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Submission to the House of Commons Committee on Electoral Reform

I focus my comments on three issues that I believe have not yet been sufficiently addressed: 1) a "micro-level" consideration of voting under different systems; 2) the potential security implications of a move to online and electronic voting; and 3) a way forward on still unresolved issues of process, including whether to refer the question of reform to a Citizens' Assembly and/or a referendum.

The Yellow Dog Problem

The many expert testimonies before the committee have done an effective job of discussing the various macro-level trade-offs inherent in a switch to a different electoral system. Accordingly, I turn my attention to a "micro-level" issue that in my view has received insufficient attention, one specific to majoritarian systems. I call it the yellow dog problem. The name is a reference to an old expression heard now and then in rural Alberta to describe a safe seat. In such a riding the favoured party could run a yellow dog and win comfortably, or so the saying goes.

Politics is experienced differently in yellow dog ridings. Elections, and indeed competitive politics in general, seem like things that happen somewhere else. Other parties often do not bother to build up a presence. Citizens who want to get involved locally must join the dominant party, effectively the "only show in town." Those who do not want to do so—in some cases more than half the local population supporting various other parties—have no meaningful way to participate. Many simply drop out of the political conversation as a result, finding more productive ways to spend their time. The net result is a kind of selective alienation, in which competitive politics happen in some parts of the country, but not others.

The situation would be quite different under the various forms of mixed and PR systems currently under consideration. Supporters of all parties would have a real reason to remain engaged in the process no matter where they live. By the same token, all parties would have an incentive to compete everywhere in the country, including in another party's yellow dog ridings. I believe our political discourse would be richer for such an outcome; accordingly, other things being equal, I see this as a clear point in favour of mixed and PR systems.

Security and online and electronic voting

While many frame the issue of online voting as a question of efficiency, youth engagement, or more general accessibility, I think it must be considered primarily as a security question. Elections are, in part, processes of legitimation. Citizens accept the governance of one group of politicians or another in part because they accept the integrity of the electoral process by which that group was chosen. That trust in the system is crucial to the continued functioning of Canadian democracy. Once shaken, such trust can be difficult or impossible to win back.

The example of the 2016 US election is an important one. Each week brings fresh reports of online attacks launched against different states' electoral systems. Some attacks are alleged to be the work of foreign powers. The Department of Homeland Security recently announced that voter registration systems had been probed in more than 20 states. So far, Americans still seem to broadly accept the legitimacy of their electoral system, but one report of online electoral fraud could change that.

Part of the problem is the role of perception. It may one day be possible to guarantee the security of an online or otherwise electronic voting system, though evidence suggests we are not yet there. It is arguably impossible, however, to ensure popular perception of such security. Electronic and online voting methods inevitably require an additional layer of trust in comparison with current voting methods. Canadians will have to trust that the online vote is secure, that electronic voting machines were built and programmed correctly, that both have been protected against every potential form of tampering. One report of interference, even if ultimately unsubstantiated, could be enough to undermine that trust.

The consequences of such failure are high. Elections are a series unique one-off events. While an online business might get a transaction wrong, issue a refund, and promise to do better next time, there are no do-overs in an election—at least, not without triggering a potentially catastrophic loss of faith in the system. The worst-case scenario for an online business is that it fails, and another takes its place. There is no other electoral system waiting in the wings should Canadians lose faith in ours.

It is for such reasons that I strongly urge caution when considering electronic voting, and even more so when considering a move to online voting. Accessibility and outreach are important, but there are other and in my view safer ways to pursue both—from moving to a greater emphasis on mail-in voting, to expanding the number and diversifying the location of polling stations, to a creative engagement activities by Elections Canada and non-governmental organizations. For instance, one of the key findings of a recent Samara report on youth engagement is that politicians must make a greater effort to meet with young Canadians in the spaces they actually spend time. The same logic holds true for voting—placing polling stations in more diverse locations, where people actually tend to spend time, simultaneously reduces both physical and psychological barriers to voting.

The Process of Reform

Clearly, some of the most vexing questions facing this committee relate to process. How best to narrow the potential menu of options for electoral reform, and eventually to make a decision? Do we need a referendum or a Citizens' Assembly?

There are times when referenda are necessary, but they are comparatively few and far between in the context of a representative democracy such as Canada's.

Fundamental, irreversible changes such as to the boundaries of the polity and other definitive aspects of the social contract ought to be put before the people. At the other extreme are the many quotidian choices best left to the government of the day, which then stands or falls on their record in the next election.

In between such clear cases, it gets complicated. One might argue that certain decisions—including those that significantly alter the rules of the game for politicians, as is the case with electoral reform—ought to be subject to the will of citizens. Referenda are unparalleled among democratic processes in their ability to bestow or withhold legitimacy on a particular decision.

At the same time, they ought to be approached with caution for a number of reasons, many of which were on display both in the recent Brexit campaign in the UK, and again in Colombia's referendum on the country's peace treaty with the FARC rebel group. Referenda are blunt force majoritarian exercises. They cannot easily accommodate either nuanced opinions, or the preferences of the minority. They reduce complex issues to a deceptively simple choice in which even the wording of the question and set of alternatives presented can influence the outcome.

Advocates for one side or another of a referendum may make arguments in the hopes of securing narrow, short-term partisan or personal advantage, rather than out of consideration of the long term interests of the country. Some may even see profit in publicly arguing against what they privately believe. The debate may end up focusing on superficialities, inaccuracies, and digressions at the expense of good faith arguments for or against.

Citizens, meanwhile, have many demands on them, and not all will invest the time necessary to separate good arguments from weak ones, or even participate at all. Many—with some justification—simply do not see much personal benefit from such a costly investment. The information requirements are higher in a referendum than in a typical election given that the voters must build an opinion from scratch, without a reservoir of experience on which to draw in adjudicating the issue. Voters cast ballots for diverse reasons; some for instance may be more interested in registering a vote of general protest than in helping to decide the question at hand.

Further—and this in my view is an issue that receives insufficient attention—there is a finality associated with referenda at odds with the transient nature of public opinion and the shifting requirements of politics. Referenda tend to freeze results in a way that even elections do not. Politics evolves, and politicians can work out new compromises when the situation requires it. As the experiences of the UK and Colombia show, this is much harder to do in the face of the "voice of the people" expressed in a single instant, in perpetuity, even if the result is decided is by the narrowest of margins. All sides must live with the result, no matter how many subsequently change their minds in light of new information or additional reflection. Unexpected results can place issues in political limbo, with no clear

understanding of what voters are approving of or objecting to, and no easy way to move forward.

Accordingly, referenda ought to be treated with caution. They provide legitimacy, but are not a panacea. I encourage the committee to consider the other major option by which to generate more rigorous citizen input—namely a representative Citizens' Assembly adapted from the BC model.

Assemblies possess a number of important advantages. They bring together citizens in a small enough number to allow for vigorous and informed discussions, while remaining sufficiently large to constitute a "mini-public" that, by design, reflects the country's diversity. The result is a level of engagement and sophistication of discussion not possible for the Canadian populace as a whole. Importantly, assemblies also ensure a degree of partisan detachment among participants not found in Parliament. Participants can consider the value of various options unencumbered by party interests; they can also think beyond the interests of politicians and political party as a group.

My own preference would be to see the committee refer the issue to a well designed and funded non-partisan citizens' assembly charged with proposing a single most effective alternative to the present system, with the final decision on the assembly's recommendation resting with Parliament. That said, while I would argue against the idea of a referendum, if most Canadians feel one is required in order to confirm the legitimacy of any changes, there ought to be one to confirm the result. We shall simply have to live with the consequences, however unexpected.

Such a process undoubtedly would take longer than the current timeline allows. However, I would argue that that is an additional feature, and not a bug. Electoral reform is a complex issue, and one better done right than quickly. Canadians need time to become familiar with it, and to form their own conclusions. Ultimately, a legitimate outcome is a result worth waiting for.

Summary: In this brief I have advanced a "micro-level" argument that majoritarian political systems suffer limitations in their ability to keep Canadians living in non-competitive ridings engaged in political discourse. I then argue against a move to either electronic or online voting, instead recommending the use of other means to improve accessibility and engagement. Finally, I argue the committee should refer the question of electoral system reform to a representative Citizens' Assembly.

About the author: I am a postdoctoral fellow at Carleton University's Norman Paterson School of International Affairs, and a recent graduate of the University of British Columbia's political science program. I am also co-author of Samara Canada's recent electoral reform primer, "What we Talk About when we Talk about Electoral Reform." Portions of this text have previously appeared in op-eds in the *Ottawa Citizen*. I write this submission in my personal capacity as a citizen.