

Brief submitted by Douglas Woodard

Ladies and Gentlemen,

I wish to submit the following for your consideration:

Summary:

1. Our electoral system has distorted the representation of Canadians in Parliament even before 1921, and has endangered the existence of our country.
2. A referendum on a new electoral system would be best held after Canadians have gained some experience with the new system.
3. I consider that Fair Vote Canada's "Rural-Urban PR" system is the best electoral system for Canada.

The Need for Change:

In Canada we have normally had since 1921, government by the largest minority of voters. This has produced instability in policy, and it has been argued, governments determined by a few tens of thousands of swing voters in a few dozen ridings. I don't think this is good enough.

It has been claimed that "Our electoral system has served us well for a hundred and fifty years." In fact since the time of Louis Riel we have had a party system and regions divided among ethnicities and religions, with a Conservative party on the whole hostile to Francophones and Catholics, and a Liberal party complacently confident that it had a lock on the same groups, a situation which culminated in a near-death experience for Canada in 1995. We had two armed rebellions in 1870 and 1885, arguably caused by parliamentary malfeasance. A third or more of prairie Indians starved to death in the decade before 1885 at the pleasure of the Canadian parliament in defiance of signed treaties. The Parliament of Canada presided over the residential school system, the deaths of a high proportion of the children in its care, and a deliberate program of cultural genocide.

No doubt our political system has proved itself superior to those of Russia, Germany, Japan, China and Cambodia over the same period.

Personally I think we should aspire to a higher standard. Let's measure ourselves against, say, Switzerland and Sweden.

I would like to see a Parliament in which everyone is represented, and the majority in that Parliament rules, with consideration and respect for the minority.

Referendum or not:

I note that past electoral changes from secret ballots to votes for women, and the withdrawal of the franchise from First Nations people and its restoration, have been accomplished by ordinary legislation without a referendum. The "Fair Elections Act" of 2014 which made it more difficult for some people to vote, could be held to be an attempt to limit the franchise, and reduced the power of the law over election offences, was ordinary legislation.

I suggest that ordinary elections are decided to a large extent by the voters' judgement of personalities, styles, and the achievements of candidates, MPs and parties in the recent past. The details of the choice of an electoral system are technical matters and perhaps less suited to elections.

It is notable that in past provincial referenda on electoral systems, many voters have professed ignorance of the technical issues and often of the existence of the question until they saw it on a ballot. The amount of information provided to voters has been criticized, however it has been said "You can lead a horse to water but you can't make him drink." I fear that the same may apply to voters and information.

Nevertheless it appears that experience with an electoral system quickly leads voters to learn how to use it to get what they want to the limits of the possibilities which the system offers.

I suggest that a useful compromise might be for an electoral reform to be passed by MPs representing a majority of voters at the last election.

Close attention should be paid to the views of MPs representing other voters to the extent that they are reasonably compatible with the views of MPs representing the majority of voters. Then after two or three Parliaments have been elected under the new system a referendum could be held to decide whether to make the innovation permanent or return to first-past-the-post.

A change to a system of proportional representation would give the voters more power. The change would therefore be reversible, not irrevocable.

If a referendum is decided upon, great care should be given to the information provided. I regret to have to say that the provincial referenda in British Columbia and Ontario were accompanied by a large volume of outright lies and far too few facts. A referendum can only succeed in delivering what the public interest requires if the balance is reversed.

I suggest also that a super-majority is not needed, 50% + 1 should be sufficient.

If more time is needed, our laws provide that in case of need the interval between elections can be extended from 4 to 5 years.

The Choice of an Electoral System:

I suggest that the most desirable electoral system for Canada is some form of the "Rural-Urban PR" system presented to you by Fair Vote Canada.

Basically this is a form of Mixed-Member Proportional representation (MMP) in which areas of lower population density where identifiable local communities which do not have the population to justify more than one member of Parliament continue to have single-member constituencies supplemented by regional lists (which might elect say 30% of the total MPs in the region), and larger towns and cities comprise multi-seat PR-STV constituencies (electing say 2-7 MPs) supplemented by regional lists which might possibly if desired elect a somewhat smaller (say 10-25%) proportion of the total MPs in the region.

Some advantages of Rural-Urban PR are:

It minimizes the need for list MPs to attain a reasonable degree of proportional representation; and therefore it minimizes the necessary territorial expansion of especially single-seat constituencies if it is thought desirable to limit or avoid any increase in the total number of MPs.

Note that for any given size (in terms of number of seats or "district magnitude (DM)) of multi-seat constituencies, PR-STV will maximize the degree of party proportionality, due to the effect of transferred votes.

I note that the electoral system of the Irish Republic delivers what I consider a reasonable degree of party proportionality with an average DM close to 4, without any list seats for correction.

A somewhat imperfect degree of party proportionality with a moderate bonus for large parties and a moderate but not excessively large penalty for small parties (and party splits), may be thought desirable.

Among other things it avoids the necessity for a threshold (itself producing disproportionality) and barriers to entry while keeping the number of small parties within bounds. In the Irish Republic which uses straight PR-STV, party proportionality seems to become fairly exact around 10% of the popular vote. Proportionality for all parties but especially small ones, seems quite sensitive to the degree to which supporters primarily of other parties, consider the small party eligible for late choices and transferred votes, as opposed to being attractive only to extreme partisans. This is noticeable in the varying fortunes of the Irish Green Party, and Sinn Fein. This feature may be thought by some to be a desirable property of an electoral system. In the Irish Republic, the representation of very small parties seems to shade off almost imperceptibly to representation of independent candidates (usually more distinguished or at least well known than the average) and their voters.

Canadians appear to have a preference for open lists in MMP.

Relatively small regions (electing say 12-20 MPs in total, or less in small provinces) are perhaps desirable, along with low numbers of list MPs, to ensure open lists do not produce excessively large ballots. So multi-seat constituencies using PR-STV will help to ensure ballots of reasonable size while also ensuring that we have an acceptable degree of party proportionality despite somewhat small regions.

Also, PR-STV will deliver not only proportional representation of party affiliation of candidates, but also, simultaneously, a rough proportional representation of other candidate characteristics such as gender, ethnicity, language, religion, social class etc., where (but only where) those characteristics are important to the voters and the candidates vary in them. I consider this a desirable property of an electoral system. Candidate characteristics do not have to be formally identified (as party affiliation usually is) to work in this way, it is sufficient that a significant number of voters can perceive them.

From polls etc. it appears that many Canadians are nervous of list MPs and wish to minimize their number. MMP proposals for Canada such as that of the Law Commission of Canada seem to usually settle for 30% or so of list MPs based on analysis of past FPTP elections. I fear that such analyses and extrapolations neglect the tendency of proportional representation to produce a more even distribution of votes among parties and hence a greater tendency to "overhangs" where a party elects more MPs in single-seat constituencies than its total party list vote justifies. Yet most proposals for MMP in Canada propose for understandable reasons of simplicity etc. to eliminate corrections for overhangs, normally increased numbers of lists seats where needed. I note that Germany with 50% of list seats in an MMP system, often has small overhangs.

Rural-Urban PR allows us to eliminate the possibility of overhangs in the segment of the country, probably electing 60% or so of MPs, where the constituencies are multi-seat using PR-STV. Significant deviations from party proportionality might then occur in the parts of the country where the regions contain single-seat constituencies, but this might be tolerable as those parts would elect only 40% or so of the total MPs.

The local deviations would likely be rather less than now occur with FPTP. Party proportionality doesn't have to be perfect, although I submit that a major improvement on what we have now is desirable.

I suggest that the three territories could be left as single-seat constituencies uncompensated by a list vote for simplicity. However I suggest that especially for the territories, AV/IRV would be desirable.

I think it would be helpful for representation by native people, and representation of a majority of voters.

I believe that the same argument applies in perhaps lesser degree to all the single-seat constituencies. Evidence from Australia suggests that AV/IRV produces about the same degree of party disproportionality as FPTP, not much better or worse, although it's hard to tell exactly due to the differing numbers of effective parties in various FPTP systems. See Irish political scientist Michael Gallagher's website:

<http://www.tcd.ie/Political_Science/staff/michael_gallagher/EISystems/Docts/ElectionIndices.pdf>

Possibly the Conservative Party of Canada for which poll results suggest that it might attract fewer second or third choices than other parties, might suffer somewhat, but I expect that it would quickly adapt to be more attractive to less partisan voters. In any case extrapolations from recent Canadian FPTP elections are dangerous since first choices under AV/IRV would be different from those under FPTP due to greatly reduced pressure for strategic voting.

A Rural-Urban PR system with AV/IRV in the single-seat constituencies and PR-STV in multi-seat constituencies would be well adapted to deriving the party vote from the party affiliation of the first choice votes. Candidates for the party votes could also be chosen from the best runners up if desired giving a simpler and smaller ballot.

This would also eliminate the possible problem of fake parties giving one for the list and one for the constituencies to boost the total vote for an alliance, which has appeared in practice in Italy and Lesotho, and perhaps to a small degree without much intent in Germany. This problem ought to be dealt with somehow; perhaps the appearance of a party on a regional list could be made conditional on it appearing in some or all the constituencies of that region.

Other Needs:

Probably you are already well aware of the need for reform of Commons procedures such as confidence and government formation, coalition formation etc. in the event of electoral reform, also perhaps of relations between the Commons and the Senate.

I suggest also that it would be helpful if this Committee or some other body assembled information on how other jurisdictions deal with party organization in multi-seat constituencies, and made it available to Canadian political parties.

Yours faithfully,

Douglas Woodard