

Fair Vote Canada Saskatchewan Submission to ERRE October 6, 2016

At the very dawning of Political Science, Aristotle observed that the primary challenge for democracy is to produce a government that reflects and aims toward the common good, that is serves the whole community or *polis*; and not just a particular faction, even the majority (Aristotle, *Politics*, 1280a6-12). Does the way we elect our representatives serve the common good of the whole community? In Canada we believe the answer is clearly no. A majority government in Canada may have as little as 39% of the votes cast in an election in which only 2/3 of the eligible voters even vote. Thus we have governments claiming practically all the power that have acquired the active support of a subset of only 25% of the total electorate. The problem is our outdated, distorted, and inequitable First-Past-the-Post (FPTP) or single member plurality (SMP) electoral system. That awareness of the problem has reached new levels in Canada is demonstrated by the fact that at least three national political parties ran on an electoral reform platform in the federal election less than a year ago. The proportional composition of the Electoral Reform Committee reminds us that any meaningful reform must have if not complete consensus, at least bi-partisan or multi-partisan support.

The problem is clear and so too is the solution. Canada needs to adopt an improved electoral system based on the principle of Proportional Representation (PR). Fair Vote Canada Saskatchewan's preferred option is a Mixed Member Proportional (MMP) system that combines a certain proportion of first-past-the post seats with an established number of regional "top up" seats. Examples of MMP are Scotland, New Zealand, and Germany, as well as the proposals advanced by the Ontario Citizen's Assembly in 2007 and the Law Commission of Canada in 2004. As this diverse array of examples shows, MMP is a flexible system that is easily adaptable to Canada's complex federal nature.

The basic outline of our preferred model is as follows. We reduce the number of FPTP ridings to between 60-70% of the current number. The remaining 40-30% of seats will be filled by candidates elected from a regional list. Larger provinces would be broken down into distinct regions for electoral purposes. For example, Ottawa and surrounding area would form part of the Eastern Ontario region. For smaller provinces dividing into distinct regions may also be an option as for example in SK a northern half and southern half. In smaller Atlantic provinces, especially PEI, perhaps the regional top up list would have to apply to the entire province. These are details that could be settled in legislation or by the federal electoral boundary commissions in each province. Either way, two things are clear. First, determination of regions should reflect the principle of community of interest. Second, the regions should respect the contours of Canada's complex federal apportionment formula. As such, it is unlikely that the regions will be perfectly equal in size and number of MPs.

Voters will have a two part ballot. On the first part the voter will select a candidate running in his or her riding. On the second part of the ballot the voter will select a party. It is the results of the second part of the ballot that will allow correction of the disproportionality produced by FPTP. How will MPs be selected from the regional list? There are several possibilities. A "closed list" is determined by a process internal to parties, whereas an "open list" allows the voter to select from a list of candidates provided by the parties in a manner similar to a US style primary. Scotland uses a closed list. Ontario proposed an open list. However, our preference is a "best runners up" model in which the slate of elected members a party gains from the regional list is drawn from the best runners up of that party's candidates in that region.

FVC SK likes the runners up idea for a number of reasons. First, these are candidates who have some electoral support in the community; they are not appointed by party leaders. In some cases these best runners up may have acquired many thousands of votes. Second, the runners up model would help parties attract good candidates to run in ridings not considered “winnable” in the current system. It would give candidates and parties incentive to really invest time, energy and resources in what would have otherwise been marginal ridings. The best runners up can also provide the mechanism to replace regional list MPs who resign. We suggest following either the Germans with a 5% threshold for regional list representation or the Ontario 3% threshold. We would agree with the Ontario citizens that we accept so called “overhang seats,” rather than compensate the other parties as is done in Germany.

How would MMP work in Saskatchewan? In the 2015 election the vote result was highly disproportional. The Conservatives received 48.5% of the popular vote and 71.4% of the seats (10), New Democrats received 25.1% of the vote and 21.4% of the seats (3), the Liberals received 23.9% of the vote and only 7.1% of the seats (1) (source: *Elections Canada*). Under FPTP Conservatives were heavily overrepresented in the seat tally and the Liberals were heavily underrepresented in the number of seats won. The NDP popular vote-to-seat share was close to proportional, but two of their victories were in some of the most closely contested ridings in the country in Regina-Lewvan and Desnethé-Missinipi-Churchill River, and a swing of barely 200 would have seen both ridings go Conservative and Liberal respectively. The Green party received 11, 530 votes (2.1%) but gained no seats.

In our proposed MMP model the seat count result would likely have been much more proportional. Let us propose that 9 ridings in Saskatchewan remained FPTP and there were 5 top up seats filled by candidates who were the best runners up in their riding contests. These best

runners up could serve as the SK province wide regional list or alternatively separate North SK and South SK regional lists. Likely the seat tally for the 9 FPTP ridings would have been: 6 Conservative, 2 NDP, and 1 Liberal. In order to achieve proportionality with the popular vote share (48.5% Conservative, 25.1% NDP and 23.9% Liberal) the top up seats would be distributed as 2 additional seats to the Conservatives, 1 to the NDP and 2 to the Liberals to give a final seat count of 8 Conservatives, 3 NDP and 3 Liberals—very close to each party’s proportional share of the popular vote. These top up seats would be awarded to the best runners up.

While it is impossible to simply transpose the results from 2015 in which there were 14 FPTP ridings to another system in which there would be only 9 larger FPTP seats, we could argue for the sake of illustration that based on the 2015 results the top up seats would be awarded to Trent Fraser (Regina-Lewvan) and Michael Kram (Wascana) as the Conservative best runners up, Claire Card (Saskatoon-University) as the NDP best runner up, and Louis Browne (Regina-Lewvan) and Traci Muggli (Saskatoon-Grasswood) as the best runners up for the Liberals. On the basis of the 2015 results, the Green Party would have won no representatives from Saskatchewan with either a 5 or 3% threshold, but there is every reason to believe that under an MMP system the voter would respond differently to their choices and feel less necessity to vote “strategically.” In this scenario the Green Party vote share could conceivably surpass the threshold requirement to win a seat from the provincial top up list. With this MMP system, Saskatchewan voters would have produced the contingent of MPs that actually represent their preferences.

We believe MMP satisfies all of the guiding principles outlined in the public statement of the Committee Directorate. It would ensure **Effectiveness and Legitimacy** by reducing the

distortions of FPTP and better translate voter intentions into seats in Parliament. MMP will also encourage a greater sense of democratic **Engagement** as voters feel that every vote actually counts because for all intents and purposes practically every vote will go towards the election of a Member of Parliament. MMP also promotes **Accessibility and Inclusiveness** because underrepresented and marginalized groups will be more likely to be elected to parliament, if not from a single member riding, there is the additional opportunity of being elected as a candidate in a regional top up format. Moreover, MMP avoids “undue complexity in the voting process” as it would require nothing more than adding a second party-only ballot to the traditional candidate ballot. As for **Integrity**, MMP would practically guarantee a power-sharing government of some kind, unlike FPTP or ranked ballot in a single member constituency in which efforts to compromise only a small number of votes can reward one party with total victory in that riding. Finally, MMP enhances **Local Representation** over any electoral model that relies solely on single member constituencies because with MMP the typical Canadian would have more than one member representing his or her community.

FVC SK applauds the Committee Directorate’s statement of the principles guiding our examination of the various options available for reform. Our one criticism is that the stated principles “Effectiveness” and “Engagement,” are, if anything, perhaps too timid. We urge the Committee to consider the principle of **Empowerment** in your deliberations. **Empowerment** goes beyond “engagement” or “effectiveness.” It is a radical and profoundly democratic principle. It means literally every single voter having the power to elect a representative of their choice and every citizen experiencing the subjective feeling that he or she is part of the sovereign general will of society. This lies at the heart of our concerns with the idea of a ranked ballot used in a single member constituency to produce a fabricated majority, sometimes called the

“instant run” off method. In this model if your first choice does not have sufficient support, then the voter is told “don’t worry, the system will take your second or even third preferences and assign that support to another candidate.”

This certainly requires a great degree of engagement for the voters who have to ponder the intensity of their preferences ranging from “great I love this party or candidate” to “well this crowd at least don’t make me violently ill.” This may be engagement of a sort, but how is this empowering? People don’t feel empowered when they go to a store to buy something only to be told they can’t have what they want, but they can buy something else that they don’t like as much. They don’t feel good or empowered in this situation. Normally they feel disappointed or annoyed. The only system that empowers the voters is one that ensures to the greatest extent possible that every individual’s vote—their real choice—will help elect their representative in parliament. Parties lose elections, candidates lose elections, but the voter should win in every election. The electoral system that most contributes to this sense of empowerment is PR whether it produces proportionality through regional top up seats added to single member constituencies or in multimember constituencies.

Now is the time to take seriously the new creed of innovation that is sweeping through all of our political, economic and social organizations. Can it really be the case that we are thoroughly unsentimental about every aspect of our communal life except the way we elect our Members of Parliament? The principles of justice may be eternal, but the mechanical structures and social technology of democracy need to be revamped and improved periodically. Canadians are ready for a more consensual and inclusive form of political representation. Future generations will say we did a good thing introducing a proportional voting system. They may just wonder, what took us so long.

Submitted by Fair Vote Saskatchewan Nancy Carswell and Lee Ward, Co-Spokespersons