

**Final Report**

**Ken McKinnon**

**Senior Advisor**

**Electoral Reform**

**Government of Yukon**

**February 01, 2005**

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The Honourable Dennis Fentie  
Premier of Yukon  
P. O. Box 2703  
Whitehorse, Yukon  
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Dear Premier:

In January of 2004, you appointed me as Senior Advisor on Electoral Reform to the Government of Yukon.

For close to half a century, I've been privileged to be intrinsically involved in all manner of Yukon elections. From participation in Local Improvement Districts (long gone but not forgotten by some of us old-timers) to School Advisory Committees, municipal, territorial and federal campaigns – I've been there, either as a candidate, a campaign manager or as an advisor.

My Yukon employment career has run the gamut from years as a lineman, surveyor, catskinner and truck driver along all of the Yukon highways and byways. I've lived and worked at one time or another in all of the Yukon communities and tramped over most of the Yukon wilderness.

Throughout the two profound and significant Yukon political initiatives and movements of the 1960s and 1970s – namely, the fight for Responsible Government and the struggle for a Yukon Land Claim – I was fortunate to work and socialize in every corner of the Yukon and, in return, be warmly welcomed and accepted by most Yukoners.

This active participation has allowed me a unique knowledge and perspective on Yukon and Yukoners that very few others have had the opportunity of experiencing over such an extended period of time.

Continued...

The last four years, as Chancellor of Yukon College, I deliberately removed myself from all Yukon partisan activities and did not hold a membership in any Yukon political party.

This afforded me the opportunity of speaking candidly and openly with Yukoners in all walks of life and of all political persuasions. I spoke to politicians, past and present; to the Council of Yukon First Nations; their leadership, their members and members of their Constitutional Summit process; to Resource Councils, and to other Yukon committees and councils, boards and commissions; to past and present members of Electoral Commissions; and to many other Yukoners. They all gave freely of their time and expertise, and I am most grateful for their interest and involvement.

I originally thought that my appointment to “observe the deliberations of the British Columbia Citizens’ Assembly on Electoral Reform, and to assess how the research, discussions and conclusions of the Assembly can inform the mandate and operation of a Yukon electoral reform commission, and how the Yukon public can be involved in discussions about the future of Yukon’s electoral system” would be a straightforward, simple and untroubled exercise.

The remarkable success of the British Columbia Citizens’ Assembly would certainly form the template for any further jurisdictions contemplating electoral reform. With some Yukon modifications, all one would have to recommend was that B.C.’s initiative be copied.

Indeed, the Province of Ontario has recently announced that it will set up a Citizens’ Assembly examining electoral reform following closely along the lines of the B.C. model.

My primary recommendation to you, however, is that the Yukon not proceed in this manner at this time.

In this report, I hope to be able to explain and argue to you and all Yukoners why the approach of a Citizens’ Assembly on Electoral Reform may not be applicable for a 2005 Yukon setting.

As the first President of the Arctic Winter Games and as the First Chair of the Yukon Anniversaries Commission, I experienced first hand what can be accomplished when all Yukoners co-operate and work together.

Continued...

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The co-operation necessary to effect “electoral reform” may not be available in the Yukon at this moment, but there is universal support from all Yukoners for meaningful and far-reaching “legislative renewal”.

Sincerely,

Ken McKinnon  
Senior Advisor  
Electoral Reform  
Yukon Government

KM/kas

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## 1 THE BRITISH COLUMBIA CITIZENS' ASSEMBLY

Electoral Reform is not a new concept. For some fifteen years, mainly emerging democracies from the post-Communist era have experimented with some method of proportional representation.

Meanwhile, many of the established democracies, the United Kingdom, the United States, Canada and India, continued with the plurality or, as it is popularly known, "The First Past the Post" (FPTP) system of electing representatives to their respective legislatures.

However, the 1990s did see electoral reform at the national level in some of the world's established democracies such as New Zealand, Italy, Japan and Israel. New Zealand and Japan can report qualified successful results, while "first past the post" purists point to the instability in Italy and Israel as examples of the problems encountered in changing to proportional representative voting.

The Province of British Columbia had historically experimented with different election regimes. Between 1871 and 1991, representatives to the legislature were elected from both single-member and multi-member districts. The City of Vancouver also adopted a proportional representative system in the 1930s.

In the 1952 and 1953 provincial elections in British Columbia, an Alternative Vote or AV system was used.

But with the election of the Social Credit government in 1952, the province returned to the simple plurality or FPTP (first past the post) electoral system for the 1956 election, and this system has remained in place to this time.

So there was some background to electoral experimentation in British Columbia that provided a historical base to the creation of a "Citizens' Assembly on Electoral Reform".

Nick Loenen served as a councillor in Richmond, B.C. from 1983 to 1987, and as a member of the Legislative Assembly of British Columbia from 1986 to 1991. He also holds a Master's Degree in Political Science from the University of British Columbia.

In 1997, he published *Citizenship and Democracy – A Case for Proportional Representation*. As a parliamentarian respected by all sides of the B.C. political spectrum, Mr. Loenen's lucid and thoughtful analysis became a timely catalyst for the convergence of change brewing, gathering and emerging in British Columbia.

In the 1996 provincial election, Gordon Campbell's Liberals won more popular votes than the New Democrats, but received fewer votes. To his credit, even with a sweep in the 2001 election, he remained committed to his promise of Electoral Reform and the creation of a Citizens' Assembly.

As a former Executive Assistant to Prime Minister Trudeau, a former Liberal member of the B.C. Legislature, and as a former Leader of the B.C. Liberal Party, Gordon Gibson had also been researching and writing extensively on the subject of electoral reform, both federally and provincially.

In 1998 Fair Voting B.C., a multi-partisan, well-organized citizens' group was founded which, since its inception, has lobbied for a referendum and voting system reform.

The Green Party had also become a political force in B.C. during the '90s and received 12% of the vote in the 2001 B.C. provincial election – but no seats.

The Green Party went to work garnering broad public support with over 4,000 registered volunteer canvassers registering nearly 100,000 signatures on official province-wide petitions calling for electoral reform.

With B.C.'s history of experimentation in voting patterns, Mr. Loenen's writings, the political activity of the Green Party, the formation of Fair Vote for B.C., Mr. Campbell's election and political integrity in fulfilling his campaign promise, and the lack of any political opposition, all of the elements were aligned for the unanimous approval of Mr. Gibson's electoral reform process outlined in his insightful and sweeping *Report on the Constitution of the Citizens' Assembly on Electoral Reform*, published in December of 2002.

## CONCLUSIONS

Never before in modern history has a democratic government given to unelected "ordinary" citizens the power to review an important public policy, then seek from all citizens approval of any proposed changes to that policy. The British Columbia Citizens' Assembly on Electoral Reform has had this power and responsibility and, throughout its life, complete independence from government. (Jack Blaney, Chair, *British Columbia Citizens' Assembly Final Report* December 2004)

I admit it, from the beginning – I was hooked. As a process, the British Columbia Citizens' Assembly proved to be a most innovative, successful method of involving the public in important decision-making.

I felt only one important process should be followed in the Yukon before we also went to a Citizens' Assembly to involve the Yukon public in discussions about the future of Yukon's electoral system.

I would recommend first that a plebiscite be held at the next Territorial Election on the question of whether or not the public was in favour of the formation of a Citizens' Assembly to discuss the question of Electoral Reform.

I thought this to be an essential first step to truly gauge Yukon public opinion on the subject.

However, in a year of constantly raising the question of Electoral Reform whenever I could, and wherever I went, my opinion changed.

I went back to my old political science textbooks:

Some three hundred different schemes of proportional representation have been devised, but they are of two main types. One is known as the single transferable vote, also known as the Hare system after its original inventor, and the other is the list system. **Each requires for its working multiple-member constituencies with enough members so that any substantial minority can expect to elect at least one of its candidates. The constituencies are necessarily very large in area and population if the number of members of the legislature is to be kept within reasonable limits.** (*Democratic Government and Politics*, J. A. Corry and J. E. Hodgetts, University of Toronto Press, pp. 273, 274)

Increase the size of the Klondike Riding? Combine it with the Mayo Riding? Combine Vuntut Gwitchin with Klondike again?

It would appear that the only sensible groupings with a large enough population base to support any form of Proportional Representation would be a combination of Porter Creek North, Porter Creek South, and Porter Creek Centre for a three-member riding and the combination of Riverdale North and Riverdale South for a two-member riding.

These types of different ridings, some single-member, others multiple-members, were rejected out of hand by the British Columbia Citizens' Assembly as creating two classes of voters and two classes of members.

I also had problems buying the arguments of proponents of electoral change that political parties are essentially bad for the electorate; that consensus or minority governments are better for the electorate; and that the electorate generally favours coalition rather than majority governments.



The Canadian Unity Council's Portraits of Canada Survey is based on a combination of two surveys totalling 3,202 respondents. It has a margin of error of 1.7 percentage points, 19 times out of 20. For the last two surveys, it has also included Northern respondents. It is generally considered the best yearly gauge of Canadian public opinion.

Once at an all-time low of 19% in 1992, the 2004 Portraits of Canada survey shows 48% of Canadians say they have a great deal or some confidence in their politicians.

If Yukon elections had been conducted under a pure proportional system of representation over the last 20 years, only one majority government would have been chosen. Yet, 68% of Yukoners polled and 68% of British Columbians polled (even after a year of Electoral Reform publicity) preferred strong majority governments.

Conclusion: **Until polling data and Yukon public opinion change dramatically, there is presently no necessity of holding a Yukon-wide plebiscite on the issue of Electoral Reform.**

## **2 YUKON'S ELECTORAL DISTRICT BOUNDARIES COMMISSIONS**

Other than the NDP's "*Democratic Reform Act*" debated in the last session of the Legislative Assembly, there has been no major organized movement in the Yukon towards Electoral Reform. There are no petitions being circulated for signature, no op. ed. opinion pieces appearing in the local press, no Yukon fair vote committees being formed, and no active movements mobilizing public opinion.

In 1960, amendments to the *Yukon Act* increased the size of the Territorial Council from five to seven members. This was the first change in the size of the Council since 1952. From 1920 through to 1952, Council had only three easily identifiable members – one from Dawson – one from Mayo – and one from Whitehorse.

From 1952 through to 1961, the electoral districts changed from three to five: Dawson, Mayo, Carmacks-Kluane, Whitehorse East and Whitehorse West. So truly sweeping changes in the way Yukon elections were held did not come until the 1961 elections.

In 1961, "Status Indians" were given the right to vote in Yukon elections for the first time. It is hard to realize in the Yukon of today that it was only forty-five years ago, in the first Territorial election that I contested (at that time as the youngest candidate in Yukon history) that all Yukoners, for the first time, had the right to vote.

The seven electoral districts now comprised Carmacks-Kluane, Dawson, Mayo, Watson Lake, Whitehorse East, Whitehorse West and Whitehorse North.

My district of Whitehorse North consisted of downtown Whitehorse, the Marwell area, the then Kwanlin Dun village of Whitehorse (known then simply as the Indian Village), and the Canadian Army facility of Camp Takhini. It was a unique and exciting experience for a young politician as it was the first time anyone had campaigned in a territorial election in "The Village" and many life-long friendships amongst the Yukon First Nation elders and future leaders were a lasting result of this exercise.

Incidentally, indemnity for members was a princely \$2,000.00 annually, no pension plan, and an expense allowance of \$25.00 per day.

Through 1961 to 1968, various autonomy motions and successive confrontations marked Yukon's relationship with the federal government.

The Federal Government showed little interest in any change of Yukon's colonial status and the Federal Minister, Arthur Laing, even went to the extent of ordering budget cuts from the Territorial budget for any minor display of independence.

Significant progress towards change started in the late '60s, continued through the '70s, and indeed maintained its pace through to today.

Some of the major events were:

- the appointment of a long-time Yukoner, a former Municipal and Territorial Councillor, Jim Smith, as Commissioner in 1966
- the continued election of Erik Nielsen as Yukon's MP
- the election of Prime Minister Trudeau, a true democrat, and the appointment of Jean Chretien, an astute politician, who learned to love the North as the Minister of Indian Affairs and Northern Development in 1968
- the enfranchisement of all Yukoners in 1960
- the removal of all discriminatory legislation and programs from the Territorial statutes
- the program of building totally integrated schools in all Yukon communities, terminating the "mission schools"

In 1969, the Territorial Council and the Commissioner journeyed to Ottawa to debate the formation of the Executive Committee with the Prime Minister and Mr. Chretien.

Negotiations proved successful and in 1970 the embryo cabinet, the Executive Committee, was formed comprised of two elected members of Council, the two assistant commissioners, and the Commissioner as Chair.

And, in 1973, the Council of Yukon Indians presented their claim "Together Today for Our Children Tomorrow" to the Prime Minister.

There remained, however, an impossible and impassable roadblock to Responsible Government for Yukon. Even though Status Indians had been enfranchised in 1960, no First Nation member had ever been elected to the Territorial Council. To their credit, the Federal Government recognized that, without sweeping changes to the *Yukon Act* in order to create districts that could elect First Nation representatives, this was not about to happen in the near future.

The territorial election of 1970, despite the formation of the first Executive Committee, was still held under the seven boundaries formed in 1960, which really provided no chance for First Nation candidates to be elected.

Successive motions by the Yukon Council calling for changes to the *Yukon Act*, particularly to increase the size of the Council, finally resulted in further historic and sweeping amendments to the Yukon Act in 1974.

The size of Council was increased to twelve members and the Commissioner in Council was permitted to increase the size of Council to up to twenty members. And, as one of his last acts as Minister, Mr. Chretien also increased the number of elected representatives on the Executive Committee to three.

On April 18, 1974, the Council gave final reading to the Electoral Boundaries Commission Ordinance, which for the first time asked an Electoral Boundaries Commission to take into consideration the demographic makeup of the Yukon in establishing new electoral districts.

The members of the Commission were the Honourable Justice H. C. B. Maddison as Chair, and Tim Cole of Dawson City and John Scott of Whitehorse, two life-long and knowledgeable Yukoners, as Members.

The Commission received only three briefs and ended up recommending twelve districts where, for the first time, at least three of the districts comprised a majority of First Nation residents.

Regardless of the re-distribution, no First Nation members were elected in the Territorial election of 1974.

Boundaries were further adjusted with the report of October 28, 1977, which allocated sixteen districts, at least five of which contained a majority of First Nation voters. Two other perceptive and knowledgeable Yukoners, Gordon Yardley and Charlie Taylor, joined Judge Maddison on this Commission.

Not all Yukoners were pleased with the pace of the changes that were taking place. Many members of Council recall ugly confrontations and the termination of long-time relationships and friendships over the dramatic reforms.

The election of 1978 was the first held along party lines, the first to be run entirely by the Yukon Government, and the first to elect First Nation representatives, from the Old Crow and Kluane Ridings.

I've spoken to some of the principals on these Commissions and, although all of them maintain that they were never directed to "gerrymander" districts, they were cognizant that the progress of

Yukon towards Responsible Government and a settlement of the Yukon Land Claim depended on the decisions that they were making.

So it has barely been a quarter of a century since the first “First Nation” representatives were elected to the then Territorial Council.

The 1974 and 1978 Electoral Boundaries Commission decisions forever changed the face of Yukon politics and Yukon elections.

Sadly, Judge Maddison is the only remaining member of those historic commissions that truly championed meaningful electoral reform for all Yukon voters.

## CONCLUSIONS

In my interim report, I observed that, if the British Columbia Citizens’ Assembly were successful, it would probably set a template for other excursions into electoral reform, not only across the country, but particularly in Western and Northern Canada.

The assembly process was successful, but it was also expensive – nearly five million dollars.

Changing the system of how we vote, however, is of such import and consequence that it is difficult to conceive how Yukoners could require the necessary expertise to make wise decisions and recommendations without following a process such as B.C.’s.

I was originally inclined to suggest a Yukon Citizens’ Assembly of 32 members:

- One member to be chosen by each of the elected MLAs for a total of 18
- One member to be chosen by each of the Yukon First Nations for a total of 14

This would be exactly one-fifth of the size of the B. C. Assembly and would probably cost Yukon taxpayers in the neighbourhood of one million dollars, if the same tools and expertise and professionalism that were available to B. C. members were also provided to members of a Yukon Assembly.

The costs of a Yukon Citizens’ Assembly are not too difficult to forecast as the final breakdown of costs for the B. C. Assembly are now available:

36 members @ \$400.00 per day (approx. 30 days)	\$ 400,000
Chair (Deputy Minister level – 1 year)	150,000
Chief Research Officer	100,000
Communications Officer/Director	100,000
Office Manager	100,000
Office Administration Costs	150,000
Communications	<u>100,000</u>
	<u>\$ 1,100,000</u>

The average cost per day for a member of the B. C. Assembly, including per diem (\$150.00 daily), hotel (\$100.00 daily), meals, incidentals and travel, worked out to \$375.00 daily.

Staffing costs are at similar rates to those offered to attend a first-class, professional staff to the British Columbia Citizens' Assembly. Because of the research accomplished to date that other jurisdictions will be able to take advantage of, I would have suggested a permanent staff of four to a Yukon Citizens' Assembly rather than a permanent staff of 12 allocated to the British Columbia Citizens' Assembly.

Another problem faced by the Yukon Government would be the lack of a government-owned facility to televise the Assembly's proceedings.

The B. C. Government televised the entire proceedings of the B. C. Assembly to all areas of the province. This was well over 100 hours of programming. Transponder costs on the only northern network available – the Aboriginal Peoples Television Network (APTN) – are \$800.00 per hour. To televise to all Yukoners the total proceedings of a Yukon Citizens' Assembly would add another \$80,000 to the budget.

It is only since 1960 that all Yukoners have exercised their right to vote in territorial elections.

Since the election of 1982, average voter turnout for all subsequent territorial elections has been nearly 80%.

The provincial election in Alberta recently completed saw a voter turnout of only 42%.

The Electoral Boundaries Commissions over the years have judiciously crafted districts that have sensitively accommodated communities of interest. This has generated high voter turnout that all Yukoners can justifiably take pride in and most other jurisdictions can only envy.

These districts have sent young people, women and First Nations to the Yukon Legislative Assembly in numbers that once again other provincial legislatures can only hope to one day mirror.

Proponents of Electoral Reform are generally looking to accommodate:

- higher voter turnout
- higher voter turnout of young people (18–25)
- fairer gender and minority representation
- fairer proportionality by making every vote count

Conclusion: **The Yukon has effected most of the above objectives and there is no apparent wide popular and public support at this time for further adjustments to our present electoral system. It is my recommendation that a Yukon Citizens' Assembly on Electoral Reform not be immediately established.**

Addendum: Since this final report was “put to bed”, I’ve received two thoughtful and insightful representations from interested Yukoners.

One was from Geoff Capp of the Christian Heritage Party, and the other from Dave Brekke, Yukon’s Federal Returning Officer.

Mr. Brekke is suggesting and promoting a meeting of “Yukon Citizens for Electoral System Change”.

Who knows? This could just possibly herald the beginnings of a Yukon “Fair Vote” movement.

### 3 YUKON FIRST NATIONS

**Implementation of the Umbrella Final Agreement (UFA) has proven much more difficult than anyone realized. The numerous Boards, Councils and Committees created by the UFA are each challenged to the limit to fulfil their mandate. Nowhere is this more evident than the expectations placed on the Renewable Resources Councils.** (Preface to the *Renewable Resources Council Training Handbook*)

I've heard the Grand Chief of the Council of Yukon First Nations, Ed Schultz, speaking, almost regretfully, of how exciting it must have been to be a part of the excitement of the '60s and '70s – organizing Yukon First Nations to fight for their great goal of a just and fair land claim.

I've made similar speeches recalling how stimulating and fulfilling it was as a young politician to be part of an idealistic team battling for the great principles of democratic reform and Responsible Government.

During that time, I met often with the First Nation leaders, and we would often commiserate with one another at the slowness of the progress of both of our causes.

However, when one considers the time span involved, it was barely a moment in the political life of the Yukon. The Epp letter effecting Responsible Government for Yukon was signed in 1979, only twenty years after the first autonomy motion was introduced in the Yukon Legislature.

The *Umbrella Final Agreement* was signed in 1993, twenty years following the presentation of the “Together Today for Our Children Tomorrow” claim to Prime Minister Trudeau.

Those of us who were intrinsically involved in these movements knew full well and insisted from the outset that the results of our efforts would take far longer to successfully implement than they took to negotiate.

I've had many occasions over the years to socialize with the First Nation federal and territorial leaders of the '60s and '70s. We reminisce fondly, recalling the trials and tribulations of the times, but commiserating with our successors who now must deliver on the details.

On November 6 of last year, I met with Grand Chief Ed Schultz. I felt it was both important and essential to hear his views and the views of his membership on the subject of electoral reform.

He told me that there was no pressure from his constituents for “electoral reform” at this time. A common theme persisted, however, amongst First Nation leaders that they would welcome



positive changes in the way that the Members of the Yukon Legislative Assembly conducted both themselves and the business of the people of the Yukon.

Grand Chief Schultz invited me to speak to the leadership of the Council of Yukon First Nations and listen to their views. We enjoyed a far-reaching discussion on both topics – Electoral Reform and Legislative Renewal.

As Grand Chief Schultz had indicated, Electoral Reform did not appear as a critical priority to any of the chiefs or their representatives.

All were in agreement, however, that changes could and should be made to improve both the efficiency of the Yukon Legislative Assembly and the conduct and civility of the Members during their deliberations.

By the end of our discussions, there seemed to be common agreement that “Electoral Reform” was not a burning issue or a critical priority at this time for Yukon First Nations.

## CONCLUSIONS

Yukon First Nations comprise approximately 25% of the Yukon population. They have only been allowed to vote in Territorial elections since 1961. Yukon First Nations elected their first two representatives to the Legislative Assembly in 1979.

All Yukoners now have had a vote in our present “first past the post” or plurality system for only a 45-year period. Some First Nations have only recently changed from traditional to “first past the post” systems.

Yukon First Nations are presently holding a Constitutional Summit. In their position paper, they recognize that “much work remains to be done to fulfil the vision of Together Today for Our Children Tomorrow.”

Yukon First Nation Leaders are in general agreement that Electoral Reform is not on their urgent priority list at present.

Conclusion: **Under the ‘Participation’ section of the *Umbrella Final Agreement*, it would be difficult to effect “Electoral Reform” without the active co-operation and participation of Yukon First Nations.**

## 4 DEMOCRATIC REFORM

**Frequently, students of direct democracy suggest that measures of direct democracy might not be necessary if only Parliament were made to work as it is supposed to.**  
(*Citizenship and Democracy*, Nick Loenen, p.103)

On the day the *Democratic Reform Act* was debated on second reading, I sat alone in the Legislative Gallery. Not one other member of the public or one member of the press attended.

The bill reflected many of the Yukon public's concerns of how the business of government is conducted and it was obvious that much thought and reflection had gone into the crafting of the proposed legislation.

Every member who spoke contributed constructively to the debate.

The Leader of the NDP Opposition, Todd Hardy, who introduced the bill, led the debate:

I'm going to look at the structure of the bill that has been brought forward. This bill that we brought forward is in two parts: our election system that we presently have; and the second part is how MLAs and ministers function both in the House and in their constituencies.

**Now the second part of the bill deals with legislative reform and we believe that this is a positive innovation that blazes a new trail in terms of accountability. Very few governments are looking at it, yet the people are asking for it. They want change. They want a difference. All of us can remember the last election. It was only two years ago. Every one of us heard on the doorstep criticisms of this legislative structure that we work under, of the conduct of the previous government and opposition members. We all heard it. I heard it a lot. I know all MLAs heard it, because it was said universally, it was in the newspapers, and it was stated by the leader of the party that there would be changes made.** (*Hansard* November 3, 2004, p.13)

Mr. Cathers answered for the Yukon Party:

Of particular concern to me is what has not been addressed in this bill. In my opinion, there are many areas in which this bill needs to be fleshed out a little more because I see critical gaps, areas that I think are not adequately addressed, like setting up an effective structure before beginning the process.

**I would like to begin by talking about part 1 of this bill, entitled electoral reform. My concerns with this part of the bill include the composition of the proposed electoral reform commission, the numbers of this proposed commission, which is proposed at five — and I have to note that that is dramatically different and dramatically fewer members than what the B.C. process has established.**

However, I do have concerns that this model being proposed by the leader of the NDP appears to be taking a step backward — that instead of going to a process that is driven by grassroots citizens, it's a process that's driven by an appointed commission. Again, it's somewhat of an elite group — five members. Within the framework of this bill that has been presented to us, there is very little which has defined the terms of reference, what they are required to report, and how they're required to conduct their procedures. One concern that I've heard on numerous occasions from my constituents and other Yukoners is how consultation is conducted — that it's not enough to consult. (*Hansard* November 3, 2004, pp.14, 15)

In my interim report, I indicated that any jurisdiction, particularly in the West or the North, that was contemplating Electoral Reform would have to look at the makeup, structure and procedures of the B.C. Citizens' Assembly if the Assembly proved successful.

Though there are broad disagreements emerging with the recommendation of the Assembly, there is universal praise for the Assembly itself.

It was extraordinary to see 160 members of totally diverse ages, ethnicity, and backgrounds conduct themselves in a totally civil, temperate and positive atmosphere.

Over and over, comments from visiting politicians, political scientists, reporters and the general public were repeated: "Why can't our legislative assemblies conduct themselves like this?"

The whole atmosphere surrounding the Assembly was professional and proficient.

Ontario and Prince Edward Island are already committed to B.C.'s model as they move towards electoral reform.

But, assemblies such as B.C.'s are also undoubtedly expensive. There were 160 members of the B.C. Citizens' Assembly – one woman and one man from each of B.C.'s 79 ridings, and two First Nation Representatives. The final cost of the Assembly to B.C. taxpayers was nearly five million dollars.

If the Yukon were to proceed along the same lines – two members from each of the 18 Yukon ridings, 36 members total – the Yukon cost would approach one million dollars (a further breakdown of cost is provided in the Conclusion section of Chapter 3 of this report).

With the unqualified success of the “process” of the B.C. Citizens’ Assembly, I do not see how anything less would be fair for members of a Yukon Citizens’ Assembly to reach wise decisions.

The Leader of the third party, a life-long Yukoner, Pat Duncan, then rose to address the *Democratic Reform Act* at second reading:

The bill before us is discussing with Yukoners change. In the first part, change to our electoral system, it talks about how to discuss that change. Constitution building and electoral reform is of very keen interest to politicians. We’ve been that evidenced earlier in an extensive address. **It’s of interest to a number of public servants. It’s of interest to a number of political scientists. The average voter – I’m not quite as convinced that the issue of electoral reform is keeping them up at night.**

**Quite frankly, in my travels outside this Legislature, at the pool, at the arena, in the grocery store, at Tim Horton’s and other locations I may be fortunate enough to be in where I have an opportunity to speak with the general public, and door-to-door in my riding, I don’t hear, “You’ve got to change the electoral system.” It doesn’t come out that way. Post the last election, although the Liberal Party enjoyed a significant portion of the popular vote, we didn’t enjoy the seats. I didn’t hear whining about that. I didn’t hear the cry, “We’ve got to change the system” at that point.**

**I note Mr. McKinnon’s report has even indicated, with the change of system, that four members that are over there might be over here, or four seats, or four of our candidates might be joining me. I certainly would welcome that opportunity; however, as I said, I don’t hear a hue and cry from the public about changing the electoral system.**

**This needs to be a public discussion about legislative renewal. The public needs an opportunity to talk to us, to say, “We don’t like your behaviour, we don’t like the way things get done, we are tired of hearing of the scrap between House leaders about what happens and why, and we would like to make some recommendations for improvement.”** (*Hansard* November 3, 2004, pp.30, 31)

I find Ms. Duncan’s remarks perceptive and timely. They echo exactly the sentiments that I’ve heard over the past year from all segments of Yukon society.

The Yukon Party Platform also promises to “promote consensus building, collaboration and compromise rather than confrontation in government and seek all-party agreement on a code of conduct and decorum for the members of the Yukon Legislative Assembly and to establish an all-party standing committee composed of representatives of all three political parties to oversee

Yukon Government appointments to government boards and committees.” (Yukon Party Election 2002 Platform and Commitments, p.14)

In closing the debate on the *Democratic Reform Act*, the Member from Southern Lakes, Patrick Rouble, summed up the government’s position:

**Electoral Reform is not keeping Yukoners awake at night. I know, and Yukoners know, there are more pressing issues that are more in need of attention and resources.**

**I believe in some of the concepts put forward in this bill, and, for the most part, there is some merit to it, but we can’t get deflected from dealing with the issues of importance to Yukoners.** (*Hansard* November 4, 2004, p.34)

The debate on the *Democratic Reform Act* then adjourned without a vote being taken.

## CONCLUSIONS

The argument on democratic reform presents a constant and current debate amongst political junkies and political scientists.

Has the democratic deficit reached a level where dramatic changes to our current electoral practices need to be introduced — or can meaningful legislative renewal rectify many of the problems that politicians and the public see as current deficiencies in our present practices of governance?

All of the Members of the Legislature know that their constituents want them to look at the way they conduct themselves in the House.

Many of the reforms identified in the “Legislative Renewal” section of the *Democratic Reform Act* – such as a code of conduct for Members and a review of appointments to major boards and committees – already seem to be acceptable by all members of all parties.

A Legislative Renewal Review would also serve to show the Yukon public that, regardless of differences in political philosophy, the Members of the Legislature are capable of acting in the public interest in co-operating to effect positive changes in the manner in which they conduct the public business of the Yukon.

Conclusion: **As a first step in Yukon Democratic Reform, the three Yukon political parties should agree to act on Legislative Renewal at the next sitting of the Yukon Legislature.**

## 5 SUMMARY

When Yukoners have required and desired changes to their political system, they've had no difficulty in making their wishes known – loudly and clearly.

This was undeniably the situation in both the movements towards Responsible Government and the settlement of the Yukon Land Claim.

Whether through meetings or elections; local papers full of opinions, both pro and con; radio talkback programs sizzling with heart-felt and usually well-informed comment – Yukoners always know how to make their case.

Electoral Reform is just not a simple exercise. One only has to examine the B.C. process: a solid year of learning, public hearings, and finally the deliberation phase – at a cost to B.C. taxpayers of nearly five million dollars.

The final result was an overwhelming decision to recommend a Single Transferable Vote (STV) System to the people of B.C. in a referendum on May 17, 2005.

The question will be:

<b><u>Should British Columbia change to the BC-STV electoral system as recommended by the Citizens' Assembly on Electoral Reform?</u></b>	<b><u>Yes / No</u></b>
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The Government of British Columbia recognized the impact of changing their voting system by putting in place a difficult-to-attain double majority system of acceptance.

To pass, the Assembly's recommendation would have to be approved by 60% of all voters and by a simple majority of voters in 60% of the 79 electoral districts. If voters endorse a new system, it will be in place for the following provincial election in 2009.

Experts from around the world, whose countries had recently experimented with different methods of electoral reform, cautioned the Assembly that it would take two or three elections to evaluate what their decisions would ultimately create.

They were unanimous in stating that Electoral Reform would not be a panacea for a society's perceived or real electoral woes. It would not ensure a higher voter turnout or a higher young-voter turnout (in many jurisdictions, voter turnout in the 18-25 age group is less than 25%); and it would not guarantee greater gender or minority equality of representation in the Legislative Assembly.

The debate has already begun in earnest in B.C. Opponents are attacking the proposed STV system as sadly lacking in true proportionality.

Yukon has a once-in-a-lifetime opportunity at this moment in history. It can closely examine and gauge the relative successes or failures of the different electoral initiatives presently underway in B.C., Quebec, New Brunswick, Ontario and P.E.I. There is no immediate pressure on our politicians to follow suit or instantly propose or choose any one or more or a combination of the reforms now underway across the country.

Our MLAs can move in an efficient, timely and relatively inexpensive co-operative movement towards real “legislative reform”.

All of Yukon’s elected members are well aware that their constituents are demanding meaningful reforms to our present political institutions.

All of Yukon’s elected representatives presently find their plates full with incredibly demanding challenges. Each day brings new initiatives to meet, solve and overcome.

It is also becoming obvious with each passing day that the formal announcement of the construction of the Alaska Highway Gas Pipeline is imminent. The construction of the Alaska Highway Gas Pipeline will have significant direct effects on every aspect of Yukon life:

**Having studied the probable social and economic impacts of the proposed pipeline, the Board has concluded that, on balance, the project will have a substantial negative impact on life in the Yukon. Although the implementation of a wide range of regulatory measures should keep the negative impact within acceptable limits, the majority of the benefits of this project will accumulate south of the 60<sup>th</sup> parallel, whereas all of its burdens will be borne by the Yukon and its people. (Alaska Highway Pipeline Inquiry, Lysyk, Bohmer, Phelps 1977)**

The challenges facing all governments – federal, territorial, first nation and municipal – are enormous. All branches will be taxed to their absolute limits to keep from being totally overwhelmed by the demands of this massive project. Meeting each daily or hourly crisis will practically negate any involvement in any major electoral reform initiatives during this hectic and totally consuming period of time.

**We see a danger in preoccupation with issues that divide or might divide the people of the Yukon. During the hearings we had much pleasure in finding that there is, amongst most Yukoners, a consensus on a wide range of subjects, objectives and values. All Yukoners share an interest in improving and deepening the relations among themselves, and especially between Indians and whites. No reasonable**



**person can fail to be concerned by problems or events that threaten to divide communities along racial, or indeed, along any other lines.** (*Alaska Highway Pipeline Inquiry*, Lysyk, Bohmer, Phelps 1977)

At some future point in Yukon history, the Yukon public will loudly and clearly let their leaders know that the time has come to examine “electoral reform”.

The initiative will only be successful and meaningful with the total co-operation and involvement of the Yukon Territorial Government and the Yukon First Nation Governments.

That moment in Yukon time has not yet arrived.

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And the hundreds of Yukoners who gave their opinions freely and candidly

## ATTACHMENTS

Column by Vaughn Palmer, Vancouver Sun, Thursday, June 24, 2004:

*Simple Electoral Reform? Well, Try a Droop Quota in your Algorithm.*

Article by Max Fraser, Whitehorse Star, Monday, January 26, 1976:

*Ex Com. Proposes Indian Partnership in Gov't. Responsible Government for the Yukon Seen as Key to Acceptance of Claims.*

*Making Every Vote Count, The Case for Electoral Reform in British Columbia, British Columbia Citizens' Assembly on Electoral Reform, Final Report, December 2004.*