

Submission to House of Commons Electoral Reform Committee

2016-10-05 James D Warner

My sincere thanks to readers. I have read the briefs and witness statements prior to 2016-09-30. I am impressed with the dedication, knowledge, and analysis exhibited. Please summarize them in annotated single document. As an ordinary citizen, I cannot be as erudite as many of the other learned submitters. I hope my suggestions merit a bit better than “somewhere between uninformed and ridiculous”.

Summarizing, I will make an appeal; discuss principles; address mandatory voting, electronic voting, referendum, stability, checks and balances, leaving no one out, considered voting systems; and suggest a voting system.

An appeal to your better angels

Politics is about government policies that maintain the status quo or initiate/manage change. It has taken Western Civilization politics over a thousand years for our politics to take us from feudalism to today’s representational democracy. This slow process has seen: the Magna Carta, intending to give rights to barons; the Renaissance; the Reformation; the establishment of Parliament and elections; enfranchising landowners; the American and French Revolutions; universal adult male suffrage; abolishing slave trade; the secret ballot; abolition of slavery; enfranchising black adult males; universal suffrage enfranchising white women; enfranchising non white non native Canadians; enfranchising First Nations Canadians in 1960; lowering voting age to 18 in 1970. Each required sacrifice and met resistance. This sweep of history indicates further enhancement of representation will eventually happen.

The traditionally ruling parties have vested interest in the status quo or change that favors them. Increasing representation quality will not be in their natural interest as it will make majorities more difficult to achieve and increase need for consensus. As Liberals are perceived as holding the political center-left, the Alternative Vote system is their natural preference even yielding some majorities. The Conservatives’ natural preference is the status quo since they have achieved majority governments when the Liberals have alienated sufficient voters of the center.

I expect most people who voted for someone other than their elected MP, do not consider themselves to be represented. Alternative Vote will not increase (maybe even decrease) the voter’s sense of being represented. (See Joyce Green’s submission and Professor Craig Scott’s witness statement). The question I hope the Liberals and Conservatives will ask themselves is: do I believe in representational democracy or do I believe in preserving the power of my party? The above historical list shows that sometimes an idea’s time has come. Sometimes someone of vision steps up. For now, Canadian electoral reform is not an idea whose time has come. We live in a better world today than a thousand years ago, not entirely due to technology but also the slow march of human rights against the resistance of self interest of powerful individuals and social groups.

Opportunities to make democracy more meaningfully representative, occur very rarely, maybe once in a lifetime. If you believe in representational democracy, I plead with you to rise above your political parties’ natural interest, recommending a voting system that will make every vote count in a meaningful way, yet retaining a strong sense of accountability as sufficient simplicity. Those making this brave choice will deserve our admiration for their sacrifice.

A few comments on the principles:

Some of the principles are oppositional, meaning an enhancement of one will compromise another, requiring compromise.

Principle#1: Increasing Canadians’ confidence is likely optimistic, considering past referenda failure. Government leadership is seen to dictate policy to the MPs, whom are expected to represent the government to the electorate more so than representing the electorate. I believe that this cynicism has spread, possibly contributing to falling voter participation, periodically interrupted by exasperation. The voting system may not have any impact on this.

Principle#1: Effectiveness and legitimacy: Every vote should count in a meaningful way. Each voter should be able to easily identify somebody whom represents them. Ranking or preferential voting systems do not enhance meaningful alignment of values between the voter and the representative

Principle#2: Engagement: These laudable goals will probably require changes other than the voting system.

Principle#3: Accessibility and Inclusiveness: The principles of simplicity and representation are oppositional. The principles of accessibility and integrity are oppositional.

Principle#4: Integrity is an issue of mechanics, not the voting system. Compromising integrity makes electoral reform futile.

Principle#5: Local Representation generates accountability. The principles of accountability and representation are oppositional. Increasing district size (PR and more so Multi Member) will undermine it somewhat. Multi member ridings are less accountable because such ridings are several times larger.

Please review the foundational thoughts in Thomas Axworthy's submission.

Mandatory voting

- This would increase voting turnout, but claiming increased legitimacy would be disingenuous.
- a gas station attendant on election night told me that voting was "a waste of gas". Forcing those to vote will make them angry.
- If adopted, please add a ballot entry, "NONE". Such count and the count of spoiled ballots should be broadcast on election evening.
- Better solutions are proposals regarding civics education in the school system and enfranchising younger voters, at least to 16 and maybe 15.

Electronic voting

- Unfortunately, this is a bad idea whose time has come, as indicated by the naïve revelation of personal information on social media.
- The integrity risk of any voting system component accessible via the internet is much higher than the integrity risk of using people at a paper voting station. There is a litany of important systems that have been hacked. Anyone who thinks that we can create an immune system should read by Jeffrey Tighe's submission (#61).

Referendum

- Past Canadian experience indicates referenda would render electoral reform a waste of time. Better take the chance with the Supreme Court.
- On the other hand, a new voting system could make things worse. A safety valve could be a referendum, held after 3 elections conducted with the new system. Perhaps referendum question(s) should be on each subsequent election ballot.

Stability

- I share this concern of those either advocating a referendum or the status quo. See Dr Peter Loewen's submission and Louis Massicotte's submission (points #1 and #2), Professor Richard Johnston's submission (points #15, #16, #20)
- Please consider how to deal with the situation where the elected MPs are incapable of sufficient compromise to pass a budget and deal with emergencies? We can't afford to be frequently going to the electorate frequently.
- Submissions have stated the need for strong government. This statement needs qualification, because the ultimate strong government is a dictatorship. I think that strong government means one that stands up for Canadians; respects the Canadian Constitution; honors the Charter of Rights and Freedoms; preserves the rule of law; and defends the **sovereignty** of Canada, militarily, politically, economically, and culturally.

Checks and Balances

- If majorities become virtually impossible, then resolving ineffective government may not be possible. Subsequent elections would likely yield the same result. Further, fully proportional representational government of Canada's diversity could cause become regionally fractured.
- Some consideration should be given to checks and balances to protect and improve our representative democracy?
- Simon Threlkeld's submission discussed Citizen Juries and other submissions have mentioned citizen assemblies for changing our voting system.
- A permanent electoral commission could be established using citizen assembly, possibly with several appointees by the House, several by the Senate, Provincial appointees, and half the assembly randomly chosen from the populace.
- Such a commission could make a couple of electoral recommendations each election, requiring approval by two of the three bodies: Commons, Senate, Supreme Court.

Leaving No One Out

- Principle#2 Engagement: systematically increasing ethnic minority group representation in the electoral system could generate a lot of complexity, undermining legitimacy. Voting systems, with local representation, will generate some minority representation for ridings with concentrated minority population.
- Principle#2 Engagement. Equal gender representation is much easier to achieve. Simply double the size of the ridings and elect a male and a female representative from each riding. Each riding party association must submit both a male and a female candidate.
- A representative democracy by definition will leave some people unrepresented.
- A government service could provide an avenue for representing those whom do not have a respective MP. This role is more expansive than the role of the Ombudsman. A 311 service could provide better access to the federal government. Other infrastructure would be required for handling non information requests or when the answers are insufficient.
- A standing committee could be established that would meet weekly to consider representations from any Canadian, any Canadian group (including minority groups), registered political parties, associations, special interest groups, lobbyists, and businesses. The meetings would be public. The committee would determine what to present to Parliament. e-petitions do not provide this scope.

Voting systems being considered:

- Sometimes there are issue elections or the voter will vote for a particular person, but usually the voter picks the party who they believe most aligns with their "values". Complicating the ballot to vote for a multi members will likely confuse the issue and the result will have sacrificed some legitimacy.
- FPTP advantages and disadvantages have been heavily discussed. Simplest. maximizes accountability. Minimal representation.
- Alternative Vote: much more complicated ballot. Prior submissions indicate a large % of voters only vote for one of the parties. There is no perceived representative for probably the same % of the population as under FPTP. Therefore low effectiveness and legitimacy (representation). Accountability is high but less than FPTP. See Professor Joyce Green's submission page 3 for an assessment.
- MMM: ballot simplicity similar to FPTP. Counting slightly more complex. More representative, but much less so than MMP. Less accountable than FPTP
- list MMP: ballot simplicity similar to FPTP. Counting slightly more complex. More representative. Maybe more women and more minorities. Less accountable than FPTP. I will be disappointed if a list form of MMP is selected because it compromises legitimacy by giving more power to political party central leadership. See Dr Trevor Smith's submission, last 3 paragraphs on page 4.
- NOlist MMP (where proportional top up seats are allocated to losing candidates with most votes): same ballot simplicity as FPTP. Counting more complex. More representative than FPTP and list MMP. Less accountable than FPTP.
- STV: my reading of Committee's online notes indicate the order of counting the votes would generate different election results. Submissions indicate the counting mechanism is so complex that it will usually take a day and maybe multiple

days to determine the result. Ballot is more complex. Counting must be the most complex. Low effectiveness and legitimacy. Might be representative but not meaningfully so to the voter. Low accountability due complexity.

- SNTV: ballot and counting is as simple as FPTP. Highly representative, but less so than MMP. Low accountability due to much larger multi member ridings
- RUPR: (worthy FV Canada submission). Multi Member ridings will significantly diminish accountability. The argument that MMP requires much larger ridings is weak, because the multi member ridings will require multiplying riding size by the number of MPs in the riding.

NOlist MMP seems to be the most balanced compromise of the principles of simplicity, representation, and accountability.

SUGGESTION for a voting system:

There are several principles to be balanced in designing the ballot-voting-counting system: accountability(principle#5), representation (principle#1), and simplicity (principle#3). I have long been troubled by our FPTP voting system leaving a plurality of voters unrepresented. Representation should mean that “every vote counts meaningfully”. Accountability means that the elected should be closely tied to the voter. Simplicity means that the voter should be able to feel confident that the system is understandable. Another consideration is that political parties seem to be a necessary evil, being easily exploitable. (See Christopher Wilson’s submission page 4: “As for ...”; See Witness Mr Jean- Pierre Charbonneau’s statements last sentence re partisanship.)

After reading submissions, I realized my compromise is a form of MMP, somewhat more complex, but more accountable and more representative. The ballot stays the same. The total # of elected representatives would remain the same, with possibly a few less. There are two forms of my suggested electoral design. The simple form uses FPTP as in MMP but is somewhat less representative and less accountable. The threshold form uses a vote threshold to elect a candidate. The major difference from MMP is: 1) a single vote ballot rather than a dual vote ballot, and 2) the use of cascading unused votes to associated ridings. There are two changes to the voter’s experience: 1) some of the results will be delayed until all the votes are counted, 2) in determining their representative after the election. Small provinces and territories will have similar proportional problems as MMP.

For both forms:

- within each province (to meet constitutional requirements)
- increase riding size similar to MMP, balancing accountability and representation.
- the ridings within the province/territory need to have a very similar # of eligible voters
- before the election, associate the ridings with each other for the purpose of cascading votes. The association should be done on a cultural/industry basis. Thus urban ridings should be associated and rural ridings associated. The first level of association is pairs of ridings that are most alike into super ridings. The second level is done by pairing the super ridings of first level, using the same criteria. This is repeated until the resulting combination is the province as a whole.
- MMP is essentially the same, except MMP has only one super riding, which is the province. The cascading vote system has more accountability than MMP

The full threshold vote form:

- Determine the vote threshold by dividing the number of votes cast in the province by the number of representatives to be elected for the province
- In each riding declare as elected the leading candidate that has votes equal to or more than the vote-threshold
- All votes not represented by that candidate are cascaded to the super riding of the first level of association. This includes all of the votes received by the elected candidate that are in excess of the vote threshold
- For each level 1 super riding, add the cascaded votes based on the political party. If the leading party has votes equal to or more than the vote threshold, then of that party’s candidates from the component ridings, the candidate with the most original votes is designated as elected, representing the super riding.

- All votes that are not represented by elected candidates are cascaded to the super riding of the second level of association. This includes all of the votes received by an elected candidate that are in excess of the vote-threshold
- For each level 2 super riding repeat the prior two steps
- Repeat this process up the hierarchy levels until the province super riding has been processed.

The FPTP vote form:

- the base level riding elected representatives are determined by FPTP. To compensate for some elected representatives not having the vote threshold, the votes for elected representatives are not cascaded.
- The rest of this form is the same as the rest of the full threshold vote form.
- Stop cascading once the # of representatives for the province has been designated.

For the votes left over (not represented)

- The Constitution may prevent this.
- For each province as well as the territories
- The same strategy of cascading left over votes can be applied by combining provinces as super ridings.
- In this way one could effectively get to “Every vote counts meaningfully” to the point that there are insufficient votes to be represented by a single MP.
- However, it may not be possible to count these votes and avoid increasing the House of Commons seats, without subtracting 1 seat from the major provincial allocations.

After the election:

- The hierarchy of super ridings will generate representatives whom are given the responsibility of representing the whole area of the super riding from which they are elected
- As a result, each riding will have more than one shared representative. The party distribution of all representatives will strongly reflect the proportional vote. Somewhat less so in the case of the FPTP form.
- The list of representatives (and their parties) must be published for each riding in a location that the voter can determine which representative most represents him or her.

Discussion:

- In the FPTP form, each riding will have one dedicated representative.
- In the full threshold vote form, a riding might not have a dedicated representative.
- Submissions have expressed considerable variation of concern that full PR may generate disproportionate influence by very small parties on government policy. The consensus seems to be that there needs to be a minimum percentage of the vote before proportional seats are awarded. The principle of representation should be compromised only very carefully. There may be a way to alter this cascading vote to accommodate such a minimum.
- MMP has been usually discussed in context of closed or open list MMP, meaning that the party gets to choose who fills the proportionally allocated seats. One submission suggested that the MMP should be implemented by selecting the proportional representatives from those losing candidates with the most votes, rather than letting the party chose. The cascading voting system does this.
- Independents can win but their votes can't cascade since the cascading is by party. See above: Leaving No One Out .

Discussion of Principles

- Principle#1: increases representation almost to complete proportionality, possibly qualified by vote minimums.
- Principle#2: Has no influence on engagement. Most of the other systems don't have influence on it either.
- Principle#3: increases complexity as a compromise to increase representation
- Principle#4: the voting system has no impact
- Principle#5: Provides the most accountability of considered proportional voting systems, because super ridings are closer to the voter than the province. Accountability is somewhat less than FPTP.

- The maximal representation and hi accountability is achieved by higher complexity (but less so than voting systems that have a complex counting system). The question is whether the increased accountability make the cascading vote sytem preferable to NOlist MMP.