Renewing Democracy:
Debating Electoral Reform
in Canada

Discussion Paper

Canada

Preface

Canada prides itself on being a healthy and vibrant democracy. But we cannot be complacent: democracy requires constant tending. As society changes, Canadians must reflect on the quality of their democratic institutions and ask whether they continue to serve them well. Do we live in the democracy we want? Does it reflect our contemporary needs and values? Can we improve upon the practices of our democratic institutions?

An important barometer of the health of governance relationships is the nature and quality of citizens' participation in their democratic institutions. Several commentators have noted a decrease in voter turnout and a general disengagement of the citizenry from traditional political institutions. This has led some Canadians to raise questions about the electoral system. Does the act of voting continue to have the same significance for Canadians? Is it possible to remedy the democratic malaise that has come to characterize the Canadian political landscape? Should we take a critical look at some of our traditional democratic institutions? Does our voting system continue to respond to our needs and our values?

The Law Commission of Canada is an independent, federal agency whose mandate is to systematically study law and legal institutions and to propose changes. This discussion paper on Electoral Reform is part of a project on Reform of Democratic Institutions, under the Law Commission's larger program aimed at examining Governance Relationships.

This Discussion Paper was prepared for the Law Commission of Canada by Steven Bittle. We are most appreciative of his efforts.

This discussion paper is aimed at engaging Canadians in the debate about possible reforms to their democratic institutions, with particular emphasis on the electoral system. It asks the question, does Canada's electoral system still meet Canadians' democratic aspirations? If not, should Canadians consider an alternative system? The Law Commission encourages all Canadians to join in the discussion by writing, e-mailing or calling the Commission with their comments:

By mail: Law Commission of Canada
                  1100-473 Albert Street
                  Ottawa, Ontario
                  Canada K1A 0H8

By telephone: (613) 946-8980

By fax: (613) 946-8988

E-mail: electoral-reform@lcc.gc.ca

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Executive Summary

There is a growing perception that a "democratic malaise" has begun to characterize the political landscape in Canada and other parts of the world. While some people continue to work for improvements to existing government services and institutions, others have increasingly chosen to withdraw from participating in traditional political processes, including the voting system.

Whether through opinion polls citing discontent with various government institutions, or street protests against government policy decisions, there are more and more signs that many Canadians are disenchanted with traditional political processes; many say that they have lost confidence in their democratic institutions and do not believe that governments adequately reflect their democratic aspirations.

Citizens are demanding a more meaningful voice in government decision-making processes. Many citizens believe that it is time to consider reforming our democratic institutions.

Against this backdrop, the Law Commission of Canada has undertaken to examine reform of Canada's electoral system. Elections are the cornerstone of modern democracies. Voting in elections is the most direct involvement many Canadians will have with the political process. Clearly, the stakes are high. The election process determines who will form the government and, in turn, which policies will be pursued.

Many people suggest that our current voting system is problematic because a party can win a majority of the seats in Parliament or legislatures with only a minority of the popular vote. It has also been suggested that the current system is structured in a way that fails to represent the broad range of perspectives that characterize our country, and under-represents women, minority groups and Aboriginal people. The decline in voter turnout is yet another reason that is often provided for re-examining our voting system.

Given that elections represent such an important democratic event, it is not surprising that questions have been raised as to whether the current system adequately fits the Canadian political landscape. The Law Commission believes it is important to engage all Canadians in the debate about electoral reform. After all, open discussion of such an important component of Canadian political life is itself a way to maintain a healthy democracy.

This discussion paper is meant to stimulate debate on Canada's voting system. Is the current electoral system adequate or does it require changes? The paper begins with a brief historical examination of the discontent that has been expressed with Canada's electoral system, followed by an outline of the strengths and limitations of Canada's current voting system. The discussion paper then looks at various ways in which we use voting in our lives, as well as some alternative voting systems used in other countries. Why do we have different voting systems for different circumstances? Can looking at alternative voting systems used in other parts of the world help us? Finally, this paper examines four values commonly associated with electoral systems. It asks whether Canada's current voting system adequately reflects these values or whether alternative voting systems might better reflect Canadians' values. The conclusion raises several questions concerning electoral reform in the Canadian context.

Canadian Democracy and Electoral Reform

The Law Commission recognizes that there is more to addressing concerns about our democratic processes and institutions than simply changing the way in which we vote. Changing the way in which we elect our representatives will only alter the way in which politicians arrive at the doors of Parliament or a legislature; it will not necessarily change the culture of our governments and their institutions, including political parties. This discussion paper focuses on reform of Canada's electoral system as a way of introducing the debate to Canadians. It recognizes, but does not focus on, other issues such as how political parties are financed, the impact of party discipline, the role played by party caucuses, the role of lobby or interest groups in influencing government policies, or how election campaigns are run, although these issues also raise important questions about democratic governance.

This paper discusses previous suggestions for electoral reform, and outlines the strengths and limitations of our current voting system. For many people, the current system has performed well in terms of establishing a clear line of accountability between an elected representative and his or her constituents. However, others suggest that Canada's current voting system is unfair because it helps produce disproportional results – in essence, a party can gain a majority of the seats in Parliament or legislatures with only a minority of the popular vote. At the same time, women, minority

groups and Aboriginal people are under-represented in the current system. Finally, critics suggest the current voting system does not treat votes equally as those who do not vote for the individual who receives a plurality of the vote have essentially "wasted" their votes.

Voting and Democratic Participation

Casting a ballot in a provincial or federal election is not the only time in our lives that we are asked to vote. As citizens or members of a community, we might be asked to vote to elect the chair of a volunteer association or advocacy group. As members of a political party, we might be asked to vote for a party leader. As shareholders in a corporation, we are asked to elect a Board of Directors. In all of these circumstances, we are asked to elect representatives who will make decisions on our behalf. In many instances, we vote using a method that differs from the voting system that we are accustomed to using in provincial and federal elections. For example, some methods ensure the winning candidate receives a majority (more than 50 percent) of the vote. Why do we use different voting systems in different circumstances?

This chapter examines three alternative voting systems that are used in, or are being proposed for, other countries, as a basis for comparison with Canada's voting system. The Alternative Vote is used for various levels of elections in Australia; Mixed-Member Proportional voting is used in Germany and has recently been introduced in New Zealand; and Alternative Vote Plus was recently proposed for use in the United Kingdom. These are not the only alternatives to Canada's voting system, but they do provide examples of options Canadians might wish to consider. Why do other countries elect their representatives differently? What can be learned from these alternative voting systems?

Democratic Values and Electoral Systems

Deciding on an electoral system involves choosing between competing values. This discussion paper examines four values that have been used to evaluate electoral systems in modern democracies: fairness, representation, equality and accountability. Fairness refers to whether the voting system has any built-in or systemic biases. Representation is the ability of the system to broadly reflect the diversity of ideas, interests and perspectives that characterize a society and hence enrich debates in Parliament and

legislatures. Representation of women, minority groups and Aboriginal people is also discussed. Equality refers to the common notion that "every vote counts," in contrast to the phenomenon of "wasted votes." Accountability refers to the ability of voters to clearly identify who is responsible for government decision-making and, if necessary, hold them responsible for their performance. Does the current voting system adequately reflect the values that Canadians would like to see represented in their voting system? If not, is there an alternative system that might better reflect these preferences?

A voting system that incorporates some form of proportional representation could address many of the concerns that have been expressed about Canada's current electoral system. For instance, a more proportional system might help produce results that better reflect the share of support that a party receives, while at the same time encouraging greater representation of women, minority groups and Aboriginal people. A proportional system might also help reduce the phenomenon of "wasted votes."

This discussion paper is only the beginning of a debate about electoral reform in Canada. It is critical that Canadians join in the discussion about their voting system and alternatives to ensure their needs and values are reflected, and to maintain a healthy democracy.

I Introduction

In recent years, some people have suggested that a "democratic malaise" has begun to characterize the Canadian political landscape. While the causes of this growing discontent are not fully understood, it appears that many citizens are not participating in democratic processes to the same extent as they have in the past, and have lost confidence in democratic institutions.

Many Canadians have withdrawn from participating in the traditional political system, choosing instead to express themselves outside of mainstream political processes. On one hand, many people have become involved in community- or interest-based groups to express themselves politically. On the other hand, more and more people have decided to participate in activities that address concerns associated with large, multinational corporations and questions of international democracy; the recent protest in Quebec City at the Summit of the Americas is an example of this trend.

Canadians are not alone in their apparent disenchantment with traditional democratic processes. Governments in most Western nations are facing similar challenges. Still, whether concern with our democratic institutions is equally (or less) of an issue than in other countries, the question remains: what should be done to address this growing disenchantment?

Canadians' discontent has resulted in calls for reform to various aspects of our system of governance. Citizens are demanding a more meaningful voice in decision-making processes that directly affect them, whether in the field of justice, health care, education or employment. At the same time, recent opinion polls suggest that many Canadians believe governments are ineffective at carrying out their appointed responsibilities. For example, an opinion poll from the 1990s found that 60 per cent of Canadians had little or no confidence in governments. A more recent poll found that approximately 70 per cent of Canadians believe that both federal and provincial political systems are highly or somewhat corrupt. While these perceptions may or may not reflect reality, they suggest that many citizens lack confidence in their elected representatives.

Various suggestions have been put forward to deal with this growing lack of trust, including proposals to make government decision-making more open and accountable, reforms to the way

Canada, like other Western democracies, is showing signs of declining public confidence in political institutions and processes of government. Distrust of politicians and cynicism about the process of representative government are increasing. Turnout in elections is falling. More and more citizens are turning away from traditional political parties and toward protest parties, pressure groups, the courts and civil disobedience to achieve their goals or frustrate those of their opposition.

D.E. Blake (2001), "Electoral Democracy in the Provinces," in *Choices,* Volume 7, Number 2, March 2001, p. 3.

A 1997 CRIC [Centre for Research and Information on Canada] survey of Canadians between the ages of 18 and 34 found that respondents had less confidence in political leaders than in any of the other eight groups that they were asked about [including environmental groups, youth groups, women's groups, education system, business leaders, media, labour unions, and religious leaders]. Almost two-thirds of respondents said that they had "not much confidence" or "no confidence" in political leaders.

Centre for Research and Information on Canada (2001) "Voter Participation in Canada: Is Canadian Democracy in Crisis?" October 2001. (Montreal, Quebec: Centre for Research and Information on Canada. *www.cucweb.ca),* p. 16.

that political parties operate (for example, through examination of party financing and loosening party discipline so that politicians can act more independently), and revisiting the way that we elect our political representatives. Some argue that such reforms are needed for governments to become more open and accountable, and to achieve legitimate democratic aspirations.

As part of its examination of citizens' relationships to the ways in which they are governed, the Law Commission has undertaken to examine Canada's voting system. The Law Commission's research has identified the electoral system as one of the most important aspects of debates about the growing "democratic malaise" in Canada. The purpose of this discussion paper on electoral reform is to engage Canadians in examining the strengths and limitations of the current electoral system. In particular, we are interested in exploring whether our current system reflects contemporary Canadian values. Does the electoral system facilitate public participation in democratic processes or impede it? What do citizens expect of a voting system? Will changing the system alleviate the growing public discontent by enhancing our democratic practices?

Elections are the cornerstone of democracy. Voting is the most direct involvement many Canadians have with the political process. The person they elect will be their representative in the provincial legislature or federal parliament. The party this elected representative belongs to might also be responsible for the day-to-day operations of the province or country, depending on which party has enough candidates elected to form the government. Clearly, the stakes are high. The election process determines who will form the government and which policies will be pursued.

In Canada, our system of electing provincial or federal governments is referred to as a single-member plurality system, or "first-past-the-post" (for a more detailed description of this system compared with other systems, see Appendix A). At the federal level, Canada is made up of 301 electoral constituencies. One Member of Parliament is elected for each constituency or riding. On Election Day, voters are given a ballot with the names and party affiliations of various candidates. Voters are directed to mark a ballot (with a cross or other mark) beside one (single-member) preference. The candidate with the highest number of votes (a plurality) is declared the winner. Should more than two candidates run for election in a given riding – a common occurrence in Canada – a candidate can win a riding with less than a majority (less than 50 per cent) of the vote.

Given that elections represent such an important democratic event, it is not surprising that questions have been raised as to whether or not the current system adequately fits the contemporary Canadian political landscape. Many people argue that the current voting system is unfair because a party with less than 50 per cent of the vote can win a majority of the seats in Parliament. It has also been suggested that the Canadian system results in under-representation of women, visible minorities and Aboriginal peoples, as well as certain regions of the country. The decline in voter turnout is yet another reason that is provided for re-examining our electoral system – the argument being that, under the current voting system, people do not vote because they believe that their votes do not matter. The voter turnout for the 2000 federal elections was 61.2 per cent, the lowest ever for a general election in Canada. **Table 1** illustrates the average voter turnout in federal elections for the last five decades.

Table 1
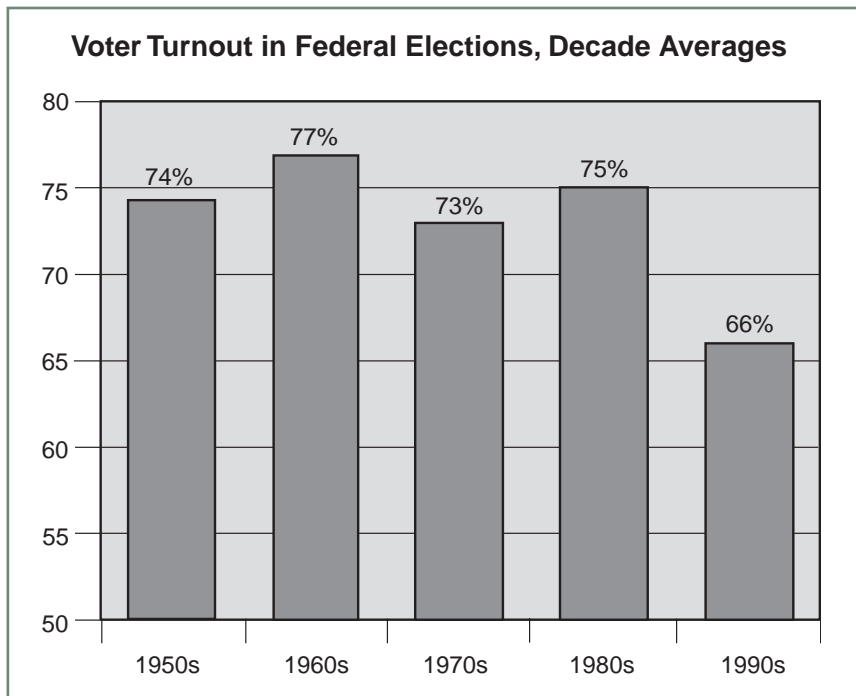
Note: This table is adapted from a figure appearing in Centre for Research and Information on Canada (2001) Voter Participation in Canada: Is Canadian Democracy in Crisis? October 2001. (Montreal, Quebec: Centre for Research and Information on Canada. *www.cucweb.ca*) p. 4. Data for this table was taken from Elections Canada. The Centre for Research and Information on Canada notes that years ending in zero were included as part of previous decade (for example, 2000 is part of 1990s). The 1993 figure is adjusted.

Canadian voters have been feeling increasingly disempowered. They are more inclined to feel that citizens do not have any say about what government does, more likely to express disapproval of the results typically produced by the first-past-the-post electoral system, and more apt to support the idea of free voting by MPs. At the same time, they are less inclined to feel that the major issues of the day are too complicated for most voters: Canadians want their views to have some influence on government. All of these changes point to increasing disenchantment with a political system that is seen to be relatively unresponsive to voter preferences.

P. Howe and D. Northrup (2000), "Strengthening Canadian Democracy: The Views of Canadians," in *Policy Matters*, Volume 1, Number 5, July 2000, p. 27.

In highlighting the need for change, many people have pointed out that Canada is one of the few remaining western democracies to rely on the first-past-the-post system. Many other western liberal democracies have adopted voting systems aimed at proportional representation, which offers voters more choices as to who will represent them in government.

Many critics of the first-past-the-post system recommend a more proportional voting method. Proportional representation attempts to ensure that the number of seats that a political party holds in government is proportional to the number of votes it receives during the election. For example, if a party receives 40 per cent of the vote, it should be awarded 40 per cent of the seats in government. Proponents argue that proportional representation encourages higher voter turnout, better representation of women and minority groups, and more open governments.

Proportional representation is not the only alternative to the first-past-the-post system. Alternatives include majority-type systems, which ensure candidates must have more than 50 per cent of the vote to be elected. Those who may not be familiar with other voting systems are invited to consult Appendix A for more information.

The purpose of this discussion paper is to provide an overview of the issues associated with electoral reform and their relevancy to Canadians. There are signs that the debate about electoral reform is gaining momentum. It is important for all Canadians to be engaged meaningfully in this debate. After all, discussing such an important component of Canadian political life is itself a way to maintain a healthy democracy.

Although this discussion paper focuses on a particular aspect of the electoral system – voting – it recognizes that changing the way we elect our politicians will not address all of the concerns with the current system of governance. Stimulating debate about the voting system is only part of the equation. It is also important to examine other aspects of the political process, including party discipline, party financing and the role of interest groups, among other issues.

This discussion paper is divided into five sections, including this introduction. The next section examines some of the reasons for discontent with Canada's electoral system, past attempts at electoral reform, and the strengths and limitations of Canada's voting system. Section III discusses the different ways that we vote in other areas of our lives and alternative voting systems in other parts of the world. Section IV explores the values associated with voting systems in democratic countries and discusses how different

systems reflect different values. The final section concludes by raising several questions concerning electoral reform in the Canadian context.

The Law Commission hopes that this discussion paper will encourage Canadians to talk about their aspirations for democracy and their electoral system. We invite your feedback and dialogue.

Canada's current voting system and federal government structure effectively violate the fundamental democratic principles of one-person, one-vote, representation by population, and free and fair elections... Many changes are needed to have a voting system and government that respects the rights of voters to have their votes count equally, and to have representative, elected and honest government... Among the undemocratic aspects of the current voting system and federal government structure are as follows: one political party usually forms a majority government after winning support from only a minority of voters; the Senate is appointed, not elected; and political parties and governments can make fraudulent and misleading statements with no accountability.

Democracy Watch (2001), "Democracy Watch Launches Voter Rights Campaign, Calling for Representative, Elected and Honest Government," (Media Release, Tuesday, November 27, 2001: www.dwatch.ca/camp/RelsNov2701.html).

II Canadian Democracy and Electoral Reform

The Democratic Malaise

Canadians appear to be increasingly disengaging from participation in traditional democratic processes and becoming more sceptical about government's capacity to reflect their needs and values. Opinion polls citing Canadians' lack of confidence in their governments and lower levels of voter turnout in elections are among the signs that Canadians are unhappy with their system of governance and disenchanted with their ability to make meaningful changes.

The causes of this democratic malaise are various and complex. Some suggest that the political system no longer reflects the diversity of Canadian society. Others suggest that citizens' sense of disempowerment is related to the emergence of the "global economy," which has undermined the role of national governments. The impact of technology is yet another factor that is cited for the change in the way Canadians relate to each other and to their government. Regardless of the causes, it does appear that public attitudes toward government and its institutions have shifted, raising important questions about how democracy functions in Canada.

Is it realistic to expect our systems of governance to remain static within a context of change? There is no doubt that Canadian society has changed a great deal since many of its democratic processes and institutions were first formulated. Some people have suggested that many of our democratic processes and institutions have failed to keep pace with these changes, resulting in a gap between the realities Canadians live with and how governments operate. They perceive that our democratic system needs to reflect modern Canadian society in all of its diversity.

This perception has helped stimulate interest in electoral reform. In addition to specific concerns about the way political parties are financed and party discipline is imposed, Canadians have expressed concerns about the way politicians are elected. Although calls to reform our electoral system are certainly not new, in recent years a growing democratic malaise has added new urgency to suggestions for renewing Canadian democracy.

More and more people in this country feel unrepresented by the existing political system. This democracy deficit is reflected in voter turnout that declines every election: Our voter participation is now close to that in the United States. The democracy deficit is also reflected in the declining number of people who relate to political parties, and in polls that rate politicians and journalists near the bottom of the occupational respect chart. And, finally, it is reflected by the growing number of young people who are taking to the streets because they see no other way to influence government.

J. Rebick (2001), "PR Can Help Solve Canada's Democracy Deficit," in *Policy Options*, July-August 2001, Volume 22, Number 6, p. 15.

Much has been written in recent years concerning a 'democratic deficit' and 'democratic malaise' in Canada. Consistent with this, there is substantial evidence that many Canadians are dissatisfied with the state of our democratic practices and institutions. At the same time, new phenomena such as increased pressures of globalization and changing communication technologies pose new challenges to Canadian democracy.

Canadian Studies at Mount Allison University and Canadian Study of Parliament Group (2001), "Canada Today: A Democratic Audit. Overview," (Conference Document, November 30 and December 1, 2002, Ottawa, Ontario) p. 1.

- *Do our political institutions reflect contemporary Canadian values?*

- *Does our system of government fit the realities of modern life?*

- *How can we reduce the gap between governments and citizens?*

Past Suggestions for Reform

From the time shortly after the First World War, when the Progressives burst upon the political scene and fundamentally challenged the national two-party system through to the first federal election of the twenty-first century (2000), serious questions have been raised about plurality voting in Canada. The bookends of the vast literature, almost all of it attacking Canada's first-past-the-post system, appeared more than a century apart. They are made up of a remarkable collection of papers entitled *The Reification of Parliament* (in which Sir Sanford Fleming wrote the lead essay) published in 1892 for the Canadian Institute and *Making Every Vote Count*, edited by Henry Milner and published in 1999. In between, countless books, articles, government reports, commissioned research, and editorial comments have been published on the topic of electoral reform.

J. Courtney (2001), "Reforming Representational Building Blocks: Canada at the Beginning of the Twenty-first Century," in *Political Parties, Representation, and Electoral Democracy in Canada*, edited by W. Cross, Oxford University Press, p. 117.

For more than 130 years, Canada's first-past-the-post voting system has been a source of discussion and debate, all the while remaining primarily unchanged.

In the 1920s, the emergence of a third party (the Progressive Party) helped propel discussion about changing the federal electoral system; however, proposals to switch to the Alternative Vote system (requiring at least 50 per cent of the votes to win a seat) were unsuccessful. Following World War I, due to the social upheaval that accompanied the war, as well as the growing strength of the labour movement, some cities in western Canada (including Vancouver and Winnipeg) adopted forms of proportional representation; however, these voting systems were no longer used by the 1930s.

In 1968, political scientist Alan Cairns argued that Canada's first-past-the-post voting system contributes to regionalism, since political parties focus their election efforts in ridings where they have the best chances of winning a seat. This focus emphasizes regional differences, instead of addressing issues of national or even international importance, such as poverty or the environment.

Criticisms of the first-past-the-post voting system continued after the 1960s. Both the Pépin-Robarts Task Force on Canadian Unity in 1979 and the Macdonald Royal Commission on Economic Union in 1985 considered the question of how Canada's voting system contributed to regional differences. Both expressed concerns about regional disparities in Parliament, including the lack of representatives from some regions in Cabinet and party caucuses. The Pépin-Robarts Task Force recommended adopting a modified form of proportional representation to address these concerns.

In the 1980s, in a Speech from the Throne, the Trudeau government suggested that it might launch a parliamentary committee to examine alternative voting systems. However, this idea was abandoned when parties could not reach a consensus about the nature and scope of the committee.

Electoral reform was the focus of the Royal Commission on Electoral Reform and Party Financing (the Lortie Commission), established in 1989. Its mandate was to examine principles and processes related to the election of members of the House of Commons, as well as the financing of political parties and candidates. While the Lortie Commission made numerous recommendations concerning electoral law, activities of political parties, the integrity of elected officials, as well as the role of the media and polling companies, it did not consider an alternative voting system – it decided from the outset to retain Canada's single-member plurality, or first-past-the-post system.

The Royal Commission on Electoral Reform and Party Financing

The Royal Commission on Electoral Reform and Party Financing, headed by Pierre Lortie, was created to evaluate the broad purposes of electoral democracy and Canadian citizens' basic democratic rights, including the right to vote, to be a political candidate and to participate in free and open elections. The Commission examined existing electoral laws and practices through an exploration of the principles and processes governing the House of Commons and its members, as well as the system that existed for financing political candidates and their campaigns. The Commission also examined:

    a)   the practices, procedures and legislation relating to elections in Canada;
    b)   the means by which political parties should be funded, the provision of funds to political parties from any source, the limits on such funding and the uses to which such funds ought, or ought not, to be put; [and]
    c)   the qualifications of electors and the compiling of voters' lists, including the establishment of a permanent voters' list.

The Commission sought to clarify the fundamental objectives of electoral democracy and to propose reforms to meet these objectives. This goal was divided into six sub-objectives:

1. Securing the Democratic Rights of Voters
2. Enhancing Access to Elected Office
3. Promoting the Equality and Efficacy of the Vote
4. Strengthening Political Parties as Primary Organizations
5. Promoting Fairness in the Electoral Process
6. Enhancing Public Confidence in the Integrity of the Electoral Process

The Commission's approach included a combination of consultations with officials within the electoral system, public hearings across the country, and requests for briefs and submissions from associations, private citizens, political practitioners and election administration.

The Lortie Commission made a total of 560 recommendations, dealing primarily with establishing a "level playing field" in elections, whether in terms of funding, gender equity, advertising or otherwise. However, Lortie did not consider the redesign of the voting system, such as the introduction of proportional representation.

The Commission's Report was released in February 1992. Many of the Commission's recommendations have not been acted upon. There has been debate amongst the parties as to the appropriateness of some of Lortie's recommendations. (See for example, Canadian Study of Parliament Group (1992) "Reforming Electoral Democracy: Responses to the Lortie Royal Commission." Ottawa, Ontario, May 31, 1992.)

The work done by the Lortie Commission remains relevant today. This discussion paper builds on the work of the Lortie Commission and adds an issue it did not explore – voting system reform.

The most active debate about electoral reform has been at the provincial level. For example, Quebec considered adopting proportional representation in the 1970s and 1980s, mostly due to a series of elections in which the Parti Quebecois received substantially fewer seats than was reflected in the popular vote. Although the voting system in Quebec remains unchanged, the debate about electoral reform continues in that province today. The Quebec government has launched a series of public consultations on its democratic institutions, including the voting system.

Calls to reform Canada's voting system have recently emerged in many jurisdictions. Various grass-roots organizations, such as Fair Vote Canada, Mouvement pour une Démocratie Nouvelle (in Quebec), Fair Voting BC and Every Vote Counts (in Prince Edward Island), are committed to electoral reform. Some of these organizations argue that citizens should be allowed to choose the manner in which they elect their political representatives.

Political parties across Canada have also recently engaged in the debate about electoral reform. Some provincial parties (both ruling and opposition) have expressed support for exploring alternatives to the current voting system. A court challenge has also been launched by the Green Party of Canada (and its former leader Joan Russow) challenging the constitutionality of our current voting system. The party argues that the current voting system should be declared unconstitutional as it denies "effective representation" of smaller parties, women, and members of racial and ethnic minorities. In specific, they argue that the system violates sections 3 (equality of the vote) and 15 (non-discrimination) of the *Canadian Charter of Rights and Freedoms*. The case was filed with the Superior Court of Ontario in 2001.

As recently as May 2001, federal Members of Parliament held a debate on proportional representation. The debate stemmed from a motion by the New Democratic Party to form an all-party committee to examine electoral reform, with a focus on changes that would address regionalism within Canadian politics, as well as declining voter turnout. The motion was "non-votable," meaning it was for discussion only and not something that required follow-up or response. Although all parties participated in the debate, many speakers argued to maintain the first-past-the-post system.

Elections play a central role in modern democracies. As society changes, we must take a new look at the way we elect our leaders and ask whether the electoral system continues to serve us well.

Electoral reform has been examined in the past, but has been overshadowed by other, more immediate concerns. The question is therefore still alive today: does the first-past-the-post system continue to reflect the needs and values of Canadians?

Strengths and Limitations of the First-Past-the-Post System

Clearly, electoral reform has been a subject of debate for some time. But exactly what are the criticisms of the first-past-the-post voting system?

Vote-to-Seat Distortion

In our system, the candidate with the most votes wins (first-past-the-post). As a result, a candidate can win a seat in a riding or a party can form the government without having obtained a majority (more than 50 per cent) of the vote. With just two candidates, a majority is needed, but with three or four candidates a candidate could win with just 34 per cent of the votes. Therefore, the first-past-the-post system is said to fail to accurately reflect the wishes of voters. For example, let's say two fictional parties – the Poplar and Elm parties – receive substantial support in an election. The Poplar Party wins 171 seats (55 per cent of the seats), with 40 per cent of the popular vote. Meanwhile, the Elm Party only wins 62 seats (20 per cent of the seats) with 30 per cent of the popular vote. Many people suggest these results inadequately reflect the wishes of voters.

Another concern is that the first-past-the-post system produces "exaggerated" majorities and correspondingly "weak" oppositions. Take, for example, the situation where a party holds a majority of the seats with only a minority of the vote. In the previous example, even though 60 per cent of voters voted for other parties, the opposition parties cannot effectively challenge motions put forward by the Poplar Party, because it has a majority of the seats. In other words, in a first-past-the-post system, the winner (the Poplar Party) can control every vote in Parliament despite not having received a majority of the popular vote. As a result, the opposition's ability to contribute to government policies is greatly limited.

The definition of the voting procedure has strategic significance in how smoothly a representative democracy operates: indeed, it is the voting procedure that, practically speaking, establishes the rules of the game for electing the members of the National Assembly who represent the will of the people. These rules have a direct bearing on the outcome of the electoral process, because it translates the votes cast by the Quebec voters at the time of the electoral event into a defined number of seats in the National Assembly. The voting procedure is not simply a method for calculating the votes for distributing the seats; it is also the mechanism that determines the direction or meaning assigned to the concept of representation.

J.-P. Charbonneau (2002), "Le pouvoir aux citoyens et aux citoyennes : document de réflexion populaire" (Minister responsible for Electoral and Parliamentary Reform: Government of Quebec), p. 13.

Regionalism

It is frequently argued that the first-past-the-post system contributes to geographical differences, or regionalism, because political parties focus their efforts in ridings where they have the best chances of winning a seat.

Writing in 1968, Alan Cairns noted that the first-past-the-post system benefits regionally based parties in a way that does not reflect their share of the national popular vote. In other words, parties that enjoy strong support in a given region are more likely to translate votes into a seat in Parliament, while small parties without a regional base that try to mount a national campaign are systematically disadvantaged by the electoral system, as their support is too diffuse to translate into seats.

Many observers have cautioned against overstating a causal relationship between the electoral system and regionalism, on the grounds that in a country the size of Canada, differences in the way things are perceived are inevitable. Nonetheless, the first-past-the-post voting system undeniably plays a role in exacerbating regional differences.

Wasted Votes

Voters who cast their ballots for a losing candidate are considered to have "wasted" their votes. The candidate who obtains a plurality of the vote wins the seat, but what of the votes of those who preferred another candidate? In effect, they may be meaningless, except to cast doubt on the winner's victory if the winner hasn't achieved greater than 50 per cent of the popular vote. Many people have suggested that the phenomenon of the "wasted" vote has contributed to increased numbers of citizens who abstain from voting at all.

Women and Minority Representation

Another concern with the first-past-the-post voting system is that women and minorities are under-represented among candidates running for election. In fact, the lowest levels of women and minority representation are found in democratic countries using the first-past-the-post system. Neither women nor minorities as groups are regionally based, and therefore do not benefit from regional concentration. In the first-past-the-post "winner take all" system, political parties aim to maximize their chances of success by running the safest possible candidate in each riding. Women and minority candidates are often seen as controversial and are therefore not readily nominated.

Youth Participation

The decline in voter turnout has been of particular concern in recent federal elections, especially with respect to lack of participation by young people. Many observers suggest that young people do not vote because they believe that political parties and government do not adequately reflect their needs and values – young people do not see themselves reflected in our system of governance. This trend has prompted calls for strategies that engage young people in the electoral system.

Advantages

To suggest that Canada's voting system has certain limitations does not mean that the way we currently elect our federal and provincial representatives is all wrong. Proponents of the current system argue that it is familiar, easy to use and establishes a direct relationship with a Member of Parliament or of the legislature. It has frequently led to single-party majorities and, if governments are unpopular, it allows the electorate to vote them out.

The first-past-the-post voting system is regarded as easy-to-use because voters have only to mark a ballot (with a cross or other mark) beside the name of the candidate they choose. Having one representative per district (single-member ridings) is of benefit because it establishes a direct connection between constituents and their representatives, a tradition in our political system. One identifiable representative per riding also establishes a clear line of accountability. To voice their displeasure, dissatisfied constituents know who to call or write, and can vote accordingly should they be displeased with the conduct of either the government or the individual representative.

Another argument in favour of the first-past-the-post system is that the winner has clearly defeated all challengers. Although the system may distort or amplify results, it does not necessarily result in the election of the wrong candidate or party. For example, let's say the Poplar Party received 40 per cent of the popular vote, the Elm Party received 30 per cent of the popular vote and the Fir Party 25 per cent, regardless of the vote-to-seat distortion, the Poplar Party received the most votes of any party. In other words, even if all the parties had received a percentage of seats equal to their percentage of the votes, the Poplar Party would still be the winner.

Finally, proponents of the first-past-the-post system argue that it is the best system for producing stable majority governments that

are able to take decisive action. The argument in this case is that single-party majority governments have been able to implement fiscally responsible policies that have contributed to Canada's economic stability over the last several years. At the same time, however, others have argued that there is nothing to suggest that changing our voting system would alter the decision-making abilities of our governments.

DISCUSSION POINTS

- *Does our voting system need to be changed?*

- *Should the voting system help produce "representative" governments?*

- *Would changing the voting system help to address the under-representation of women and minority groups in Parliament and provincial legislatures?*

- *Are there ways to remedy the defects of the first-past-the-post system without changing the voting system?*

- *Why might young people choose to not participate in the electoral process?*

- *Should we consider lowering the voting age to give young people a greater voice in the political decision-making process?*

III Voting and Democratic Participation

Voting is one of the most important expressions of political freedom in a democracy. But casting a ballot in a municipal, provincial or federal election is not the only time in our lives that we are asked to participate in a voting process. We might vote to determine what activities we do with friends. We have all been in a situation at one time or another when we voted on what movie to see or who would be captain of our neighbourhood sports team. As citizens or members of a community, we might be asked to elect the chair of a volunteer association or advocacy group. As members of a political party, we might vote to elect party leaders. Members of the House of Commons vote to elect the Speaker of the House. Shareholders in corporations cast ballots to elect their board of directors. In all of these instances, we vote to select people to represent us and make decisions on our behalf. What do we expect from our representatives in such circumstances? How are these expectations different from what we expect from municipal, provincial and federal politicians?

DISCUSSION POINTS

- *Why is voting important?*

- *Why do we vote in municipal, provincial or federal elections?*

- *Do the reasons we vote in municipal, provincial or federal elections differ from the reasons that we vote in other areas of our lives?*

This chapter reviews some alternatives to the first-past-the-post voting system, beginning with a look at methods of voting that take place outside of municipal, provincial and federal elections. It then examines some voting systems used in other parts of the world. The objective of this chapter is to put the first-past-the-post system into context by comparing the way we vote in provincial and federal elections with the way we vote in other circumstances, and with the way other countries vote. This chapter raises two basic questions. Why do we use different voting systems in different circumstances? Why do other countries elect their representatives differently?

Voting Outside Municipal, Provincial and Federal Elections

We often vote to select representatives or to decide options. In Canadian society, a multiplicity of voting mechanisms are used in different circumstances. Some mechanisms rely on territorial divisions; others are structured in a way that ensures that the winner is elected with a majority (more than 50 percent) of the vote. Below are some examples to demonstrate the variety of voting processes used in our daily lives.

One example of an alternative voting system can be found in the process of electing political leaders. Most federal and provincial parties in Canada use a "run-off" system to elect their leaders. If, for example, three or more candidates are vying for a party's leadership, and no candidate receives more than 50 percent of the votes on the first ballot, a second ballot is held. Candidates who do not receive a certain percentage of the vote are dropped from the second ballot. Subsequent votes may be necessary if a majority winner is not declared on the second ballot. The objective of the run-off system is to elect the candidate that has received at least 50 percent of the vote.

As an example, suppose a party decides to elect a new leader. There are five candidates on the ballot. After the first ballot, the leading candidate (Candidate A) receives 40 percent of the vote, Candidate B receives 20 percent of the vote, C and D have 15 percent each, and E has 10 percent. Since more than 50 percent of the vote is necessary to win the election, a second ballot is necessary. In most instances, the weakest candidate (E) is dropped from the list and a subsequent vote is held. Following the second ballot, Candidate A receives 54 percent of the vote and is declared the winner.

In the House of Commons, Members of Parliament also elect the House Speaker using a majority system (the Speaker must receive 50 percent of the vote).

DISCUSSION POINTS

- *Why do political parties and politicians use a different method to elect their leaders than the one Canadians use to elect them?*

- *Why do we have different voting systems for different circumstances?*

- *Can we learn something from these different systems?*

Professional organizations and unions also use different ways to elect their representatives. For example, the Public Service Alliance of Canada requires that their Executive Vice-Presidents and their alternatives be elected with a clear majority of ballots. Similarly, the Canadian Union of Postal Workers requires that their national representatives be elected by a majority (at least 50 per cent) of the delegates assembled at their convention. In Quebec, the *Centrale des syndicats du Québec* also requires that their officials receive a clear majority of votes.

The Law Society of British Columbia elects its Benchers (members of the Board of Directors) using an alternative vote system. The organization holds elections for 25 Benchers (lawyers who are elected by other lawyers in regions across British Columbia). If more than two candidates in a riding enter an election, then voters indicate their preferences for candidates by rank-ordering them (first, second, third choice). The ballots are then counted and each voter's first preference is recorded. If no candidate receives a majority of the votes, the candidate with the least number of votes is eliminated and a second count is conducted by distributing the second preferences on those ballots among the remaining candidates. The first candidate to receive a majority of the votes is declared the winner. McMaster University Students' Union uses a similar voting system in its presidential elections to ensure that the successful candidate receives a majority of the votes (50 per cent plus one).

Just as different organizations use different electoral processes, so do other democratic countries. The following section examines some alternatives to the first-past-the-post system.

Voting Systems in Other Countries

This section briefly discusses three alternative voting systems: the Alternative Vote, Mixed-Member Proportional voting and Alternative Vote Plus. These are not the only alternatives to the first-past-the-post system, but they provide an indication of some of the ways that other countries have faced issues applicable to the Canadian context and proposed or implemented reforms.

The **Alternative Vote**, also referred to as "instant run-off voting" is used for various levels of elections in Australia. It is designed to ensure the winner receives a majority of the votes. **Mixed-Member Proportional** voting, which is used in Germany and was recently implemented in New Zealand, combines the first-past-the-post

Proportional Representation is being introduced or considered even in traditional bastions of plurality. New Zealand has adopted a mixed-member proportional representation (MMP) system combining traditional plurality-style single-member constituencies with proportional representation. Britain has adopted mixed-member proportional representation for the new Scottish and Welsh assemblies, uses the single transferable vote form of proportional representation in Northern Ireland, and is contemplating a change to a partially proportional system for the Westminster parliament in London. Australia, an ex-British colony like Canada and New Zealand, has used a mixture of majoritarian and proportional systems for most of the past century.

J. A. Cousins (2000), "Electoral Reform for Prince Edward Island: A Discussion Paper," The Institute of Island Studies, Charlottetown, Prince Edward Island (www.islandstudies.com), p. 4.

system and proportional voting. **Alternative Vote Plus**, which was recommended for the United Kingdom by the Independent Commission on the Voting System, combines elements of the instant run-off system and proportional voting.

The Alternative Vote

The Alternative Vote is a "majoritarian" system designed to ensure the winner receives 50 per cent of the vote. There are several similarities between the Alternative Vote and the first-past-the-post system. For example, if Canada was to adopt the Alternative Vote for federal elections, its 301 ridings would remain the same, and voters would continue to vote for one representative per constituency. The main difference between the Alternative Vote and first-past-the-post systems is how the winner is selected.

To illustrate how this system works, consider the results of an election in the fictional riding of Windy Pines. The four candidates contesting this election are from the Poplar, Elm, Fir and Maple parties. On Election Day, voters are given a ballot and asked to rank-order the candidates listed. For example, let's say your first choice was the candidate from the Poplar Party, followed by the Elm Party candidate, the Fir Party candidate and, finally, the Maple Party candidate. On your ballot you would put a "1" beside the name of the Poplar Party candidate, a "2" beside the Elm Party candidate and so on. There does not have to be a requirement that you rank-order all the candidates on the ballot (although it is mandatory in Australia to rank-order all of the candidates on the ballot). You may decide to pick only one candidate (the Poplar Party candidate), or your first two choices only (the Poplar Party and Elm Party candidates).

After the votes have been collected, one of two things can happen. If a candidate captures a majority of votes after the first count, a winner is declared and the process ends. However, if no candidate receives a majority of the votes on the first count, the weakest candidate is eliminated (from the ballots of those who selected that candidate as their first preference) and the second preferences from those ballots are redistributed to the respective candidates. This process is repeated until a candidate has gained a majority (more than 50 per cent) of votes.

In the fictional riding of Windy Pines, after the first count, both the Poplar Party and Elm Party candidates received 35 per cent of the vote. Meanwhile, the Fir Party candidate received 20 per cent of

the votes and the Maple Party candidate received 10 per cent. Since no candidate received a majority of the votes, a second count is necessary to determine a winner. **Table 2** illustrates the results of the three counts that were needed to decide the election results in the Windy Pines riding using the Alternative Vote System.

Table 2

Election Results from the Windy Pines Riding using the Alternative Vote System
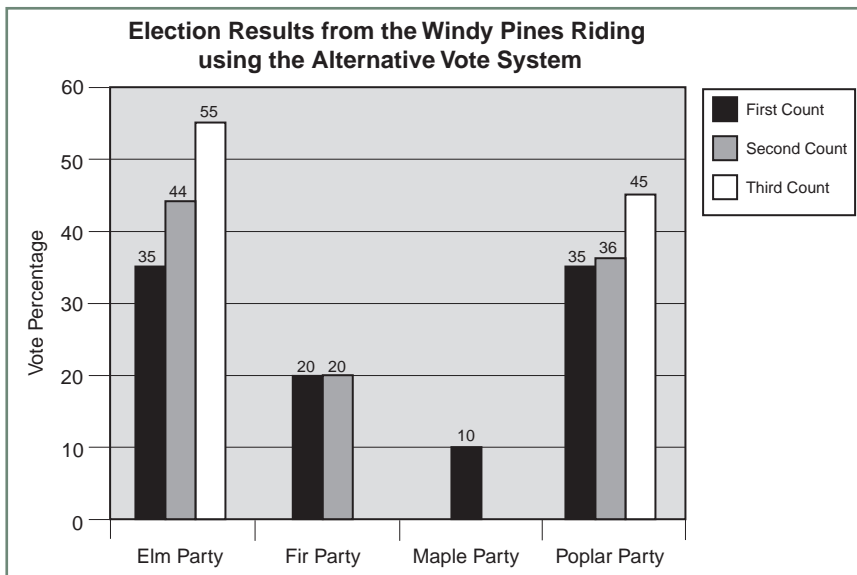
Mixed-Member Proportional

Another alternative is New Zealand's Mixed-Member Proportional voting. In 1993, following a period of national discussion and debate, New Zealand held a referendum on electoral reform as part of its general election. Fifty-four per cent of the voting public supported a switch from the first-past-the-post system to Mixed-Member Proportional voting.

Part of the pressure to change New Zealand's voting system resulted from a growing disillusionment amongst voters following a series of skewed election results and unpopular government policy decisions, both of which contributed to a general decline in trust in government. In 1984, the ruling Labour Party initiated a Royal Commission to investigate reforming the electoral system. The Commission was given broad terms of reference, which included examining the length of Parliamentary terms, the nature of Maori representation, the advisability of increasing the number of MPs and whether or not the method of electing representatives to Parliament should be changed.

In 1986, the Commission tabled its report, *Towards a Better Democracy*. The report recommended adopting a German-style, corrective, mixed system, called Mixed-Member Proportional. The Commission supported this system for its ability to maintain links between constituents and elected representatives, which was believed to be an important component of the country's existing political culture. At the same time, adopting aspects of Mixed-Member Proportional voting would help improve fairness to political parties, as well as increase representation of women, Maori and other minority groups.

As a result, in New Zealand, about one-half of the seats in Parliament are now constituency seats that are decided through the first-past-the-post system (the Electoral Vote). The other half is determined on the basis of proportional voting (the Party Vote). For the Party Vote, each party produces a list of candidates that voters look at before casting their Party Vote. The idea is that voters select the party whose list of candidates they most prefer. The candidates on these lists are then used to fill the seats that each party receives from the Party Vote. A mathematical formula is used to ensure that a party's share of seats in Parliament is proportional to the percentage of votes it receives from the Party Vote portion of the ballot.

The mock ballot **(Table 3)** helps explain how this voting system works. The left hand side of the ballot is used to determine the constituency portion of the election process. After the ballots are counted for this part of the vote, Candidate D from the Poplar Party has won the seat in the Windy Pines riding with 40 per cent of the Electorate Vote.

The Party Vote side (the right hand side) of the ballot is used to determine a party's share of seats in the Parliament (this is the proportional element of the voting system). The vote on this side of the ballot is used to help establish proportionality within the Parliament.

To further illustrate how Mixed Member Proportional voting works, we have produced results that are based on the 1999 General Election in New Zealand (party names have been changed to reflect the examples that have been used throughout this paper). There are a total of 120 seats in this mock Parliament, approximately half of which are based on proportional representation. **Table 4** illustrates the results of this election.

From this example, it is easy to see how a party's share of seats in Parliament (% of seats) closely resembles the proportion of votes it received from the Party List portion of the election process (% of Party List Vote).

Table 3
Mixed-Member Proportional Voting
You Have Two Votes

Electoral Vote (This is the first-past-the-post portion of the ballot) This vote decides the candidate who will be elected Member of Parliament for the Windy Pines riding. Vote by putting a tick beside the circle immediately before the candidate you wish to choose **Vote for only one candidate**		**Party Vote** (This portion is used to determine a party's share of seats) This vote decides the share of seats each of the parties listed below will have in Parliament. Vote by putting a tick beside the circle immediately after the party you choose. **Vote for only one party**	
❍ Candidate A	Elm Party	Elm Party	❍
❍ Candidate B	Fir Party	Fir Party	❍
❍ Candidate C	Maple Party	Maple Party	❍
❍ Candidate D	Poplar Party	Poplar Party	❍

Note: This mock ballot is taken from New Zealand's Electoral System: How Parliament is Elected, Elections New Zealand: **http://www.elections.org.nz/elections/esyst/govt_elect.html** (Date Accessed: July 07, 2002). The candidate and party names have been changed to reflect the examples used in this discussion paper.

Table 4

Results of Election - Mixed Member Proportional Voting

	Constituency Seats	Party List Seats	Total Seats	% of Seats	% of Party List Vote
Fir	41	8	49	40.8	38.7
Elm	22	17	39	32.5	30.5
Poplar	1	9	10	8.3	7.7
Maple	1	6	7	5.8	5.2
Others	2	13	15	12.5	17.8
TOTAL	67	53	120	100	100

Alternative Vote Plus

Another alternative to Canada's first-past-the-post system is the Alternative Vote Plus, which has been proposed recently for the United Kingdom, the home of the "mother of Parliaments." Proposals for electoral reform have recently resurfaced following the work of the Independent Commission on the Voting System (the Jenkins Commission). In the late 1990s, the Jenkins Commission recommended changes to the way people in Britain elect representatives to their House of Commons, arguing the traditional first-past-the-post voting system should be replaced with a two-vote, "mixed" electoral system, referred to as Alternative Vote Plus. For more information about the Jenkins Commission, see Appendix B.

The Alternative Vote Plus system is a two-vote process that combines elements of a majority vote system (for example, the Alternative Vote) with proportional voting. First, voters rank-order the candidates on the ballot (first, second, third choice). This portion of the system operates in the same manner as the Alternative Vote system. However, in Alternative Vote Plus, voters cast a second Party Vote, similar to that described in Mixed-Member Proportional voting, above. This second vote helps reduce the disproportionality that emerges at the local level. This "top-up" method permits final election results to better reflect the percentage of the popular vote that a party receives. The Alternative Vote Plus system has yet to be adopted in the United Kingdom.

In our fictional example of the Windy Pines riding, in Alternative Vote Plus voters would vote twice. The first vote would work the same as the Alternative Vote system already described. However, in Alternative Vote Plus, voters cast a second vote on each ballot to help establish some proportionality between votes and seats. This "top-up" vote is not decided in each constituency, but at the county or regional level (in Canadian federal elections, the second vote would be decided at a provincial or regional level).

A mock ballot **(Table 5)** helps visualize how Alternative Vote Plus works. The left hand side of the ballot corresponds to the Alternative Vote method of electing a candidate at the constituency level. The right-hand side corresponds to the proportional method of calculating the number of "top-up" seats to better reflect the percentage of the popular vote.

Table 5

The Alternative Vote Plus System

Constituency Vote	Second Vote	
This vote will help to decide who is the constituency MP for Windy Pines. Rank the candidates in order of preference (1 for your preferred candidate, then 2, 3, etc.). Rank as many candidates as you wish.	This vote will help to decide the total number of seats for each party in the Coniferous Region. You may vote either for one party or, if you wish, for one of the listed candidates. A vote for a listed candidate will also be counted as a vote for that candidate's party.	
Place the candidates in order of preference (1, 2, 3, etc.)	Either put an X against the party of your choice	Or Put an X against the candidate of your choice
Candidate A Elm Party	❑ Elm Party	❑ Candidate name ❑ Candidate name ❑ Candidate name
Candidate B Fir Party	❑ Fir Party	❑ Candidate name ❑ Candidate name ❑ Candidate name
Candidate C Maple Party	❑ Maple Party	❑ Candidate name ❑ Candidate name ❑ Candidate name
Candidate D Poplar Party	❑ Poplar Party	❑ Candidate name ❑ Candidate name ❑ Candidate name

Note: This mock ballot is taken from O. Gay (1998), Voting Systems: The Jenkins Report, Home Affairs Section, House of Commons Library (Research Paper 98/112, 10 December 1998), p. 32. The candidate and party names have been changed to reflect the examples used in this discussion paper.

After reviewing a number of options, the [Jenkins] Commission proposed that between 80 and 85 percent of the House of Commons MPs [Members of Parliament] should be chosen by the Alternative Vote in single-member constituencies, while the remaining 100-130 positions would be filled on a corrective basis from PR [proportional representation] lists allocated within small "top-up" areas based on existing counties and metropolitan districts.

A. Reynolds (1999), "Electoral System Reform in the United Kingdom," *Making Every Vote Count: Reassessing Canada's Electoral System*, edited by H. Milner, Broadview Press, Peterborough, p. 177.

This section examined different ways that we vote in our lives, as well as different voting systems in other countries. What can we learn from these examples? Why do we use different voting systems for different circumstances? Perhaps these different ways of voting are related to different values that people want to see reflected in their voting systems? What values do Canadians want to see reflected in our voting system? The next section will explore how values relate to electoral systems.

IV Democratic Values and Electoral Systems

If, as the previous section has shown, different circumstances justify different electoral systems, then how do we decide which system is the most appropriate for Canada? No electoral system is perfect – any electoral system must balance various objectives and values. Is it possible to provide a framework by which to evaluate different electoral systems? This section suggests four values that must be reflected in any democratic electoral system: fairness, representation, equality and accountability. The section begins by looking at a few examples that illustrate how values are inherently linked to the choice of electoral systems.

Values and Electoral Systems

Canadian political scientist André Blais identifies a number of values to consider when assessing electoral systems. The most commonly discussed values, he suggests, include fairness, representativeness, equality and accountability. Fairness is essentially the "absence of systematic bias." For example, does the voting system contain biases against particular groups or interests? Representativeness commonly refers to whether legislatures and governments are "broadly representative of the electorate." The equality principle asks whether "each vote counts equally." Finally, accountability refers to the ability of voters to identify who is responsible for government decisions and, if necessary, hold elected officials accountable at the polls.

Blais is careful, however, to add that these are not the only principles to consider when reviewing electoral systems. He also includes the following values: effectiveness and accommodation; party cohesion; freedom for representatives; simplicity; and precision. Of course, no electoral system could possibly meet all of these criteria. According to Blais, the point is to "aim for a solution that is satisfactory rather than optimal. A prudent approach is… to devise an electoral system that is devoid of serious shortfalls." (A. Blais [1999], "Criteria for Assessing Electoral Systems," *Electoral Insight*, Volume 1, Number 1 [June]).

Values and Electoral Systems

Choosing an electoral system is about choosing between competing values. Different systems place a greater emphasis on different values. Some systems produce more "consensus," while others facilitate the representation of women and minorities, and still others emphasize regional representation. The debate about electoral reform must be grounded in the values that are most important to a society.

For instance, the Aboriginal community of Kitsumkalum has recently undertaken to explore the possibility of an alternative voting system that is more appropriate to the community's values. The current electoral system is required under the *Indian Act* and the Indian Band Regulations. The community, located in northern British Columbia, 45 kilometres east of the port city of Prince Rupert, has formed an Elections Review Committee to examine the process for electing its government.

As part of the review, the Kitsumkalum community has produced a draft report to engage members of the community in a discussion of the electoral system. The paper identifies community rights as important to the community's collective identity, and invites community members to think about the unique values they would like to see reflected in their voting system.

Following a period of consultation, the Kitsumkalum Elections Review Committee plans to prepare another paper asking community members to choose among a limited number of alternative electoral systems. It will then conduct a formal survey and use the results to draft a design of a new electoral system.

Values also emerged as a prime consideration in the new Canadian territory of Nunavut. The people of Nunavut wanted a system that reflected their unique culture, language and living conditions. The result is a system that elects representatives through the first-past-the-post voting system, but incorporates a "made-in-Nunavut" style of governing. On April 1, 1999, the people of Nunavut elected 19 individuals to the legislature. However, unlike most other parts of Canada, there is no party system in Nunavut (the same is true for the Northwest Territories). Politicians are not associated with any political party. Instead, elected officials choose the Premier and Cabinet from among themselves and they govern by consensus.

Finally, the electoral reforms in New Zealand (discussed in Chapter III) also provide a useful example of the relationship between values and electoral systems. New Zealand's Royal Commission on Electoral Reform used ten terms of reference or criteria (which can also be described as values) to evaluate alternative electoral systems:

- fairness between political parties (seats won should be proportional to votes won);

- effective representation of minorities (the legislature should be representative of society in general);

In reviewing the process for electing its band council, the Aboriginal community of Kitsumkalum asked the following questions about community values: "What is important to Kitsumkalum? What values do Kitsumkalum people have that make us distinct? For example, the Charter of Rights and Freedoms addresses the issue of individual rights. But Kitsumkalum has a collective identity. Is there a need to protect community rights as well? Balance and harmony is important to your community. The DIAND [Department of Indian and Northern Affairs] election process is a 'winner takes all' approach. Is there a need to ensure harmony and balance in your election system? Kitsumkalum people are connected to the land and resources. No matter where you reside, your traditional territory is your 'home' and a major part of your identity. How can the election system include that value? The election process must be consistent with Canadian law and provincial legislation — but, most importantly, it must be consistent with the Kitsumkalum way of doing things."

Election Choices for Kitsumkalum (http://www.kitsumkalum.bc.ca/social/elections. html) (Date accessed: July 10, 2002).

- effective Maori representation;

- political integration (the system should facilitate consensual politics and respect for diverse opinions);

- effective representation of constituents (the system should maintain ties between representatives and constituents);

- effective voter participation (the system should be easily understood and the power to form a government should rest with the people);

- effective government (the government should be decisive);

- effective Parliament (power should not rest exclusively with the Executive, neutering the opposition and government caucus);

- effective parties (the system should facilitate the party system); and

- legitimacy (citizens should view the system as legitimate).

After examining the guiding criteria, the New Zealand Royal Commission suggested that the traditional first-past-the-post voting system had significant limitations. It found that the system performed poorly in the following areas of importance to New Zealanders: it was unfair to minor parties and created under-representation of minority groups and Maori.

DISCUSSION POINTS

- *What values are important for Canadians?*

- *Does the current system adequately reflect these values? If not, do we need to consider another voting system that might better reflect our values?*

The following section examines the values that are commonly associated with discussions of electoral systems – fairness, representation, equality and accountability – and considers which voting systems better reflect each value.

Fairness

Fairness is a question of whether a voting system has any systemic, or built-in, biases. Many people consider the first-past-the-post

voting system unfair because one party can win a majority of the seats in an election with only a minority of the popular vote. In that respect, they argue, Canada's electoral system fails to fairly reflect the wishes of the electorate.

The system should also be fair to all candidates and to all political parties. The first-past-the-post voting system is said to penalize parties that are interest-based, as opposed to parties that are regionally based. Some small parties are often able to garner a significant share of the popular vote, but are unable to translate the votes into seats in a particular region of the country.

Some observers argue that this built-in unfairness has contributed to the "democratic malaise" among those who wish to vote for policies, politicians or parties that cannot hope to capture enough votes in a riding to elect a candidate. As a result, notwithstanding the fact that the current voting process is very democratic, many people feel that the system is unfair or biased against them, that they have no voice in government, and that Canada's Parliament and legislatures do not represent a diversity of perspectives. Many people argue that a healthy democracy should accommodate a wider spectrum of views than the current electoral system allows.

DISCUSSION POINTS

- *Is the current electoral system fair?*

- *Does it penalize small, nationally based parties?*

How do the alternative voting systems outlined in the previous chapter compare to the first-past-the-post voting system with regard to fairness? The Alternative Vote system is fair in that the winner receives a majority of votes; however, in this system it is possible for a party to receive a large proportion of the popular vote and not receive a similar proportion of seats. In contrast, both Mixed-Member Proportional voting and Alternative Vote Plus ensure (to a certain extent) that parties are entitled to a proportional share of seats. These two systems might therefore be considered fairer than the first-past-the-post system.

Representation

The essence of voting is to confer upon an individual or individuals the ability to make decisions on behalf of others: candidates who are elected to government represent their fellow

citizens. Representation also suggests that the body of persons who are elected should broadly represent the population. In other words, Parliament and legislatures should broadly represent the wishes, ideas and composition of Canadian society.

Canada's voting system has traditionally focused on representing a territorial constituency. However, we live in a time when there is more mobility among citizens and when many people identify themselves, not only as residents of a certain area, but also as members of other kinds of communities, such as environmentalists, women, Francophones living outside Québec or Aboriginal people. It may therefore be somewhat limiting to continue to construct our electoral system solely on the basis of territorial constituencies.

Many people also argue that territorial constituencies are not as cohesive and stable as they once were, when boundaries remained constant and populations were relatively stable and homogeneous (although there is some debate if constituencies ever actually possessed these characteristics). Today, electoral boundaries might be changed to reflect the growth of populations within various constituencies, Canadians are more urbanized and mobile than they once were, and our economy is different than it was in previous decades.

Diversity of Ideas and Interests

For governments to broadly represent the wishes of the electorate, electoral systems should ideally reflect the diversity of ideas and interests of the citizenry, it is argued. Furthermore, since democracy is achieved through the deliberations of elected representatives, Parliamentary debates and discussions in legislatures would be enriched through the expression of a wider variety of arguments and points of view.

The first-past-the-post system is often criticized because it leads to the under-representation of small, nationally based or interest-based parties in the House of Commons or the legislatures and it may contribute to the decline in voter turnout. Different electoral rules may allow for representation of a broader range of points of view to be expressed through elected representatives.

Women and Minority Representation

The principle of representation can also be useful to examine the capacity of a voting system to broadly represent society in all its complexity and diversity. Regional diversity is one aspect of

The question of representation has been discussed by the courts. The Supreme Court of Canada, in *Reference re Provincial Electoral Boundaries (Sask.)*, made the following comment on the right to vote: "The purpose of the right to vote enshrined in s.3 of the *Charter* is not equality in voting per se, but the right to effective representation. Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative."

Reference re Provincial Electoral Boundaries (Sask.) [1991], 2 S.C.R., p. 158.

And for this voting procedure to provide an acceptable outcome, the territorial distribution of the opinions must not be too even, for thus there is the risk of producing a legislature without opposition, such as in New Brunswick in 1987. But neither must this distribution be too uneven, otherwise one party can win with fewer popular votes than its main opponent, as happened in Quebec in 1944 and 1966 and in Ottawa in 1979. The results of the last two federal elections illustrate the gravity of this problem in Canada. The number of members elected from the four opposition parties was determined much more by their voters' territorial concentration than by their total number. In a country that, for geographic and historical reasons, experiences conflicts between regional interests, the electoral system aggravates these conflicts by encouraging localism, as Alan Cairns previously explained in a famous article in 1968.

J. P. Derriennic (1997), "Un système électoral adapté aux besoins du Canada" Options Politiques (November), on p. 19.

diversity the Canadian system of governance recognizes, but perhaps it is not the only type of diversity that ought to be valued. Many people argue that the representation of women, minority groups and Aboriginal people should be enhanced in Parliament and legislatures.

As noted in Chapter II, many people criticize the first-past-the-post voting system for the under-representation of women and minority groups. It would be misguided to attribute the under-representation of these groups solely to the electoral system. The culture of a country, region or political party has as much to do with whether or not women and minority groups remain under-represented as the electoral system does. At the same time, however, it appears that the first-past-the-post voting system provides an additional roadblock to participation in elected office by women and minority groups.

The alternative voting systems described in Chapter III could address the under-representation of women and minority groups. For example, following New Zealand's first election after it introduced Mixed-Member Proportional voting in 1996, 15 Maori representatives were elected to the House, equivalent to their representation in the population. It should be noted that there are six seats reserved for the Maori electorate. The percentage of women elected to the House also increased, from 21 to 29 per cent.

Aboriginal Representation

The issue of representation has unique significance for Aboriginal people in Canada. For many years, Aboriginal people have argued that the current system of government does not reflect an Aboriginal perspective. In 1996, the Royal Commission on Aboriginal Peoples noted that political institutions in this country "lack legitimacy" for Aboriginal people because Aboriginal people were (and are) not involved in their design. The fact that Aboriginal people have been prevented from participating in the electoral process is partly evidenced by the extent to which they are under-represented in the House of Commons.

To address the lack of representation of Aboriginal people in government decision-making processes, the Royal Commission recommended the establishment of an Aboriginal parliament as a preliminary step toward a "House of First Peoples." The commission argued that a third chamber of Parliament would create an opportunity for Aboriginal people to play an important role in government, while recognizing their unique identity. Its purpose

would be to advise the House of Commons and the Senate on issues relevant to Aboriginal people. The new chamber would not be a substitute for self-government, and would follow extensive consultations with Aboriginal people. It is worth noting that the Lortie Commission on Electoral Reform and Party Financing (see Chapter II) also proposed designated seats for Aboriginal people in the House of Commons.

DISCUSSION POINTS

- *Is representation an important electoral value?*

- *Should the governing party be more reflective of the variety of ideas and interests in Canada?*

- *Should women, minorities and Aboriginal people have greater representation in Parliament?*

Equality

Equality is a fundamental value of Canadian society as expressed in the *Charter of Rights and Freedoms*, as well as in many international agreements that Canada has signed. In the most basic terms, equality in the electoral system means that every voter must be treated equally or, as is often said, "every vote counts." Equality can also apply to the need for equal representation (discussed in the preceding section).

Under the first-past-the-post voting system, there is a sense that some votes are "wasted," in that the votes of those who cast their ballots for a losing candidate may count for nothing. For example, in the fictional election in Chapter II, the Poplar Party won a majority of the seats with only 40 per cent of the vote – since the votes of 60 per cent of voters do not have any direct political influence, they are said to be "wasted votes." Some observers suggest the phenomenon of wasted votes has contributed to the decision not to vote at all, especially if people believe the party or candidate they support has no chance of being elected. While the decline in voter turnout cannot be solely attributed to limitations in the first-past-the-post voting system, it is safe to say that the way in which we vote does not always fully reflect the value of equality, in the sense that is meant by "every vote counts."

The Alternative Vote system diminishes the problem of wasted votes to a certain extent since, under this system, some voters are able to use their second preference to help determine the winner.

A key component in the design of federal systems is how people are represented in federal institutions and processes. People can be represented directly in institutions and processed through elected or appointed representatives (as people are represented indirectly in the House of Commons and the Senate), or people can be represented indirectly through their governments, be they federal, provincial, territorial or Aboriginal... What concerns us is how Aboriginal people can participate directly and more fully in the decision-making processes of Canadian institutions of government.

Canada. Royal Commission on Aboriginal Peoples (1996), Volume 2, Chapter 3, Supply and Services Canada, Ottawa, s4.4.

However, people who did not vote for either the winner or the weakest candidate have neither their first nor their second preference counted. Proportional systems (such as Mixed-Member Proportional and Alternative Vote Plus) address the problem of wasted votes more effectively by calculating the share of seats in the government each party is entitled to receive (as long as a party receives a certain percentage of the vote). Even though a voter's choice might not be selected at the constituency level, it might be used to help determine the number of "top-up" seats.

Accountability

Accountability in a democratic electoral system means that voters must be able to express their satisfaction or dissatisfaction toward their elected representatives by returning to office someone they feel has done a good job of representing them or, on the contrary, removing an unsatisfactory incumbent. Accountability also suggests a direct way for citizens to express their needs and wishes. Therefore, our elected officials are accountable in two ways - they are accountable to meet electors' expectations, and they are accountable for responding to specific needs and wishes.

Many people argue that the role of a Member of Parliament or of a Legislative Assembly is to make the government more accessible. In that respect, elected officials act both as representatives of constituents and as an ombudsman who respond to specific complaints. Proponents argue that one of the strengths of the first-past-the-post voting system is that it establishes a clear line of accountability between an elected representative and his or her constituents. As a result, they caution against abandoning the direct link between elected officials and constituents, which has a long-standing tradition in the Canadian political context.

Others suggest the concept of constituency representation and accountability has been somewhat overstated and might not be as appropriate in today's diverse and complex society as it once was. For example, research from the United Kingdom reveals that only one-half of the population in that country can name their Member of Parliament. Other research indicates that only one in ten people has contacted their Member of Parliament in the last five years.

- *What do we expect from our elected representatives?*

- *What are the risks and benefits of promoting the "ombudsman" role of the elected representative?*

- *Is the nature of the link between constituents and elected representatives different today than in the past?*

Many alternatives to the first-past-the-post system retain the idea of the single-member constituency. For example, the Alternative Vote simply ensures that a candidate is elected with 50 per cent of the votes. Mixed-Member Proportional and Alternative Vote Plus also maintain a direct line of accountability, in that single-member districts (similar to the first-past-the-post system) are used in combination with an element of proportional representation.

However, some people have argued that the overall accountability of government is compromised under proportional voting systems because they often result in minority and coalition governments. In addition, coalition-making may sometimes lack transparency. Although single-party majorities are rare in Mixed-Member Proportional voting, there is no evidence to suggest that governments elected under these systems function less effectively than governments elected under majoritarian systems. Just because a majority government is able to make decisions more quickly does not necessarily lead to better decisions than the ones made by coalition governments.

Other Values

The values reviewed in this section are not an exhaustive list of criteria or principles that could be used to evaluate the current electoral system and alternative systems. Rather, one important aspect of the debate on electoral reform is to discover what other values Canadians would like to see reflected in their voting system. This discussion paper is just the beginning of the debate about electoral reform. It is critical that Canadians consider the electoral values that are important to them and discuss what, if any, changes to the electoral system would better reflect their values.

...compared with pure multimember PR [proportional representation] systems, single member districts were found to generate more voter-member contact, but combined districts showed equal or stronger levels of voter-member contact activity as well as far greater knowledge of the candidates. We can conclude that the evidence supports the claims that having some members of parliament elected from single member districts promotes voter-member linkages, but this argument does not preclude the introduction of mixed or combined systems with some multimember districts, as in Germany or New Zealand, which are widely believed to have other virtues for matters like proportionality and social diversity.

P. Norris (2000), "The Twilight of Westminster? Electoral Reform and its Consequences," *Political Studies,* Volume 49, Number 5, p. 897.

The political actors involved in putting together a coalition cabinet will possess varying agendas. Members of the largest party will seek a pre-eminence befitting their numbers, a suitable measure of policy agreement with their new partners and the capacity to govern. Members of other minor parties will seek publicly prominent cabinet positions and possibly some policy commitments from the largest party. None will give a second's thought to the extent to which a coalition government or cabinet overall does or does not match the voting profile of the electorate, a profile, after all, that the parties will want to alter in their favour in successive elections.

P. Aucoin and J. Smith (1997), "Proportional Representation: Misrepresenting Equality," *Policy Options* (November), p. 30.

- *What values do Canadians want to see represented in their voting system?*

- *Does the current voting system adequately reflect these values? If not, does our system of voting need to be changed?*

- *Does one of the alternative systems that we have discussed (Alternative Vote, Mixed-Member Proportional Voting or Alternative Vote Plus) better reflect the values that you would like to see in our voting system?*

V Conclusion: Engaging Citizens in the Electoral Reform Debate

This document began by suggesting that Canadians need to consider whether our democratic systems, including the electoral system, continue to serve contemporary needs and values. A growing "democratic malaise" has begun to characterize the Canadian political landscape. Many citizens are increasingly expressing their concerns with Canada's electoral system by disengaging from participation in traditional political processes. In addition to the debate about electoral reform, questions have surfaced about whether our system of government itself needs reform to better reflect changes in Canadian society.

Elections are the cornerstone of modern democracies. Given that voting is the most direct involvement many Canadians have in our system of government, it is critical that all Canadians are engaged in the debate about whether the current electoral system continues to reflect the realities in this country.

This discussion paper has described several limitations of Canada's first-past-the-post voting system, particularly its lack of ability to adequately reflect the values of fairness, representation and equality. It suggests that a voting system that includes some element of proportional representation might better reflect Canadians' needs and values. For example, New Zealand's Mixed-Member Proportional voting elects approximately one-half of its representatives through proportional voting, while the Alternative Vote Plus model proposed for the United Kingdom would elect 20 to 25 per cent of Members of Parliament through proportional voting. In both models, the voting system is structured to ensure that political parties are entitled to receive a proportionate share of seats in Parliament, and that the political decision-making process represents a diversity of perspectives.

The Law Commission of Canada encourages Canadians to think about whether the current first-past-the-post system adequately reflects their needs and values and whether an alternative system, such as one of the examples described in this paper, might better reflect these choices.

This discussion paper raises several important questions concerning electoral reform in Canada:

Whatever alternatives or modified electoral system may be agreed to in the years ahead, it must be one that is compatible with Canada's larger parliamentary, federal and constitutional systems. On the *governance* side of the reform equation a different electoral method must ensure the continuation of certain fundamental cornerstones of our parliamentary systems. This should hold true even if coalition governments of two or more parties become the governing norm as a consequence of electoral reform. What are Canada's essential constitutional principles? At their most basic level they include cabinet secrecy and solidarity, Commons confidence votes on issues of critical public policy, responsible government and (however shop-worn this concept may have become) individual ministerial responsibility.

J. Courtney (2001), "Reforming Representational Building Blocks: Canada at the Beginning of the Twenty-first Century," in *Political Parties, Representation, and Electoral Democracy in Canada*, edited by W. Cross, Oxford University Press, p. 18.

- *Why do people feel alienated from their system of government? Is it appropriate to attribute some of this discontent to the electoral system? Will changing the voting system help to address the "democratic malaise" in Canada?*

- *Are we satisfied with the way our elected officials carry out their appointed responsibilities? What aspects of the electoral system could be changed to better reflect the diversity of people and ideas in Canada?*

- *What values do we want to see reflected in our electoral system? Does the current voting system adequately reflect these values? Are there ways to remedy the defects of the first-past-the-post voting system without changing the system? If not, do we need to consider an alternative system that might better reflect these values? What system best reflects the values of fairness, representation, equality and accountability? Are there other values that ought to be considered in the design of our electoral rules?*

A further issue that needs to be explored is how to implement any reforms. Ultimately, the decision of whether to change the voting system should be up to Canadians. If Canadians believe that we should adopt an alternative voting system, how should the process of change unfold? Should politicians take the lead to initiate change? Might there be the need for a more formal process (for example, a referendum)? These questions will become increasingly important as the debate about electoral reform progresses.

The Law Commission of Canada will continue to examine the question of electoral reform. In addition to this discussion paper, the Law Commission has initiated several research projects regarding electoral reform and continues to promote further discussion and debate on democratic governance and electoral reform. All activities related to the Law Commission's project on electoral reform will ultimately inform its final report and its recommendations to Parliament on this important issue.

This discussion paper was developed to raise questions and stimulate debate, but this document is only part of the process of reflecting on our voting system. The Law Commission believes that public engagement on the issue of electoral reform is essential to maintain a healthy democracy. We need your input and feedback on the various issues raised in this paper. We invite you to forward any comments that you might have on the issue of reform of Canada's electoral system to the Law Commission of Canada.

If we are to explore the alternatives to the current FPTP [first-past-the-post] system, as we should, we must do so carefully, soberly, and with a realistic understanding of the limits of electoral engineering. Regional alienation, Quebec souverainisme, discrimination against women and minorities, flawed political parties - these problems cannot be eliminated by a new electoral system. But as we reconsider the institutional arrangements inherited from Britain over 130 years ago, we have to ask whether so many of our citizens should continue to "waste" their votes, and whether the very survival of a major political organization (such as the federal PC [Progressive Conservative] and New Democratic parties) should depend on the caprices of an arbitrary and unpredictable electoral system. We can, and should, do better.

H. MacIvor (1999), "A Brief Introduction to Electoral Reform," in *Making Every Vote Count: Reassessing Canada's Electoral System*, edited by H. Milner, Broadview Press, Peterborough, p. 34.

Appendix A: How Voting Systems Work [1]

The voting system is made up of a series of election rules that determine how votes will be translated into representation. Voting system rules determine if votes are counted in local constituencies or totalled across the country as a whole, what kind of marking must be made on the ballot, and how winners are established.

All voting systems consist of three components: voting formula, district size and ballot structure. Voting formula refers to how votes are added up to determine winners. With a plurality formula, the candidate with the most votes wins, regardless of the proportion of the overall vote he or she has. With just two candidates, a majority is needed, but with three or four a candidate could win with just 34 or even 26 per cent of the vote. A majority formula seeks to correct this by insisting that a candidate obtain 50 per cent +1 vote to be elected. Proportional representation formulae broadly convert votes into seats so that the proportion of seats awarded roughly mirrors the proportion of votes cast. Each formula is applied to votes within a geographical area or district, which can vary in size from a single-member constituency to multi-member constituencies. Ballot structure refers to the manner in which voters mark their preferences on the ballot. A ballot may involve one choice for an individual candidate and/or party – usually marked by a cross or other mark – or a number of choices of equal voting weight in multi-member contests. It can also allow voters to order-rank candidates by number – 1, 2, 3, etc. – from their most- to least-preferred.

There are many types of electoral systems. For the purpose of this discussion paper, electoral systems are described as one of three broad types: plurality, majority and proportionality. The plurality system is a "winner take all" approach that can be combined with either single-member or multi-member constituencies, as mentioned above – both are plurality systems. Single-member plurality is also known as first-past-the-post and is the current system used for most elections in Canada. Multi-member plurality, usually referred to as bloc or "at large" voting, remains in use in only a few North American municipalities. In contrast to plurality systems, a majority system requires at least 50 per cent of the votes

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[1] This description of how voting systems work is adapted from D. Pilon (2002), *Renewing Canadian Democracy: Citizen Engagement in Voting System Reform*, Phase One: Lessons from Around the World, Law Commission of Canada, Ottawa.

for a candidate or party to win an election. Majority systems can be organized like the French double ballot, where votes are cast in two rounds (one to narrow the field, and the second to elect someone), or by using a transferable ballot, on which voters number their choices (the lowest vote-getters are eliminated and their ballots are redistributed until someone has achieved a majority). The latter system, also known as the Alternative Vote, is used for lower house elections in Australia. Finally, proportional voting systems come in all kinds of combinations, based primarily on single- or multi-member ridings, with either transferable or non-transferable balloting.

It is worth taking a closer look at the three most basic forms of proportional representation: party list, Single Transferable Vote (STV), and Mixed-Member Proportional Voting (MMP). Party list has multi-member ridings, nominal voting (voters choose a list in toto, although sometimes they can alter the order of candidates on the list), and a proportional formula (there are different formulae to adjust the level of proportionality). Party list is used in many European countries, particularly in Scandinavia. STV also uses multi-member ridings and a proportional formula, but utilizes transferable balloting to determine which individual candidates will be elected. STV has been used in Ireland, for the upper house elections in Australia, and for some provincial and municipal contests in Manitoba and Alberta from about 1920 to 1960. MMP combines the single-member plurality system with "top-ups" from party lists to create an overall proportional result. Some call MMP a "mixed" electoral system rather than a proportional one, but since the results are usually proportional, it makes sense to consider MMP a form of proportional representation. It is used in Germany and New Zealand.

Another category of voting systems does not fall neatly into any of the above categories: semi-proportional systems. Semi-proportional systems get their name because they usually assure a degree of minority representation, but they fall well short of proportional representation. They have recently become popular with electoral engineers in Japan, Russia and Mexico.

Appendix B: The Independent Commission on the Voting System (the Jenkins Commission)

Prior to the 1997 British election, the Labour and Liberal Democratic parties agreed to set up a commission to examine the first-past-the-post system. The five-member Independent Commission on the Voting System (the Jenkins Commission) was established in December 1997. Its mandate was to propose an alternative to the current electoral model used in the United Kingdom. The new model was to be put to the people in a referendum, along with the existing model. The Commission's terms of reference were to strive to achieve:

- broad proportionality;

- "the need for stable government";

- greater voter choice; and

- maintaining a link between representatives and voters.

The commission was also guided by the following principles:

- Fairness: "the wishes of the electorate should be represented as effectively as possible."

- Major parties should not have their power unduly circumscribed.

- Members of Parliament (MPs) serve an important function in representing their constituents and they serve as a pool from which to select ministers, yet they are seen as relatively weak in the policy-making process.

After considering different models, the Jenkins Commission decided that a modified system of the Alternative Vote (the model used in the Australian House of Representatives) best met the needs of British society. However, although Alternative Vote had the advantage that it promoted greater voter choice, it was inadequate on its own since it did not ensure broad proportionality. Thus the Commission proposed "Alternative Vote Plus." Under this model:

- the majority of representatives would be elected in constituencies using the Alternative Vote; and

- the remainder would be elected to serve a corrective, "top-up" function. These MPs would be voted for in a second vote using an open list. The second vote could support an individual candidate or a party list.

To maintain the primacy of constituent-representative relations, the number of corrective or "top-up" MPs was kept to a minimum. The Alternative Vote Plus model is a moderate departure from the traditional first-past-the-post voting system, but corrected the major weakness of lack of broad proportionality. The British government has yet to hold a referendum on the matter. However, the new legislative chambers of Scotland and Wales use proportional models.

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