

To : Special Committee on Electoral Reform, House of Commons, Canada

From : Howard Epstein

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1. I am a retired lawyer, who has had a variety of experience. It includes teaching as an Adjunct at Dalhousie University Law School for twenty years. More directly relevant is that I have been an elected official, also for twenty years : I served two terms on Halifax city council, and five terms as a Nova Scotia MLA.
2. As such, I have benefitted from single member plurality voting (SMPV). I have, however, no strong attachment to it. I support moving to mixed member proportional representation (MMPR).
3. The central reasons are that citizens have more communities of interest than the fact of their geographic location, and SMPV fails to account for that, whereas MMPR does.
4. MMPR is likely to produce a more diverse, and therefore more representative House of Commons. At the same time, MPs need to be accountable to citizens and a geographic tie is an efficient and easily understood way to achieve that. Hence MMPR, which combines party affiliation with a geographic link.
5. I offer two examples of the general problem with SMPV. In the Nova Scotia provincial election of 1945, of the 30 seats in the Legislature, 28 were won by the Liberal Party (2 were won by the CCF in Cape Breton); the Conservative Party won no seats at all, even though it polled some 40% of the overall votes cast. The other, more recent example, is the complete election of all Liberal MPs in Atlantic Canada in the 2015 Federal election, despite significant support for other parties.
6. I am aware of criticisms that are sometimes directed at PR or its variants such as MMPR. The chief one appears to be that it tends to produce minority governments. I do not see that as a problem. My time as an MLA included direct experience of both Liberal and Conservative minorities. They were not problematic governments. The dynamics tended to generate public interest in the issues before the Legislature, and also led to opportunities for dialogue and compromise among the parties. As is sometimes said, in a minority government situation the people are the winners.
7. I suggest that if the Committee is moved to recommend some form of PR that it also recommend its adoption for two or three elections, with a significant public review immediately following to determine if Canadians wish to continue the new system, move to some other, or revert to SMPV.
8. Should some form of PR be adopted, a question arises as to whether the basis of the proportionality ought to be the nation as a whole or some subsets of it. Taking the nation as a whole is fairest, though it does challenge regional parties (such as the BQ) to consider whether they wish to attempt to run candidates in every riding : this may be unrealistic. If regions are the basis of the proportionality, I have no problem with the whole of Atlantic Canada being considered as one region. I heard Professor Jim Bickerton suggest that Nova Scotia would want to be its own region. However, all of the Atlantic provinces still represent only about 10% of the national population, and we tend to know the other provinces here quite well, which leads to some willingness to be counted together.

9. If I may offer a legal observation, should PR be adopted, there is likely to be some reconsideration by the courts of the meaning of the right to vote as set out in s.3 of the *Charter*, particularly as to tolerance of variances from voter parity. The courts are less likely to be willing to accommodate large variances such as those in the *Carter* case if they see diversity of communities of interest as having been taken into account through adoption of PR. This would be no bad thing.
10. Finally, as many have pointed out, the form of voting, while very important, is only one aspect of democratic reform : age of eligibility to vote, e-voting, inducements to vote, the mandates and powers of Parliamentary committees, Senate reform, and, crucially, political education and awareness of the general population, are all aspects that need attention.

Thank you for the opportunity to present.

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