



**Fair Le Mouvement pour
Vote la représentation équitable
Canada au Canada**

Proportional Representation in British Columbia, New Brunswick, Prince Edward Island and Quebec

***Assessments and Recommendations
on Proposed Systems in Four Provinces***

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INTRODUCTION

At this date, Canada finds itself at an historic juncture in the movement for voting system reform.

Five provinces are currently considering adoption of new voting systems. The reform processes being used and the systems being considered vary significantly. Four of the five provinces have identified specific systems of proportional representation for possible adoption.

Fair Vote Canada (FVC) is a multi-partisan citizens' organization promoting voting system reform at both the federal and provincial levels. The following statement of purpose, adopted by the FVC National Council, guides our assessment of voting system alternatives.

FAIR VOTE CANADA - STATEMENT OF PURPOSE

The purpose of Fair Vote Canada is to gain broad, multi-partisan support for an independent, citizen-driven process to allow Canadians to choose a fair voting system based on the principles that all voters are equal, and that every vote must count.

Fair Vote Canada believes that, in order to provide a fair and equal voice for every citizen, and to accurately reflect the will of the voters, our voting system must be designed to achieve the following objectives:

Proportional representation: *The supporters of all political parties should be fairly represented in proportion to the*

votes they cast. Parties should have no more and no fewer seats than their popular support warrants. There should be no phony majority governments.

Fair representation for women, and for minorities and Aboriginals: *Our legislatures should reflect the diversity of our society. To enable this, voting systems must be designed to remove barriers to the nomination and election of those who are under-represented.*

Accountable government: *Our voting system should give us governance which is stable but responsive, flexible but principled, which reflects the will of the majority, but which respects the rights of all.*

Geographic representation: *Rural and urban voters must be fairly represented. Provinces and regions must have effective and accountable representation in parliaments and governments, reflecting real geographic communities.*

Real voter choice: *Our voting system must promote real competition among candidates and political parties. No voter should be disenfranchised for living in a safe riding. No voter should feel compelled to vote strategically for the lesser of evils because the preferred candidate or party has no chance of winning the riding.*

Based on these principles and objectives, Fair Vote Canada offers the following assessment and recommendations on the proportional voting systems currently under consideration in British Columbia, New Brunswick, Prince Edward Island and Québec.

SUMMARY:

Assessments and Recommendations

The following summarizes the Fair Vote Canada assessments and recommendations. The detailed report for each province follows.

British Columbia

BC voters will decide by referendum on May 17, 2005 whether to adopt the BC-STV system recommended by the BC Citizens' Assembly on Electoral Reform or continue with the grossly unfair single member plurality system. Fair Vote Canada recommends that British Columbians vote "Yes" on May 17, and that they consider this the first step in a continuing reform process. Fair Vote Canada urges British Columbians to press for further improvements to increase proportionality and enhance diversity.

New Brunswick

Fair Vote Canada believes the mixed member proportional (MMP) system proposed by the Commission on Legislative Democracy would perform reasonably well. If presented in a referendum, Fair Vote Canada would encourage a "Yes" vote. However, further improvements are still possible and recommended. Fair Vote Canada supports the Commission's proposal to Premier Lord for a referendum no later than the 2007 provincial election.

Prince Edward Island

Islanders will vote on a proposed MMP system in late 2005. While important decisions have yet to be made, Fair Vote Canada believes that the process is generally on track. The final version of the proposed MMP system, if well designed by the new Commission in a citizen-driven process, could be a major improvement over first-past-the-post voting.

Québec

Fair Vote Canada is disappointed with the voting system model released in December 2004 by the Minister for the Reform of Democratic Institutions. The MMP framework provides a very good foundation on which to build a fair voting system, but the current proposal must be greatly improved. We urge the Minister to establish a citizen-driven process to improve the proposal, and then allow voters to make the final decision in a referendum, perhaps in the spring of 2006.

FAIR VOTE CANADA

Statement on British Columbia

Fair Vote Canada (FVC) congratulates the British Columbia Citizens' Assembly on its recommendation for a proportional voting system to replace today's single member plurality (SMP) system. FVC also commends the BC Government for establishing the first independent Citizens' Assembly on Electoral Reform.

FVC offers the following assessment of the proposed voting system.

The Proposed System

On May 17, 2005, British Columbians will become the first Canadians to vote on the adoption of a new provincial voting system. The voting system proposed by the BC Citizens' Assembly (CA) is called BC-STV, a variation of the single transferable vote (STV).

Under BC-STV, the province would be divided into multi-member electoral districts, with the number of seats in each district varying from two to seven. According to the report of the Citizens' Assembly, "In the north and south-east, each district would elect two or three members. In the south-central and south-west of the province, each district would elect between four and seven members." When drawing boundaries, the preference will be to create larger rather than smaller districts whenever possible.

Parties would nominate a number of candidates in each district. Independents would also be able to run. On the ballot, voters would rank individual candidates. Candidates receiving a quota of votes based on the number of seats available would win seats in the Legislative Assembly. Ballots with surplus votes for candidates who are elected, as well as ballots for losing candidates, would be

transferred to other candidates, according to the voters' preferences, until all seats are filled.

Strengths and Weaknesses of the Proposed System

Fair Vote Canada assesses voting systems based on a specific set of principles and objectives outlined in our Statement of Purpose. The following provides a brief commentary on the strengths and weaknesses of the proposed system relative to those standards.

Citizen-Driven Process

Fair Vote Canada promotes the use of a citizen-driven assessment and recommendation process and the use of a referendum for decision-making.

British Columbia was the first jurisdiction in any democracy to establish an independent, citizen-driven process for electoral reform. While Fair Vote Canada believes that the citizens' assembly model can and should be improved before use in other jurisdictions, the B.C. process was very commendable in terms of putting this decision in the hands of the electorate.

The Government of British Columbia has announced that a super-majority threshold will be required before enactment of the referendum decision. The super-majority threshold will be a 60% affirmative vote overall, plus 60% of the ridings showing majority support.

Fair Vote Canada calls on all governments and all parties in all jurisdictions to honour a simple majority decision by the electorate on voting system reform. Governments and parties

never hesitate to make far-reaching changes based on simple majority votes (even in cases where the government attained a majority of seats without majority voter support). When citizens rather than government make a decision, it is inappropriate for the government to raise the bar.

Proportional Representation

STV is considered a proportional voting system, and the proposed model will be a vast improvement over the current single member plurality (SMP) system in terms of accurately translating votes into seats in the Legislature. However, we are concerned that the proposed system may not be proportional enough to ensure that all votes count, and that all voters are fairly represented.

The quota of votes required in order to be elected depends on the number of members to be elected in each district, as follows:

For a 2-member district, the quota is $\frac{1}{3}$ of the total votes cast.

For a 3-member district, the quota is $\frac{1}{4}$ of the total votes cast.

For a 4-member district, the quota is $\frac{1}{5}$ of the total votes cast.

For a 5-member district, the quota is $\frac{1}{6}$ of the total votes cast.

For a 6-member district, the quota is $\frac{1}{7}$ of the total votes cast.

For a 7-member district, the quota is $\frac{1}{8}$ of the total votes cast.

The effective threshold for electing a member is difficult to calculate under an STV system because of the inability to predict how voters will distribute their later preferences, but data from other jurisdictions indicate that candidates are unlikely to be elected unless they

receive at least half a quota of first-choice votes.

BC-STV has electoral districts ranging from two seats to seven seats, but the typical district may have only five MLAs. In an average district with five seats, a successful candidate would require more than 16% of the ballots on the final count to win, although this would likely be possible with first preferences in the range of 8% to 13%. In the largest district, with seven seats, more than 12% of the final count of the ballots would be required and at least 6% of first-choice ballots. In a two-seat district, a candidate would require more than one-third of the final count to reach the quota and at least 16% of first-choice ballots. (However, it should be noted that some candidates will be elected with less than a full quota.)

These thresholds create a stiff political barrier. In districts with only two to five seats, supporters of third parties may find it impossible to elect their candidates. Even seven seats may not be enough for good proportionality. Parties with soft support in some regions may find themselves unfairly penalized if those regions have smaller districts.

Most proportional representation systems give parties seats when they have the support of 5% of voters, or less. Even the largest seven-seat districts will not normally do this, although parties with slim support province-wide may still be able to capture seats if they are concentrated in their best district.

The rationale for having small numbers of seats in most districts is the geography of British Columbia. To maintain a similar ratio of voters to MLAs across the province, districts in rural and remote areas would have to cover an immense portion of the province to qualify for even four or five MLAs. The smaller number of seats in rural and remote districts, therefore, was a trade-

off for designing districts that voters would find geographically reasonable.

The number of members elected in each electoral district is the driving factor in allowing votes to count and producing fair proportional outcomes. Once the CA picked STV as their preferred model, FVC recommended that the size of districts be increased.

BC-STV, as currently structured, will reduce wasted votes, reduce distorted outcomes, and make phony majority governments less likely – all of which are important improvements over today's single member plurality (SMP) system. Voters will also have maximum ability to indicate their preferences for individual candidates. However, British Columbians face a trade-off. The districts with low numbers of seats, which try to address perceptions regarding geographic representation, are created at the expense of strong proportionality.

It must also be noted that the B.C. Citizens' Assembly did not consider any models requiring additional seats in the legislature, although BC has a higher ratio of voters to MLAs than most provinces. This was an unfortunate and unnecessary restriction that precluded consideration of all possible approaches for creating the best legislative assembly. For example, increasing the number of seats could have allowed increasing the number of members to be elected in each district, or adding a small, province-wide compensatory list.

Fair Representation for Women, Minorities, and Aboriginals

Voting systems must be designed to remove barriers to the nomination and election of those who are usually under-represented, such as women.

Voting systems where parties must produce lists of candidates for a particular region create an incentive for

parties to reflect the diversity of the region and provide good gender balance. In general, the more seats in a region, the better likelihood that a diversity of candidates will be nominated and win a fair portion of seats.

While not classified as a list system, STV nonetheless requires parties to nominate a slate of candidates in each region. Depending on their strength in a given district, a party may choose to nominate a number of candidates equal to the number of seats, or perhaps fewer.

Since parties will generally be nominating more than one candidate, that opens the door to more gender balance and diversity in both nominations and successful candidacies. For instance, in a five-seat district, a party might opt to nominate two women and two men. In our existing single-seat model, it would not be unlikely that parties – even those formally committed to affirmative-action strategies – would wind up nominating men for all five candidacies in the district.

However, the small district sizes tend to work against this diversity effect. If a party can hope to win only one seat in a district, even a party commitment to have diverse candidates' lists may have little impact. Still, since STV allows voters to vote for specific candidates across party lines, members of minority groups or other non-geographic communities can direct their votes to their own candidates.

It remains the case that the final decision on which candidates are elected is in the hands of the voters. However, studies have shown that the greatest hurdle for women in particular is at the nomination stage. Once nominated, women often secure election at the same rate as their male peers.

Proponents argue that STV, applied in BC today, will open the door to more

diversity. Others, looking at experience in other nations, are skeptical, and quite concerned that BC-STV may not provide the step forward that is needed.

As none of the jurisdictions currently using STV is as culturally diverse as BC, the ability of STV to produce good demographic proportionality remains to be fully tested. There is no theoretical reason why STV should not perform as well as other proportional systems such as open-list PR. However, while BC-STV will likely prove better than the current system in regard to diversity, the short and long-term effects remain to be seen.

In any case, larger district sizes or the addition of a province-wide list would have been helpful in this objective.

Voter Choice

Of all the proportional systems under consideration in Canada today, BC-STV is by far the best in terms of voter choice. STV maximizes voter choice, even to the detriment of other voting system values. STV will allow voters to vote for individual candidates while expressing a party preference. The BC-STV ballot will list candidates in columns by party, making it easy for voters to indicate preferences among candidates in their favourite party. Voters can also vote across party lines and for independents.

As with all systems, there are trade-offs. Candidates must compete with others in their own party, as well as those in other parties. Supporters of one political party may find their top-ranked candidate rejected by the preferences of other parties' supporters.

While some argue that the Canadian political system needs less party discipline, others argue that weak party discipline may lead to a loss of cohesive legislative agendas. Elections might become more about charismatic individuals and local concerns, rather

than party commitments to specific policy platforms and accountability for living up to those commitments.

Other Criteria

Fair voting systems should provide geographic representation and help promote accountable government reflecting the will of the majority.

While today's single-member ridings would be grouped into larger, multi-member districts, the relatively small size of these districts ensures that BC-STV will provide good geographic representation for all regions of the province. The districts should be designed to reflect real geographic communities.

BC-STV will make government more accountable by more accurately reflecting the will of the majority, and by reducing the likelihood of phony majority governments.

While some critics complain about the complexity of ballot-transfer calculations, in practice, the preferential STV ballot is not difficult for voters to use.

Recommendation from Fair Vote Canada

Fair Vote Canada supports the recommendation of the British Columbia Citizens' Assembly that the current single member plurality system be replaced by BC-STV, and urges British Columbians to vote 'Yes' on May 17, 2005.

British Columbia is further advanced in the voting system reform process than any other province. While other provinces are still discussing the best approach to proportional representation and the strengths and weaknesses of various alternative systems, in British Columbia the debate is over and the referendum question has been set.

The decision on May 17 in BC is between adopting BC-STV or continuing with the grossly unfair, winner-take-all, single member plurality system.

Fair Vote Canada formally endorses the campaign of the STV Yes Committee to encourage British Columbians to vote 'Yes' in the BC electoral reform referendum on May 17, 2005, and hereby authorizes the STV Yes Committee to use the Fair Vote Canada name and logo on their website at www.stvforbc.com and in other publications to indicate that Fair Vote Canada urges the citizens of British Columbia to vote 'Yes' to fair voting

reform on May 17, 2005. This endorsement is given on the condition that the STV Yes Committee publishes this statement on the BC referendum in its entirety, with links to the FVC website at www.fairvote.ca, and on the clear understanding that Fair Vote Canada endorses only that which is contained in this statement.

We also recommend that British Columbians consider this the first step in a continuing process. If BC-STV is adopted, we urge British Columbians to press for improvements to increase proportionality and enhance diversity.

FAIR VOTE CANADA

Statement on New Brunswick

Fair Vote Canada (FVC) congratulates the New Brunswick Commission on Legislative Democracy on its proposal, released January 19, 2005, to hold a referendum on a new proportional voting system no later than the 2007 provincial election.

FVC supports the Commission's recommendation for a referendum and offers the following assessment of the proposed voting system.

The Proposed System

The voting system proposed by the Commission as best suited for New Brunswick is a regional, mixed member proportional (MMP) system. The system would be used to elect a legislature comprised of 36 single-member riding seats and 20 list PR seats.

The province would be divided into four approximately equal size regional districts. A standard region would include nine single-member ridings and would also elect five members from regional party lists.

Voters would receive two ballots. On the first ballot, they would elect a single MLA for their riding as they do now. On the second ballot, they would indicate which party they most want to be represented in the legislature. The percentage of votes received by each party on the second ballot would determine the total number of seats that party would win in that district.

For example, if a party received 30% of the votes on the party ballot, they would then be entitled to 30% (or four) of the 14 seats in that region. If they had won

only two riding seats in the region, then they would also gain two members from their party list for that region. The list seats compensate for the distorted results created by first-past-the-post voting.

In the proposed system, the candidates filling the list seats would come from lists published in advance by each party. If a party won two list seats in a region, the first two candidates on their list for that region would fill those seats.

Strengths and Weaknesses of the Proposed System

Fair Vote Canada assesses voting systems based on a specific set of principles and objectives outlined in our Statement of Purpose. The following provides a brief commentary on the strengths and weaknesses of the proposed system relative to those standards.

Citizen-Driven Process

Fair Vote Canada promotes the use of a citizen-driven assessment and recommendation process and the use of a referendum for decision-making.

We are pleased Premier Lord appointed an independent commission to study this issue and committed to a referendum process for adoption of a new voting system. We call on Premier Lord to support the Commission's proposal to have a referendum on the new system no later than the 2007 provincial election.

Proportional Representation

This model proposes regional districts of about 14 MLAs each. In order to win a list seat, a party would need about 6% of the party ballot votes in the region. This threshold compares acceptably with many other countries using similar systems.

Parties would also be required to win more than 5% of the party votes on a province-wide basis to be eligible to win any list PR seats. This is within the normal threshold range for MMP systems.

In order to achieve good proportionality, an MMP system must have enough list seats to compensate for the distorted outcomes in individual riding elections. Most MMP systems have at least 40% list seats, and this is the minimum recommended by many political scientists. The proposed model falls somewhat short, providing only about 36% list seats. Rather than having 9 riding seats and 5 list seats in each district, the proposed system would be better with 8 riding seats and 6 list seats.

There are several different formulas used in MMP systems to allocate seats to parties based on their percentage of the vote. While the proposed D'Hondt formula is not uncommon in other jurisdictions, it favours large parties. Use of the Saint-Laguë formula would enhance proportionality without in any way compromising other electoral system values.

In summary, New Brunswick's model would give supporters of all reasonably established parties fair representation in proportion to the votes they cast. Almost every voter would be able to cast a positive and effective vote for their preferred party, rather than feeling forced to vote strategically for the 'lesser of evils'.

Fair Representation for Women, Minorities, and Aboriginals

Voting systems must be designed to remove barriers to the nomination and election of those who are usually under-represented, such as women.

Voting systems where parties must produce lists of candidates for a particular region create an incentive for parties to present a slate of candidates that reflects the diversity of the region and provides good gender balance. In general, the more list seats in a region, the better likelihood that a diversity of candidates will be nominated and win a fair portion of seats.

The NB proposal, with five list seats per district, would likely help increase fair representation for women and other under-represented groups. Providing six list seats in each 14-seat region would be even more helpful.

Other Criteria

Fair voting systems should also provide good geographic representation, enable real voter choice, and promote accountable government that reflects the will of the majority. The proposed system performs well on these criteria.

The proposed system would prevent candidates from running in a riding election and also being nominated for a list seat. This seems an unnecessary restriction. All countries using MMP systems let party supporters nominate candidates as they choose. Some argue that to have all their candidates face local voters in riding elections enhances accountability. Denying this option is a serious and needless shackle on party members.

The Commission also recommends a closed list system, meaning that list seats are filled in the order that parties present candidates on their lists. Open list systems allow voters to indicate their

preferences for individual candidates on a list. Some argue that closed lists are important to promote diversity because parties can, for example, bring forward gender balanced lists and increase opportunities for minority candidates. The Commission was also “concerned that an open list might result in voters from a large city within a region ranking candidates from that city at the top of the list, at the expense of candidates from other less populated parts of the region.” Others argue, however, that voters should have the final say on individual list candidates through an open list system. Both closed and open list systems have their proponents, even among those who support common democratic principles. FVC believes both urban and rural voters should be fairly represented.

Recommendation from Fair Vote Canada

Fair Vote Canada believes the proposed MMP system would perform reasonably

well as a fair voting system and would be a major step forward. If presented as proposed in a referendum, Fair Vote Canada would encourage a “yes” vote.

However, as noted above, there are opportunities for further improvements. Even a slight increase in list seats would give results even more reflective of what voters say, and would provide more support for diverse representation. People may also wish to consider some of the other choices on features noted in our commentary.

Fair Vote Canada calls on Premier Lord to support the Commission's proposal to hold a referendum on the new system no later than the 2007 provincial election.

Fair Vote Canada also urges that no artificially high thresholds be imposed regarding enactment of the referendum decision. If a simple majority of voters support the referendum question, the Government should honour that decision.

FAIR VOTE CANADA

Statement on PEI

Fair Vote Canada congratulates the Prince Edward Island government on its decision to hold a referendum later this year on a new proportional voting system.

FVC offers the following assessment of the proposed voting system.

The Proposed System

In a December 2003 report, the PEI Electoral Reform Commission under Justice Norman Carruthers recommended adoption of a mixed member proportional (MMP) system “along the lines of the New Zealand model”. Some MLAs (perhaps 21) would be elected in single-member ridings, and others (perhaps 10) would be elected from party lists.

Voters would receive two ballots. On the first ballot, they would elect a single MLA for their riding as they do now. On the second ballot, they would indicate which party they most want to be represented in the legislature. The percentage of votes received by each party on the second ballot would determine the total number of seats that party would have in the legislature.

For example, if a party received about one-third of the votes on the party ballot, they would then be entitled to one-third, or about 10, of the 31 seats in the legislature. If they had won only six riding seats, then they would also receive four list seats. The list seats compensate for the distortions introduced by first-past-the-post voting.

Candidates filling the list seats would come from lists published in advance by each party. If a party won four list seats,

the top four candidates appearing on their list would fill those seats.

Strengths and Weaknesses of the Proposed System

Fair Vote Canada assesses voting systems based on a specific set of principles and objectives outlined in our Statement of Purpose. The following provides a brief commentary on the strengths and weaknesses of the system discussed by the Carruthers Report relative to those standards.

Citizen-Driven Process

Fair Vote Canada promotes the use of a citizen-driven assessment and recommendation process and the use of a referendum for decision-making.

We are pleased the Premier initially appointed an independent commissioner to study the issue. To coordinate the remainder of the reform process, the PEI Legislative Assembly voted to establish an independent Commission on Prince Edward Island's Electoral Future. The eight-person Commission will have one representative from each of the three parties. The Standing Committee on Legislative Management will also appoint a chair and four individual citizens, one from each federal riding. The Commission will develop and conduct the public education program on both the present and proposed systems, and develop a clear and concise plebiscite question.

We recommend that the Commission hold extensive public consultation and public hearings on the design of the system. When making final decisions on the features of the MMP system, both rural and urban voters must be fairly

represented. All regions must have effective and accountable representation in the Assembly.

We also commend the Premier and Legislature for their commitment to a referendum, likely to be held in November 2005. Fair Vote Canada urges that no artificially high thresholds be imposed regarding enactment of the referendum decision. If a simple majority of voters support the referendum question, the Government should honour that decision, as was done in New Zealand.

The ideal process would ensure that all stages are independent of influence and control by the Government and political parties.

Proportional Representation

FVC believes all voters are equal, and that every vote must count. The supporters of all political parties should be fairly represented in proportion to the votes they cast. Voters should not feel compelled to vote strategically for the 'lesser of evils' because the preferred candidate or party has no chance of winning the riding. We urge the new Commission to devise a model that will not limit voters' choices unfairly.

In order to achieve good proportionality, an MMP system must have enough list seats to compensate for the distorted outcomes in individual riding elections. Most MMP systems have at least 40% list seats, and that is the minimum recommended by many political scientists. The Carruthers Report suggested perhaps 33% list seats, which will ensure a degree of proportionality, provide reasonable representation for the opposition, and allow third parties to win seats. However, the system would be better if the percentage of list seats were higher.

Jurisdictions using MMP systems often set a minimum percentage of votes that

a party must receive before qualifying for any list seats. The Carruthers Report suggested a threshold between 5% and 10%, perhaps 7%. Most jurisdictions use 5% or less, and we see no reason to set a higher threshold, which may preclude some voters from being represented.

The Carruthers Report noted the possibility of either province-wide lists for electing approximately 10 seats, or dividing the province into four regions for allocation of list seats, to ensure that candidates from each region will occupy some of the list seats. Under the latter scenario, each region would have just two or three list seats assigned to those parties deserving more seats in those regions. Having only two or three list seats in a region may not be enough to compensate for distortions introduced in the single-member riding elections. This will significantly reduce proportionality and make it harder for third parties to win a fair portion of seats. The higher the percentage and the larger the number of list seats, the more likely the outcome will reflect what voters want.

Fair Vote Canada recommends the new Commission design a system with appropriately balanced rural and urban representation and maximum proportionality. The Commission should examine every possibility, such as Mr. Carruthers' suggestion of a single provincial list, or smaller regional lists but with the proportionality calculated provincially.

There are different formulas used in MMP systems to allocate seats to parties, based on the party vote. The commission has not yet made a recommendation on an allocation formula. The Sainte-Laguë formula gives the most accurate results.

Fair Representation for Women, Minorities, and Aboriginals

Voting systems must be designed to remove barriers to the nomination and

election of those who are usually under-represented, such as women.

Systems where parties must nominate lists of candidates create an incentive for parties to produce a slate that reflects the diversity of the region and provides good gender balance. In general, the more list seats in a region or province, the better likelihood that a diversity of candidates will be nominated and win a fair portion of seats.

Other Criteria

Fair voting systems should provide good geographic representation, offer real voter choice, and help promote accountable government reflecting the will of the majority. This proposal appears to meet these objectives adequately, although voter choice and accountability would be enhanced by the changes noted above.

The Carruthers Report suggested a closed list system, meaning that list seats are filled in the order that parties present candidates on their lists. Open list systems let voters show their

preferences for individual list candidates. Some argue that closed lists are important to promote diversity because parties can, for example, bring forward gender-balanced lists or increase opportunities for minority candidates. Others argue, however, that voters should have the final say on individual list candidates through an open list system. Both closed and open list systems have their proponents, even among those who support common democratic principles.

Recommendation from Fair Vote Canada

While important decisions on the proposed system and the process have yet to be made, Fair Vote Canada believes that the process is generally on track. The proposed system could, if well designed by the new Commission in a citizen-driven process, be a major improvement over first-past-the-post voting.

FAIR VOTE CANADA

Statement on Quebec

Fair Vote Canada (FVC) congratulates the Quebec government on its initiation of a public discussion on the adoption of a new voting system. However, like many organizations in Quebec, FVC is disappointed with the details of the preliminary plan tabled on December 16, 2004, by Jacques Dupuis, Minister for the Reform of Democratic Institutions.

FVC offers the following assessment of the proposed voting system.

The Proposed System

The Minister has proposed a regional, mixed member proportional (MMP) system. Quebec voters would elect an assembly from 77 single-member ridings and with 50 additional regional list seats.

The province would be divided into 27 regional districts. Most districts would be divided into three single-member ridings, and would also elect two list MNAs.

Voters would use a single ballot to cast a vote for their local riding MNA, as they do now. The percentage of votes received by each party's riding candidates in each region would determine the percentage of total members that party would elect in that region.

For example, consider a region with three riding seats and two list seats. If a party received 40% of the votes in that region, they would then deserve approximately 40%, or two, of the five seats in that region. If they had won only one riding seat in the region, they would also elect one member from their party list for that region. The list seats compensate for the distorted results created by first-past-the-post voting.

The candidates filling the list seats would come from lists published in advance by each party. If a party won one list seat, the first candidate on their list would fill that seat. If that list candidate had already won one of the three local seats, the next candidate on the list would be elected.

Strengths and Weakness of the Proposed System

Fair Vote Canada assesses voting systems based on a specific set of principles and objectives outlined in our Statement of Purpose. The following provides a brief commentary on the strengths and weaknesses of the proposed system relative to those standards.

Citizen-Driven Process

Fair Vote Canada promotes the use of a citizen-driven assessment and recommendation process and the use of a referendum for decision-making.

While the previous government did convene an Estates-General, the current process is the opposite of citizen-driven. Among the five provinces engaged in electoral reform, two (BC and Ontario) are using completely citizen-driven processes, with independent citizens' assemblies to make the recommendations and a referendum to make the final decision. Two others (NB and PEI) have used arms-length commissions to make recommendations, and each has committed to a referendum for any final decision. Quebec is the only jurisdiction maintaining complete government control of the process and denying

citizens a choice on alternatives or a referendum for the final decision.

Proportional Representation

With only five seats in a region, a party would need more than 10% of the votes in the region, probably about 15% or 16%, to win a seat. Such a high threshold – higher than set by any country using MMP – would severely hinder third parties. By comparison, most countries using MMP design their systems to have a 5% threshold, or less.

The proposed system is not adequate for producing a legislative assembly that is fairly representative of the electorate. Smaller and emerging parties (and viewpoints) would be unfairly hindered. Many voters would still be unable to cast a positive and effective vote for their preferred party, and would be forced to cast strategic votes for ‘the lesser evil.’

This serious shortcoming of the proposed system could be addressed in two ways.

Most regional districts could be larger. They need not all be the same size. With 14 regions instead of 27, a typical region could have six riding seats and four list seats. More seats per district will allow better proportionality, meaning that many more voters can be represented as they wish.

The other way of addressing problems created by small districts is through the addition of a small province-wide tier of compensatory seats. These additional compensatory seats would correct the distorted results created in the smaller districts.

There are several different formulas used in MMP systems to determine the exact allocation of seats to parties. While the proposed D’Hondt formula is not uncommon in other jurisdictions, it favours large parties. Use of the Sainte-Laguë formula would enhance

proportionality without in any way compromising other electoral system values.

Fair Vote Canada believes a fair voting system should all but eliminate the possibility of phony majority governments. Parties should have no more and no fewer seats than their popular support warrants. A simulation of the 2003 election under the proposed system gives the Liberals 53% of the seats and control of the assembly with only 46% of the total votes.

Fair Representation for Women, Minorities, and Aboriginals

Voting systems must be designed to remove barriers to the nomination and election of those who are usually under-represented, such as women.

Voting systems in which parties must produce lists of candidates for a particular region create an incentive for parties to present a slate of candidates that reflects the diversity of the region and provides good gender balance. In general, the more list seats in a region, the better likelihood that a diversity of candidates will be nominated and win a fair portion of seats.

With only two list seats per district, the proposed system would not likely help increase fair representation for women and other under-represented groups by very much. If a party wins only one list seat in a region, even a party list that is gender balanced or inclusive of minorities will have very limited effect.

Voter Choice

In most MMP jurisdictions, voters receive two ballots. With the first ballot, they elect a single MLA for their riding. On the second ballot, they indicate which party they most want to be represented in Parliament. The percentage of votes received by each party on the second ballot determines

the number of total seats they will have in that region. In jurisdictions which use this system, a significant number of voters choose to split their vote, casting their riding vote for a candidate for one party, but using their party vote to support a different party.

By using only one ballot, the proposed system needlessly restricts voter choice and limits outcomes. This will hinder smaller parties that may have enough overall support to qualify for a regional list seat, but are not strongly competitive in the individual riding races.

The Minister also recommends a closed list system, meaning that list seats are filled in the order that parties present candidates on their lists. Open list systems allow voters to indicate their preferences for particular list candidates. Some argue that closed lists are important to promote diversity because parties can, for example, bring forward gender balanced lists or increase opportunities for minority candidates. Others argue, however, that voters should have the final say on individual list candidates through an open list system. Both closed and open list systems have their proponents, even among those who support common democratic principles.

Other Criteria

Fair voting systems should also provide good geographic representation and help promote accountable government that reflects the will of the majority.

The proposed system of small districts does provide strong geographic representation, but at the expense of other important democratic values.

Even the approach to geographic representation can be criticized. The proposed districts do not always describe real geographic communities. For example, Montreal is divided into six

little regions that match no natural boundaries.

According to their own simulations, the proposed system would have given the governing party a bonus of unearned seats in the last two elections.

The problems noted above indicate that the voices of the electorate would still be distorted under this system, which would hamper the ability of the voters to hold the government accountable.

Recommendation from Fair Vote Canada

The MMP framework provides a very good foundation on which to build a fair voting system, but the current proposal must be greatly improved.

We urge the Minister to listen carefully to the recommendations of Quebec electoral reform groups, establish a citizen-driven process to improve the proposal, and then allow voters to make the final decision in a referendum, perhaps in the spring of 2006.

Fair Vote Canada also urges that no artificially high thresholds be imposed regarding enactment of the referendum decision. If a simple majority of voters support the referendum question, the Government should honour that decision.

Since the proposed model can be based on the existing 75 federal ridings, it could be implemented for the next provincial election.