

Summary Page

I recommend adopting a mixed member proportional (MMP) electoral system. MMP would address issues of fairness, voter representation, and diversity of views of the current system. While it does have shortcomings of not being a pure proportional system and thus causing a disconnect between the vote share and seat count, if using a Hare Threshold, and inclusive counts are done, then those shortcomings can be minimized. I believe a referendum is not required to implement the change because the governing party ran on a platform of changing the electoral system, even if it was not specific as to what.

A briefing for the Special Committee on Electoral Reform

By Christopher Jappert

Overview:

Canadians have been casting ballots since before Confederation, dating back to 1792 in Upper and Lower Canada. Things have changed since then. The right to vote has been expanded from wealthy white land owners to all Canadians regardless of ethnicity, religion, wealth, or sexual orientation. Yet in all that time, the one thing that has not changed is the system for translating votes into seats. I argue that the system needs to change to what is known as a combined electoral system that uses elements of both a plurality system (which Canada currently uses) and a proportional system that is common throughout Europe. The system allows to retain elements of the current systems that Canadians prefer such as local representation and a simple ballot, while bringing in aspects of proportional representation that will improve the fairness of the system.

To have a referendum or not to have a referendum:

This is disagreement over whether or not a referendum on changing the electoral system should be required. Both options have valid points attached to them.

On the one hand, since such a major change is being proposed to the way Canadian's vote, it could be argued their input should be directly heard from a national vote. The idea is not without precedent, as a number of provinces used referendums on this issue such as Ontario and BC, which had a referendum vote on whether or not to switch the provincial electoral system from first-past-the-post (or FPTP) to Single-Transferable Vote (or STV).

There are also valid reasons for not having a referendum. A referendum is not required under any law since changes to the electoral system, such as expanding the franchise, have been made without referendum before. Moreover, the public is being consulted on potential changes through this committee's work. Any such changes are far from permanent as if there is much dislike for the end result, the voters can change elect a change of government that can either bring a desired system or return to FPTP.

While it would be expensive to do a change back and forth between two election systems as drafting the new maps and ballots could cost funds from Election Canada, it would also be quite expensive to run a referendum on the question. This could delay other initiatives that the government wishes to focus on. In the end, I recommend that to avoid costly delays to other legislations and cause divisive political cleavages to come to the forefront, a referendum is not recommended or required at this point.

Why is change needed?

As mentioned earlier, Canada has used FPTP in all of its forty two federal elections since before Confederation, like many other democracies with strong British ties. However, just because it has been used all this time does not mean that it should not be changed. The biggest criticism of FPTP has been the difference between the share of votes for a party and the share of seats they get in the House of Commons (HoC). Twenty seven of the federal elections have produced majorities but very few have been with a majority of votes cast. Even the last federal election saw the current government come to

power with 54% of the seats but only 39.5% of the vote. This means that four out of ten Canadians voted for the party that has a majority of power in government. This is the issue that spurred the creation of this committee.

The result of such disconnect is that it drives down participation in a large number of registered voters. If a voter lives in a region that is dominated by a political party they don't support, then what reason is there to vote in such a situation? Even if a person does vote, it would seem and indeed could be pointless. In a multi-party system like Canada, needing only a plurality to win a seat means that parties need say only 40% of a vote to win as splitting of the vote among the other parties will dilute the remaining 60%.

Another major flaw of the current system is that it encourages more confrontation politics, as oppose to co-operative. After all, with such a low threshold that could be needed to win the seat, taking a stance on a more diverse issue that captures enough of the popular vote is all that is required. This could discourage the need to compromise or work with other parties, especially when you factor in that this same vote share on the national stage would allow a party to form a majority government and dictate all the nation's priorities.

Recommendation:

I recommend Canada adopt what is known as a combined electoral system called mixed-member proportional (MMP), rather than either a majoritarian or a proportional system. This option aligns closest to the committee's principles. This is a system where some seats would be allocated on the basis of FPTP (or another majoritarian system) while others would be allocated on the basis of proportional representation (PR) so that the overall result is proportional. How this would be done is by taking each province's set seat count and keeping half of them as they are now and double the size of the existing district and the other half would be elected from a closed list PR system, which would assign seats based on a proportional formula that would take into account the seats from the FPTP side so the overall result is proportional. The ballot would be straightforward to avoid confusion and to make matters easier for voters. It would two Xs instead of just one, with one X for the local candidate, or one being selected by FPTP, and one X by the PR option. This allows the voter to support a local candidate and a different party, if they wish to do so. The votes for the party would be used to determine the portion of seats the party is entitled to.

Table 1: A table showing the difference between current and proposed systems (Alberta)

	Vote Share (%)	Seat Share (FPTP)	Seat Share (MMP)
CPC	59.5	29	20
Liberal	24.6	4	9
NDP	11.6	1	4
Green	2.5	0	1

In Alberta, as seen in the table above, there were 34 seats up for election in the last federal election in the province. Under the current results, the Conservative Party of Canada (CPC) won 29 seats, which is roughly 85% of the seats for the province, and yet they took only 59.5% of the popular vote.¹ Under pure PR, they should only got around

20 seats. Assuming the same number of votes issued for the parties, we can do our best to run a projection on how it would go under the proposed system. In regards to the FPTP seats, there would be 17 up to grab. Given the larger ridings, the CPC would take 16 of the 17 seats and the New Democratic Party (NDP) would retain their one seat. The other 17 seats would be decided via a closed list system. The CPC, having gotten 59.5% of total province vote, would get 4 more seats from their list. The Liberals (LIB), having gotten 24.6% of the vote, would gain 9 seats from their list and the NDP, with 11.6% would gain another 3 seats from their list. The Green Party of Canada (GPC) would be entitled to 1 seat with their 2.5% of the vote. As you can see, in this system 98.2% of the vote is accurately represented.

This is a great system that matches the principles purposed by the mandate giving to this committee. It is clearly legitimate and efficient. It has reduced waste vote to a minimum, recognizing that in any system that the committee there will be some wasted vote unless a change to direct democracy is proposed. It is clearly transparent as parties will be closer to their portion of seats equal to their votes, giving voters the impression that their votes do matter. The added element of PR will allow lesser parties a easier chance to enter the system, especially in provinces with more seats at stake. It can allow for both regional representations and for special interest parties to enter without crowding Parliament with too many parties. The system also allows for a great deal of simplicity. Adding an extra X would not be difficult for voters. The list would be closed, determined by the parties so they can reward their own members by whatever qualifications they value. This would mean that voters would only be voting for the party as a whole. The change to the ballot would do little to change the current integrity of the system as it would only add one more count to the process. On election night, vote counting would be simply two tracking, one for the party list and one for the FPTP. And of course, one of the key strength of this system would that there would still be local representation. Voters would have a clear individual to take their concerns to Ottawa as well as one they can bring any other issues to, as opposed to in a PR system, where this may not be so clear. It can also allow for more clear benefits and blame on when things go right or wrong for a region as the party list is linked to each province's numbers, as opposed to federal ones. As can be seen, the system fits well into the mandated principles that the committee is looking into.

Criticism:

Electoral systems all involve tradeoffs between different strengths and weaknesses. A major weakness of MMP that needs to be addressed is the risk of a party getting more seats than it is deserves. If a party were to be entitled to only say 10 seats but won all 17 seats in the FPTP districts, then this would create a problem. There are a number of solutions to this, one of which keeps the proportion of the seats the same as the proportion of the vote, but can create temporarily more than the normal amount of MPs in the house. It is used in New Zealand as the method to deal when this occurs. Another method to deal with overhang seats is one that was recommended by the Ontario Citizen's Assembly on Electoral Reform in their recommendation for an MMP systemⁱⁱ and that is to simply lower the number of PR seats given to the other parties.

Another issue with the system is the issue of addressing threshold. As with any system that uses elements of PR, there is likely to be a threshold. There are two ways to have this in place; an arbitrary threshold or a formula threshold. How this is decided is something that the committee would need to address. The threshold could be determined using the Hare Quota, or the total number of votes cast in a province divided by the number of seats but there are other methods, all with their own distinct advantages and this author is only suggesting the Hare method as it is the simplest but it is in favor of any of the methods. However, the author is not recommending an arbitrary threshold as this could risk a court challenge as setting the threshold would be difficult and harder to defend in court. As well, it could make the problem of overhang seats significantly worse.

Conclusion:

Electoral reform has the potential to affect both present and future Canadian in many ways. MMP would help ensure those elections are done more fairly and with better voter satisfaction. The combinations of PR and FPTP elements add familiarity of the traditional casting of the ballot and keep its integrity as well as required elements of PR to improve the fairness of the system and could help re-engage Canadian voters and restore faith in the process. The author thanks the committee for its time and hope it will consider its options wisely.

ⁱ Elections Canada, “Report on the 42nd General Election of October 19, 2015”, Dated: February 3, 2016

ⁱⁱ Ontario Citizen Assembly on Electoral, “One Ballot, Two Votes”, Dated: May 15, 2007