

The Case for Voter Equality
or a new electoral system for Canada

by

Citizens for Voter Equality^a

Burnaby/New Westminster¹

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Overview:

This submission explains why we should have equality of voters, and what it looks like.

Counting every vote is not enough. Every vote should count towards the election of an MP.

This leads naturally to proportional representation with multi-member electoral districts. The simplest and fairest system uses ranked ballots counted using STV.

^a communications should be addressed to: D.J.Huntley, Burnaby, B.C.

VALUES

- (A) **Voter Equality:** All voters are equal in Canada and should enjoy equal benefits and responsibilities under the law. Thus voters should have **EQUAL LEGISLATIVE POWER.**
- (B) **Representation:** Every voter should have a member of parliament (MP) who shares his or her values and who they voted for, in this way transferring each citizen's legislative power to his or her MP.
- (C) **Representative Equality:** The ideal is that groups of equal numbers of like-minded people, people with shared values, each elect their own member of parliament. Each MP should represent about the same number of voters who actually voted for him or her.
- (D) **Effective Local representation:** Every community of voters should be represented in all its complexity as fully as possible. Communities of voters should be as compact as reasonably possible in order to ensure local representation.

RECOMMENDATIONS

- (1) We should have multi-member electoral districts so that a representative range of citizens' values can be voiced in parliament; this requires several MPs to be elected collectively and can be accomplished using ballots in which the electors rank the candidates. Counting of the ballots is accomplished in a way that comes closest to achieving the above ideal.

- (2) Of the various methods of counting such ballots, the one that should be selected is the one that gives the most legislative power to the voters, and, secondary, independence of individual MPs from party control.

- (3) This will provide us with a consensus democracy, a type which is, on average, better all round.

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DISCUSSION

Voter Equality

There are many values that can be considered in selecting an electoral system, and many lists have been published. The overarching one is the equality of citizens; this is prescribed in Section 15 of the Constitution of Canada. We quote from the Department of Justice web site²

“Equality rights are at the core of the Charter. They are intended to ensure that everyone is treated with the same respect, dignity and consideration (i.e. without discrimination), regardless of personal characteristics such as race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, sexual orientation, marital status or citizenship.

This usually means that everyone should be treated the same by law and that everyone is entitled to the same benefits provided by laws or government policies.”

The electoral system currently used, Single Member Plurality, is inconsistent with this principle of equality because it results in, on average, half the electors with a member of parliament who does not share their values and half who do. Worse still, it usually results in a majority government that represents a minority of the vote.

Thus, our present electoral system is thought by many to be unconstitutional. Indeed, a 1999 paper by Trevor Knight, a student in the University of Toronto Faculty of Law Review, argues for a charter challenge.³

This argument from the Constitution is unnecessary. Anyone who does not subscribe to the equality of voters is obliged to say whose vote they think should have more legislative power than others, and whose vote should have less, and why. It can not be done.

The Ideal:

In a representative democracy **Every citizen should have a member of parliament who shares his or her values.** This leads to the ideal: **The ideal is that groups of like-minded people, people with shared values, each elect their member of parliament (MP).**

Each group should have the same number of people. There are about 50,000 voters per MP. How can we form groups of 50,000 voters with shared values?

People in Canada have a variety of values. Typically, as judged by their voting, an MP has values shared by only half of the voters at best. A single MP cannot represent everyone in their riding when it comes to legislation. A member of parliament can not vote for a bill with one hand and against it with the other. Thus it is necessary to have electoral districts in which several MPs are elected.

Multi-member electoral districts are necessary

How many MPs should one have in one electoral district? If there is only one MP, only one value can be represented. If there are five, then up to five values can be represented. If there are twenty, then as many as twenty values can be represented. The larger the number, the larger the population and geographic area for the electoral district. Too large, and the MPs will hardly be considered local, thus diluting local representation, one of the main values of our present system. Clearly a compromise is required.

The BC Citizens' Assembly on Electoral reform recommended between 2 and 7 MPs per electoral district. Ireland uses 3-5. Tasmania uses 5. Arend Lijphart recommends for new democracies a range of 7-10⁴. In a study of the relative merits of different sizes, Carey and Hix concluded the optimum was in the range 3-8⁵. The number does not have to be the same for all electoral districts; the compromise could lead to larger numbers for densely populated major urban areas, and smaller numbers for less dense rural areas.

How are the MPs to be elected? How can one determine the group of voters whose values are shared by a candidate? The answer is simple. The voters are presented with a list of candidates and asked to rank them in order of preference.

How are the ballots to be grouped by shared values and the preferred candidate in each group declared elected? This task of grouping them is not simple; the preferred method is the

Single Transferable Vote (STV)⁶

This accomplishes the desired objective and is well tried with extensive use.

Where population densities are too low for this to be practical, such as in Nunavut, the Northwest Territories, the Yukon, and perhaps some northern regions, single-member electoral districts should be maintained, but voters should be able to rank the candidates, and ballots counted using a Condorcet procedure.

The Best System

Prime Minister Justin Trudeau promised that the 2015 election would be the last election held under First-Past-the-Post (FPTP). Thus we must ask just exactly what do we want? In 2004 the members of the British Columbia Citizens' Assembly on Electoral Reform spent nearly a year learning about various electoral systems and canvassing citizens on what they wanted. The members of the Assembly have done the hard work. The basic values of their conclusion is reproduced here as Appendix A. This informs our recommendations and is consistent with them.

The concluding chapter in the 2005 book "The Politics of Electoral Systems" by Michael Gallagher and Paul Mitchell⁷ attempts to answer the question "Which Electoral System is Best". Here the authors gather 9 lists of criteria from a variety of authors and Commissions, and synthesize them into a single list. We have used this list as a basis for our own list which forms the following table. In the Table we indicate how well the main relevant systems do on these various criteria. (see note)⁸

| VALUE | FPTP/AV | MMP | STV |
|---|----------------------|-------------------------|--------|
| Voter Equality^a | no | medium | good |
| Consensus Democracy^b | no | yes | yes |
| Congruence between governing parties and citizens policies ^c | variable | good | good |
| Level of satisfaction of voters with government policies ^d | variable | good | good |
| Absence of regionalism ^e | no | yes, but | yes |
| Proportion of women MPs ^f | poor | better | better |
| Election of representatives from large minorities ^g | poor | better | better |
| Election of thoughtful independent politicians ^h | very poor | poor | good |
| Simplicity for Voters ^j | good AV is better | 2 votes; may be complex | better |
| Stable effective government ^k | good | good | good |
| Personal accountability of MPs to constituents ^l | poor | mixed | good |
| Cohesive and disciplined parties ^m | good | good | better |
| Opportunity for voters to eject government from office ⁿ | yes | yes | yes |
| | | | |

Table of values:

FPTP means First-Past-The-Post (Single Member Plurality).

AV means the Alternative Vote or Instant Run-off voting. It does not satisfy the criterion that “Every Vote Counts”

MMP means Mixed-Member Proportional; there are many varieties of this, but all use FPTP to elect some MPs and others are chosen by voters from party lists. We refer here to the best MMP system, one in which the voters control the order the party lists..

STV means Single Transferable Vote (sometimes called Choice voting). We refer here to the best STV system.

We have not included a list system in the table as this is not considered to be an option for Canada.

- a This is the first priority as all citizens should be treated equally. Each voter should have the same legislative power.
- b see Lijphart - as discussed later in the text
- c D. M. Farrell and M. S. Shugart: Electoral Systems. Sage, London, 2012, Introduction p.xxxiii. This congruence between the policies of voters and parties was found in Lijphart's study.
- d *ibid* p.xxxiii
- e by regionalism is meant that a whole province or region of Canada has MPs entirely or almost entirely from one political party, even though a significant fraction of the voters voted for candidates from other parties. With FPTP this is strongest. With MMP it will also occur for the single-member constituencies, in which case the MPs from other parties will be elected mainly from the lists. With STV any regionalism should be absent or minor.
- f Farrell and Shugart *supra* p.xxxi
- g With single-member districts the tendency of parties has been to nominate safe candidates, usually middle-age white males. With multi-member districts the parties are more likely to nominate a mixture of candidates representing different minorities who will appeal to those minorities. This also applies to the election of women.
- h Henry Droop, 1869; reprinted in Farrell and Shugart *supra*, volume 3, p.8
Consider for example the very popular Bill Copeland who served as mayor of the City of Burnaby for many years. If he had been an independent candidate in an STV election he would have had no trouble being elected, without any campaign funds; in contrast had he run as an independent candidate in a FPTP election it is unlikely he could have been elected, even with considerable campaign finances because of the mainstream party campaigns.
- j With AV and STV the voter's task is simple, it is to rank one or more of the candidates in order of preference. FPTP is more complex because one may find the need to vote strategically, ie one may not vote for the candidate one really wants, but for the candidate seen as most likely to defeat the candidate one does not want elected. With MMP the voter has two votes, one for a candidate and one for a party; if the party list can be ordered by the voters the voter's job may be quite complex.
- k David Farrell states that “.. if anything proportional systems are associated with greater degrees of stability.” [see endnote #9]
- l Personal accountability of an MP is poor for FPTP and AV because one can not get rid of a particular MP except by choosing one from a different party. The voter has no valid choice.
- m FPTP and AV can result in highly disciplined parties and an elected dictatorship. MPs elected under STV are freer to vote against their party leadership, because, if they are ejected from caucus, they can later run and be elected as independents if the voters so choose; we perceive this as a good.
- n It is possible to eject government from office with any system.

The system we advocate here in which preferential ballots are used in multi-member electoral districts does well in all these criteria, and better than do the other electoral systems. In particular it optimizes the compromise between representation of voters' values in parliament and maintaining local representation.

It is expected that the proposed system will lead to coalition or minority governments. There is folklore to the effect that these are unstable and ineffective. This is simply not true. David Farrell, in *Electoral Systems: A Comparative Introduction*, states “.. if anything, proportional electoral systems are associated with greater degrees of stability.”⁹

We conclude that “The ideal that groups of equal numbers of like-minded people, people with shared values, each elect their own member of parliament (MP)” is consistent with all major values, and meets the primary value of equality of persons required by the Canadian Constitution.

Proportional:

The reader may notice that we have not used the word ‘proportional’. The system described above is designed to give every voter, as well as possible, an MP who shares his or her values. A consequence of this is that it happens to be a proportional system, and is usually classed as such, though the word proportional has no proper definition when ranked ballots are used. The larger the district magnitude (the number of MPs per electoral district) the better the match between voters' values and MP's values.

When choosing a system one must always enquire as to the potential consequences. This we discuss next.

Consensus Democracies:

Arend Lijphart has made an extensive study comparing majoritarian democracies, ie those using non-proportional representation, with consensus democracies, ie those using proportional representation.¹⁰ He found that consensus democracies performed as well as or better than majoritarian ones on all the effects studied. Here is a list

- representation of everyone more accurately
- measure of democratic quality
- more women in parliament and cabinet
- better protection of the environment
- fewer people in prison and less use of the death penalty
- lower rich to poor income ratio
- higher voter turnout
- more satisfaction with government policy
- better social welfare
- better health
- better economies and more prosperity
- better energy efficiency (energy used/GDP)
- more assistance to developing nations

In short, on average, consensus democracies are kinder and gentler, and better all round.

Canadians deserve to get the Parliament they voted for; with ‘First-Past-the-Post’ they do not.

We will only summarize here what many have said, over many years, why our current ‘single-member plurality’ electoral system fails us

- (i) A political party can, and usually does, obtain a majority in parliament with support of less than 50 % of the voters. It can then institute legislation that the majority of citizens do not want.
- (ii) It promotes regional parties, and can leave whole regions of Canada without a diversity of representation even though there is diversity amongst the citizens. This leads to regional tensions.
- (iii) Typically half the population has an MP that shares its values; the other half does not.
- (iv) Aboriginal peoples, women, and various minority groups are under-represented.
- (v) It leads to adversarial politics, in contrast to consensus building.

Final remarks:

No system is perfect.

There will be people who do not want to change. They can be expected to emphasize imperfections in any proposed system, and to expound specious arguments, deceit and occasional downright lies. We must not let arguments as to what is the best system derail the drive to a system that serves the voters best.

Further matters can be found at

<https://dl.dropboxusercontent.com/u/24037918/CVEtoERREcomplete.pdf>

Therein are discussed other matters, specifically:

- How this recommendation complies with the five guiding principles.
- Some other systems of voting (AV and MMP),
- A referendum
- Mandatory voting
- Lowering the voting age
- Internet voting

And the Appendix

Notes:

1. **Citizens for Voter Equality** (Burnaby/New Westminster) is a non-partisan group consisting of Craig Henschel, David Huntley, Reena Meijer-Drees and Darcy Suehn, who have been meeting regularly since 2007.
Craig Henschel is an alumnus of the 2004 B.C. Citizens' Assembly on Electoral Reform.
David Huntley is Professor Emeritus in the Physics Department at Simon Fraser University.
Reena Meijer-Drees is a professional in high-tech industry.
Darcy Suehn is a member of a Unifor local union executive.
2. <http://www.justice.gc.ca/eng/csjsjc/just/06.html#er> accessed April 14, 2016
3. <http://library.law.utoronto.ca/sites/library.utfl.peapoddev.com/files/other/22.PDF> accessed April. 2016.
4. Arend Lijphart: Forward, p.ix in: "The Politics of Electoral Systems" edited by Michael Gallagher and Paul Mitchell, Oxford University Press, 2005.
5. John M. Carey and Simon Hix. *The Electoral Sweet Spot: Low Magnitude Proportional Electoral Systems*. American Journal of Political Science, v.55, pp.383-397, 2011. Reprinted in "Electoral Systems" v.III, Electoral System Design and Performance, edited by David M. Farrell and Matthew S. Shugart; Sage, Los Angeles, 2012, pp.27-51.
6. STV is criticized for its counting mechanism. Here is a real life analogue for a class of 32 children who are to 'elect' four teams of 8 each. All would-be captains stand separately, perhaps at the edge of the classroom. All the others then go to the person they would like as their captain. Once a candidate has 7 supporters that person is considered to be a captain with his or her team. Further supporters of that candidate go to their 2nd preference. A candidate with few supporters will recognize the futility of his or her cause and they will all then move to their 2nd choices. The process continues, making use of 3rd and further choices, to completion. The same process can be used with ranked ballots, counted by hand or by computer and maintaining secrecy, for a political election.
7. Michael Gallagher and Paul Mitchell eds: *The Politics of Electoral Systems*. Oxford University Press, 2005.
8. This table is significantly different in content and evaluation from that of Table 12 in the Law Commission of Canada report. We disagree with its evaluation of some of the attributes of STV.
9. David Farrell: *Electoral Systems: A Comparative Introduction*. Palgrave, 2001, p.205. 2nd edition, Palgrave, 2011, p.227.
10. A. Lijphart. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press, 1999, and the second edition, 2012, particularly chapter 16