

# Submission to The Special Committee on Electoral Reform

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# Three Concerns with Electoral Reform

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## Summary

1. The process of electoral reform is more important than its outcome
2. Getting it right is more important than getting it fast
3. Parliament (specifically the House of Commons) cannot be the primary decision maker

# 1.0 Process Over Outcome

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- ▶ Superficially, *process over outcome* is counter-intuitive
- ▶ For clarity, some definitions:
  - ▶ Outcome: a widely accepted and effective electoral system that increases voter participation
  - ▶ Process: the steps taken by all stakeholders in coming to a decision on electoral reform and specifically selecting an outcome
  - ▶ Ideal Representation: a statistical measure of any system of electing representatives that most closely aligns the distribution of selected representatives to voter intent as measured by votes cast.

# 1.1 Process Over Outcome

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- ▶ Assertion: all major options for voting systems will achieve the desired outcome. Representatives will be elected, governments will be formed.
  - ▶ How the options vary is the degree of alignment with 'ideal representation' for an election. The individual systems in combination with external conditions at an election date determine the degree of misalignment in that cycle.
- ▶ Conclusions:
  - ▶ The options cannot be effectively compared on their ability to meet the desired outcome, since they all do. They can only be compared on their real and perceived flaws.
  - ▶ The choice becomes difficult since there cannot be a clear winner on merit and people have genuine difficulty selecting options that have obvious flaws. Any contest among them risks devolving along 'least bad fit' lines.

## 1.2 Process Over Outcome

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- ▶ The process must compensate for the inherent difficulty of the choice
  - ▶ At all costs, a spiral into factions that focus only on other systems' flaws must be avoided so that the outcome can be genuinely embraced as a good choice, not a least bad choice that will be second-guessed at every opportunity.
    - ▶ Professor and author Peter Russell (guest speaker at Willowdale community meeting on Sept. 6) validated this as a significant risk
- ▶ Process characteristics need to be:
  - ▶ Representative of voter intent
  - ▶ Influenced but not overwhelmed by political parties and agenda-driven third parties
  - ▶ Conducive towards a clear question informed by the realistic merits and mitigated risks of each choice
    - ▶ A clear question will be facilitated by selecting a single best choice alternative and framing it as a yes/no choice against the current system

# 1.3 Process Over Outcome

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- ▶ Example of how perception can alter an election outcome:
- ▶ Quotation from The Electoral Integrity Project's report *The year in elections 2015*
  - ▶ Some observers feared the [Fair Elections] Act would reduce voter participation and make voting more difficult for students, First Nations Canadians and the homeless, because of new identification requirements. In the end, most of these fears proved to be unfounded with voter participation jumping to 68.5 percent (a two- decade high) and First Nations voter turnout also increasing.
- ▶ **Citation:** Pippa Norris, Ferran Martínez i Coma, Alessandro Nai and Max Grömping. February 2016. The Year in Elections, 2015. Sydney, University of Sydney. [www.electoralintegrityproject.com](http://www.electoralintegrityproject.com)
- ▶ **Conclusion:** Poorly managed electoral change can cause misunderstanding and unanticipated effects in subsequent elections.

## 2.0 Right Over Fast

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- ▶ Assertion: making the right selection is more important than the time it takes to complete the process.
- ▶ The current government has stated that changing the federal electoral system must happen before the next election in order to fulfil an election campaign promise.
  - ▶ Observation: this is the worst possible reason to make a decision about the most fundamental function of a government, i.e. to represent the electorate.
- ▶ Decisions involving large numbers of stakeholders and a difficult decision are notoriously difficult to accomplish on a hurried schedule.
  - ▶ Attempts to rush the process for any reason will give opponents cause to question the reason for the rush and thereby taint the outcome, causing a 'Process Over Outcome' failure.

## 2.1 Right Over Fast

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- ▶ **Rationale for a measured pace:**
  - ▶ Canadian democracy will not be damaged irreparably by another election cycle using the current system. It has proven itself sufficiently robust over many cycles.
  - ▶ As noted in section 1, risk of tainting the outcome is high and must be avoided
  - ▶ A rushed process will disenchant voters further and inhibit a desirable aspect of the outcome: increased voter engagement
  - ▶ A multiple-step decision may make more sense and will require time to accomplish.
    - ▶ Consideration: a phased approach (see 4.3 Notes on Recommendation D. Phasing)



## 3.0 Parliament Not Primary Decider

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- ▶ Assertion: Parliament is too invested in partisan politics to facilitate the decision process towards an untainted outcome
- ▶ Conclusion: a robust decision process is required that Parliament is involved in but does not lead, directly or indirectly, except to the extent to authorize, initiate and finalize the process
  - ▶ The current consultation exercise is too lightweight to be considered as the core of this process and does not describe the steps that lead to a clear decision
  - ▶ It is understood that Parliament has a necessarily direct role to play in passing amendments to Acts to enable the introduction of a new voting system.

# 4.0 Recommendations

Actions to be considered		1	2	3
A.*	Convene a voters assembly to study and recommend a single alternative to the current electoral system, reporting to a Senate committee struck for administration and reporting	√	√	√
B.	Strike an all-party committee to define party 'rules of engagement' and rules for conduct within and towards the Assembly	√	√	
C.	Require the main political parties to declare their positions on preferred outcomes early in the process	√		√
D.*	Include in the Assembly mandate a requirement to consider phased alternatives to implementation of a change if authorized.	√	√	
E.	Attempt but do not force the Assembly to publish its recommendation in time to allow it to become an issue for the next election	√	√	√
*	Asterisk indicates explanatory notes follow			
√	Checkmark indicates alignment to concerns listed on page 2			

## 4.1 Notes on Recommendation A. Assembly

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- ▶ The use of a voters assembly (Assembly) addresses many of the concerns raised in the previous three sections.
- ▶ Its primary mandate will be to examine voting systems and recommend a single one to be proposed as an alternative to the current system. It will also work to ensure that the question posed is well informed and clear.
- ▶ Recommendations on its constitution and rules:
  - ▶ Membership open to all Canadians eligible to vote in the next election with the following exclusions:
    - ▶ A political party member now or in the last ten years or a person who has made non-trivial lifetime donations of effort or money to a political party
    - ▶ Academics and other professionals whose duties or areas of study include political systems
    - ▶ Current and previous members of federal and provincial legislatures
    - ▶ All registered lobbyists and all employees and contractors of lobbying organizations
  - ▶ Assembly members will be volunteers who are randomly selected using criteria developed by Elections Canada and Statistics Canada to be representative of Canada as a whole. An honorarium could be considered.

## 4.2 Notes on Recommendation A. Assembly

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- ▶ Volunteers must meet a set of knowledge and capability standards in order to be considered
  - ▶ Consideration: this provision is arguably elitist but the nature of the work will become technical so some aptitude must exist in order to contribute meaningfully
- ▶ It will be an offence under an amendment to relevant Act(s) to approach and in any way attempt to influence an individual Assembly member. All communication must be public, attributable and to the Assembly as a whole.
- ▶ The Assembly will report to an ad hoc Senate Committee with the mandate solely of providing administrative support and access to government and legislative staff and services. The Committee will be small and the membership restricted to Senators with no party affiliation.
  - ▶ It may also be tasked with drafting enabling legislation.

## 4.3 Notes on Recommendation D. Phasing

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- ▶ Consideration: any large-scale change is inherently risky. It may be desirable to introduce an electoral system change over multiple election cycles.
  - ▶ For any system that creates MPs who are not riding-specific, minimize the number at the first election under the new system. Increase the number over later cycles. This will permit study and familiarization on how best these new roles can participate without creating a large body initially, the function of which at the outset will be poorly understood in practical terms.
  - ▶ Consider offering the provinces the option of being first adopters of the new system. This has the function of limiting initial numbers as above and provides the opportunity for comparative study before adoption country-wide.
  - ▶ An ongoing mandate of the Assembly or a new function within Elections Canada could be non-partisan study of the effect of the most recent election changes with recommendations for the next cycle. In this way it may be possible to find the optimal equilibrium for a new system over multiple cycles with minimal disruption cycle to cycle.