

COMMENTS ON IMPLEMENTATION OF PROPORTIONAL REPRESENTATION
FOR FEDERAL ELECTIONS IN CANADA

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

David Nash
Professor Emeritus
Department of Biological Sciences, University of Alberta

September 2016.

INTRODUCTION

Before providing you with the main thrust of my thinking, I wish to point out a glaring omission from the list of five Principles that you have been provided by the Minister, as the basis upon which it is suggested that you should work. Surely in a Democracy, the foremost principle to be used as a guide is “Fairness to the voters.” Since this list was, I gather, garnered from the principles that appear to guide our present voting system (which is clearly unfair to the voting public in so far as it produces Parliaments that do not fairly reflect the voting pattern), it is easy to see why the compilers of the list omitted this most important idea.

I do not wish to enter a debate about the merits of Proportional Representation. The issue is so clear that I leave any questions about it to be answered by the assertion, by Guy Giorno, that it comes down the question as to whether Parliament, and the system by which it is created, are the property of the people of Canada or exist for the convenience of political parties and politicians. Mr Giorno, a prominent Conservative and one time Chief of Staff of former Prime Minister Harper, opts firmly for the former: He concludes that these social entities are, or should be, constructed to serve the Canadian population rather than for the convenience of the politicians. He concludes that an effective Proportional Representation Electoral System would serve the people of Canada, whereas all systems that do not produce proportionality (including the present one) serve the political establishment first and foremost. I agree with him.

I am unaware of a text edition of Mr Giorno’s thesis, but it is clearly presented in the following internet link: <https://www.youtube.com/watch?v=o5PtXrjdYTQ&feature=youtu.be>

I have, to the best of my ability (and available time) viewed most of the broadcasts associated with your special committee and have not heard any presentation that convincingly made a case other than for the introduction of a Proportional Representational system. I do not believe I have any more to add to the debate. Presentations with contrary thrust were based, in my opinion, on tradition rather than logic, on political self-interest (even when the presenter appeared to be acting only as a political proxy) or, in one or two cases, contorted, even muddled, thinking.

In this submission I wish to discuss two separate side issues: One of them, the need for a referendum before a new system is introduced. I will expand on this later. First, however I will deal with a relatively trivial point, which I believe might, however, offer a solution to a riddle of the Urban vs Rural representation in Canada. This idea occurred to me when writing broader brief on electoral reform. It is an idea that works best with MMP. I will also make one additional, related, point that, again, may be thought of as trivial, on the MMP system, were it to be introduced.

THE STRUCTURE OF ELECTORAL ZONES

Stated briefly, under the current FPTP system, each constituency returns, independently, one MP; yet the geography/population density of many rural areas has led to smaller electorates in rural constituencies, to an extent a reasonable response to their different geographic circumstances. Not unreasonably, rural populations cherish this dichotomy. As a city dweller, however, I personally know that many of my fellow urbanites are vociferously resentful of the situation. It is another aspect of our current system that distorts the relationship between the outcome of elections and the political opinions of the voters.

Several proposals have emerged recently that separate these rural and urban domains by using somewhat different electoral schemes in each. One of them was developed by Fair Vote Canada, an organisation of which I am an active member and whose general thrust I support wholeheartedly. However, I believe their proposal is not a good approach. It accepts, and could effectively freeze, the disparity of representation between urban and rural regions.

My suggestion is based on the fact that, in any proportional system, it is necessary to establish multimember electoral zones within which proportionality is established. For an approach to proportionality, such zones need to elect five or, in my opinion, preferably more MPs each. My suggestion is that (while respecting the constitutional restraints keeping Provinces administratively separate) any new system should be designed to have electoral zones with similar-sized electorates, each electing the same number of MPs. Practical considerations might require deviation from equality of zone size, but it is hard to see how major differences would prove imperative, particularly within any single province. Of course, if there is a significant variance in zone size, the number of MPs returned by them should be adjusted proportionately, where constitutionally allowable.

Constructing equal sized electoral zones would necessitate incorporating current rural constituencies and urban constituencies from nearby urban regions into the same zones. The key driver would be the requirement for equality of all zones. Rural regions of some provinces, maybe all, would not have sufficient elector numbers to form an appropriately sized zones, particularly if they are to be geographically contiguous.

If the system is genuinely proportional, then the rural voter should get proper representation as an outcome of its operation. However, in zones where the rural segment warrants its own local MP by virtue of a widespread terrain with low population density, this could be guaranteed in MMP by establishing one or more constituencies with somewhat smaller voter populations within electoral zones.

The allocation of “top up” (more on that term later) MP positions would, alleviate the disparity between rural and urban representation created by the underpopulated rural constituencies. Having fewer voters, they will contribute less to the overall top-up decisions. Because they will presumably have already elected a local MP whose political affinity would presumably reflect any significant deviation (if such exists) from the norm in the Zone, this would probably satisfy the quota for MPs of their persuasion within the zone as a whole. This approach would not abolish the differential between the rural and urban voters, but it would moderate it. The suggestion meanwhile would sustain the rural population as an integral part of a single electoral system, subject, for example, to redistribution protocols similar to the country as a whole.

It is less clear that my plan would work well under STV, which might overly dilute rural voters to a point that would yield no MP in a zone with a special affinity for the rural regions. STV abandons division of the zone into constituencies, in favour of electing all MPs at large. Indeed, this is a special example of the general problem with STV, insofar as it does not establish any framework for MP responsibilities below the level of the electoral zone (which would under that system would probably be called a “multimember constituency.”) The same point can be made about list systems, where proportionality is determined by the zone’s (or even Province’s) population voting *en masse* and could potentially swamp the rural voter’s voice.

THE NAMING OF ‘TOP-UP’ MPs

My second comment is on naming top-up MPs needed for MMP: Presumably the zones would be given names. Let us suppose the zone we are discussing is called “Utopia!” The top up MPs should be described as, for example, “Frances Hopeful, MP-at-Large for Utopia” It would be up to the MPs-at-Large to discuss with relevant groups and persons, how they would perform what is now described as “constituency work.” Giving them a title which implies their geographical responsibilities should help dispel the notion that they would be freeloaders.

Presumably there would be just as much constituency work to be done in a zone though, under MMP, it would have only a fraction of the former number of constituency MPs available to do it. (I have not heard a strong case for substantially increasing the overall number of MPs.) The MPs-at-Large would be expected to

fill the hiatus in a manner that could vary depending on the individual MPs-at-Large, the constituency MPs and the social, geographical and political specifics of the zone.

THE QUESTION OF A REFERENDUM.

Finally, I return to the question of a referendum. The essence of Mr Giorno's thesis is that the electoral system, along with the Parliament, is the property of the people of Canada. At present we have an electoral system that does not represent the actual pattern of opinion in Canada. This is not because the Canadians have ill-expressed their preferences. This is because the electoral system, since it is not proportional, does not allow them to do so in an unequivocal way, either on an election day or on a day-to-day basis, through their representatives in Parliament. We are presently fortunate to have a government that has undertaken to change the system so that "every vote counts" and to do so in time for the next election. This can only be done by switching to a proportional system.

The government, which was elected under the old, faulty system, is obliged to pursue the objective which it promised. I do not believe that this process needs to involve a referendum, which was never suggested in the government's election platform, is not apparently constitutionally necessary and is not covered by the current legal framework for a federal referendum. Whatever the case, there is likely insufficient time to incorporate a referendum before the introduction of a new electoral system according to the government's promised schedule.

If it is necessary to achieve an extra level of agreement within the Committee, the Special Committee could recommend a referendum after the introduction and use of the new system. This would ensure that the country would not be captive to any self-serving aspect of the new system. At the same time, defeat in any subsequent referendum, should be coupled to automatic renewal of the Special Committee's mandate with a view to suggesting a new and more acceptable system. There is a danger to this solution, since it might provide an incentive to those who oppose the new system to disrupt the working of the House to prove the system's failure.

That being said, the problem that you, as a Committee, are examining, deals with the rights of minorities. As Mt Giorno points out, as far as political opinions are concerned, all Canadians are, most usually, part of one of several a minorities. Referenda, no matter how well informed the population is, are not really an appropriate way of settling a question of minority rights. Leaving the mistreatment of minorities, in this case by denying them a right of fair representation, until a majority gives its assent, is a morally dubious approach.

SUMMARY OF RECOMMENDATIONS

1. The committee should, in addition to the five Principles provided for its cogitations by Minister Myriam Monsef, take into account the overriding principle that electoral system should be fair to the voting population, by ensuring that the House of Commons reflects the pattern of opinion expressed by all voters.
1. I contend, on the basis of logic and the proceedings of the Committee to date, that there is no alternative to **INTRODUCTION OF PROPORTIONAL REPRESENTATION** into the Canadian Electoral System.
2. I recommend that any novel system that involves separate electoral practices for Urban and Rural areas **NOT BE CONSIDERED**.
3. I suggest that, ideally, the Multi-Member Electoral **ZONES** within which proportionality is established each contain a similar-sized voting population and elect the same number of MPs. This would require that **BOTH RURAL AREAS AND URBAN AREAS** would be present in many, if not all, **ZONES**.
4. Because of the possibility that STV (and open list PR systems) might result in there being **NO RURALLY ORIENTED MP ELECTED WITHIN AN URBAN/RURAL ZONE**, I recommend that MMP be adopted as the appropriate system.
5. Within MMP electoral Zones, some deviations between the sizes of individual **CONSTITUENCIES SHOULD BE TOLERATED**, if genuinely necessary to ensure adequate representation of rural communities.
6. I believe that “top-up” MPs, as they are often called, in an MMP system be referred to as **MPs-AT-LARGE FOR THE ZONE** from which they are elected, indicating them to be an integral part of the Parliamentary system, rather than afterthoughts.
7. I do not accept that a **REFERENDUM IS AN APPROPRIATE MECHANISM TO MEDIATE MINORITY RIGHTS**.
8. **IF AGREEMENT CAN BE REACHED ONLY** in conjunction with a provision for a referendum, however, the timing of the referendum should be after the use of the new system.
9. Such a referendum would offer **PROTECTION** against legislation **WITH CLEARLY ANTI-DEMOCRATIC OBJECTIVES**, such as ranked voting in single member constituencies.