

To: Special Committee on Electoral Reform

From: Bob Jonkman

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Summary:

- * I'm in favour of any electoral system that provides a proportional outcome.
- * I'm opposed to a referendum.
- * I'm opposed to mandatory voting.
- * I'm opposed to online voting or using voting machines.

Submission:

I am the Co-Chair for the Fair Vote Canada Waterloo Region Chapter, and was a Green Party candidate in the 2015 Federal Election. Since the 2007 Ontario referendum on Electoral Reform I have been advocating for a proportional representation system at all levels of government by speaking with fellow citizens at local festivals, information booths, and community dialogues.

However, I submit this brief personally, as one individual citizen. Although my views have been shaped by working for advocacy groups and speaking with others, this brief represents my views alone.

The First-Past-The-Post system does not meet any of your (the Special Committee on Electoral Reform's) principles for electoral reform:

- * FPTP is not effective or legitimate: 39% of the vote should not result in a majority in Parliament.

- * FPTP suppresses voter engagement: People don't bother to vote when results aren't effective or legitimate.
- * FPTP is not inclusive: More than half of the voters are not represented by someone they voted for.
- * FPTP undermines integrity: While election results are verifiable, there is little public trust that those results reflect the voters' will.
- * FPTP does not result in local representation: Anyone who did not vote for the winning candidate is not adequately represented.

Proportional Representation will fix all these problems. It does not matter much to me what kind of electoral system is chosen, as long as the outcome is proportional, that the party allocation of seats in Parliament reflect the proportion of votes cast nationally, and that all votes count equally.

There is no need for a referendum; the decision to eliminate the First-Past-The-Post voting system has already been made by the voters in the previous election.

I won't detail the mechanics of any preferred electoral system, that is best left to an expert group which can be appointed as part of Elections Canada to implement the recommendations of this Committee. I do want to indicate my preference for multi-member districts, with votes counted by a Single Transferable Vote system.

Of course, the larger the multi-member district, the better the proportionality, but larger districts mean poorer local representation. There is no need to have all multi-member districts be the same size, or have the same number of representatives, or have the same population. A maximum district size of 10-15 current ridings in densely populated areas would ensure that even smaller parties are represented, while still having Members of Parliament accessible to all citizens. Sparsely populated areas can have larger areas with fewer members. A smaller province or territory can form an entire multi-member district.

Perhaps to better meet the Local Representation criterion a Mixed Member Proportional voting system can be used; again, densely populated districts can be made up of 10-15 current ridings. There is no need to have all districts be the same size, or have the same ratio of single-member ridings to top-up members, the better to adapt to the different populations and geographic size of different areas of Canada.

Do not create an unnecessary division of voters, as the Urban-Rural voting system proposal would do. Canada is a population of many groups, cultures, religions, and economic conditions; formalizing a divide between urban and rural areas by having one voting system for urban populations and a different voting system for rural populations violates the Inclusiveness criterion. Having different voting systems for men and women, or rich and poor, or Indigenous and Colonialists, or Muslims and Jews would not be tolerated in Canada; don't create such a division between Urban and Rural.

I am opposed to any thresholds. It is often suggested that there be a threshold of 5%, 10% or even 15% of the popular vote in order for a party to gain any seats in a proportional system. But a threshold denies the voters for a small party their proportional representation. When a party receives 0.295% of the popular vote (that is, the equivalent of 1 seat out of 338) it shows sufficient interest by the voters that the party should receive 0.295% of the seats.

Whatever system is chosen, it must achieve proportionality of votes to seats in Parliament.

Electoral Reform is a process, not an event. Whatever system is chosen, it must be clear that future enhancements can be made to fix deficiencies that are sure to be identified in the next election. These fixes can range from changing electoral district boundaries, to changing the ratio of single-member ridings to top-up members, to increasing the number of members in Parliament.

I fear that some future government may change the electoral system back to a non-proportional system, by burying such legislation in an omnibus bill in which most of the legislation does have support of the House. To ensure the longevity of the changes being proposed by the Committee, perhaps one of the recommendations can be to have the principle of proportionality in an electoral system enshrined in the Constitution. That recommendation can be implemented after one or two elections, once Canadians have become familiar with a cooperative parliament that builds legislation by consensus.

I urge the Committee to make a recommendation that Parliament pass legislation to implement an electoral system that achieves Proportional Representation, but that the Committee's recommendation only broadly describes an electoral system such as STV or MMP to achieve Proportional Representation, and to leave the details such as number of citizens per district, number of Members per district, ratio of single-member ridings to top-up members, etc. to a group of experts working for Elections Canada.

While it is not part of the mandate of this Committee, I would like to point out that Canadians are woefully under-represented by their Members of Parliament. Typical electoral district sizes have 100,000 citizens for one Member of Parliament; even if the MP spent eight hours a day, 365 days a year meeting with the constituents, each constituent would have less than two minutes to spend with the MP, and the MP would have no time to spend in Parliament to do any other work. While it is an unpopular opinion amongst taxpayers, I think Canadians would be well served and get better representation by having more politicians.

I am against Mandatory Voting: Candians should not be coerced into casting a ballot. There is no issue of safety (as with mandatory drivers' licences), or social covenant (as with mandatory taxes).

Imposing penalties for not voting will unfairly and disproportionately punish those who do not vote today: The poor, the homeless, and the uneducated; those who can least afford to pay fines and spend time in court or jail.

Today there is no effective way to cast a ballot of dissent. A ballot spoiled to indicate dissatisfaction with all the candidates is indistinguishable from a ballot spoiled by someone unskilled in the art of voting.

Rather than mandatory voting, give voters the opportunity for greater expression in the marking of their ballots. Provide an option to decline to vote at the polling booth, and have a "None of the above" choice on the ballot. But when "None of the above" achieves a significant number of votes (such as a plurality in a single-member riding or reaching the quota in a multi-member district) there must be consequences, such as calling a by-election to allow fresh candidates to fill that vacancy.

I am a little bit sympathetic to the idea that with mandatory voting political parties may change their campaign strategies to appeal to that portion of the electorate that does not vote today, but there are other ways to get political parties to civilize their campaign strategies by reducing campaign spending limits and allowing small campaign contributions only from private citizens.

I am opposed to electronic voting and online voting. I am a computer consultant by profession, and nothing I see in my work shows that people's home computers or even the computers in most businesses have the security capable of upholding the Integrity requirement, ensuring reliable and verifiable results.

The main issue with online voting is not computer security, but a fundamental incompatibility between voter identity and the secret ballot.

When voting takes place outside of a polling station it is important that voter identity is established to prevent fraud. It must be provable that the ballot filled in online was actually filled in by a registered voter, and not by someone impersonating that voter. To achieve this, voters need to be issued a ballot with a serial number or barcode to ensure that only that one ballot is filled in for that registered voter. But if every ballot cast has a serial number, then the completed ballot with the voter's choices is identifiable with the voter's name and registration information. The secret ballot is impossible, and the Integrity criterion cannot be met.

When voting does not take place in a polling station then it is possible that a voter will be coerced into voting according to the demands of the "head" of the household, or voting at the workplace according to the employer's demands. Without the scrutiny of Elections Canada, voting integrity cannot be ensured.

But computer security is an issue too. People's personal computers are constantly being attacked by computer viruses, malicious web sites, and denial of service attacks from compromised Webcams. And spam. The difficulty of ensuring online voting integrity is at least as great as is the difficulty of eliminating spam (unsolicited, unwanted e-mail, sometimes commercial in nature, sent in bulk). If you haven't experienced problems with spam then it is likely your E-mail Service Provider is filtering your e-mail for you – but how many good messages are being filtered accidentally? You'll never know, because you'll never see them.

There are actually very few large-scale spammers on the Internet, maybe a couple of dozen at most. But they're responsible for almost all the unwanted e-mail that clogs up billions of e-mail accounts in the world. It shows how a few bad actors on the Internet can completely overwhelm an e-mail system. Similarly, a few bad actors on the Internet can completely compromise an online voting system. If we

can't secure our mail systems to solve the spam problem, it is unlikely that we'll be able to secure everyone's computer to guarantee online voting integrity.

It is unfortunate that there were so few computer security experts providing witness testimony to the Committee. Almost every computer security expert who has commented on electronic voting since the U.S. "hanging chad" elections in 2000 has decried the use of voting machines, and, more recently, online voting. Voting machines are regularly compromised, are not auditable by design (they have proprietary source code), and are prone to failure when needed most. Computer security lecturers delight their audiences with tales of voting machine touch screens that dodge the target when the "wrong" vote is selected, or that play marching band music after they've been compromised by a prankish hacker.

Voting is very much different from buying a product from an online store. If the wrong product is delivered, the store will ship the right product the next day to ensure customer satisfaction. But if the wrong candidate is elected, there is no recourse the next day. It is unlikely that fraud will be detected until the voting machines are audited many weeks after the election, and even when fraud is detected the outcome will be hotly contested by the affected candidates. In fact, if voting machines don't use publicly published open source code then it is likely election outcomes will be hotly contested because proving that no fraud was committed is impossible.

However, vote tabulation by machine is perfectly acceptable, although there must be a requirement that vote tabulators are also audited and their source code is made public. Ballots designed for vote tabulators (optical mark cards) can always be counted manually if the electronic tabulation is in dispute.

Thank you,

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