not vote during an election year. The tax on not voting will be levied on families with teenagers who do not vote.

RECOMMENDATION

Make voting and vote registration mandatory. Continue to improve registration for people who have no permanent address.

Civic Literacy Needed with Electoral Reform

"The Fair Elections Act of 2014 (C-23) limits what advertisements the Chief Electoral Officer and Elections Canada can run – ads saying where, when and how to vote will be OK, but ads actually encouraging people to vote will not. Elections Canada

programming aimed at boosting civic literacy are also eliminated, because it's not within the bill's new, strict mandate for the CEO. The government guaranteed programs aimed at primary and secondary school students, such as Student Vote, can continue; it does not make the same guarantee for adults. So, in short, the Chief Electoral Officer can still say what he wants, but his agency now is having its hand forced when it comes to ads and programs. It'll mean no ads from Elections Canada encouraging people – or groups with particularly low voter turnout – to cast a ballot. And it will apparently spell the end to some civic literacy initiatives, which critics pan as short-sighted at a time of low voter turnout".⁷

Please ensure that the Chief Electoral Officer and his office has sufficient resources at this disposal to ensure that civic literacy is expanded about the redesigned voting process. This national public education program should be developed and delivered before the Election cycle to inform and encourage people about the vote, especially if it becomes mandatory, but even if it does not. This is not something to be left to the parliamentary committee, provinces or other parties to do. Teacher involvement with the CEO's office in developing formal curriculum related school programs should also occur.

RECOMMENDATION:

Give the Chief Electoral Officer the budget to advertise and educate voters that will be necessary after these changes.

Eliminate the practice of Robo-Calls

The Fair Elections Act modified the definition of "election advertising" found in the Canada Elections Act by specifying that "the making of telephone calls to electors only to encourage them to vote" does not in and of itself constitute "election advertising."

Bill C-23 requires robo-calling firms, and people or groups (such as parties) that hire them, to keep a recording of each call, and records of when they were made, for at least three years. The bill initially suggested just one year, but the government acquiesced to call to raise that limit, including a call from Conservative senators. The Chief Electoral Officer objected to the bill failing to require companies to keep records of what numbers they call.

The Fair Elections Canada Act also created new offences and higher fines for those caught making fraudulent calls. But robocalls can continue. Investigators can hear them and know when they took place – but not who they targeted. The former chief electoral

⁷ from <http://www.theglobeandmail.com/news/politics/what-is-the-fair-elections-act/article17648947/>

officer, Mr. Kingsley, suggested 10 years, telling a committee “there’s not much point in keeping it for one year.”⁸

If someone launches a complaint against a candidate or a party for robo-calling, how will there be evidence suggesting that there was a call placed from the office of the candidate/party to that person? It makes sense to have phone numbers called kept on record, securely, for at least 5 years, to give the Courts time to use the material on file.

RECOMMENDATION

Revise the Robo-Call section of Fair Elections Canada Act (C-23) to cause calling parties to retain numbers called in a secure file, confidentially, for at least 5 years or at most 10 years, as recommended by the Elections Commissioner.

Support On Line Voting and Election Information and Education

Those in favour of online voting suggest that it may expand the accessibility of elections and, in turn, increase voter turnout. Those against Internet voting cite reliability and security concerns.⁹

The online survey which the parliamentary committee provided as an alternate to presenting a brief to the committee was not compatible to my browser - a well known MAC browser - Safari. Consequently, nothing I provided in the survey was transmitted. Could this be another glitch in the transfer of IT services to Shared Services Canada? This incompatibility needs to be fixed, because undoubtedly, many Canadians who could have been party to the survey were unable to submit information for similar reasons.

RECOMMENDATION

Make access to AND information retention with interactive tools such as government based surveys and information, etc viable for **all** browsers including Safari, Chrome, Explorer, Firefox, etc.

Since people are able to file census forms to government using an exclusive pin number, accessible via Canada Post, why can they not vote, with a similar technology?

RECOMMENDATION

Make on-line voting secure, simple, and accessible. Follow the Census lead.

⁸ ibid

⁹The Canadian Electoral System, by Dara Lithwick & Sebastian Spano, Legal and Social Affairs Division, Parliamentary Information and Research Service, October, 2015, Publication No. 2013-81-E

Create an elected senate.

Although this is a well trod topic historically, it may be time to add this topic to the overall discussion of electoral reform. Find a way to reduce appointments and increase elector selection to the Canadian Senate, if not be national election, then by some regional representative process that maintains the balance of the Senate. In this way, electors can participate in selection of a more non-partisan selection of "Elders" to this august body of sober second thought and be more confident in their lack of political party influence.

RECOMMENDATION

Create a way for the electors to select Senators that are non-partisan.