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## **Comparing Electoral Systems: Criteria, Advantages and Disadvantages, and the Process for Finding a Consensus on Which System is Best for Canada**

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### I Introduction

This paper offers an assessment of a number of electoral systems that might in the future be used to determine how votes are cast and how those votes are translated into seats in the House of Commons. The integrating theme of the analysis is that there is no perfect electoral system that will command anything close to universal agreement among experts, political actors and the public at large. This is true because the design of an electoral system is mainly a political problem involving value-laden decisions, not a technical problem that experts alone can solve on the basis of reliable empirical evidence.

Electoral reform is inherently political because it involves value judgments about what type of electoral system will best serve the needs of Canadian democracy. On these matters there are bound to be disagreements among citizens, politicians and experts. Also, in terms of electoral competition, different electoral systems will offer different advantages and disadvantages to different parties and their candidates. Political calculations are inevitably involved in the process of adopting an electoral system. However, if the process is seen as a blatant maneuver for partisan advantage, there will be less support for the electoral system and the results that it produces. In other words the process is almost as important as the product. Complete agreement on the process and the product is impossible, but a widely consultative process that produces the widest possible consensus should be the goal.

The analysis proceeds as follows.

First, the next section briefly describes a set of democratic values that should guide the design of an electoral system and argues that translating those design criteria into the desired effects within the political system and society at large is complicated and uncertain.

Section 3 argues that electoral reform requires an understanding of what problem(s) are being addressed and how effective different electoral systems might be in solving or at least mitigating the perceived problem(s). Once again there will be disagreements over the source(s) of the problem(s), how serious those problems are, how best they might be remedied and whether the remedies involve actions other than changes to the electoral system.

There are four main types of electoral systems: 1) Majoritarian (FPTP and the Alternative Vote are examples); 2) Semi-Proportional (Single Transferable Vote and the Cumulative vote are examples); 3) Mixed (Mixed Member Proportional is an example); 4) Proportional (open and closed party lists for voting are examples).

Sections 4,5, 6 and 7 offer a brief analysis of the main advantages and disadvantages of: First-Past-The-Post (FPTP), Mixed Member Proportional (MMP), Single Transferable Vote (STV) and the Alternative Vote (AV).

Section 8 discusses the process needed to ensure a reasonably informed decision on the electoral system that combines political, expert and non-expert opinion and reflects as much consensus as possible. Section 9 discusses the need for and the

practicality of staging a referendum before a new electoral system is adopted. Section 10 provides some brief concluding observations.

## **II Criteria for the Design of Electoral System**

An electoral system should reflect the following democratic values:

- provide for inclusive and meaningful representation of different interests and ideas that exist within a pluralistic society.
- encourage political parties to seek broad, balanced representation of diverse ideas, territorial concerns and the interests of different segments within society.
- support the creation of efficient and stable governments.
- contribute to clear accountability by governments and individual MPs.
- facilitate public understanding, encourage voter turnout and provide for accessible, convenient voting,
- reflect the need for consensus that will involve principled compromises among advocates for different voting models.

In practice these values may clash. For example an electoral system that seeks to encourage diverse representation through some form of proportional representation may make the ballot format more complicated and this feature may in turn reduce voter turnout.

Achieving consensus on a voting system is never easy, especially when changing from an existing system to something new. Political parties will not want to give up any political advantage to their opponents. As for the public, it is generally not deeply interested or well informed about the election machinery, Accordingly when initiatives have been taken to educate citizens and to seek endorsement for change,

for example through a referendum, the public has usually stuck with the status quo.

### **III Identifying the Problem and Forecasting the Effects of Reform**

The problem(s) that needs to be and can be solved through electoral reform is an issue on which reasonable people can disagree. Is the primary problem to achieve inclusive representation of different interests and values through the voting process? Is a desire to increase voter engagement and turnout the goal? Is a related purpose to convince voters that their votes are not wasted if they did not support a winning candidate? Is another aim to achieve more balanced regional representation within the cabinet and caucus of the governing party so as to avoid a sense of exclusion within parts of the country? Is the aim to lessen domination by the prime minister and the cabinet over the House of Commons? Is the aim to increase responsiveness to shifts in public opinion during the intervals between elections? Already long, this list could be expanded to include other concerns.

With such numerous and diverse rationales for electoral reform, it is not surprising that reformers often disagree on what a better voting system might look like and what might be accomplished through different systems. Clearly there are limits to how many and what types of objectives can be accomplished through changes to the electoral system alone. And, even with the benefit of comparative examples and sophisticated analytical models, predicting the real world effects of a particular system with precision and certainty is impossible. The available evidence from countries that have changed electoral models indicates there are almost always foreseen and unforeseen consequences that arise.

The impacts of electoral reform on the political process will depend on the type of voting model adopted and the magnitude of the changes that are introduced. Usually electoral systems are divided into two broad types: majoritarian and proportional. The conventional argument is that majoritarian systems like FPTP lead to decisive leadership in government and clear accountability, but have the drawback of ignoring minority opinions. In contrast it is claimed that PR systems provide for fairer representation of all segments of public opinion, but by encouraging multiple parties, proportionate systems lead to unstable minority or coalition governments, timid or opportunistic decision-making in government and blurred accountability. Traditionally then the choice has been posed as artificial majorities and clear accountability versus fairer representation and a greater measure of political instability.

While widely accepted, this dichotomous choice is now seen as simplistic. It tends to polarize the debates because it encourages proponents of different voting systems to talk past one another. It also ignores the potential for mixed or hybrid models of voting that do not require absolute trade offs among competing goals but instead allow for some measure of achievement of a range of goals.

Our perceptions of the tradeoffs involved was changed partly by an important 2011 article by John M. Carey and Simon Hix in the American Political Science Review that argued **there was a “sweet spot” in the design of** an electoral system where the concern about wasted votes and the unfair exclusion of small parties under FPTP could be addressed without prompting the excessive political fragmentation associated with PR. According to Carey and Hix the best way to achieve both efficient and fair representation is a PR

**system that is combined with either “low- magnitude multimember constituencies or high electoral thresholds.”** Put simply, their modified PR system would involve a mix of constituencies in which depending on their territorial and population size would elect from one to eight representatives to the legislature. Voters would rank order their choices on the ballot. This would increase the likelihood that smaller parties would gain a presence in the legislature. To avoid excessive partisan fragmentation in the legislature there could be a vote threshold to elect a representative. The authors identify a number of variations of this model operating in countries around the world. Explaining the logic, permutations and combinations, and potential impacts of this type of modified PR would not be easy. However, thinking in terms of some type of a hybrid model allows us to break out the mental rut of majoritarian versus proportionate.

A final word of caution is in order. Electoral reform is not a mechanical process that is akin to moving dials on the electoral machinery to achieve precisely the desired measures of representation and accountability. Advocates for various reforms must avoid the Sherlock Holmes syndrome of **declaring “It is elementary Dear Watson”**.

There is the real danger that as a price of gaining support, the benefits of particular reforms will be oversold. This is the main message of a careful comparative study of the experience of a number of countries by Shaun Bowler and Todd Donovan, *The Limits of Electoral Reform* (2013). The study concluded that very little changed within the political system as a result of changes to the election rules. Other conditions and actions within the political system are more important to the health of a democracy than the adoption of new electoral procedures.

The discussion now turns to the pros and cons of different voting models, not in the abstract, but in terms of the needs of the Canadian political system and society. This is a vast topic, far too large to be explored fully here. In the interest of space, the main claims, pro and con, about each voting model will be presented in point form without much elaboration and evidence.

#### **IV The Advantages and Disadvantages of the Current FPTP**

An Abacus survey conducted in November 2015, shortly after the last general election, found that 83% of respondents favoured some type of electoral reform. The same survey also found that for over half of the respondents the issue of electoral reform was not of great importance. The survey did not determine what level of knowledge of electoral matters served as a foundation for these opinions. In all likelihood, the opinions mainly reflected the complaints about the electoral system that appear in the media with considerable predictability after each general election. When offered opportunities over the past several decades to adopt different electoral systems voters in four provinces have opted to retain the status quo. There are many, varied reasons for each of the rejections of the proposed changes, including a conservative tendency to stick with what is familiar.

Advocates for replacing the current FPTP system identify the following disadvantages of the system:

- it produces artificial or false majorities in the House of Commons when the winning party obtains a majority of the seats based on less than 50% of the popular vote;
- it contributes to executive dominance, including excessive prime ministerial power, by granting the winning party a disproportionate number of seats;

- it leaves regions or provinces shut out of the cabinet and the caucus of the governing party;
- it contributes to the formation of regional parties which do not seek to perform the role of accommodation of different interests across the country;
- the pattern of representation can create an artificial impression of a country deeply divided along regional lines and other differences within society and this detracts from social cohesion;
- it contributes to a highly adversarial “winner take all” style of political competition;
- the system leads to the impression that votes are wasted when they have no impact on the makeup of the House of Commons and this can diminish voter turnout;
- the system limits the participation/representation of women, Aboriginals and minority groups.

This is a long list of complaints and much could be said about their validity and the evidence that supports them. Three points will have to suffice.

First, the argument that votes are ‘wasted’ under FPTP is accurate only if one assumes that the purpose of voting is simply to elect MPs. Voting is also a means for expressing support for ideas, parties and candidates with the hope of building that support over the long term leading to greater representation in the House of Commons.

Second, there have been periods when the West was “underrepresented in Liberal governments and Quebec was underrepresented in Conservative governments. It is a matter for debate, however, whether electoral reform should be used to ‘fix’ this problem or whether the onus should be on the

parties to develop policies that appeal to all parts of the country.

Third, the capacity of the system to produce majority governments can easily be exaggerated. Over the past 50 years there have been nineteen elections and eight of them have produced minority governments.

The following advantages of FPTP include the following:

- it focuses responsibility by creating majority governments where none would otherwise exist based on the distribution of votes among multiple parties in national elections;
- it allows voters to assign credit and blame for actions and inactions by the governing party and to oust them at the next election if they fail to deliver on their election promises;
- it avoids political instability and blurred accountability that would be associated with minority or coalition governments;
- by concentrating authority and power it allows for decisive, tough decisions to be made and avoids the negotiations among parties that would lead to compromises on legislation and encourage higher spending;
- it retains a clear geographic link between elected representatives and their constituents;
- the system is relatively straightforward and easily understood by voters who deal with a simple ballot that requires them to mark their choice with an X and does not require rank ordering of candidates or two ballots;
- the counting of the votes is straightforward and can be completed expeditiously, especially as the voting process becomes more automated.

These advantages are also open to debate. Minority governments are not all bad. They tend to increase responsiveness to other opinions within Parliament and society. They need not be unproductive, as the minority Liberal governments of the 1960s demonstrated. Voters tend to favour the familiarity and simplicity of the present voting system but, with educational efforts from Elections Canada and the introduction of automation in voting process, people will adjust to a new voting model. The counting of results is always a matter for the professionals in the Elections Canada.

## V The Advantages and Disadvantages of Mixed Member Proportional (MMP)

MMP is a semi-proportional electoral system in which voters cast a two-part ballot, selecting both a local candidate and a political party. For advocates such a system offers the best of both worlds: a link between voters and a local representative along with an additional group of representatives for the competing parties based on their respective share of the popular vote. MMP has been growing in popularity and now operates in some version on over 30 countries including Germany, New Zealand, Scotland, Wales and Hungary.

In Canada there have been a number of proposals to adopt MMP, including by the Pepin-Robarts Commission in 1979, the Law Commission of Canada in 2004, in PEI in 2003, in New Brunswick in 2005, in Quebec and Ontario in 2007. None of these proposals was adopted. The reasons for rejection differ somewhat in each jurisdiction, but the conservatism of voters and legislators in sticking with what they know and perhaps the perceived complexity of the MMP system were common causes.

There are several variations of the MMP system that currently exist in other countries. Most use the FPTP to elect the constituency representative. For the election of party representatives, there are three options: the open list, the free list and the closed list. The open list allows voters some influence on the order by allowing them to cast a vote for an individual candidate to be elected on the party ballot. A free list takes voter influence further by allowing voters to cast as many party ballots as there are seats to be filled. In some systems voters may put all of their votes behind an individual candidate thereby enhancing the prospect of the election of that candidate as a party representative. In contrast to open models, the closed list model allows only party officials or party members to determine the ranking of the candidates. The majority of the MMP systems are of the closed list variety.

Another variation in MMP system is whether the additional members will be elected on a national basis or within regions of the country. The Law Commission of Canada recommended an open list system with a regional component in 2004.

A third requirement of many MMP systems is the requirement that a party obtain a certain percentage of the party vote in the or in a region in order for candidates to be elected from the party list. In New Zealand and Germany the threshold is five percent of the votes cast. Some systems allow parties to qualify for list seats if they hold a small number of constituency seats. This system rewards parties that have concentrated voter support that produces relatively safe seats.

As with any electoral system the practical design, operation and impacts of an MMP system will be shaped, to some not easily specified degree, by the size and diversity of the country,

its constitutional order, political system characteristics and the dynamics of party competition. Without a working model in Canada, it is necessary to identify the advantages and disadvantages in general terms.

The advantages of MMP would include the following

- it removes the problem of so-called “false majorities”;
- it would provide for a closer match than FPTP does between voter preferences and representation in the legislature;
- it reduces the problem of so-called wasted votes by allowing for some representation for third and fourth parties;
- it provides voters with more choice by allowing them to vote for a deserving individual candidate for their constituency and vote for their party of choice on the second part of the ballot;
- it would allow smaller parties to gain seats and increase their chances to grow their support;
- a MPP system with regional seats assigned from the party list could address the problem of governments that lack support across the country;
- it can contribute to reduced executive dominance of the legislature;  
it would retain the link between a geographic territory and a local representative;
- it would benefit MPs who would be recognized for the quality of their constituency work;

The disadvantages of MMP that are often cited include the following:

- it creates a greater likelihood of minority or coalition governments;

- it grants smaller parties excessive influence in the governing and legislative processes;
- it creates two types of MPs-those with constituency duties and others who have no direct representational link to a constituency;
- it increases party control over elected representatives, especially if part lists are closed and controlled by the party leadership;
- it could lead to tactical voting and collusion by parties to handicap their principal opponents;
- it could lead to complicated ballots and discourage voting;
- it could lead to higher initial costs for election administration driven by the introduction of new technology;
- a decision would have to be made on the ratio of constituency seats to party list seats. Depending upon what that ratio is (perhaps 200 constituency to 100 party), there will be practical issues of how many seats in total there should be in the house of Commons, the territorial and population size of constituencies and how the ratio should be applied to small provinces like PEI.

There are rejoinders and qualifiers to the claims for and against MMP. In moving towards an MMP system there will be critical decisions to be made on the use of open vs. closed lists, the incorporation of a regional component for the allocation of list seats and the application of thresholds in the form of vote shares and/or seats obtained in order to qualify for an allocation of list seats.

## VI The Single Transferable Vote (STV)

Reformers who favour greater proportionality within the electoral system tend to favour STV over pure PR systems based on party lists. Based on multi-member districts STV allows voters to rank order candidates and to cast votes all for one candidate or for up to as many different candidates as can be elected for the district. In this system candidates from the same party can compete against each other. A quota is established and any candidate who wins more votes than this quota is elected. Usually the quota is set by dividing the number of available votes by the number of places to be filled and that number plus one vote becomes the quota. The ‘surplus’ votes of these candidates-those votes in excess of the quota- are redistributed to the second choices of the voters who voted for winners. If there are still seats to be filled, then the candidate ranked last is eliminated and the second choice preferences for him/her are redistributed. This process is repeated until all seats for the district are filled.

STV is used to elect the Senate in Australia, the lower house in the Australian state of Tasmania and in the Republic of Ireland. A Citizens Assembly proposed an STV system for British Columbia, but the plan was defeated in a referendum in 2005 and another in 2009.

The usual advantages identified with STV are the following:

- it allows for greater proportionality in terms of a closer match between votes cast and seats obtained;
- it offers voters more choice because a greater number of candidates will compete in a multi-member district than in a single member constituency;
- it would mean fewer “wasted” votes because voters could identify a representative that they personally helped to elect;

- it makes it possible for more than one group of voters to achieve a measure of representation within the legislature;
- it would contribute to fewer “safe seats” since all districts would be somewhat contestable and this avoids the problem of an excessive focus of resources and attention on a limited number of swing districts;
- provides an incentive to parties to offer a balanced roster of candidates in order to maximize the number of higher preferences for their candidates;
- promotes healthy competition among representatives serving the same district to demonstrate responsiveness to its needs and demands;

The disadvantages of STV include the following considerations:

- it would likely produce unstable minority or coalition governments;
- in a geographically large country, with sparsely populated areas, STV would require very large constituencies;
- with large constituencies and multiple candidates, voters would find it difficult to understand who stands for what;
- rather than strengthening the link between voters and their local representative, STV could weaken the link because large constituencies would combine diverse communities and make the task of serving constituents more difficult and more expensive;
- rural and smaller population centers could be disadvantaged because they would be part of large urban dominated districts;
- individual representatives would be less accountable because more than one of them may deserve the credit or blame for actions and inactions;

- voters would only encounter representatives during campaigns whereas it could be argued that party officials know them much better. It could be argued that a system that allows parties to place their “best” candidates in safe seats is better than one that leaves the choice more with voters;
- ballot papers can become long and confusing;
- the formula for counting votes can be hard to understand compared to the FPTP

STV (the model was called the Hare system) was used in the past in Canada at the provincial level in Alberta from 1926 to 1955 and in Manitoba from 1927 to 1955 but only in the major cities. In both provinces the rural districts used the Alternative Vote method. According to one study the STV system proved to be workable in both provinces. It did not seem to affect turnout, the number of candidates did not increase and voters showed little inclination to vote for new parties. Applying STV on a national level would present more complications and create more complex political dynamics than was the case back when those two provinces were predominantly rural and socially homogenous.

## VII Alternative Vote (AV)

The AV system involves ranking the candidates in the order in which a voter would most like the candidates to win from the most to the least preferred. In different political systems ranking is either compulsory or optional. In Australian national elections to the House of Representatives voting is mandatory as is ranking all of the candidates. Ballots that fail to rank all the candidates are rejected. The optional preference rule in the state of Queensland allows voters to rank as many candidates as they wish.

In order to win a candidate must have 50% of everyone's votes. This means that if no candidate achieves 50% on the first place votes, the candidate with the lowest number of votes is eliminated. Their votes are not wasted. Instead the second place votes of those voters who saw their most preferred candidate eliminated are added to the total of the remaining candidates. This process of elimination and reassignment of votes continues until one of the candidates receives 50% of the total votes cast.

The advantages of AV are usually identified as the following:

- ensures elected representatives have the support of a majority;
- retains existing constituencies and the link between the local representative and the voters;
- it encourages candidates to seek second and third place preferences and this discourages negative attacks on political opponents;
- it avoids tactical voting because voters can vote for their first choice without fear of wasting that vote;
- it allows voters to identify their least preferred candidate;
- it reduces the number of safe seats.

Critics of AV dispute some of these claims in favour of the system and offer a list of disadvantages:

- the system counts second place preferences as first place votes;
- the claim that all successful candidates will have majority support is only valid if ranking is compulsory or voters choose voluntarily to cast a fully ranked ballot;
- it is not proportional representation and under certain conditions of party competition it can produce a landslide for one party;

- in close three-way races the candidate who is acceptable to the greatest number of voters (a compromise choice) may not make it past the first round of counting;
- the system can disadvantage the candidate with the most individual support (first round preferences) who loses in subsequent rounds to a less polarizing candidate;
- it would reduce the number of safe seats but not eliminate them;
- the voting process is more complicated and voters could inadvertently make mistakes in ranking candidates leading to spoiled ballots;
- it takes longer than FPTP to count the votes and may be more expensive for this reason.

Voters may tell pollsters that they like the greater choice involved with ranking, but evidence from real elections in Australia has indicated that approximately 60% of voters in Queensland where ranking is optional end up supporting just one party. AV in national elections for the House of Representatives has led to electoral alliances in which two parties cooperate by encouraging their supporters to vote first for their own candidate and to cast their second vote for the other party in the alliance. Called “exchanging preferences” this process is encouraged by the parties issuing “how to vote” cards to supporters.

In making the case for AV for Canada, Professor Tom Flanagan (Policy Options, July-August, 2001) argued that it would avoid further political fragmentation in the country that would arise from more proportional electoral systems. He also argued that there was experience with working models in Australia and France from which to draw practical lessons. AV would encourage political cooperation and less polarized politics. The change from FPTP was incremental and if a new AV system did not live up to expectations it could be replaced.

There are many other electoral systems that could be considered beyond the four that are discussed above. There are working models in other countries that should be looked at but transferring an electoral system from one national context to another involves uncertainty and risk. The effects of any electoral system are mediated by the societal and political context in which it operates. If wanted to build a “made in Canada” model it would be possible to design a mixed or hybrid model that combined two systems, probably on a rural versus urban basis. However, any such model would probably be complicated and not readily accepted by Canadians.

## VIII The Process of Electoral Reform

During the last election campaign the Liberal Party, who became the government after October 19, 2015, promised to replace the current FPTP system in time for the next election scheduled for October 2019. The only reason for change offered in the party platform statement was to deal with the problem of so-called wasted votes under FPTP. Of course there may have been other reasons not included in a typically brief platform statement. The platform did not seem to offer an option to retain FPTP. The platform also promised an eighteen- month consultation process, one part of which was the creation of an all-party House of Commons committee to study a variety of electoral reform ideas. The combined impact of these platform commitments was to create an exceedingly difficult electoral reform agenda for the new government to accomplish in a relatively short time period.

Realistically, there will not be complete agreement coming out of the consultation process. Even a strong consensus will be hard to obtain. This is true for a number of reasons.

First, different people place different weights on the various values to be achieved through the electoral system. For those who believe proportionality is the key value, neither FPTP nor AV will be satisfactory. For those who want stability and focused accountability, more proportionality will be seen as risky.

Second, there are interrelated issues of values and mechanics involved with the design of an electoral system. Most members of the public take the electoral system for granted and have limited information about the mechanics involved, but they have opinions to share with pollsters mainly about what they perceive to be wrong with the FPTP system.

Explaining what are the advantages and disadvantages of different electoral systems takes time and is confusing even for reasonably well -informed people. This means that the value preferences of the public must be combined with the more technical knowledge of experts on election machinery.

For ministers and parliamentarians who have to decide on the next electoral system there is no universally accepted and straightforward process for how to determine, weight and merge non-expert and expert opinion to achieve the broadest possible consensus.

Third, political parties and their parliamentarians in the House of Commons will have the final decision on the election system. While this is appropriate, it gives rise to both a real and a perceived conflict of interest because parties and their

parliamentarians will inevitably consider how different electoral systems will affect their political fortunes in the future. This will lead many people to dismiss the positions of the various parties as purely self-interested and not based on the long-term needs of the Canadian political system and society.

Such negative assumptions may not be entirely justified. Careful studies of the electoral reform processes in other jurisdictions have concluded that political actors were not entirely self-interested in their choice of an electoral system. Most political actors recognize that if electoral reform is seen as blatant partisan maneuver there will be less support and legitimacy for any system put in place. Often there will be mixed motives when a party honestly believes that the electoral system that best serves their political interests is also best for the country.

Fourth, another complication involved with achieving a consensus is the inability to forecast with precision the real world effects of different electoral systems. In the debates on electoral reform advocates for different systems will make strong claims, probably overselling the benefits of their preferred system. However such claims will involve at best informed speculation and the evidence to confirm claims may be limited.

Fifth, by promising that the next election will be fought under a new electoral system, the Liberals left little time for the education, consultation and debate that is needed to support a more informed, consensus-based choice of an alternative to FPTP. If the electoral system is changed, it will probably take at least two years for Elections Canada to plan for and implement the new system. For example, if larger constituencies were

necessary under a new system the current law requires the appointment of independent boundaries commissions for each of the provinces and those commissions are given up to eighteen months to complete their work of holding public hearings and redrawing the electoral maps. Also, a new electoral system will require Elections Canada to prepare information for voters on how and where to vote under the new system. The political parties will need time to organize themselves and educate their members on the new electoral arrangements. All of these implementation requirements suggest that a decision on a new system will have to be made by early 2017 in order for all parts of the election process to be ready for the fixed date election scheduled for October 2019.

On process of reform I would recommend that the Liberal government commence immediately a two- track process. One track would be more internal to government and the second would take place in the parliamentary arena. The two tracks should be as coordinated and complementary as possible.

As a first step the government would prepare and release as quickly as possible a discussion paper explaining more fully why electoral reform is necessary and the pros and cons of different electoral systems. A difficult choice would have to be made on whether the paper would announce the government's preferred option or whether a menu of options would be presented. Presenting the government's preferred option would avoid the accusation they were keeping the public in the dark about their intentions and it also might focus the parliamentary public discussion at an earlier stage. On the other hand, the opposition parties and others would accuse the government of presenting a "take-it-or-leave it" proposal and declaring its position before the public and the experts had been heard. Neither option will escape criticism, but a

discussion paper that clarified the purpose, options and implications of electoral reform without setting forth a government position would better serve the purpose of parliamentary and public debate.

The discussion paper could also be posted on-line on the Government of Canada website and interested organizations and citizens could submit responses to questions posed in the paper and offer any other opinions they cared to share.

The proposed special all-party committee of the House of Commons to consider this topic should be created immediately. It should operate free from government control and interference. The committee could use the discussion paper as a basis for its public hearings or it could issue its own discussion document and post it on the Parliament of Canada website. Either the committee could travel, or if time and expense make this problematic, it could conduct hearings via satellite from a number of centers across the country. The parliamentary process will involve partisanship but hopefully MPs would be prepared to consider the arguments and evidence that they hear with something of an open mind that might allow for a consensus report to be produced.

The second track of the reform process would involve a small number of roundtables involving think tanks, groups advocating electoral reform, academics, pollsters, party professionals, election administrators and individuals who have demonstrated a strong interest in the topic. To encourage frankness and lively exchanges, the roundtables should be conducted under the Charter House rules, in other words on a confidential, not-for-attribution basis. Participants should be encouraged to leave their “institutional identity” at the door. Some participants will be more guarded than others in sharing

the thinking of their organization or their personal opinions but that is unavoidable. The minister for Democratic Institutions, her political staff and public servants working on the file would attend but their role would be limited to asking questions and raising considerations that might not otherwise arise.

In explaining how it finally selected the next electoral system the government should summarize how it took into account the proceedings of both the parliamentary committee and the roundtables.

## IX The Need for a Referendum?

The Liberal government claims that it does not require a referendum before choosing a new electoral system because it obtained a mandate in the October 2015 election to replace the FPTP system. It points to opinion surveys that indicate over 80% of Canadians believe some type of electoral reform is needed. Also, the public consultation process conducted through the parliamentary committee hearings and other channels for input will provide interested Canadians with opportunities to have their say.

Other political parties and various commentators argue that a change to such a fundamental feature of Canadian democracy requires an opportunity for all citizens to vote for or against a government proposal. The claim that the Liberals obtained a mandate is weakened by the lack of a full rationale for a change and the lack of a concrete proposal that could be debated. In a survey 80% of respondents may have agreed that some type of reform is needed, but nearly half of them also agreed with the statement that the issue was not that important and would not

be a basis for casting a vote. In other words the mandate argument made by the Liberals is shaky.

For both theoretical and practical reasons I do not think that a referendum is either necessary or practical before the next election.

Parties rarely gain office on the basis of a detailed program and most members of the public, who follow politics casually, typically have limited information on what the parties have promised. This means there has always been a significant gap between what the mandate theory presumes and the reality of election outcomes. The Liberals may not have a strong mandate for a particular type of electoral reform, but by first listening to Canadians and then seeking the approval of Parliament for its choice of a new electoral system the government will be acting in the conventional manner that our system of representative and responsible government presumes. Credit or blame for the choice will be clear and the Liberals will be politically accountable at the next election.

In more practical terms, the Liberals were probably rash to make the promise that the FPTP system would be gone by the next election. Not only did they remove the option of sticking with FPTP, they also introduced a very tight timetable. Under the Referendum Act that came into effect in 1992, the Chief Electoral Officer of Elections Canada has authority to adapt the Canada Elections Act by regulation to apply to a referendum. The Act provides for the government to draft the question, it requires consultation with the opposition parties before the text is finalized and then a motion for adoption must be approved in the Commons and the Senate. Even with a legislated maximum of three days of debate in each chamber, the approval process takes time. Elections Canada is charged

with informing the public about the text of the question and how the referendum will be conducted. Achieving a better informed public about the options and implications of different electoral systems will take a fair amount of time especially because many people will be disinterested and there is a technical aspect to the issue that people will find confusing.

As part of the consultation process, the government could indicate a willingness to consider retention of FPTP if a strong case was made for that option.

## X Conclusions

Any durable reader who has persevered to this point deserves a reward in the form of some brief conclusions.

There is no perfect electoral system. There are a number of valid complaints about Canada's FPTP system. However, to the rest of democratic world, the Canadian electoral system looks strong and healthy. Canadians may agree with survey statements that electoral reform is needed, but other surveys reveal that three quarters of respondents believe Canada has one of the best political systems in the world.

There is currently a serious malaise within the Canadian political system. Many people do not have trust and confidence in the political process and in politicians. Voter turnout has been slowly declining over several decades, with the exception of the occasional election that engages voters for a number of possible reasons. The disillusionment and non-voting cannot be blamed mainly on the electoral system. Historical trends within society and short-term political developments are far more important sources of the dissatisfaction with the political

process than the electoral system, which is at most a secondary, marginal contributing factor. This does not mean electoral reform is unimportant, just that reforms will not solve the deeper problems within the political culture and the political process.

Politicians should be careful not to make extravagant claims for reform proposals, partly because people already do not trust them to make realistic promises and to keep them. Also, how such reforms will work in practice is somewhat uncertain. Overselling the benefits of electoral reform may end up deepening the public's disillusionment when the reforms do not match the advance billing and/or there are unforeseen consequences.

The requirement to achieve the highest possible level of public understanding, support and consent for a new electoral system in the short time period before the next election poses a serious challenge. Given that the electoral machinery is a fundamental feature of Canadian democracy and that there is bound to be intense partisan controversy over the substance and process of electoral reform, it would probably serve the public interest to stage the consultations, have the debates and pass the legislation creating the new system but to postpone implementation to two elections ahead which would be the general election scheduled for October 2023. This would allow Canadians to be more fully introduced to a new system. Debates over its advantages and disadvantages could be part of the 2019 election campaign. This delay would give Elections Canada time to plan properly for an election under the new system, including informing voters about any new mechanics of voting.

The Liberals would be criticized for backing away from their promise but for two reasons there would not be serious political damage to their re-election prospects. First, for most people the choice of a particular electoral system does not drive their voting decision. To the extent that they think about the election machinery their concerns relate to more concrete matter like the convenience of voting and the format of the ballot. Second, part of the malaise within the political system involves the perception that politicians engage in mindless partisanship, do not seriously consider sound policy ideas from their political opponents and others, and often lose touch with the publics they claim to represent. It might actually help the Liberal cause were the government to acknowledge that it will take longer to stage the open informed dialogue with Canadians needed to achieve as much consensus as possible on electoral reform.

Like a mystery thriller but hardly as engaging, this paper has kept readers in suspense about the preferred option of the author. I must confess that I am almost agnostic on the issue. The greatest problem with FPTP is the creation of the appearance at times that there are no truly national parties, that the multiple parties that compete for power are locked into regional strongholds and are perceived to write off the rest of the country. My view is that these problems sort themselves out over a series of elections. Moreover, appearances are not the same as political reality. When the Liberals were shut out in the West they took policy and organizational steps to improve their standing in the region. The Conservatives (under various labels) made efforts to create greater success in Quebec when that province was seen as a Liberal fortress. For decades the NDP made overtures to Quebec but only scored a breakthrough in the 2011 election. My point is that parties need to recognize regional and other

types of diversity as a fundamental feature of the Canadian community and then incorporate that diversity into their policy, organizational and communications strategies. Expecting the electoral system to solve the deficiencies of the party and parliamentary process is inappropriate and unrealistic.

My motto might be “electoral reform if necessary, but not necessarily electoral reform.” If the Liberal promise to replace the FPTP system must be kept, my preference would be for the least radical, most incremental and most reversible option that I take to be the Alternative Vote system. Like any system it has its pluses and minuses, but it is closest to the present system and this would enable greatest public understanding and acceptance. The greatest drawback of AV would probably be the large territorial size of rural and northern constituencies needed to capture enough population to meet the criterion of the Representation Act of reasonably approximate equal value of the vote. There are a number of ways to mitigate this problem somewhat, but that is a subject for another time.

Thanks for reading. Comments welcomed.

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