

Towards our own Runnymede Meadow

Another perspective on electoral reform in Canada

Mark Henschel – 2016-10-07

Summary:

Electoral reform is ultimately about achieving the kind of voter equality that is our Charter right. Improving the quality and richness of voter input to the electoral process will produce much more informed and empowered representatives in each of our parliaments. In addition, electoral reform must help redress the imbalance in power that our deficient legacy system has produced to the benefit of special interest elites – including our political parties – at the expense of the citizenry and the common good. What we have now is a system characterized by a failure to promote sufficient communication between citizen and government and weak MPs who are unable, individually and collectively, to provide sufficient checks to the centripetal tendencies of power. What we need is a Canadian *electoral* Magna Carta.

Where we need to take this project is to our own virtual Runnymede Meadow.

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The push for electoral reform has been driven in large measure by the *idea* of proportional representation (PR) and by its advocates. Without passionate agitators like Fair Vote, Leadnow etc. we wouldn't be at this historic juncture and you wouldn't have spent your summer on this committee or (hopefully) be reading this brief now. However, while we owe these proponents a huge vote of thanks for relentlessly “*keeping up the skeer*”*, PR isn't actually the central issue before us. Disproportionality is *not* the true problem nor is PR the solution. Indeed, at this point, the concept of PR has outlived its usefulness.

After all, proportional representation, no matter how you slice it, is *only* about party and as such, directly and indirectly takes us in exactly the wrong direction. PR presumes that just because most people vote on a party basis, that we should make our elections party-centric and party-functioned, thus institutionally excluding effective candidate-based voting. Aside from being a wholesale shift away from our representative-based Westminster democracy it is a philosophy that serves to further weaken already weakly-mandated MPs and, therefore, to further disenfranchise voters.

Perversely, popular PR advocacy also makes a fetish of single-member districts – the actual root cause of both MP and voter powerlessness – as well as ignoring the true role of representation. The central purpose of representation is to faithfully and inclusively transmit the voices of citizen franchise holders into the chamber where the debates and decisions that matter to us all occur – our House of Commons. But PR has turned the discussion about representation into a debate about MPs' availability to serve constituents in their ridings. While important this is *not* the central purpose of representation nor is it the essential reason for stakeholders in a democracy to vote. We do not need to vote for ombuds.

* After Lieutenant General Nathan Bedford Forrest during the American Civil War

And the obsession with PR glosses over the fact that under its umbrella we have two prominent families of systems – MMP and STV – that operate under premises so different that it is frankly incredible that most advocates for PR would be equally happy with either... that these profound differences are a matter of no consequence to them. For me, this willful blindness undermines the credibility of their message and their cause. In the end we can only have **one** electoral system and the details – not to mention the fundamental premises, values and principles – matter... a lot.

So, if the essential objective of reform is not to match a party's seat count to its popular vote, then what is? There are three key aspects to that question.

One is the Charter requirements for **equality** and its necessary companion, **inclusivity** – aka **effective representation**. The Charter clearly indicates that (as much as possible under a representational model) each voter should get a representative they voted for and that all representatives should enter our parliaments with mandates from an equal number of voters. Our Charter-equal voices as citizens must survive the translation into MPs in our House: our MPs must be Charter equals too. And even though the Charter tells us how elections **must** perform the choice of an appropriate, **sufficient** electoral system is left to us.

The need for equal and inclusive representation in our parliaments cannot be overstated. Such equality and inclusivity is the most powerful means available to redress systemic social and economic inequality and to create a sustainably equal society. Certainly if we each have our rightful stakeholder seat at the table in our House then it should be significantly harder for any one elite to pass legislation that benefits it at the expense of everybody else. This is central.

More obviously, democracy involves both majority decision and **prior** debate: ideally we discuss and **then** we decide. If elections settled all debate then we'd elect “*settled-ments*”, not “*parlia-ments*”. Routinely excluding up to half our voices is simply untenable. We have a Charter for that.

Second, is the matter of the **informational** aspects of voting. If an election is our most important opportunity to “have our say” what we have now is ultimately a **failure to communicate**. Our single “X” ballots offer us a meagre vocabulary to express our electoral-political intent – to make our point, to say, “**Here I am!**” And the methods of aggregating that poor expression into a team of MPs in each parliament only serve to exclude much of our voice. The result of every FPTP election is a set of MPs with inadequate mandates – typically from only half the electorate – and then only with the vaguest idea of what the voters had to say... or could have said.

The second objective of electoral reform, then, must be to provide voters with a sufficient electoral vocabulary to have an **articulate** say – to feed high quality voter data into the system – and, then, faithfully and inclusively transmit that data into our parliaments via well-informed, highly-mandated representatives. [Note: I say **representatives** not parties: In an environment where it is **expected** of an MP to participate in free speech and free votes as well as to stand and propose the occasional private member's bill, it is incumbent on our electoral system to deliver **personal** mandates from voters, unencumbered by party considerations, to

MPs such that they are able to participate legitimately in these activities. That just stands to reason.]

Third, with its weak MPs who lack real and sufficient power, FPTP has created a significant power vacuum which has, naturally, been filled by the parties. Recent history has demonstrated the inevitable results of the centripetal tendency of power to concentrate at the centre-top – in the party leadership and in the PMO. This is a direct consequence of our electoral dysfunction. Failing to distinguish between reform that empowers parties via party-functioned calculations and that which empowers voters and MPs in an effort to establish a functional check to power's centripetal tendencies is to ignore the true scale of the problems before us. If our chosen electoral reform doesn't resemble Magna Carta 2.0 Canadian Edition, we will have failed Canadians in this effort – unforgivable since, incredibly, the current Prime Minister is on the record as a supporter of this re-balancing of powers (the barons in 1215 should have been so lucky!).

So where does that leave us? Actually, it clears the deck significantly. Indeed, the prescription for a system of preferential ballots in multi-member districts is pretty much unimpeachable.

Charter Compliance:

That our electoral system must be Charter compliant – and compliant in a very particular way – is self-evident. In this, I bow to the expertise of the (now) Chief Justice of Canada's Supreme Court and her opinion (1991 Saskatchewan Reference). Citizen equality in a representative democracy requires *parity* of voting power and *equal legislative power*. The only way to achieve such equality is through an electoral system such as STV which elects teams of directly-elected MPs with solid, equal, personal mandates, the result of its unique counting and thresholds. No other electoral system does this. **None**. Tiered, party-functioned systems that create artificial divisions (classes) between MPs do not bear inspection.

First priority – generate and collect good data:

In single-member districts a vote for the candidate is inextricably conflated with that for a party. Take a look at a marked FPTP ballot. There is no way to determine just by looking at it whether the voter considered the candidate at all in making that "X". Their electoral intent – their "*point*" – dies at the ballot box. That indeterminate character makes MP power equivocal. Indeed, any electoral system that includes single-member districts produces weak MPs. And it is no wonder that voters say they chose on the basis of party: they really and truly have nothing more they can convey on their ballot. They don't have a meaningful say at the candidate level.

This problem is not alleviated by changing from a single-mark ballot to a preferential one. Again, look at the ballot – candidate and party are still conflated. The problem is the single-member riding.

Multi-member districts, however, avail voters of a richer diversity of candidates, choice that includes candidates from the same party as well as those from other parties. Accessing the inherent diversity within parties in addition to the differences between parties means that

voters can be more expressive on their ballots and more precise in having their say. As well, an STV ballot enables all voters – partisan and non-partisan alike – to "triangulate" their "point" through their choices. Think "Vote Compass" where the natural diversity within a party is expressed via individual candidate points... which can be selected and ranked by voters on their ballots. (see Figure 1)

The range of criteria upon which voters can and will make their selection is also usefully expanded to include many candidate-specific characteristics: experience, judgment (which just might subsume choice of party), critical thinking abilities, local knowledge, gender, diversity, etc. Voters are free to rank candidates on any basis they like. If having an MP with an office right around the corner is important, a voter can rank candidates on that basis, or indeed, any combination of any criteria *freely at their discretion*. This materially empowers voters and powerfully informs MPs.

Minimizing data losses:

Having generated a set of high quality data (votes on ballots) at the polls, mechanisms must be in place to faithfully translate those votes into commensurate seats that preserve their electoral intent and relative equality. STV is designed to elect as many first choices as possible, factor in subsequent choices as circumstances permit and to resort to elimination transfers only as a last resort treating what the voters had to say with respect and a high degree of fidelity.

Information is Power:

MP empowerment is further augmented by the essential nature of the multi-member context under STV. Voters who did not support an MP will have supported other successful candidates. What this means for MPs is that they are no longer constrained by the myth that an MP can and must represent the entire electorate – those who voted for other candidates as well as those who voted for them. This myth needlessly cripples our MPs in our House.

In a multi-member context the MP's constituency isn't the *riding* but, rather, *the voters who elected him or her*. This puts the relationship between voter and MP into much sharper focus with closer *direct* ties of responsibility and accountability. MPs will be elected on the basis of their personal representations to their electorate during the election with the onus on them to walk that talk as MPs. And because most every voter will wind up with an MP they voted for, accountability across the board will be maximized.

Under STV the mandates of individual MPs will be much greater than 50% and equal. Equality is achieved as a result of STV's unique dual transfer calculations. The strength of MP mandates increases with increasing district magnitude in accordance with the threshold calculation (the Droop Equation). What STV does is empower voters to empower their MPs with strong, equal, personal mandates and the *expectation* to walk their electoral talk in parliament unencumbered. (see STV Mandates Chart)

In multi-member districts where the voter is able to choose between candidates from the same party in addition to those from other parties, every marked ballot clearly indicates

preferences for particular candidates. Since votes go to candidates specifically rather than parties, successful candidates necessarily obtain personal mandates to represent constituents. MPs are empowered as individuals and, therefore, are also empowered relative to their parties.

As well, it will be voters who, ultimately, determine the degree and character of the diversity realized in each party caucus through their choice of candidates. Caucuses will reflect what the voters liked – and didn't like – about the platforms. Voters will more firmly help shape parties choices in Parliament. If there is opportunity for parties to co-operate and reach consensus for the common good it will be because voters will have chosen MPs from all parties that more closely represent that consensus. Critically, voters will also have a direct hand in determining the pool of candidates available for cabinet positions.

Emancipation:

The resultant of this programme of empowering voters and MPs is a significant increase in their autonomy and their emancipation from the vicissitudes of our legacy electoral institutions. Voters will have an articulate say in the debates and decisions that matter – those in our parliaments – and MPs will have the kind of clarity and legitimacy that demands responsibility to their constituencies and enhances their standing both within their party and in the House.

This empowerment is the complement of what the nobility achieved in England 800 years ago. While the barons cut John off at the knees electoral reform today will give MPs two legs to stand on. Implementing the right electoral system with the performance capabilities we need today will be the modern equivalent: it will be **Magna Carta 2.0 Canadian Edition**.

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Additional Notes

Self Interest:

I entreat MPs to act in their own self interest as this coincides with the interests of voters.

Perfection:

We've heard that there is no “perfect system”. While true, this admonition is only used to condition us to accept the inadequate proposals of those who repeat it.

On the other hand it would be truly useful to consider potential *perfect outcomes*. After all, how can we judge which imperfect system is acceptable or even better if we have no yardstick against which it can be measured... no “bull's eye” on the target?

I suggest that one “perfect outcome” to consider is an election in which every voter has supported a particular candidate and every candidate has a 100% mandate from particular voters: in a country of 30 million voters and 300 MPs, each MP would represent 100,000 citizens who voted for them. Considering the real-world compromises we'll have to make in this context can help guide us to a best-fit solution.

A caution about “open” lists:

We are told that "open" lists empower voters to choose on a candidate basis. But the efficacy of open lists is routinely compromised by other design features. For instance, the Law Commission design suffers from three such impediments: the lists are *ordered by the party* so votes for particular candidates are *not* the prime determinates; *above-the-line voting* reinforces that party ordering; and *dual candidacy* will hijack a voter's choice of candidate if/when that candidate wins his or her local contest... and becomes somebody else's MP.

So not all “open” lists are created equal. Indeed, an open list in which voters have the kind of power that is implied by the sales pitch is actually called something else: it's called a “*free list*”. In a very real way the advocates of open lists are essentially selling us snake oil. *Caveat emptor*.

Incidentally, dual candidacy – candidates running in two ridings – contravenes provisions in the Parliament of Canada Act, provisions that are there for obvious good reason.

About single-member ridings and "local" representation:

Despite the fact that on every important metric – including having a voice in our House – representation will be *better* in multi-member ridings, we are still being pressed – and pressed hard – to consider proposals that retain single-member ridings. It has been argued that we need single-member districts for “local” representation which is re-defined as the “in riding” role of MPs to “serve” their constituents.

So, it is helpful to enumerate the ways in which “local” service will be enhanced by multiple MPs even in larger ridings: **First**, if voters are able to communicate their points of view productively through the electoral process – meaning that their vote will help elect MPs who embody their aspirations and the values they feel are important – then there will be much less need for lobbying – the MPs will already be imbued with this voter opinion as an integral part of their mandate; **Second**, if indeed there is a matter that seems to require making representation, a constituent will be guaranteed of a sympathetic ear – that of the MP they voted for; **Third**, if there is some highly particular service required, a constituent has several choices of MP available to them, one of whom might be much better positioned to resolve that particular matter; and **Fourth**, if there is a matter of consequence to bring to the attention of Parliament, a constituent can legitimately make representation to the entire riding “team”.

And a final word about proportionality:

It should go without saying that if every voter gets an MP they voted for then parties, too, will be fairly treated. A Charter-compliant system that generates equal and inclusive representation will – if only incidentally – be reasonably “proportional”.

http://www.huffingtonpost.ca/elizabeth-may/elizabeth-may-green-party_b_866270.html

https://www.thestar.com/opinion/letters_to_the_editors/2011/03/06/readers_letters_on_death_of_jim_travers.html
(the last letter)

VOTE COMPASS - INSPIRED ILLUSTRATION
 OF VOTER DEFINING THEIR "POINT" VIA
 CANDIDATE RANKING.

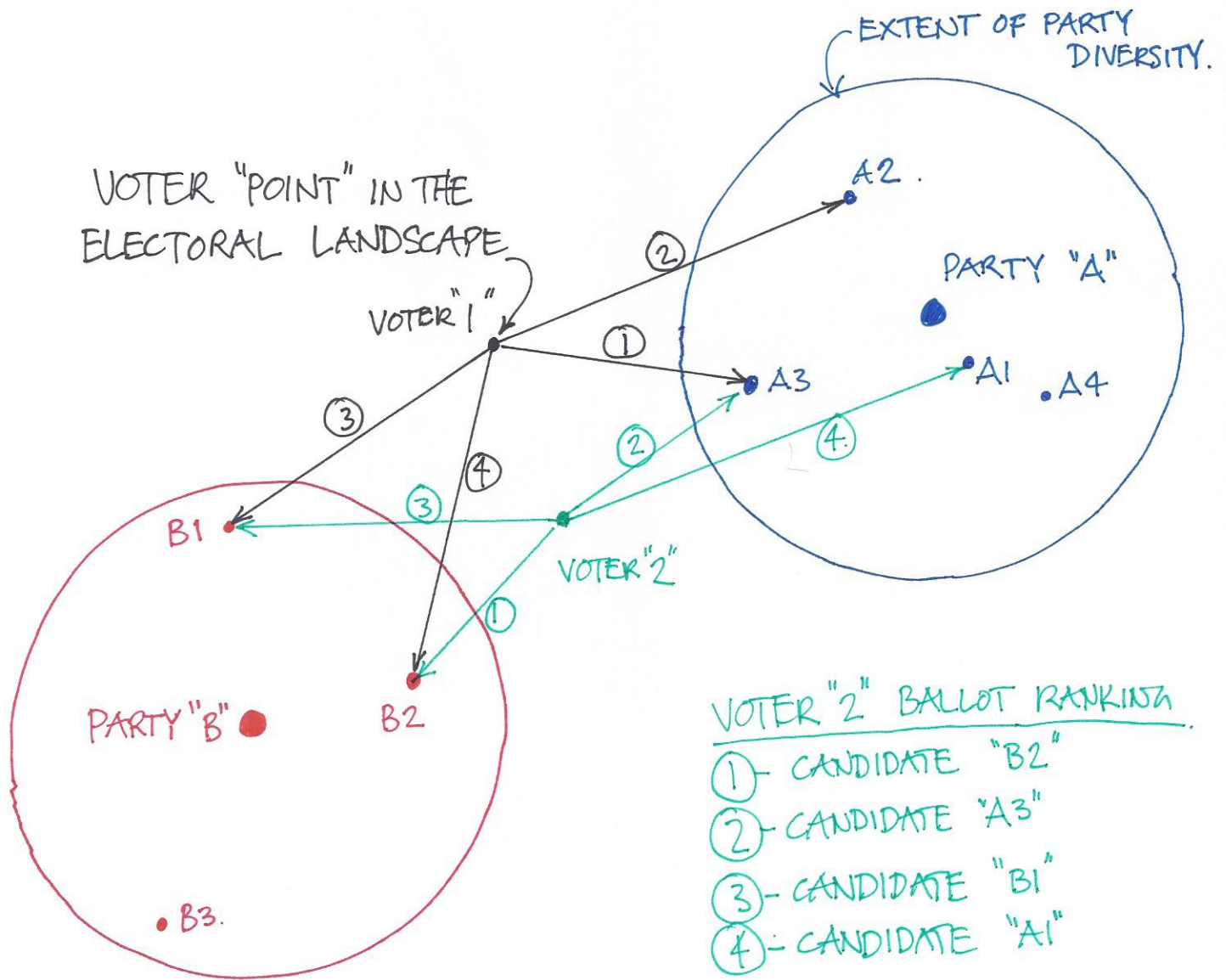


FIGURE 1.

STV Mandates with Increasing District Magnitude

