

Electoral Reform and Deliberative Democracy in British Columbia

BY HENRY MILNER

A debate over the future of Canada's electoral system has moved from the university or think-tank seminar room to the floor of the provincial legislature. Historically, Canadian federalism has encouraged policy and institutional innovation at the provincial level, so it is not surprising that reform efforts are brewing in Quebec, Prince Edward Island (PEI), Ontario, New Brunswick, and elsewhere. Perhaps the most innovative effort is in British Columbia (BC), where the reform process has been turned over to an "assembly" of ordinary citizens who decide which proposals, if any, should be brought before the voters as a binding referendum. To my knowledge, nowhere else in the world have ordinary citizens been so empowered to shape political institutions.

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Canada and the United States are the only mature democracies that use the "first past the post" (or FPTP, plurality voting in single-member districts) system for electing all their legislative representatives. Interest in changing the way Canadians elect their political leaders is not new, but the chances for actually doing so are greater now than ever in recent memory. There has long been concern with the fairness of FPTP voting in representing women and ethnic minorities, but the distortions in party representation in provincial legislatures and the federal Parliament, witnessed in recent elections, account for the current impetus for reform. These distortions, manifested in federal elections between 1993 and 2000, are one-party dominance, virtual destruction of a minority party, and the hyperregionalization of politics. To these we need to add

enfeebled opposition, elections in which the loser actually wins on occasion, and hyperpolarization. These three problems have been especially characteristic of the provinces in which action to change the electoral system is being initiated.

The distortions of enfeebled opposition, elections in which the loser actually wins on occasion, and hyperpolarization characterize the impetus for reform.

Enfeebled Opposition

Recent elections in PEI and BC ended up kicking the party in power not just out of the government, as the voters clearly wanted, but effectively—out of the legislature, which they did not. In BC, Liberals who had been denied power in the 1996 provincial general election (winning six fewer seats than the New Democrats, or NDP) despite obtaining almost forty thousand more votes, ran away with the election five years later. With 58 percent of the vote, Liberals won all but two of the Legislature's seventy-nine seats. The NDP had been reduced to a two-member rump with 22 percent of the vote, while the Green Party's record 12 percent secured it zero seats.

Loser Wins

In 1998, Quebec repeated the experience of the 1996 election in BC. With their support concentrated in nonfrancophone ridings (the Canadian term for districts), the provincial Liberals (PLQ) garnered the most votes (43.6 percent for the PLQ to the Parti québécois' 42.9 percent) but elected only forty-eight representatives compared to the PQ's seventy-six—recalling the 1966 election, when the Union Nationale won a majority with 6.3 percent less in the popular vote than the PLQ.

Hyperpolarization

In the 1998 Quebec election, no room was left for parties representing the middle group of Quebecers who prefer a compromise short of sovereignty but not at any cost, and who thus do not define themselves politically along the federalist-sovereignist (PQ-PLQ) fault line. The Action démocratique (ADQ), which takes such a position, was effectively marginalized, averaging 2 seats (of 125) in the last three elections despite being supported by about one-seventh of Quebecers. Similarly, though in relation to the “social” rather than the “national” question, successive Ontario elections in 1990, 1995, and 1999 produced majority governments ideologically more extreme than the majority of Ontario voters—first, the NDP on the left, then the Conservatives on the right—though neither won anywhere near the support of 50 percent of the voters.

Electoral Reform in BC

Though western provinces such as BC experimented with electoral systems earlier in the twentieth century, in recent decades proportional representation (PR) has been associated with Quebec and the legendary leader René Lévesque. The former premier was committed to bringing in PR, but his effort during his second term of office (1981 to 1985) ultimately failed. It was left up to the newly elected Liberal government under Jean Charest to respond to a popular movement for reform, which developed in response to the 1998 “loser wins” election result. In December 2004, the Liberals introduced legislation to establish a mixed compensatory system for electing the 125 legislators: 75 from individual ridings, with the remainder being at-large regional representatives. If adopted, the new system is unlikely to come into force before the election of 2010 or 2011.

If British Columbia decides to act, Canada’s third largest province will thus be the first to hold an election (in 2009)—under PR. But the process of decision making itself has drawn the attention of democratic reformers around the world. BC is conducting a unique experiment in political reform,

building on an approach known as “deliberative polls,” in which a carefully selected sample of the population is interviewed, sent balanced briefing materials, and brought to a single location for a weekend to discuss issues in small groups as well as put questions to panels of policy experts, policy makers, and politicians. They are then given the same questionnaire as at the beginning. Ordinarily, these polls are experimental learning experiences with no direct application. In BC, the assembly has real power, and its deliberative process takes place over a year rather than a weekend.

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It began in 1996, when, despite winning more votes, BC Liberal leader Gordon Campbell was defeated in legislative elections. Afterward he promised that, if elected, he would bring electoral system reform before citizen review. After sweeping to power in 2001 with seventy-three of seventy-five members of the Legislative Assembly (MLAs), he was true to his word, first mandating former Liberal leader Gordon Gibson to explore the means of doing so. Gibson’s proposals for a “citizens’ assembly” were eventually endorsed by the BC legislature, which named Jack Blaney, former president of Simon Fraser University, as assembly chair. The composition of the assembly reflected the commitment to keep the process of electoral system reform out of the hands of politicians with their vested interests: anyone directly involved in party politics was excluded.

The idea of taking the decision away from party politicians was a courageous one, but it may have proven too much of a good thing. So long as politicians could decide, Campbell knew, partisan and personal career interests would inevitably be at play along with democratic principle. Removing from the

decision all individuals with some link to and experience of political parties, however, plays into a populist suspicion that parties are antithetical to democracy. This is unfortunate because one goal of moving toward PR is to enable parties to play their role effectively by ensuring that their support is reflected accurately in the legislative bodies, so that voters could have a clear political map, which can and does often contribute to higher turnout. As I have written elsewhere:

It is PR systems that enhance the political knowledge of those with marginal educational resources because such systems provide them with a political map that is relatively clearly drawn and stable across time and space on which to plot their political paths. Since parties under PR are not subject to the volatility of FPTP, which blows up their strength when they do well and shrivels it when they do poorly, there is a relative stability to the features of the political map. Furthermore, under FPTP, which turns setbacks into routs, parties are discouraged from risking operating at levels—national, regional, and local—other than the one at which they are best organized. PR electoral systems thus play an important direct and indirect role in enhancing the cohesion, stability, and consistency of political parties. They make it easier for the potential voter to identify with a political party and to use that identification as a guide through the complexities of issues and actors at various levels of political activity, both over time and over space, that is, from the local up to the regional, national, and intergovernmental. By thus simplifying a complex political reality and enhancing partisanship, PR fosters political participation especially at the lower end of the education and income ladders where information is at a premium.¹

Elections BC sent an invitation to a random sample of two hundred eligible voters from each electoral district, stratified by gender and age. From those who accepted, ten men and ten women were selected at

random and invited to attend regional information meetings. At the end of the meeting, among those who chose to continue a man and a woman were selected by lot for each district. To the 158 thus selected were added two Native American members from among those who had made it through to the final random pool, since none had emerged “from the hat.”

With 160 members receiving reimbursement for their expenses and child care assistance, as well as an honorarium of \$150 per sitting day, the Citizens’ Assembly began its learning phase over six alternate weekends in Vancouver (January 10 through March 21, 2004), followed by forty-nine public hearings that took place in regional centers throughout the province in May and June. In preparation, the assembly released an eight-page “Preliminary Statement to the People of British Columbia,” setting out arguments for and against reform and inviting input from citizens. After the summer break, the final deliberation continued in the fall, with several weeks at the end to prepare recommendations and deliver them to the attorney general no later than December 15, 2004. In response to its public call, the assembly received a total of 1,603 written public submissions.

It comes as no surprise that the assembly chose to propose a real change, given what observers reported to be a high degree of enthusiasm for their work among its members. Moreover, reports suggested that members of the assembly were concerned about having whatever emerges from their long combined efforts actually implemented, which entails submitting a proposal likely to be endorsed by the 60 percent of voters and majority support in 60 percent of the districts, as required by the referendum law. This would preclude provoking additional opposition by, for instance, increasing the number of members of the legislature or setting quotas for women candidates.

Although rejection of FPTP was to be expected, there was real uncertainty right to the end over the form the proposal would take. In principle, the odds favored a form of “mixed-member proportional”

(MMP) voting. In such a system, at least half of the members of the legislature are elected in single-member district plurality contests. The rest are elected by a proportional party list vote, so that each party has its appropriate share of seats in the legislature. This system, which has been adopted in Scotland, allows retention of single-member districts, an idea to which many Canadians are attached. It is also the model advanced most frequently in discussions in the other provinces and at the federal level. However, the MMP alternative is associated in the minds of many BC citizens with the Green Party, which early on embraced it so intensely that it may have seemed to some assembly members as being somehow partisan. Moreover, one cannot ignore the strong case for “single transferable voting” (STV), mounted by BC’s most prominent proponent of electoral reform, Nick Loenen. Under STV, voters rank candidates in the voters’ order of preference by numbering the candidates on the STV ballot 1, 2, 3, and so on. The ballots are then counted in a way that aims to ensure that the candidates with the highest preference are elected. In his 2003 brief to the Citizens’ Assembly, Loenen put forth a hybrid “preferential-plus” system, which envisaged the preferential vote for nine rural, single-member districts, allowing them to preserve links with a single representative, combined with fourteen STV multimember districts with three to seven seats. In addition, Ken Carty, professor of political science at the University of British Columbia and the assembly’s chief research officer, is the author of a book on the Irish electoral system. His deputy, Campbell Sharman, is an Australian political scientist living in Canada who is especially well informed about the STV systems used in several Australian states as well as in national elections for Senate.

Having narrowed their choice down to MMP and STV, the assembly members met on two weekends to design their preferred model of each. It should be noted that these plenary meetings were open to the public; admission was free, and first come, first served. Despite their being televised, at the meetings

interest ran so high that it was necessary to arrive before the starting time to get a seat at the downtown Vancouver auditorium where they met. They first met on September 25 and 26 to choose a design for an STV model. In its news release following the weekend plenary, the assembly reported that:

By consensus, the Assembly members proposed 2–3 MLAs for Northern and remote ridings, and as many as seven in dense urban areas. . . . Some Northern Assembly members expressed strong concern about their already large ridings becoming even bigger, and said this could further weaken local representation by MLAs. Some other members suggested that having two or more MLAs could actually improve local representation, as voters would have more regional members to call about concerns and issues. . . . Members said candidates’ names should be grouped under party labels, but that the names would be in random order rather than alphabetical. And the random order would rotate, so that . . . more than one version of the ballot paper would have to be printed for each riding.

STV systems vary in how many candidates the voter must rank. The Assembly members’ model would mean you could vote for one or more. . . . Assembly members [also] decided that by-elections should be held (rather than going back to the original votes and re-counting voters’ preferences). Such by-elections should use an Alternative Vote (AV) system.²

The assembly members next spent the October 16–17 weekend designing their version of a mixed-member proportional model. The assembly news release reported that:

Under the MMP model the members crafted, 60 percent of B.C.’s 79 MLAs would be elected directly as constituency representatives. One impact would be that constituencies would be larger. The other 40 percent of MLAs would come from lists of names prepared by the par-

ties, with seats allocated so that, in the end, each party's share of seats roughly mirrors its popular vote. . . . Voters would have two votes on their ballots, one for a "constituency" member and one covering the party list vote. . . . Voters would vote for party-list candidates drawn from their region. But list seats would be allocated based on the province-wide vote, to ensure proportionality. Party lists would be "open," with voters able to rank candidates on the list (as opposed to "closed" lists, where the order of candidates is determined only by the parties). And a party would have to get at least 3 percent of the province-wide popular vote to get any list seats. Constituency members would be elected under an "alternative voting" system (AV). Under AV, voters rank the candidates by putting 1, 2, 3, etc. next to their names. If no candidate got a majority of votes on the first count, the second preferences listed on the ballots of the least successful candidate would be distributed among the remaining candidates. This process continues until one candidate does have a majority.³

No MMP system in practice offers voters as much choice as does this proposed one. There are, in my view, two negative aspects of this, similar to what is the case with STV. The first is that parties are weakened; the ability of parties to set out priorities through their choice of lists and candidates is severely restricted. In addition, by maximizing voter choice the system makes participation a complex matter, which is almost certain to discourage voting by those having limited access to information.

These are not the considerations, apparently, that led the assembly on October 23, 2004, to resoundingly reject their version of MMP, selecting STV by a vote of 123 to 31 as the best alternative to FPTP. Despite the wide element of individual candidate choice in their version of MMP, it was still too party-oriented. The first member selected as a representative of the pro-STV majority in the report placed on the assembly Website is quoted as saying: "It comes down to

democracy to me. . . . Elections to me are about somebody who is representing me and my interests. I haven't yet found a *party* that really represents me, and what I believe in. I see STV as allowing me to vote for a candidate who most closely represents what I like and what issues I would like brought forward." The second adds: "And the person is accountable to us and not to the party."⁴

Now that they had an alternative, choosing between it and the status quo was a formality. The next day, the Citizens' Assembly on Electoral Reform overwhelmingly chose their version of the STV system as their recommendation to the people of BC; only eleven members voted to retain FPTP. After some fine tuning, the report was submitted to the attorney general before the December deadline, and the government announced that a copy would be sent to every BC household early in the New Year to begin public discussion before leading up to the May 17 referendum on the assembly's proposal. Whatever one may think of the outcome, the process was an impressive one, with the deliberations and votes carried out in public view at the Vancouver auditorium and before TV cameras.

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As noted, STV won as being the more individual and less party-oriented of the two alternatives. Vancouver *Sun* columnist Vaughn Palmer captured the overriding spirit of the assembly when he wrote on September 23: "As a selling point for a new voting system, it might be hard to improve on the following pitch from one of the presenters to the Citizens' Assembly on Electoral Reform: 'No political party will ever advocate this option. That alone speaks volumes.' The speaker was Nick Loenen, a former politician and member of the B.C. legisla-

ture. . . . Those goals resonate strongly with the assembly, whose members appear to hold political parties in almost as little esteem as they do the current, first-past-the-post electoral system. . . .”

In my view, this low esteem for parties is a problem. I consider MMP the superior alternative, since, as noted, STV plays into a populist distrust of partisan politics, a distrust reflected in BC being the only province that permits recall of elected members. STV makes it advantageous for candidates in effect to run against their own party. Moreover, as a candidate-based system, STV is less conducive to augmenting women’s representation, as manifested in the fact that at last count 13 percent of MPs in Ireland were women and 6 percent in Malta.⁵

Conclusion

In hindsight, the result may very well have been inevitable once it was decided that anyone having a connection to—and thus experience of—a political party was automatically excluded. Despite proponents of MMP and other electoral models being given fair opportunity to present their case, it is clear that there was no consistent presence in the assembly able to counter the negative sentiments about political parties with real personal experience. We can see this in the fact that the STV variant used to elect the Australian Senate, which allows voters to vote “above the line” (that is, for all the candidates proposed by their preferred party in the order proposed by the party), seems never to have been considered.

If the assembly proposal falls short of the ideal (at least to this observer), it remains a clear improvement on the status quo. I hope it will be approved in the May 2005 referendum, though this is not certain. Defenders of FPTP may try to use the frustration of MMP supporters, especially among the Greens, to defeat it; they need mobilize only 40.1 percent of those voting or a majority in 40.1 percent of the ridings.

Perhaps even more important, the experience should prove sufficiently positive to be emulated and

improved upon by other provinces, and perhaps the federal Parliament. In November, Ontario (Canada’s largest province) announced it would follow BC’s lead and create its version of the Citizens’ Assembly to propose a new electoral system for Ontario. A month earlier, the Canadian House of Commons unanimously voted to study ways of reforming the electoral system. The House has before it a sophisticated proposal for a new electoral system from the Canadian Law Commission, which is based on the MMP system used in Scotland.

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It is remarkable that all of this has happened over just the last two or three years. For a country known for its moderation and gradual approach to change, Canada has been moving rapidly and dramatically. Stay tuned.

ENDNOTES

1. Milner, H. (ed.). *Steps to Making Every Vote Count: Canada and Its Provinces in Comparative Context*. Peterborough, Ontario: Broadview Press, 2004, Introduction, p. 27.
2. Citizens’ Assembly news release, Oct. 24, 2004 (http://www.citizensassembly.bc.ca/public/news/2004/10/dmaclachlan-3_0410241345-701).
3. Citizens’ Assembly news release (2004).
4. Citizens’ Assembly news release, Nov. 14, 2004 (http://www.citizensassembly.bc.ca/public/news/2004/11/dmaclachlan-3_0411141331-842).
5. “Women in National Parliaments.” Inter-Parliamentary Union, updated Oct. 30, 2004 (<http://www.ipu.org/wmn-e/classif.htm>).

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