
ON A SINGLE-BALLOT MIXED MEMBER PROPORTIONAL (SBMMP) ELECTORAL SYSTEM

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SUMMARY

Seeing governments win a majority of seats in the House of Commons with only about 40% of the national popular vote¹ has led many Canadian voters to distrust our electoral system, to believe that it is ineffective and results in illegitimate mandates, and to decide that with results like these, it's not even worth voting any more. Our current "first past the post" (FPTP) system clearly is not seen to meet the principle of **Effectiveness and legitimacy**.

I wholeheartedly agree with the five principles listed in the Committee's mandate, and I want to see a new electoral system that will advance all of these principles as far as possible. While many have proposed Mixed-Member Proportional systems (MMP), most of those proposals require voters to cast two ballots; one for their "constituency MP", and one for a "party list". I believe that this extra complexity will not advance the principles of **Engagement** and **Accessibility and inclusiveness**, and having "list MPs" who are chosen more by the political parties than the voters themselves will appear to many voters to dilute the principle of **Local representation**.

I am therefore advocating a variant on the typical MMP process. Two other briefs submitted to the Committee have also suggested this specific system,² but there is no agreed-upon name to describe it. I will refer to it as the **Single-Ballot Mixed Member Proportional system (SBMMP)**. This system is currently used in the German state (*Land*) of Baden-Württemberg³ to elect members of their state legislature (*Landtag*). In this system, voters simply make one choice among nominated candidates in their electoral district of residence, exactly the way Canadian voters currently choose MPs in our existing system. But in addition to those "constituency" MPs, extra "top-up" MPs are selected to make results more proportional within the state. Those MPs are selected from the "best near-winners" in the constituency races; in other words, a candidate who places a close second in their district may yet be chosen as an MP if their party needs their seat totals in the state or region to be "topped up". This results in much stronger perceived **Local representation** than would a "list" MMP system, and would also advance each of the other principles listed in the Committee's mandate.

INTRODUCTION

It is clear that many Canadians want change in our electoral process. Of the five principles listed in the Committee's mandate, the first one, **Effectiveness and legitimacy**, seems to be of greatest concern to Canadian voters. More and more, voters are frustrated and unsatisfied with a system where a party which receives barely 40% of the national popular vote is given the authority to run the country almost autocratically with a majority government.⁴ The "first past the post" (FPTP) system we have used since Confederation must be abandoned, in favour of a system that rewards political parties with a share of seats in the House of Commons that more closely matches their share of the popular vote received in an election.

At the same time, Canadians seem to be nervous about adopting any system which might seem too complicated. While referenda in BC, Ontario, and Prince Edward Island saw a majority of voters in those provinces desiring a change to a new electoral system, the results did not meet the criteria set by those provinces to effect the change. And many of those who voted against those changes, or who chose not to vote at all, said that their primary concern was that they did not want a system that was "too complicated", either in voting procedure or in understanding the results. Indeed, when it comes to implementing **any** change in our electoral system, the concern most often raised is that any new system must not be "too complicated".

MIXED-MEMBER PROPORTIONAL (MMP) SYSTEM

Many who have studied this issue and submitted briefs to the Committee have concluded that a Mixed-Member Proportional (MMP) system would best meet the desire of many Canadians to have a system which would result in a more proportional allocation of House of Commons seats to political parties. I agree in general with this conclusion. And there are a number of different specific ways in which an MMP system could be implemented. However, most of them might be considered "too complicated" by many voters, because they require:

- That voters cast two ballots, one for their "district MP", and one for their preferred political party to determine how many "list MPs" that party will receive; and
- That voters either accept a system where they have no choice in who the "list MPs" might be (a "closed list" system), or a system where how they choose the "list MPs" could be "too complicated" (any variant of "open list" system).

Many voters are also concerned that "list MPs" might not serve as effectively in representing local concerns as a "district MP" would, or that "list MPs" might be "party hacks" or others who might not normally be someone who the voters would choose. The perception is that this would dilute, not strengthen, the principle of **Local representation**. While many of these concerns have proven to be either insignificant or unfounded in jurisdictions with such systems, they still serve as obstacles to the acceptance of a new electoral system.

SINGLE-BALLOT MIXED MEMBER PROPORTIONAL (SBMMP) SYSTEM

But there exists an MMP system which is quite uncomplicated, yet still works quite well. This system is used in the German state (*Land*) of Baden-Württemberg to elect members of their state legislature (*Landtag*). Voters need only cast one simple ballot, exactly the same as Canadian voters now cast in our FPTP system. Party preferences are then examined on a regional basis, according to the share of the popular vote received by each party's candidates in that region, and "list MPs" are then added to bring the results closer to proportionality. However, instead of having separate lists, the "list MPs" are chosen from among the "best near-winners" in the local constituency races. I have not seen one consistent label to describe this system, so I will use the label **Single-Ballot Mixed Member Proportional** or **SBMMP**.

I will first briefly describe how this system works in Baden-Württemberg. First, the state, with a population of 10.7 million, is divided into four regions. Each region has between 11 and 26 constituencies, with a total of 70 constituencies across the whole state. Candidates stand for election in one of these constituencies, and a winning MP is chosen in each constituency based on simple FPTP counting.

Next comes the "mixed-member" part. After confirming the 70 constituency winners, 50 (or more)⁵ extra seats are allocated so as to make the overall results more proportional. But instead of being chosen from a separate list, these MPs are chosen from among those who stood for election in one of the 70 constituencies. These would be candidates who (usually) came second in their ridings, but whose share of the popular vote in their riding was among the highest of other "near-winners" among their part in that region.

The two main advantages of this system are, first, of course, that it results in political parties receiving a share of seats that roughly matches their share of popular votes, and second, that it is no more complicated for Canadian voters than our current FPTP system. I believe that for these primary reasons, the best choice for Canada would be this SBMMP system.

ADOPTING SBMMP IN CANADA

Adopting this system in Canada would require some changes from the way it is carried out in Baden-Württemberg. These changes are primarily dictated by how our Constitution allocates seats in the House of Commons to provinces and territories. In order to implement the SBMMP system in Canada, we would have to take into account these considerations:

- First, we would have to decide **how many total seats** there should be in a newly-elected House of Commons, and **the ratio between constituency seats and top-up seats**. For example, we could keep our current 338 electoral districts, but then give each province half as many top-up seats as well. The ratio of "top-up seats" to "constituency seats" could be different, and the total number of seats could be different; for example, another alternative would be to have a ratio of 1:1 with 169 constituency seats and 169 top-up seats to keep the total number of MPs at 338.

- Next, we would have to decide **what would constitute a "region"** for the purposes of this method. We could not have any single region including more than one province or territory, due to the way in which seats are currently allocated to the provinces and territories. So each province would be at least one region in itself.
- As I mentioned, the regions in Baden-Württemberg have between 11 and 26 constituencies each. The **number of seats per region**, in addition to the ratio of top-up seats to constituency seats, would provide a "natural" minimum popular vote threshold for a party to be eligible for top-up seats. For example, in a region with 12 constituencies and 6 top-up seats (for 18 seats in total), a party would probably have to receive around 5.5% (1/18) of the popular vote in that region to win a top-up seat.
- Because each province would have to be at least one region, we would also have to consider **which provinces to leave as one single region, and which provinces to divide into multiple regions**. Using the example of roughly 12 constituencies per region, we would probably see all six of the less-populous provinces being single regions (SK, MB, NB, PE, NS, and NL), while the four more-populous provinces would be divided into multiple regions (*e.g.* 3 or 4 regions for BC, 3 regions for AB, 10 regions for ON, and 6 or 7 regions for QC).
- We would have to decide **how to allocate seats within a region to each party** based on their share of the popular vote. There are a number of similar but different ways to do this, such as the largest-remainder method, the D'Hont/Jefferson method, and the Sainte-Laguë/Webster method. Each gives similar results, with minor differences, pros, and cons. (Baden-Württemberg uses the Sainte-Laguë/Webster method.)
- If a party wins enough constituency seats in a region to end up with "more than its fair share" of seats based on the proportional calculations, these are called **overhang** seats. Many MMP systems allow for more seats to be added in order to "even out" the seat distribution within a certain region. However, that would probably not be possible under Canada's current constitutional provisions.

TWO CANADIAN EXAMPLES OF POSSIBLE RESULTS UNDER SBMMP

In order to give some idea of how this system might work, I have taken examples from the 2015 federal election, as if it were run under SBMMP. I will look at two example regions; the province of Saskatchewan, and a fourteen-constituency region centred on Vancouver BC.

SASKATCHEWAN

Saskatchewan currently has 14 seats, 14 constituencies. Imagine that under this new system, the province now had 21 total seats, with 7 "top-up" MPs chosen from among the "best near-winners". In the 14 constituencies, Conservative candidates won 11, NDP candidates won 3, and a Liberal candidate won 1. But when we look at the popular vote across the province, we see that the Conservatives got 48.6%, the NDP got 25.1%, and the Liberals got 23.9%. If we use the D'Hondt method to determine how many seats each party should get in total, we get 11 total seats for the Conservatives, and 5 total seats each for the NDP and the Liberals.

This would mean that the Conservatives would not get any top-up seats, but the NDP would get 2, and the Liberals would get 4. We would then first look at all the NDP candidates who did **not** win their constituencies, and look at the percent share of the popular vote they each received in their ridings. The two "best near-winners" for the NDP each came second to Conservative winners, and each got 30-31% of the popular vote in their ridings. Next, we would have to allocate 4 top-up seats for the Liberals. Their four best near-winners each received between 25% and 34% of the popular vote in their ridings.

This brings up one unusual aspect of this system; it results in some ridings having two or more candidates "elected" to the House of Commons. On the one hand, this might seem unfair. On the other hand, MPs are usually not so parochial as to focus only on their particular district without concern for nearby areas or their province as a whole. At present, if a voter who prefers one party is represented in the Commons by an MP from another party, that voter might go to another MP from their preferred party in another nearby riding; this sort of thing would undoubtedly continue. Also, those ridings from which more than one member gets a seat in the Commons would be those ridings where the race was the closest; I suspect most Canadians would consider that to be a "fair" result.

GREATER VANCOUVER

Now for the example of a region around Vancouver,⁶ we again have 14 constituencies, of which 8 were won by Liberal candidates, 5 by NDP candidates, and 1 by a Conservative candidate. Again, let's assume that this region gets 7 "top-up seats" for a total of 21. The popular vote totals for the parties were 41.1% for the Liberals, 26.6% for the NDP, 26.5% for the Conservatives, and 4.69% for the Green Party. Again using the D'Hont method, the total seats in the region should be 9 for the Liberals, 6 for the NDP, 5 for the Conservatives, and 1 for the Green Party. Note that the Green Party becomes eligible for a top-up seat with only 4.69% of the vote; but that closely matches the "natural" threshold of 1/21 (which equals about 4.76%) which results from the total number of seats in the region.

Again, looking for the "near-winners" with the best popular vote share in their ridings, the one Liberal "top-up" seat would go to a second-place candidate who got 41% of the popular vote in his riding, the one NDP top-up seat would go to a second-place candidate who got 29% of the popular vote in her riding, and the Green Party's single seat would go to a candidate who came fourth in his riding but whose 9.2% finish in his riding was the strongest Green finish among all 14 districts. The four best near-winners for the Conservatives would all be second- or third-place finishers who got between 29% and 39% of the popular vote in their ridings.

In the end, each of these sample regions would show not only much more proportional results, but would also have elected a group of MPs who represent a larger percentage of the voters than under the FPTP system. In Saskatchewan, you would go from 14 constituency MPs representing the votes of 51.2% of the province's voters to 21 total MPs representing the votes of 67.8% of voters; you now have MPs representing two-thirds of Saskatchewan voters' choices, rather than just one-half. In our example Vancouver region, the corresponding percentages are 45.6% and 60.0%, a similar increase in how many voters' choices are represented; and in addition, two parties with broad support in this region but few

constituency seats (the Conservative and Green parties) end up getting fairer representation thanks to the SBMMP method.

CONCLUSION

I believe that an MMP system would be the best choice for Canada, the best choice to adopt to change our electoral system to one that most Canadians would be more satisfied with, and the best choice to satisfy the principle of **Effectiveness and legitimacy**, and to encourage Canadian voters to be more **Engaged** with the democratic process. And I believe that this **Single-Ballot Mixed Member Proportional (SBMMP)** system is more likely to meet with broader approval from Canadians today than a more complicated dual-ballot "list" system; having a system which doesn't change how people vote certainly satisfies the principles of **Accessibility and inclusiveness** and **Integrity**, and having a system where all elected MPs are individuals who stood for office in one electoral district or another would be an improvement to the principle of **Local representation**.

ENDNOTES

¹ In each of the last five elections which elected majority governments, the percentage of the national popular vote achieved by the winning party was 39.47% (2015), 39.62% (2011), 40.85% (2000), 38.46% (1997), and 41.24% (1993).

² "A Proposal for Proportional Representation for the Government of Canada", Ross Hermiston, published 19 August 2016, and "For 1-Vote MMP with Repêchage", David A. Hutcheon and Jennifer A. Tomek, published 10 August 2016.

³ *Welcome to the State Parliament*, "The Electoral System", Landtag von Baden-Württemberg, <http://www.landtag-bw.de/files/live/sites/LTBW/files/dokumente/fremdsprachen/Willkommen-E.pdf>, p. 7.

⁴ Of 17 majority governments elected since the end of World War I, only three won a majority of the national popular vote; 10 received less than 45%, and three of the last four majority governments received less than 40%.

⁵ See later discussion on "overhang seats."

⁶ In this example, I chose the following 14 constituencies to make up this region: Vancouver Quadra, Vancouver Centre, Vancouver Granville, Vancouver East, Vancouver Kingsway, Vancouver South, North Vancouver, Burnaby North Seymour, Burnaby South, New Westminster Burnaby, Port Moody Coquitlam, Coquitlam Port Coquitlam, Richmond Centre, and Steveston-Richmond East.

ABOUT THE AUTHOR

Robert Slaven was born in Toronto, but lived most of his life in Yellowknife NT, which he considers his home town. As a member of Yellowknife City Council (1997-2000), he led a successful constitutional court challenge of NWT electoral district boundaries [*Friends of Democracy v. Northwest Territories (Commissioner)*, 1999 4256 (NWT SC)]. He currently works and lives in Los Angeles, California. He is married, and the father of six children.