SUBMISSION TO THE SPECIAL COMMITTEE ON ELECTORAL   REFORM

by BIJAN MICHAEL SEPEHRI, NORTH VANCOUVER, BRITISH COLUMBIA

Part 1 – Introduction and Summary of Preferences for change

Part 2 – Principle of Legitimacy

Part 3 – Principle of Voter Choice

Part 4 – Failure of First Past The Post   (FPTP) system

INTRODUCTION AND SUMMARY OF PREFERENCES:

In acknowledgement of the fact the Special Committee On Electoral Reform will hear from many academics and activists during its consultations, my objective in this submission is to highlight two important points from a slightly different perspective: the principles of legitimacy and the right of voter choice.

I am not currently a member of a federal political party, nor am I an academic. You could call me an activist, on this issue. I definitely feel that Canada suffers from a democratic deficit, and that among all solutions to this, the most important is that the electoral system must change.

Although this all-party Committee was given its mandate due to a promise made by one of those parties, I would argue this issue supercedes partisanship. The fact a committee was created for this issue is just an overdue acknowledgement of the Canadian public's long-standing need for better democratic representation.

Every MP on this committee and in Parliament was elected through the First-Past-The-Post system; most of those representatives did not even get a majority of voters support in their constituencies. This government, like most before it, holds what amounts to absolute power, despite getting only a minority of voter support. So why would anyone who "wins" that power be motivated to change the system that put them there? The answer is because the current system is unjust, and people across the whole country already know it.

The MPs and political parties should not just consider their own partisan short-term tactical advantages, or sabotage this chance to improve Canadian democracy because they want to undermine on a foe. The public does not think in those terms, and they just want a system that treats them fairly and works well. Improving the system will take some foresight and a degree of self-sacrifice from MPs, but all parties have a stake in the electoral system, and can benefit   from a system which represents the Canadian people better.

I will state up front that the most important objective for me is to see FPTP voting come to an end. On my personal gradient of preferences, keeping FPTP would be the worst of all options.

My top preference, of those alternatives being considered by the committee, is Mixed Member Proportional.   I feel that it does the best job of balancing ideological (national) representation and geographic (local) representation. Proportionality of political views in Parliament matters more to me than local representation, but under MMP,   the former does not cancel out the latter, and there is no loss of government stability or effectiveness.

My second choice is Single Transferable Vote. I was involved in the pro-STV cause here in BC, and I think its most positive aspect is its ability to produce legitimate local or regional representation. Its complexity is not as problematic as some may think, most of that coming during the counting, not the voting.

My third preference is the (Open) Party List system. Although I think that would be the most proportionally fair, it might not suit Canada's situation unless we also had an elected Senate; then we could balance proportionality in one house with local representation in the other. At the moment, that is not in the cards.

My fourth preference would be Alternative Vote. It is preferential and accounts for each voter's gradient of preferences, and it does a better job of producing legitimate local representatives. However, it is too weak on national proportionality, and still wastes votes. Nevertheless, it is still better than FPTP.

THE PRINCIPLE OF LEGITIMACY :

It is an obvious fact that in a democratic system, legitimacy to govern stems from the right of citizens to choose who governs them, by having free and fair elections. There will always be political divergence and ideological disagreements, but the basis of a government being able to govern without tearing the country apart is the central democratic principle that the majority rules. Canada is a representative democracy, and uses a parliamentary system, so the government is formed by those controlling   a majority of seats in the House of Commons.

However, the central problem of legitimacy under Canada's system is this: legitimacy comes from the support of citizens; governmental power comes from the control of Parliamentary seats. These two things must be reconciled, and the electoral system is the means by which that must take place – because when those two forces fail to correlate, peace, order, and good government becomes impossible. "Majority" is the key term in setting the threshold by which any government governs. "Majority rule" is the democratic principle by the citizens consent to being governed – and being ruled by only a minority is seen as a kind of tyranny.

This is important to remember, because when discussing the electoral system, it is not enough just to have a system which goes through the motions of democracy, but does not accurately represent the public and therefore does not produce that fundamental consent from citizens. Members of parliament, candidates, leaders, and parties exist solely for the purpose of representing the electorate in matters of governance.   The only "majority" that matters in terms of legitimacy is the majority of voter support. Whether that is represented by one political party in parliament, or more than one, the legitimacy to

form a government depends on that government representing a majority of voters. Having a majority of seats in the House Of Commons is not enough – that majority in seats must correlate with a majority of support by the voters. Without that, it is a false majority and the public will rightfully see it as a misrepresentation that cheats most voters out of their fundamental right to be represented and governed democratically.

Political diversity is something the Canadian public acknowledges and accepts, and the competition of values and policies is expected as part of Canadian society - not just among political professionals, but among all citizens. Candidates and parties put forward their beliefs and plans for governing the country, and the degree of support or success is something for the voters to judge in elections. The public's expectation is that the culmination of that electoral process is a parliament that represents the balance of the public's views, in proportion to the actual level of voters' support.

If Canadians see a parliament representing a majority of Canadians' wishes, then they will consider their government legitimate, and more readily its decisions. It is important to note that this acceptance should be created whether the government formed is one that matches any given voter's preferences or not. Likewise at the local level, if they can see that the Member of Parliament has the support of the majority of the constituency's voters,   then they can at least say "this person accurately represents my community within Parliament".

The perception of fair and accurate representation is not simply a matter of being a "winner" in an electoral outcome – it also matters that when the individual voter "loses", they can at least accept that the local representative is what their community wanted, and that the parliament accurately represents what the whole electorate chose. The citizens made their collective judgement, and it must be respected. This is democracy – from a personal perspective, you may win or you may lose, but either result has legitimacy if the contest is fair and the result accurate.

THE PRINCIPLE OF VOTER CHOICE AND RESPECTING VOTER JUDGEMENT:

Political pluralism is something the Canadian public acknowledges and accepts. The competition of values and policies is expected as part of Canadian society; ideas are to be freely expressed by both political professionals, and ordinary citizens. When we hold elections, candidates and parties put forward their beliefs and plans for governing the country, and the voters award electoral support as they see fit.

The existence of political parties flows naturally from the fact that people have a diversity of views, but will tend to group together around certain core ideals or policies, in order to better contest for representation and governance. It is the voters who create Canada's political landscape, its political culture of ideologies, political parties, and governments.

Yes, people do want local representation to be regardless of an MP's party identity as well, but they do not just want someone who expresses no personal beliefs or acts inconsistently. In parliament, every

MP is also going to be responsible for deciding nationwide issues that require some coherent goals and plans. Party affiliation matters for representatives and candidates, because ideology matters to citizens. Every individual voter has their own beliefs and priorities, and how they arrive at an electoral choice is a complex process, which cannot be simplified down to a single factor for all voters in all constituencies.

Professional political actors (candidates, parties, leaders, other groups) will of course try to convince them their their ideology is the best, but they do not have the right to deny the voters that free choice, nor prevent them from voting for somebody else. Each voting citizen has the fundamental right to choose whomever they want, and the right to participate in the political process. If free of any systemic bias, the amount of political choices should be exactly what citizens want it to be – parties exist and get support because there is a political need for them. If the voters find that none of the existing political choices suit them, they have the right to create a new one.

This is why people use the expression "free and fair elections". "Free" means a system that freely allows voters to choose and participate according to their own beliefs, without having their choices suppressed or denied. "Fair" means a system designed to accommodate the full spectrum of discrete political positions that the electorate exhibits, and where each election converts that political landscape into governmental influence, in a manner that proportionate to where voters' support is actually placed.

It is not up to the electoral system to arbitrarily decide which political choices are legitimate or viable, which candidates or parties should represent the community and which should be left in obscurity - that is up to the voters.   The central objective of a democratic political system must be to uphold the right of the voters to freely choose and participate, and for citizens to have their collective political choices accurately represented – both at the local and national level. The legitimacy of any given government depends on it.

An electoral system which denies or interferes with voter choice, which fails to represent the true spectrum of voters' choices, cannot produce a representative parliament, much less a legitimate government. It will never be the case that every political group in society will get what it wants, and inevitably some political parties are more successful than others, but this does not damage the sense of legitimacy if voter choice has been fully respected and the result of the election reflects this fact.

However, if voters find their free choice is being punished, manipulated, or nullified, it breeds cynicism, discontent, and open hostility towards both government and towards other political groups within society. We already know the terms associated with this systemic degrading of voter choice: "wasted votes", "strategic voting", "voter apathy", "low turnout", and "voter suppression".   Each is a negation of democracy, a betrayal of voters' constitutional right to vote according to their own conscience. Even for Canadians who are confident of their own political choice being represented, it is tainted by the knowledge the system is cheating others.

The right of voters to freely choose one's political options is essential to Canadian democracy; respecting voter choice is a core concept that the electoral system must not damage or cast aside. It is voters who create Canada's political culture and define the partisan landscape. It is voters' right of free choice and judgement which decides which electoral competitors are viable, which deserve to represent their

communities and express their views, and which should have governmental power to decide the future of the country.

Canadians' ideological preferences are complex; a single (primarily economic) axis of "left" versus "right" cannot properly account for it, nor can only two parties adequately cover voters' multipolar political preferences.   For close to a century now, Canada has had more than two political parties contending for power, and this results from the fact that Canadians naturally have more than just two distinct ideological groupings. There are 5 parties with seats in parliament, and this is persistent, not some anomaly. This multipolar complexity has continued to assert itself despite the mechanics of the current system, which discourages it.

Roughly speaking, we can see 3 tiers of political parties in Canada: "Dominant" parties routinely contending to form government; "Contender" parties, which are capable of winning seats, but not a majority of them; "Fringe" parties, which participate, but never receive the level of support necessary to win a seat in parliament. All these tiers are a legitimate part of the political landscape;   the voters' right to choose creates a Darwinist dynamic, where those parties which best represent the country's various political tendencies are the ones that will get significant political support, and deserve a place in Parliament proportional to their voter support. This political dynamism is important; the electoral system should not be causing political stagnation by interfering too much in a futile attempt to impose simplicity.

The variety of distinct political parties, and the degree of representation and power each has, should be purely a function of the voting public's free choice. The electoral system must reflect that in an unbiased way, not negate the voters' right to choose, nor distort the choices they have made.

FIRST-PAST-THE-POST –   FAILING THE TEST OF LEGITIMACY AND VOTER CHOICE:

One of the most pernicious myths I have heard spoken at the recent various town halls and official gatherings is the clearly scripted phrase which states "Canada's [FPTP] electoral system has served us well for 150   years."

This is dead wrong. It is a system designed in the 18th century and implemented in the 19th   - when there were only 2 political options, "Tories" and "Whigs", to choose from, and voting was just for male landowners. In the political landscape of Canada in the 21st century, First Past The Post is clearly obsolete, and does not give the citizens of Canada the sort of Parliaments and governments they deserve.

First-Past-The-Post system almost never produces an outcome favoured by a majority of voters. In general it creates false majorities, where a minority of the electorate is represented, and is handed what amounts to absolute power. Starting from this negative condition, it then spends its term governing out of line with what the majority of Canadians wanted. This reinforces the idea among citizens that the government lacks real legitimacy, but acts a petty tyranny which runs roughshod over the country while

the people have been cheated of real representation.

Even at the local level, FPTP fails to properly provide local representation, as most members of parliament do not   represent the majority of their voting constituents. At   the most basic level, the majority of votes get wasted, the majority of voters are unable to say their MP is aligned with the views of the community.

As stated already, the First Past The Post system is a system that was designed to represent only two political contenders, and its mechanics exert pressure that tends to favour a return to that condition - even at the local level. The amount of wasted votes, distorted results, or discouraged turnout is simply written off as an unfortunate side-effect, but it is an affront to the peoples' constitutional right to vote, to freely make their political choices according to their own beliefs, and to see the overall choices of Canadians reflected in their parliament. Voters want multiple parties in contention because they have a multitude of political alignments. They must be free to weigh each issue, ideology, and candidate, and come to a decision, without abandoning their own views or being penalized for trying to express them.

The voters are not ignorant of the existing system and its effects, but too many find their choices limited by the need to adjust to "system mechanics" as well as the media's dumbed-down "horse-race" election coverage – both of which assume a need for only binary choices and "simplicity" that simply does not match the electorate's views. FPTP system treats the voters like children, as it forces most into either selecting choices which they do not really want, or else making a choice they know will be irrelevant to the result.   Elections end up depending on competitive gamesmanship and tactical deceit, instead of decisions on issues and sincere expression of political beliefs. The current FPTP system only serves to force both voters and political parties into making false choices and enduring false results.

So do Canadians really feel the current First Past The Post is legitimate, and produces legitimate governments? Do they feel that this FPTP system respects their right to choose and reflects their complex political choices? The answer to both is NO. At best, they tolerate it, since most of them have never experienced anything else.

Regardless of which party is in power at any given time, FPTP is a failure. Decisiveness is not a virtue of the system when its decisions are usually wrong. I have no doubt that if the voters did get to elect their representatives under any of the major alternatives listed above, they would adjust to it easily, and never choose to return to First-Past-The-Post.