

Submission to House of Commons Special Committee on Electoral Reform

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I have been a participant in Canada's governance - from licking envelopes as an 11 year old in 1968; to working in the Table Research Branch in 1984; to presently serving my local riding association. Special Committee Member May will confirm I know that one part per million is greater than one part per billion.

Summary

This short and informal submission is sent solely in my personal capacity. It is motivated by my being unable to find *consensus* over what is wrong with the existing "FPTP" electoral system. I will argue that until such consensus has been achieved, any solution risks exacerbating unidentified weakness. I urge the Committee to agree on **exactly what** needs fixing before considering solutions. This submission will describe what I believe needs to be fixed and will then recommend a simplified MMP electoral system that directly addresses the identified issues.

In their comprehensive 2004 study "*Voting Counts: Electoral Reform for Canada*" the Law Commission of Canada ("LCC") describe and explain identified deficiencies with our existing electoral process. Their work is referenced in "*Electoral Systems and Electoral Reform in Canada*" the 2016 report prepared by the Library of Parliament as a background document for your Committee. The LCC summarize their list (p. 72 of their report) and conclude that FPTP scores well in three assessments (Geographic Representation; Effective Government and Accountable Government) but scores less well on the remaining seven¹. It is critical to note however that the 2015 federal election, and subsequent Cabinet selection, scored well on at least four other assessments (Demographic Representation; Diversity of Ideas; Regional Balance; Inclusive Decision Making) and arguably more. Put directly deficiencies with FPTP may have more to do with how FPTP has been used and not with FPTP itself.

¹ **Table 6 Assessment of the first-past-the-post voting system**

Criteria FPTP

1. Representation of Parties
2. Demographic Representation
3. Geographic Representation ✓
4. Diversity of Ideas
5. Effective Government ✓
6. Accountable Government ✓
7. Effective Opposition
8. Valuing Votes
9. Regional Balance
10. Inclusive Decision Making

I support Electoral Reform but before recommending a solution permit me to suggest a list of deficiencies with our present system. I encourage the Committee to come to its own consensus but offer the following as six *systemic* problems that can be fixed within the Committee's mandate.

1. Ballot Box Confusion.

Placing an "X" beside a local candidate's name made sense 150 years ago when the local candidate had as high, or higher, a profile as the national campaign. Today it is likely that many voters have no idea about their local candidate and whether she or he would be a good "representative" when they mark their ballots. Voters today vote on the relentlessly media driven national campaigns without knowing as much about their local candidate (save for intensely popular and likely long serving local candidates). FPTP creates confusion, or an actual dilemma, for the voter who has a view about the local candidate that is different from his or her opinion of the party, its platform, or its leader. Requiring ranking or the consideration of "party lists" could aggravate Ballot Box confusion.

2. Local/Single Issue Parties.

That Lucien Bouchard's BQ was able to become the Official Opposition was galling (though charmingly "Canadian") not just because the BQ wanted to break up the country but also because they only sought seats in one Province. It has been suggested that some of the alternative electoral schemes will create more coalition governments. Coalitions of national parties are preferable to coalitions of regional or single issue parties as the latter are necessarily brokers for something less than the full national interest. Parties that run candidates in every riding should be afforded an advantage in any new system.

3. Cabinet Making.

Canadian governments can be challenged to build cabinets that are diverse and expert. PM's have had to resort to Senate appointments to make their Cabinets representative if the "pool" of MP's does not happen to be diverse in a variety of metrics. Is the convention that only elected MP's can serve in Cabinet anachronistic? Why shouldn't a PM be able to "reach across the aisle" when building a Cabinet? What about defeated candidates? Non-candidate experts? Electoral reform should legitimize broader Cabinet options.

4. Voter turnout.

Any proposal that contemplates a "run-off" or "second-ballot" seems a non-starter in a country with the geographic, climactic and other challenges we face on polling days.

5. Party Leaders having a Riding.

Could we free ourselves from what I suggest has become the absurdity of Party leaders having to win in a local riding? I realize that the PM is not the President and it is a tenet of the Westminster model that the PM is "first among equals" but does anyone believe that to be true? Is it an anachronism that Party leaders act as local representatives? Is it right in today's context

that the MP in one riding is also the PM of all ridings? Does this convention serve any value today? Should/could Electoral Reform free party leaders from local riding obligations?

6. **Proportionality.**

I share the oft expressed concern that FPTP “is not proportional” or is a system where “one vote counts more than another” but it is the least of my six concerns.

My Proposed Solution

Pure PR, (or “Rep by Pop” as it was then known) has been rejected in Canada since the Quebec Conference as threatening to the legitimate interests of our less populous regions. Fixing proportionality concerns highlighted by critics of FPTP risks creating an entirely new set of concerns as parties necessarily focus on our most populated areas. I propose the following simplified MMP system.

A House of Commons with 400 seats. 300 MP’s are elected exactly as they always have been by FPTP in 300 federal geographic ridings balanced and redrawn from time to time among provinces in accordance with the Constitution exactly the way they are today. The additional 100 seats are for what I call “Members at Large”.

Voters would be presented with a ballot showing in one column candidates and parties exactly as they are shown today (Column One). In a second column (Column Two) voters would see the national parties with the names of the national party leaders. In Column One they indicate who they would like to serve as their local MP. In Column Two they indicate which party and leader they prefer. The confusion and dilemma referenced above are eliminated as voters are free to do what seems natural - vote for their preferred local representative *and* their preferred national platform and leader. Presumably most voters most of the time will support one party with both X’s but this allows a voter to support a local representative but another party’s platform and leader (and vice versa).

“Top Up allocations”; “Party Lists” and “Webster/Sainte Lague” formulae, to me, unnecessarily complicate, confuse and invite new varieties of strategic voting. I propose that the 100 Member at Large seats be won by parties based on the percentage of the popular vote they win in Column Two. If a party wins 6% of the X’s in Column Two they get 6 of the 100 Member at Large seats. To encourage every party to become a national party with national positions a party would only be able to get its name and leader listed on Column Two by running candidates in every one of the 300 traditional geographic ridings. A local or single issue party could form a government but would need to do so by winning more than 200 of the 300 traditional FPTP seats. Non national parties remain free to focus on winning traditional FPTP seats. The BQ may have swept Quebec but their chances of winning, or becoming the Official Opposition, are reduced by the fact they would not have been eligible to win Member at Large seats. The Greens

are rewarded for running in every riding with Member at Large seats equal to their Column Two percentage of the popular vote. These seem just results.

In this system leaders of national parties would not need to run in a traditional FPTP geographic riding. Assuming their national party won at least 1% of the Column Two votes there would be a seat in the House for the national party leader. National leaders having to “win their riding” has struck me as anachronistic for some time. Our system should recognize that the reality of modern election campaigning means leaders can only devote a cursory amount of time to the good people of Papineau; Calgary South West; Outremont; or Saanich - Gulf Islands. We should free national party leaders from both this obligation and from the specter of losing and having to run in a spurious by-election. Furthermore, during the Parliament, the party leader is free of constituency duties which can neither be performed too well, nor too poorly, in the present system.

Here is where I believe my proposal gets novel. I would allow party leaders to choose whoever they like to fill their party’s share of the Member at Large seats. Defeated candidates; extraordinary citizens; university professors; labour leaders; bank presidents; tribal leaders; ... anyone they want. I don’t like the idea of party lists, however manifest, announced before the election and made a part of the campaign. To me lists reintroduce confusion as now the voter must judge the “stable” of candidates each party is proposing. Why would we solve the “do I vote locally or nationally” dilemma only to introduce a new dilemma created by loving or hating names on competing lists?

I am of course suggesting what critics might call “unelected” Members of Parliament. I am fine with this and here is why. 75% of the House continues to be elected in the traditional way. The remaining 25% are “elected” in the sense that their seats were secured by the popularity (acknowledged as skewed in favour of larger population centres) of their party and leader. (I would not entitle Members at Large who serve at the pleasure of a party leader to the same pension benefits as traditionally elected MP’s.) More significant to my thinking the Leaders are responsible, and will be kept responsible, for their Member at Large selections. This leads me to how my proposal deals with Cabinet making.

We have Judicial, Legislative and Executive branches of our Government. The Prime Minister has the unfettered ability to appoint the entire federal Judicial Branch without restriction (save for the requirement that three SCC judges be civilly trained and from Quebec). The Prime Minister has the unfettered ability to appoint every member of the Senate without restriction (save for some regional requirements). The Prime Minister also has the essentially unfettered ability to appoint the Governor General as the Sovereign’s representative. Remarkably when it comes to the Executive Branch, who he or she wants as his or her closest counsel, the Prime Minister is severely restricted. He or she is required (I believe only by convention) to choose from the roughly 100 souls from various parts of the country that have succeeded in the grueling process of representing a riding. Checking the PM’s power to appoint Senators; Judges and Governors General is a worthy topic for another day but today I ask why we so severely fetter the PM’s discretion to pick the Executive Branch.

In extreme situations PM's without any MP's from a region of the country have had to resort to making a Senate appointment to name token representation from a particular region. I suggest this has more to do with our Cabinet making conventions than it has to do with weakness in FPTP. It is also worth asking how many well qualified Canadians may have been inclined to serve in Cabinet over the years but could not be convinced to go through the local riding nomination and election processes.

I would propose therefore that party leaders be able, after Election Day, to choose anyone to fill their party's proportion of the 100 Member at Large seats. The PM could appoint any traditional MP to serve in Cabinet but could also ask any Member at Large to serve in Cabinet. I would add one wrinkle to Members at Large serving in Cabinet - that they be subject to a form of vetting before a Parliamentary Committee established for that purpose. Similarly leaders of the Opposition parties can name Members at Large to serve in their caucus and perhaps as expert critics of the Government.

In sum:

- Voters get to do what seems natural in the ballot box by voting both locally and nationally;
- They don't need to study "lists" (prepared, by the way, by the Party leaders) or strategically consider "top up" formulae;
- Any voter apathy borne of confusion or "what am I supposed to do?" discomfort is reduced which should encourage voter turnout;
- Local/single issue parties are disadvantaged as against national ones;
- National party leaders no longer need to contest nor represent one riding;
- Parties learn if the local candidate was more or less popular than the party in each riding;
- The party leaders can choose anyone (subject to ss. 51 and 52) to be a Member at Large but to serve in cabinet Members at Large would be subject to Parliamentary vetting;
- Proportionality is improved without the need for confusing ranked ballots; party lists or impractical and expensive runoff elections.

I do realize that this proposal concentrates more power in the Prime Minister's (and the other Party leaders') office. I see no problem with this when we are discussing the power to choose Members at Large and a Cabinet, a minority of whom may be chosen from the ranks of the Members at Large. I believe the Prime Minister's power to appoint Senators, Judges and Governors General should be checked – but that will have to wait until such time as we are ready to open constitutional discussions – something I hope we can find a way to do sooner rather than later.

Thank you very much for your work and for providing Canadians like me an opportunity to participate in this process.

I will of course make myself available should you have any questions.

Sincerely,

Tim Hyde

cc. The Honourable Maryam Monsef, Minister of Democratic Institutions (Maryam.Monsef@parl.gc.ca)

Mr. Mark Holland, Parliamentary Secretary to the Minister of Democratic Institutions (Mark.Holland@parl.gc.ca)

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