

**Comments on the recommendations of the 2004 Report of  
the Law Commission of Canada on reforming the electoral  
system**

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I basically agree with the recommendations of the 2004 Report of the Law Commission of Canada on reforming the electoral system: a mixed member proportional electoral system would be the best solution for Canada. However I note that the alternative vote (ranked ballots) has gained popularity, and may be recommended for the election of constituency representatives in a proposed mixed member proportional system.

**Suggestion 1:** If the alternative vote is recommended for the election of constituency representatives, there should not be a second vote for a party list.

Justification: When plurality is used to elect constituency representatives in a mixed member proportional system, the second vote is there to allow strategic voting in constituencies. However the purpose of the ranked ballot is to eliminate as much as possible the need for strategic voting, and allow voters to express their party vote as their sincere first preference. Therefore the first preference effectively records the party vote of all but a negligible number of voters, hence there is no need for a second vote. Eliminating the second vote then simplifies the procedure, complying with the principle of accessibility and inclusiveness of the Committee's mandate. Also, it guards against a "Berlusconi trick" style deception (in which a party splits into twin decoy parties), complying with the principle of integrity of the Committee's mandate. I note that my suggestion would eliminate the possibility of using flexible lists, as recommended by the Law Commission. However, I think that flexible lists are generally used in pure proportional systems, where they can be implemented with simple ballots, rather than in mixed member proportional systems.

The Law Commission recommends that one third of members of the House of Commons be elected through top up lists. However, the Special Committee on Electoral Reform will perhaps consider other sizes of top up lists, including the one fifth recommended by the Jenkins Commission for the United Kingdom. Such a small number of members of the House of Commons elected through lists would not guarantee a proportional outcome.

**Suggestion 2:** If the system recommended by the Committee is not fully proportional, then municipalities covering more than one federal electoral constituencies should be given a mechanism through which they can merge their constituencies in multi-member constituencies where a proportional system is used.

Justification: The proportionality and fairness of the system should remain the ultimate goal of the reform. Only the fear of a too sudden change could be considered a valid reservation for not adopting a proportional system at once. But then, smaller jurisdictions should be given the possibility to gradually correct the system towards proportionality, to the extent that it affects their representation in the House of Commons. This complies with the principle of local representation of the Committee's mandate: With single member plurality (first past the post), municipalities comprising as much as five electoral constituencies have been shut out of government for years at a time, through a system that was not of their choosing and a partition into constituencies on which they had no power. So I believe that it is to their advantage to use a proportional system, and that it is fair to give them the right to do so. Any such local switch to a proportional system would increase the global efficiency of the top up list.

To summarize, I support the recommendations of the 2004 Report of the Law Commission of Canada on reforming the electoral system, and suggest two possible adaptations that may be relevant depending on the orientation of the Committee's own recommendation.