

Brief by Mercédez Roberge

Submitted on 07-10-2016

To the Special Committee on Electoral Reform

Executive summary

I recommend the mixed member proportional system, since it is the one best suited to the needs of Canadians. It meets the Committee's five criteria and passes the gender-based analysis and anti-racist analysis test.

Data compiled on the 86 countries using institutional mechanisms to elect more women prove that they work and that it would be irresponsible to intentionally not use them.

As someone who has been actively working since 2001 to change the electoral system, I have always ensured that my analysis focussed on a combination of overall objectives. I believe that electoral reform must be guided by two interrelated goals:

- a. Truly represent the political choices of voters: making sure that each vote counts.
- b. Reflect the makeup of society: making sure that each person counts.

Accomplishing one without the other would represent a serious missed opportunity. For example, choosing a system that produces perfect proportionality but does not also ensure a more diverse Parliament would not be socially acceptable in 2016. It would even be irresponsible on our part, since doing so would mean deciding to ignore known problems.

We do not currently benefit from expertise and experience essential for governing; we need to ensure that all parts of society have input into decision-making.

In keeping with what the Prime Minister has asked of his Cabinet, it is crucial that gender-based analysis (GBA) and anti-racist analysis (ARA) be applied to the current process: “You are expected to do your part to fulfill our government’s commitment to transparent, merit-based appointments, to help ensure gender parity and that Indigenous Canadians and minority groups are better reflected in positions of leadership.”¹ Are members of Parliament not considered to be in positions of leadership?

The first-past-the-post (FPTP) system does not produce a diversity of ideas or makeup of Parliament. It causes political disproportionality and prevents overall efforts to diversify the individuals who run in and win elections.

It should be replaced by the mixed member proportional system, which should right from the start incorporate institutional mechanisms to increase the number of women and racialized candidates elected. These mechanisms should have specific targets and reflect the fundamental characteristics of society; they should increase representation of women and racialized individuals.

The expression “racialized individual”² has been in use in Canada for the past decade by individuals and groups directly affected and by institutions, replacing “racial minority” and “visible minority,” terms considered “outdated and inaccurate.”³ In order to end racism, sources state that “understanding racism as a historical and current reality in Canadian society is critical for a human rights policy.”⁴ Action is needed to address the underrepresentation in Parliament of individuals belonging to historically racialized groups, particularly individuals born abroad or those considered visible minorities,⁵ and such mechanisms depend on self-identification.

¹ <http://pm.gc.ca/eng/minister-democratic-institutions-mandate-letter>

² These are individuals who belong (or are perceived to belong) to groups that have been subjected to social and mental categorization based on “race,” despite the fact that there is no biological basis for this. See the publications and guidelines issued by the Quebec Commission des droits de la personne et des droits de la jeunesse, Ontario Human Rights Commission, Library of Parliament, etc.

³ OHRC <http://www.ohrc.on.ca/en/racial-discrimination-race-and-racism-fact-sheet>.

⁴ <http://www.ohrc.on.ca/fr/politique-et-directives-sur-le-racisme-et-la-discrimination-raciale>, 2005, page 14.

⁵ Also noted by the Conseil des relations interculturelles (2006 QC).

1. Combining a proportional system with institutional mechanisms produces outcomes that are impossible to ignore

Canada ranks 64th in the Interparliamentary Union with 26% women elected (01-08-2016), but what about countries that rank higher?

Below is a summary and analysis of data⁶ from internationally recognized organizations.

Internationally, the electoral legislation of 86 countries (44% of 194 countries) includes institutional mechanisms to promote the election of more women (most of them since 1990-2000), 37% of which are in OECD countries. This is not a minor trend, and the conclusions that can be drawn from it also apply to efforts to increase the number of racialized individuals elected.⁷

Women Elected By Electoral System and By Use of Institutional Mechanisms (01-06-2016)

System	86 Countries With Institutional Mechanisms (58 Proportional + 23 FPTP + 5 Other)			108 Countries Without Institutional Mechanisms (50 Proportional + 55 FPTP + 3 Other)			Global Total (108 Proportional + 78 FPTP + 8 Other)		
	1999	2016	Gain	1999	2016	Gain	1999	2016	Gain
Proportional (108 countries)	11.4%	26.7%	+ 15.3%	15.2%	23.7%	+8.5%	11.4%	20.6%	+9.2%
FPTP (78 countries)	7.3%	17.5%	+10.2%	9.2%	13.8%	+4.6%			
194 countries ⁸	10.5%	23.9%	+13.4%	12.1%	18.1%	+6%			

While there are a variety of institutional mechanisms, they all basically have two categories of targets:

- % of candidates
- % of elected members

Most countries combine several institutional mechanisms (targets for candidates, elected members) and various oversight methods (public financing rules and amounts, monitoring, candidate eligibility). Some mechanisms produce remarkable results when combined with the proportional system.

⁶ First chambers of national parliaments. June 2016, unless stated otherwise. Data and sources [in French] at http://bit.ly/Donnees_MercedezRoberge_ReformeFederale

⁷ See proposal #10.

⁸ Other systems = 8 countries

Institutional Mechanisms and Impact on Electing Women (01-06-2016)

Institutional Mechanisms of 86 Countries	Proportional System		FPTP System		Increase
	% Women Elected	# of Countries	% Women Elected	# of Countries	
18 countries require alternating genders (of 29 regulating positioning)	34%	15	16.8%	3	+17.2%
47 countries have a target of 30-50% women candidates (of 57 with targets)	27.7%	43	19.5%	4	+8.2%
37 countries reject non-compliant lists	28.1%	33	16.2%	4	+11.9%
33 countries link public funding to the rules	22.2%	25	17.1%	8	+5.1%

The following two tables present selected features of the 28 countries with 35% of more women elected: 25 of them use a proportional system and 14 include institutional mechanisms.

These good results are not by accident, and the fact that other factors may come into play does not change their effectiveness.

It is interesting to see the progress made since 1999, particularly that eight countries increased the number by over 25%, and that only one system was not FPTP.

Average % Increase of Women Elected (1999-2016)	
The 14 countries that combine a proportional system and institutional mechanisms	23.7%
The 9 countries that combine a proportional system and voluntary measures – without institutional mechanisms	7%

Portrait of the 28 National Parliaments with 35% or More Women Elected in June 2016⁹

IPU Ranking		Electoral system				Institutional Mechanism					Internal Party Rules	% Women Elected	Gain 1999-2016
		Proportional			FPTP	Since	Targets		Alternating or Quasi	List Rejected ¹⁰ If Not Compliant			
		List	Compensatory Mixed	Parallel Mixed ¹¹			% Women Candidates	% Women Elected					
1.	Rwanda	√				2003		30%				63.8%	46.7%
2.	Bolivia		√			1997	50%		√ (PR)	√	√	53.1%	34.6%
3.	Cuba				√							48.9%	21.3%
4.	Seychelles			√								43.8%	20.3%
5.	Sweden	√									√	43.6%	0.9%
6.	Senegal			√		1992	50%			√		42.7%	30.6%
7.	South Africa	√									√	42.4%	12.4%
8.	Mexico			√		2002	40%		√ Quasi / bloc	√	√	42.4%	24.2%
9.	Ecuador			√*		1997	50%		√	√	√	41.6%	9.3%
10.	Finland	√				1975						41.5%	4.5%
11.	Iceland	√									√	41.3%	6.4%
12.	Namibia	√									√	41.0%	19.1%
13.	Nicaragua	√				2008	50%		√		√	41.3%	31.3%
14.	Spain	√				2007	40%			√	√	40.0%	18.4%
15.	Norway	√									√	39.0%	3.6%
16.	Mozambique	√									√	39.0%	14.0%
17.	Belgium	√				1994	50%		√ top of list	√		39.0%	16.0%
18.	Andorra			√								39.0%	32.2%
19.	Ethiopia				√	2009					√	38.0%	36.8%
20.	East Timor	√				2006	33%			√		38.0%	13.2%
21.	Denmark	√									√	37.0%	0.0%
22.	Netherlands	√									√	37.3%	1.3%
23.	Angola	√				2005	30%					36.8%	21.3%
24.	Slovenia	√				2006	35%			√	√	36.7%	28.9%
25.	United Rep. of Tanzania				√	1995		30%			√	36.6%	20.2%
26.	Germany		√								√	36.5%	5.6%
27.	Burundi	√				2005	30%	30%	√ by bloc			36.4%	30.4%
28.	Argentina	√				1991	30%		√ Quasi / bloc	√	√	35.8%	9.3%

⁹ Taken from http://bit.ly/Donnees_MercedezRoberge_ReformeFederale [in French]

¹⁰ After several attempts at correction.

¹¹ Semi-proportional

2. Choosing an electoral system based on several criteria

Choosing a new electoral system must include considering:

- an analysis of the proportionality and fragmentation of the party system itself (disproportionality index and effective number of parties)¹²
- GBA and ARA to accommodate institutional mechanisms that will ensure a diverse Parliament

a. Measuring overall disproportionality

Irish political scientist and professor Michael Gallagher developed a method to quantify the disproportionality of an election. A high index signifies large disproportionality. Canada's index (11.4 points) is similar to New Zealand's when it used the FPTP system.

Summary of the Situation Since 1950 (Countries Ranked by Gallagher's Disproportionality Index)

Country	Electoral system					Period Studied		
	Proportional				FPTP	Number of Elections	Years	Average Disprop. Index ¹³
	List	Compensatory Mixed	Parallel Mixed	Single Transf. Vote				
Uruguay	√					12	1950-2014	1.01
Netherlands	√					19	1950-2012	1.25
Malta				√		16	1950-2013	2.78
New Zealand		√ since 1996				7	1996-2014	2.83
Germany		√ since 1949				17	1950-2013	2.94
Norway	√					16	1950-2013	3.88
Ireland				√		19	1950-2016	4.26
Bolivia		√				11	1966-2014	5.51
Japan					√ until 1993	16	1950-1993	5.71
France	√					3	1951, 1956 and 1986	6.06
Canada					√	21	1950-2015	11.37
Great Britain					√	17	1950-2010	11.70
New Zealand					√ until 1993	15	1950-1993	12.16
Japan				√ since 1996		7	1996-2014	13.96
France					√	13	1950-2012	15.93

¹² See http://bit.ly/Donnees_MercedezRoberge_ReformeFederale [in French]

¹³ Gallagher, Michael, 2015, Election indices dataset, accessed August 17, 2016: http://www.tcd.ie/Political_Science/staff/michael_gallagher/EISystems/index.php

b. Applying GBA and ARA by selecting a mixed member proportional system

System	Impact on Reflecting Voter Intention	Impact on Parliamentary Diversity
<p>A mixed member proportional model:</p> <ul style="list-style-type: none"> •Ratio of 60% constituency seats and 40% compensatory seats (overall and for each province/territory) •Compensation nationally and by province/territory •Two-vote ballots •Closed provincial/territorial lists 	<ul style="list-style-type: none"> •If scope is unrestricted, it corrects the disproportionality inherent in FPTP elections while ensuring local representation. •Two votes and the national ratio ensure effective compensation. •The ratio per province/territory produces a stable proportional result regardless of where voters live. •Produces local representation – not only by constituency 	<ul style="list-style-type: none"> •Applies institutional mechanisms to compensation and constituencies. •Sets targets and rules (women candidates and elected representatives). •Provides an overall and shared vision of responsibility to meeting targets. •Any reduction to the compensation ratio would result in a less diverse Parliament. •Optimal effectiveness of institutional mechanisms through closed lists. •Gives all regions and parties responsibility for meeting targets and translating society's intentions into concrete actions. •With cooperation of their members and leadership, parties can help achieve objectives reflecting a changing society.
<ul style="list-style-type: none"> •Funding that promotes democracy 	<ul style="list-style-type: none"> •Restores financial allowances to parties based on votes received. 	<ul style="list-style-type: none"> •Election legislation covers the entire election process, and we allocate public funding to reimburse parties for election expenses. •Easy to introduce rules phasing in reimbursement of election expenses based on results and socio-economic differences (women and racialized individuals being poorer and in more precarious employment).
<ul style="list-style-type: none"> •Dual candidacy allowed 	<ul style="list-style-type: none"> •Avoids splitting MPs into two categories and promotes attachment to a local area. •Allows voters to get to know all the candidates. 	<ul style="list-style-type: none"> •Provides benefits for the constituency and compensation portions.
<ul style="list-style-type: none"> •Threshold for representation at 5% or less. •Hare quota. 	<ul style="list-style-type: none"> •Allows for political pluralism and proportionality of results. 	<ul style="list-style-type: none"> •Political pluralism is essential for a more diverse Parliament. •Representation thresholds can be used to phase in certain mechanisms.

3. Recommendations

- 1 That the electoral system be chosen as well based on its ability to respect democratic, equality and anti-racist principles.

- 2 That a mixed member proportional system be introduced, incorporating institutional mechanisms to produce a diverse Parliament.
 - 2.1. Technical details:
 - a. Same number of seats as there are now – nationally and for each province/territory.¹⁴
 - b. Two-part ballots — A: choose an individual (constituency); and B: choose a party (compensation).
 - c. National compensation based on the results of part B, using the provincial results to allocate seats in each province/territory.
 - d. Closed provincial/territorial lists.
 - e. Threshold for representation of 5% or less.
 - f. Ratio of 40% compensatory seats and 60% constituency seats – nationally and in each province/territory.
 - g. Dual candidacy allowed.
 - h. Hare quota.
- 3 That the principles be sheltered from changing circumstances by entrenching the mechanisms in electoral legislation to encourage efforts by the parties (% of candidates), support those achieving results (% of candidates elected) and track application.
- 4 That the parties build their list of candidates based on democratic principles, involving their members and ensuring transparency to the public.
- 5 That the parties run candidates that reflect society's makeup and principles:
 - 5.1. That they have targets to meet by bringing forward all constituency candidates (balancing how the rule is applied to each constituency) and for each provincial list, with compensation being:
 - a. At least 40% and no more than 60% of candidates of the same gender:
 - b. A percentage of racialized candidates (% based on regional demographic data, as well as based on recognized definitions);
 - 5.2. That there be specific rules for compensatory seats:
 - Alternating men/women all the way down the list, making sure that racialized individuals are not at the bottom of the list.
 - 5.3. That failure to meet the rules result in reduced public funding and that a party's list be rejected if it does not meet a certain threshold, for example based on the percentage of candidates presented in the previous election (details and amounts to be determined later).
- 6 That the parties be encouraged to promote the election of women and racialized persons and that public funding be provided in support of this objective:
 - 6.1. By increasing reimbursement of electoral expenses based on the percentage of seats won by women and by racialized individuals; by phasing in this increase to reflect the pre-election situation (e.g., by level, to reward an increase from the previous election) and size of results achieved.
 - 6.2. By requiring the parties to submit action plans for achieving targets, by reporting to the Chief Electoral Officer and by requiring them to spend a portion of public funds on achieving these action plans, particularly regarding the allocation of their advertising budget (details to be determined later).
- 7 For by-elections, that the situation in place when the seat was vacated (percentage of women and racialized individuals elected) be taken into account when filling a vacant seat (details to be determined later).

¹⁴ Using the current population-based rules.

- 8 That socio-economic inequality be considered a barrier to political participation and that women and racialized individuals running as candidates receive increased reimbursement of electoral expenses (details and amounts to be determined later).
- 9 That Parliament adapt to the increased diversity of the political class, increased political pluralism and changes to constituency boundaries:
 - 9.1. By increasing the operating budgets of parliamentarians.
 - 9.2. By changing its practices and rules to promote work-life balance for parliamentarians.
- 10 That the special circumstances for Indigenous people be considered in electoral reform:
 - 10.1. That, based on a nation-to-nation relationship, the Government of Canada invite Indigenous people to discuss their calls for representation in a process separate from this consultation and timetable.
 - 10.2. That the government be open to their requests so that Indigenous people will seek the introduction of institutional mechanisms to increase the number of Indigenous people elected.

Conclusion

Changing the electoral system needs to make sweeping improvements to democracy – each vote and each person needs to count.

The Committee has a responsibility to propose a mixed member proportional system with institutional mechanisms to increase the number of women and racialized individuals elected.

If Parliament is to be welcoming to all Canadians, the electoral system must include a structural, social and political response featuring mandatory, not optional mechanisms.