

# Seven Ways that the Canadian Electoral system is UNFAIR

*A Brief Submitted to the Special Committee on Electoral Reform by Stephen McCulloch*

I am not a whiner. I know very well that life is not fair. But, our electoral system, which should fairly represent our interests, is out of balance. And there are viable alternatives.

## 1. Phoney Majorities

Most of us are aware that in an election, a party can win the majority of seats in Parliament without receiving the majority of the votes cast. When this happens, we have a government which sets policy, the political agenda and passes legislation unilaterally. The opposition parties, even together, cannot get enough votes in the house to prevent the ruling party from doing what it wants. This is an awesome level of power which should only be allowed to a party that really has the support of the majority of Canadian voters. It is unfair for one party to wield this level of power without the support of the majority of voters. I used to think that a phoney majority was a rare event, an anomaly. However, the truth is quite the opposite; true majorities are quite rare. In the eighteen elections since my birth there has only been one majority government where the governing party actually got the majority of the votes. In 1984, the Progressive Conservatives got a slim majority, 50.03% of the votes. And for that, they took almost 75% of the seats in the House of Commons. In the same period of time, there have been nine other elections where majorities have been granted in Parliament to parties receiving only a minority of the votes. This is not fair.

## 2. Regional Misrepresentation

In the 2008 federal election, Bloc Québécois won 49 seats (just under 16%) with just under 10% of the votes. In the same election, the New Democratic Party was able to get over 18% of Canadian voters to cast their ballots for them, yet came away with only 37 (just over 12%) seats in Parliament. The reason for this particular example of unfairness is that our electoral system favors parties where the support is concentrated in one or more region over parties with support evenly distributed across the country. The New Democrats have candidates in every riding in the country and have at least 9% support in every Province and Territory. The Bloc Québécois only runs in Québec. It is not fair that a party representing a distinctly regional perspective should have more seats than a party with broad national support that actually gets more votes.

## 3. Some Votes Count More Than Others

In the 2015 federal election, Andrew Leslie, the Liberal candidate for Orléans Ontario won his seat with 46,542 votes. In the same election, Yvonne Jones, the Liberal candidate for Labrador won her seat with 8,878 vote. Leslie, in the House of Commons represents over 46 thousand voters while Jones represents less than 9 thousand voters. Yet, each of these representatives gets exactly the same voice in the House; one vote each. It is unfair that voters in an Ottawa suburb are counted as being worth less than a fifth the value of voters in Labrador.

## 4. Some Votes Are Worth More Than Others

At election time, each of the party leaders and strategists roughly divide the 308 Canadian ridings into three categories. On one side of the desk, there are the ridings which that party will probably not win. These are ridings which historically have gone to other parties and where the polls show that a victory is unlikely. On the other side of the desk, there are the ridings which the party will probably win. These are

ridings which historically have gone to this party and where the polls show that unless something unusual happens, victory is in the bag. And in the center of the desk are those ridings where it is too close to call. They might win or they might not. These are the ridings where most of their campaign efforts will be focused. In the election campaign, it is a waste of effort and resources to go after votes for candidates who are unlikely to win and it is also a waste of resources to go after any more votes than is necessary to win the seat. Thus, if you happen to live in one of the hotly contested ridings, your issues will have a greater importance in the campaign than the unfortunately voters who happen to live in safe ridings.

## 5. Minority Governments Are Unstable

In my lifetime, there has been ten federal elections resulting in majority governments and eight resulting in minority governments. Yet less than a third of the time do we actually have a minority government. Minority governments, on average, last less than half the time that majority governments do. The reason for this is inherent in the system. Party strategists know that they might be able to get a majority government with as little as 39% support from the voters. So, the leading party in a minority when they see that the polls show that their support is above 39% are not afraid of an election call and are more likely to really piss off the opposition and triggering an election. The truth is that minority governments more accurately reflect the wishes of Canadian voters. Seldom is there a clear majority of support for any one party. It is unfair that we get majority governments most of the time and that the minority governments we do get don't last.

## 6. Strategic Voting Is Institutionalized Cynicism

Many Canadians would like to vote differently than the end up doing. In my riding, for example, there are candidates from three of the major parties. But the candidate for the party I support, according to the polls is running in third place. The two other candidates are running a close race. One of these two leading candidates I strongly oppose, while the other I am somewhat lukewarm towards. I have a choice. I could vote for the candidate that I really like, which will do nothing to improve the standing of their party and which increases the probability of our riding electing a candidate that I am strongly opposed to. Or I could vote for the candidate that I am lukewarm towards, in order to prevent the candidate I don't want in from getting elected. It is unfair, that under our currently electoral system, my most rational choice is to vote for the lesser of two evils rather than for the candidate I truly support.

## 7. Most Of Our Votes Do Not Count

In the 2015 federal election, over half of us voted for candidates that did not win. If we had not voted, the results would have not been any different. Because we did not vote for the winning candidate in our riding, our votes are not counted in the decisions about how much representation each party has in Parliament. Furthermore, because one party has the majority of seats in the House of Commons, the opposition votes cannot affect the outcome of any legislative vote. So, in reality, our Parliament only represents the 26.5% percent of Canadian voters who voted for a winning Liberal candidate. In the 2011 federal election, our Parliament only represented the quarter of Canadian voters who voted for a winning Conservative candidate. The rest of us, about seventy-five percent, have no effective representation. It is not fair.

## Two Changes Which Together Would Solve All Seven Problems

### 1. Multiple Representative Electoral Districts

Canada could combine certain electoral districts into multiple representative electoral districts. These electoral districts may be four to seven electoral districts combined into one. Seats would be allocated proportionally by party within the riding. Some ridings would remain single seats.

Voters would feel as if their votes made more of a difference. Instead of having only one candidate of your preferred party available, voters could select among several and select the one which best represents their point of view.

Example 1: Applying Multiple Representatives to 2015 Election Results for Scarborough.

Political Affiliation	Votes Obtained	Percent Votes	FPTP Seats	PR Seat Allocation	PR Seat Percent
Liberal	143,910	54.1%	6	3	50.0%
Conservative	76,286	28.7%	-	2	33.3%
NDP - New Democratic Party	38,577	14.5%	-	1	16.7%
Green Party	4,984	1.9%	-		
All Others	2,354	0.8%			
<b>Total</b>	<b>266,111</b>		<b>6</b>	<b>6</b>	

With the existing electoral system, the six seats for the community of Scarborough went to candidates from the Liberal Party. However, that party only received 54.1% of Scarborough's votes. If Scarborough were to be made into a single riding with six seats and those seats were to be allocated proportionally, Scarborough would have elected three Liberals, two Conservatives and one New Democrat Member of Parliament. Instead of having 45.9% of Scarborough voters without representation in Parliament, there would be 97.3% of Scarborough voters with representation in Parliament.

#### Benefits

1. The results would be more representative of the voters' wishes.
2. Voting would be more meaningful. Instead of a single available candidate for the party a voter supports, they would be able to select from more than one, thus shaping the representation of that party in Parliament.
3. The rationale for strategic voting is removed.
4. Voting is essentially unchanged. The voter simply selects from among the candidates the one who best represents them. No ranking or ballot changes required.
5. No new riding boundaries need to be created.

#### Challenges

1. False majorities would still be possible, albeit less likely.
2. It does not make sense to make all ridings into multiple member ridings. Some of the voters would not experience the advantages of multiple member ridings.
3. The results would only be approximately proportional to the voters' wishes.
4. Regional Misrepresentation and Inequality would persist.

## 2. Vote Allocation

Each of our elected Members of Parliament are allocated one vote in the House of Commons, regardless of how many voters they may actually represent. Yet the unspoken truth is that our Members of Parliament do not all represent equal numbers of voters. Linda Duncan, the sole New Democrat from Alberta, in a very real sense, represents not just the 24 thousand voters who voted for her but the over 224 thousand Alberta New Democratic voters. It would be fairer that instead of arbitrarily allocating one vote to each Member of Parliament, that we allocate all of the votes cast in each general election among the elected Members of Parliament. When voting on a bill, some Members of Parliament would stand up and say in effect, "I represent 38,831 voters" and others would say, "I represent 28,096 voters." One of the fundamental flaws in our parliamentary system is that we pretend that each elected representative is equal. It should be obvious that some Members of Parliament represent more votes than others. Can we change our electoral system to reflect this fact?

Putting this idea into practice, we would look at the election of Members of Parliament as a two-step process. In the first step, we decide who will get seats in Parliament. The second step would be to fairly allocate the votes cast in the general election to the Members of Parliament. In the existing system this second step is trivial; each Member of Parliament simply gets one vote. A fairer system would have each Member of Parliament start with the number of votes they personally received in the general election and added to that a fair share of the votes for their party that went to their colleagues who did not win a seat. In order to properly and fairly represent the provinces, vote allocation would happen within each province before being done nationally.

Let's look at the vote allocation process from the point of view of the voter. When I cast my ballot, I want to know that someone in the House of Commons will represent my vote. If the candidate that I voted for wins a seat, then that candidate will represent my vote. If the candidate that I voted for did not win a seat, then a suitable Member of Parliament representing the party I voted for will be found who will represent my vote. Firstly, if I am in a multiple representative electoral district and that district elected a Member of Parliament from the party I voted for, then my vote will be allocated to a Member of Parliament in my district. Then, if my vote cannot be allocated to a Member of Parliament in my electoral district and there is one or more Member of Parliament elected in my province from my party, my vote will be allocated to a Member of Parliament in my province. Finally, if there are no Members of Parliament elected in my province from the party I voted for, my vote will be allocated to a Member of Parliament outside of my province.

### Benefits

1. The results would be more representative of the voters' wishes.
2. False majorities would be impossible. Each party in Parliament would have exactly the number of votes in the House of Commons as they received in the general election. The results would be exactly proportional to the voters' wishes.
3. Regional misrepresentation and inequality would be eliminated. Every province would have approximately the same number of votes in the House of Commons as they cast in the election.
4. The rationale for strategic voting is removed.
5. Voting is essentially unchanged. The voter simply selects from among the candidates the one who best represents them. No ranking or ballot changes required.
6. No new riding boundaries need to be created.

## Challenges

1. **Members of Parliament are not equal.** There are some who claim that it is undemocratic that some Members of Parliament have more voting power than others. I disagree. Consider an election with no losers. Every candidate gets a seat in Parliament. Now, before pointing out the very obvious flaws in such a system, consider the advantages: every voter would be represented; the House of Commons would reflect the greatest possible diversity. Besides overpopulating the House of Commons, there is one very great problem with this imagined election. A candidate from a fringe party with less than 130 votes would be equal to a candidate from a major party who got over 40,000 votes. How unfair! However, this election with no losers could be made fair, if instead of granting each Member of Parliament one vote in the House, the Members of Parliament would each get the exact number of votes as they received in the general election. Simply changing from each representative being equal to being unequal has transformed this hypothetical election from an unfair one to a fair one.
2. **Not been tried before.** There are no other countries using this system. There is no catalog of academic studies on Vote Allocation. If implemented, we would be breaking new ground; creating a truly Canadian parliamentary model.
3. **Unconstitutional.** I have been told by those who know more about the Canadian constitution, that the constitution specifies that each MP must have one vote, no more, no less in the House of Commons. If this is true, that would seem to be a deal breaker for Vote Allocation. And yet, we should consider if the benefits of adopting this scrupulously fair yet simple system outweigh the difficulties in seeking a constitutional amendment.

## About the Author

Stephen McCulloch has voted in every federal and Ontario election since 1978. But other than that he is nobody. He has no relevant academic credentials; no journalistic experience; few social media followers; no political experience or ambitions. The ideas presented here are entirely his own and represent no one other than the author.