# Making First Past the Post Work

A Brief to the House of Commons Special Committee on Electoral Reform

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## 1. Summary

Rather than suggest a different electoral system or come up with some new system, I approach this issue differently. While FPTP may not be the best system, I see it as being better than the others. Opponents of FPTP make it sound like the other systems will be the saving grace of Canadian democracy: Proportional Representation (PR) is touted as being the saviour, Mixed Member Proportional (MMP) is a healthy compromise between FPTP and PRandSingle Transferable Vote (STV) is supposed to prevent wasted votes. Contrary to what they would have you think, these three other systems have their faults too. I do not believe the advantages of the three other systems outweigh FPTP's disadvantages. I see no reason to replace FPTP, but it can learn a thing or two from the other systems. While this will defend FPTP (Section 2), I will also say a few things about PR (3), MMP (4) and STV (5) and suggest how the latter two systems can be modified. I will then discuss the efficacy of mandatory and online voting (6) and conclude with some principles for the committee to bear in mind when making their final decision (7).

## 2. First Past the Post

While FPTP is criticized as being archaic, I do not see how this is an issue. The age of a system has no bearing on its efficacy (after all, the Westminster system is old and I do not think that is a reason to replace it). FPTP is simple and logical: the person with the most votes wins.It creates a strong governments and a strong opposition to keep that government in check, rather than two weak coalitions with hardly any ideological base between them. FPTP also offers the greatest level of accountability by linking MPs to a fixed geographic area. This makes it so that MPs are the region's voice in Parliament, rather than the MPs being the party's voice in the region (the later being antithetical to politics). It is also not insignificant that virtually all new democracies (countries just gaining independence) opt for FPTP.

But I approach FPTP differently than others. While FPTP may not be a great system, it is by far better than the other main systems. This puts FPTP in a situation where it is the lesser of all evils. I see the other electoral systems as inferior to FPTP. It is for that reason that FPTP is preferable to the other systems. That said, FPTP can learn from the other systems. I will proceed to summarize my grievances with the other systems. In some cases, I will show where FPTP can learn from them

## 3. Proportional Representation

Opponents of PR often cite the presence of coalition building as being an issue with PR for the sole purpose of politicking – that is to say, parties with almost no ideological common ground come together to form a short lived marriage of convenience. While this may or may not bethe case, it is not something I will discuss here. There are experts far more talented than myself who to discuss this issue. For that reason, I will not speak to it.

For me, the biggest issue is how much the PR system centralizes power to the party. It gives parties more control of who gets elected and who does not. Under FPTP if a candidate is not *in*, he is run in anunwinnable riding – but paper candidates sometimes win (a colleague I went to university with is now an MLA in Alberta by being a paper candidate). Under PR if the party does not like a candidate, the party puts him at the bottom of their list and he is probably never elected. This amplifies the role that the party plays, to the point where they can handpick members. Given that it was common for people to complain that the previous government centralized too much power, adopting a system that does exactly that does not seem like a good idea. An open list PR system would do a better job remedying this (but an open list PR system has virtually no chance of ever being adopted).

Another issue I have with PR is that they usually implement a threshold under the auspices of preventing extremist parties from being in the legislature. The only problem with thresholds is that they tend to be set arbitrarily high, to the point that they also exclude legitimate minor parties.By implementing high thresholds, we aresending the message that we want to hear from everyone but not groups X, Y and Z. A better way would be to put a threshold on the number of candidates a party needs to run in order to be eligible to earn seats. This would keep extremist parties out – who are not able to mobilize and get as many candidates – while giving legitimate smaller parties a chance to win seats. Needless to say, the candidate threshold should be high enough that it excludes extremist parties but low enough that it does not exclude regional parties (which would become inevitable under a PR system).

4. Mixed Member Plurality
Many of the same critiques about PR could also be said about MMP. An issue I see arising is conflict between geographic MPs and party MPs. For starters, the fact that one class of MP is tied to a constituency and the other is tied to a party would create conflict between them. The conflict would arise over their competing interests: one represents the people and the other is a mouthpiece for the party. That said, my biggest issue with MMP is the prospect of these party mouthpieces becoming cabinet members. The cabinet, being the apex of policy making in Canada, should be held by members accountable directly to the people and not those put by the party. It would be a blackmark on our democracy to have people in key positions in government are not actually filled by people elected, but rather people who get to be an MP because their party likes them. If an MMP system were to be adopted, then only geographic MPs should be allowed to hold Cabinet seats.

5. Single Transferable Vote
STV is one of the few voting systems that may improve our electoral process. My only issue (which is more of a quibble than anything else) is that STV usually brings with it multimember districts, which I feel takes away from an intimate part of our electoral system – the idea that a politician is tied to a given segment of the population. Having multiple members tied to a larger geographic area rather than one tied to a smaller segment breaks the link between citizen and politician: rather than turning to one MP, citizens do not have a single MP attached to them. STV would work best if its mechanics were applied to FPTP. That is to say, have single member districts and a transferable vote within that district. This would prevent votes from being wasted like in FPTP while keeping all the desirable traits of FPTP.

STV does have its drawbacks too. The fact that it cannot be counted by hand is troubling. I am not trying to be a doomsday theorist, but the occurrence of voting machines malfunctioning on election day is well documented. For that reason, it is important to make sure that the system used to count transferable votes is free from such errors.

## 6. Mandatory and Online Voting
The committee is also tasked with studying the efficacy of mandatory and online voting. Both of these raise issues, which I will address now.

I have two issues with mandatory voting. First is that it is incredibly unconstitutional and will almost certainly result in a Charter challenge. The easiest way to show this is by way of example. Suppose I notice a trend in political discourse that people are becoming too politically apathetic. To reverse this trend, I institute a law saying that everyone must belong to a political party. Surely, membership to a party will help overcome the apathy people experience.

While my proposed law is done with the best intentions, it is still unconstitutional. This is because the right to do something also includes the right not to do something.While someone has the right to freedom of association, I cannot force them to associate with one group or another. This same logic can be applied to mandatory voting: Section 3 of the Charter affords one the right to vote in a federal election, which entails right not to vote. Mandatory voting takes away this right and forces one to vote by threat of jail time. The only way for mandatory voting to withstand constitutional muster would be to invoke the Notwithstanding Clause – but I feel doing so would probably do more harm than good to Parliament's reputation.

My second issue with mandatory voting is that I do not feel it will accomplish its goal of getting more Canadians engaged with politics. If that's our goal, we need to get people excited about voting. Mandatory voting does the opposite – it would deepen the negative attitude people have towards politics by waning people's interest towards politics. If voting becomes mandatory, people will carry a negative attitude about it. This may even turn that apathy described earlier into cynicism. One reason touted for why we need mandatory voting is that marginalized voices tend not to vote. But the easiest way to change this would be for parties to start suggesting policies that bring marginalized groups into the fold. If we want to engage aboriginals or youth, then we make a concerted effort to bring them into the fold. Ultimately, the best way to increase the voter turnout is to get people excited about voting (after all, that certainly worked in the last election).

Online voting would be an absolute disaster. The prospect of people hacking into the system and modifying the results is not out of the realm of possibility. Sadly, only one bad apple is needed to spoil the barrel. The best way to ensure the integrity of the electoral system is to have a paper trail of all votes. Online voting does not provide this and any mishap that arises through online voting would hurt the image of our electoral process. A better way to accomplish the goals of online voting is mail in voting, which is an underutilized tool in Canadian democracy.

## 7. Conclusion
Regardless of what recommendations the committee makes, I ask the committee to bear in mind the following two principals when making their final recommendation;

i.    No changes should be made to the electoral process without the consent of Canadians, achieved by way of a referendum.I say this for two reasons. First,just because the governing party won does not mean that they have *carte blanche* to do everything listed on their 88-page platform. In the case of electoral reform, it was not even a top-10 issue for Canadians – a poll by the CBC showed Canadians regarded it as only the 12th most important issue.[1]For this reason, it would be disingenuous to use the 2015 election results as proof that Canadians consented to the governing party's view on electoral reform. The only way to see whether Canadians consent to this is with a referendum. Second, that Canadians have repeatedly said they want a referendum on the issue. Support for such a referendum appears to be a non-partisan issue.[2]

ii.    The December 1st deadline set by the House of Commons is an arbitrary deadline and should not be adhered to ifdoing so would prevents the committee to study the issue properly. The matter being studied by this committee will have a long and lasting impact on Canadian democracy and it is likely that the suggestions made by the committee will be in place for the next election. For that reason, no stone should be left unturned and the committee should take as much time as it needs to do its due diligence.

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[1] CBC News, "Vote Compass: Economy and environment rate as top issues." September 10, 2015.

[2] Lorne Bozinoff, Two Thirds See Need For Referendum On Electoral Reform. Forum Research Inc., 2016.