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FAIR VOTING: PROPORTIONAL REPRESENTATION

A class may have a great number of votes
in every constituency in the kingdom
and not obtain a single representative in this House.
Their right of voting may be only
the right of being outvoted.

— John Stuart Mill
to the British House of Commons, 1866

The only two headlines I really liked?
"Mulroney Wins Big Majority"
and the second one that said
"Mulroney Re-elected With Big Majority,"
because you know what?
All the other stuff doesn't really matter.

— Brian Mulroney, June 1993

A leader must do more than
see unpopular policies through a legislature.
A leader must make unpopular policies popular.

— William Thorsell, Editor,
The Globe and Mail, June 1993

CANADA'S DEMOCRACY GAP cannot be closed until we put aside the rules of electoral competition we now use and substitute a voting system based on proportional representation.

British voting rules are inherently unfair and, as we described in Chapter One, often produce extreme distortions in representation. In a two-party rivalry, for example, a party which attracts just one more vote than its rival in each constituency can win every seat in a legislature and leave 49.9 per cent of the electorate without representation. The potential distortions become even more severe when more parties are competing. Proportional representation, by contrast, guarantees the equal influence of each voter by assigning seats in the legislature to political parties in proportion to their share of the total vote cast.

Proportional representation or PR voting systems, widely employed in Europe, assume as we do that political parties are essential to the conduct of modern democratic government. The Europeans, however, give the highest priority to accurate representation of voter support for political parties because there is no better measure of a democratic people's ideas about how it wants to be governed. Most parliamentary democracies other than the United Kingdom, Australia, New Zealand and France have already accepted this approach to representation and Canadian democracy will benefit from accepting it too.

Even the report of the Lortie royal commission, although preprogrammed to reject proportional representation, is littered with language and analysis which contradicts its endorsement of British voting rules. "At the heart of the electoral process lies the principle of the equality of voters," Lortie proclaimed at one reckless moment.[1] At another point he suggested that citizens ought to have "an equal opportunity to exercise meaningful influence over

1 Lortie et al, op. cit., p. 325

the outcome of elections," and that "for this equality of opportunity to be realized in the electoral process, our electoral laws must also be fair... The federal electoral process must first and foremost reflect and promote fairness."[2] In discussing the allocation of seats in the House of Commons to provinces he said: "Equality of the vote is secured if the assignment of seats to provinces conforms to the principle of proportionate representation and if the drawing of the constituency boundaries conforms to the principle of representation by population."[3] In deciding how political parties should be assisted financially, he proposed public funding in proportion to popular vote. In dealing with the out-of-country vote he proposed that citizens who didn't know the names of candidates in their home ridings be allowed simply to vote for the political parties. Finally, when Lortie confronted the question of parliamentary representation for Canada's widely-dispersed aboriginal peoples, he found it could be resolved only by a form of proportional representation. He recommended special aboriginal constituencies and special voluntary aboriginal voting registers to make possible the accumulation of aboriginal votes. "They should be directly represented in Parliament in order to participate in statutory changes that affect them," the report said. Here's how it justified the flip-flop on proportional representation:

> We recommend the continuation of the Canadian system of single-member constituencies defined in a geographic manner because we consider it the best way to achieve the desired equality and efficacy of the vote within the Canadian system of responsible parliamentary government generally. We recognize, nonetheless, that there is nothing "natural" or sacrosanct about this approach. In accepting an exception...(we) acknowledge the crucial fact that although Aboriginal people constitute a minority of the population in every

2 Ibid. p. 321
3 Ibid. p. 133

province, the total number of Aboriginal people in Canada...is larger than the total population of each of the four Atlantic provinces.[4]

We think most Canadians will agree that the exception should be the rule. Aboriginals and all other Canadians who choose to associate politically should have equal opportunity to be represented in Parliament in proportion to their numbers. British voting rules make that impossible, and proportional representation rules will make it normal. In the case of aboriginals, for example, there is no need for apartheid constituencies and apartheid voting registers. Ovide Mercredi and the other aboriginal leaders will simply register the First Nations Party of Canada, aboriginal Canadians wherever they are will vote for it if they want to, and its leaders will be sent to Parliament along with the leaders of every other political grouping with significant popular support.

The basic question — whether to keep the British voting rules or switch to a reformed voting system based on proportional representation — must be put to the Canadian people in a national referendum. To get that referendum we will need an active citizens' movement which we will call here, for purposes of discussion, the Democracy League.

The most probable effects of a switch in voting rules have already been described: a reduction in size and change in character of our established parties and an increase in the number and diversity of parties represented in Parliament. The result of that would almost certainly be the end of single-party government but, where that might once have been perceived as a problem, most Canadians would now see it as an advantage. Our single-party governments may have no grand design — Pierre Trudeau's come to mind — but when like the Mulroney Conservatives they get an idea or two they are far too inclined, as the editor of *The Globe and Mail* has observed, to push them through Parliament and into law without a public mandate and without building a public consensus. We Canadians are by no means alone in our concerns about a

4 Ibid. p. 182

malfunctioning democracy. Citizens of both the United Kingdom and New Zealand have realized in recent years that the old British voting rules are standing in the way of the kind of Parliament and the style of government they want.

THE MOTHER OF PARLIAMENTS

In the United Kingdom, where parties actually put forward serious election programs and live by them, discontent with the country's polarized two-party politics and the tendency of British voting rules to perpetuate it recurs with great regularity but has never resulted in electoral reform. The established Labour and Conservative parties fight to keep the rules in place while reformers, even during the one interlude 60 years ago when they had the upper hand, have failed to agree on which new system to adopt. The issue of voting rules surfaced strongly again a decade ago when a major split in the Labour party created an opening for a new centrist formation, the Liberal/Social Democratic Alliance. Britain's voters responded enthusiastically, giving the Alliance 25 per cent of the vote in 1983. The British voting rules, however, gave the Alliance a tiny and disappointing 3.5 per cent share of the House of Commons while Labour and the Conservatives maintained their staunch alliance against electoral reform. Liberal/SDP support has since declined and with it so have prospects for subtler alternatives to the U.K.'s rocky lurches between Labour and Tory government. Throughout the 1980s the U.K. majority governments led by radical Conservative Prime Minister Margaret Thatcher were not particularly popular. They operated on the support of just 42 per cent of the electorate.

NEW ZEALAND REFERENDUM

In New Zealand, a sister parliamentary democracy, citizens will decide by referendum later this year whether to switch to proportional representation. In a preliminary plebiscite in September 1992 a whopping 85 per cent of New Zealand voters rejected the traditional British voting rules. Both major parties in New

Zealand, Labour and the governing National Party, are strongly opposed to the impending reform but the electorate is now poised to overrule its political elite on this fundamental democratic issue.

The path to voting reform has been a twisted one. In the mid-1980s the governing Labour Party appointed a royal commission on electoral reform to reconsider the issue of effective representation for New Zealand's aboriginals, the Maori, and to address the long-standing frustrations of supporters of New Zealand's smaller parties. Social Credit had recently won 21 per cent of the popular vote and received only 2 per cent of the seats in the House of Representatives. The electoral reform commission in 1986 recommended a system of modified proportional representation which offered hope to third-party voters and a flexible mechanism for Maori representation. Labour Prime Minister David Lange, holding office with an inflated parliamentary majority, didn't like the plan and stalled by promising a referendum on the matter after the 1987 general election. The Labour party raked in much of the small party vote, boosted its parliamentary majority, and then repudiated the referendum promise.

National Party leader Jim Bolger stepped into the gap, promising a referendum on voting reform if he became prime minister. He formed a government in 1990 and, although no fan of proportional representation, kept his word with the preliminary plebiscite last September. As the final referendum draws nearer most Labour and National party politicians, business groups and newspaper and broadcast outlets in New Zealand are campaigning hard against the proposed change. The question remains open but, after years of deception, that country's electors finally have voting reform within their grasp.

THE WESTMINSTER FACTOR

In all these Commonwealth democracies, despite their social differences, the voters have common complaints about the style of Parliamentary government. A background paper for the Lortie commission summed it up this way:

> In the Westminister model, while the government may be responsible to the assembly, system dynamics and party discipline ensure that individual deputies are constrained in their behavior and have little policy influence. Parliament itself is primarily a law-passing rather than a law-making body since the cabinet sets public policy. The focus increasingly is on the personalities of the prime minister and the leader of the opposition rather than on party policies *per se*. The prime minister is a dominant figure, and indeed the power of the executive is extensive and essentially unbridled.[5]

Elsewhere the same study summarizes the chief characteristics of the system as "two major parties which alternate in power, powerful prime minister, weak legislature, and a clear and formal opposition with little effective input in the policy process." In practice this means voters watching Parliament on television see members slanging back and forth during Question Period or bobbing up and down during roll call votes to rubber-stamp decisions by the party leaders, and not much more. We'd like to think that our well-paid, well-pensioned representatives study, debate and shape the laws that govern us but we've learned — especially since Prime Minister Pierre Trudeau so cruelly dismissed them as "nobodies" — that there isn't all that much more to the job of being a backbench or opposition MP than what we can see. Because many of them are talented people they are deeply frustrated by the severe limitations of the job, and some are honest enough to admit it.

Patrick Boyer (PC -Etobicoke Lakeshore), says the role of a backbench government Member of the Parliament of Canada "is like that of a Canadian soldier in the 1942 Dieppe Raid: fodder in an intended ambush to satisfy the larger workings of the system's grand design.... If you care strongly about trying to make things happen, frustration results and you conclude an MP really is a nobody."[6]

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5 Chandler, W. and Siaroff, A. Parties and Party Government in Advanced Democracies, RC Research Vol. 13, p. 202

6 Boyer, P. *The People's Mandate*, 1992, p. 226

In Ottawa, politicians have been reacting to the decline in public esteem for Parliament by discussing the possible use of electronic voting cards, for example, so the television cameras won't catch them abasing themselves, again and again, in ritual roll call voting on party orders. A real change in parliamentary practices would be more to the point, but that requires a change in the relationships among the political parties and that in turn brings us back to electoral reform. As long as single-party majorities are the goal of party competition there's little room for a government to be seen bargaining or compromising with the opposition — or vice versa. The dynamic in Parliament and its committees changes drastically only when there's a minority government which must consult the opposition parties to avoid measures that will lead to its defeat. This weakening of prime ministerial authority doesn't necessarily paralyze a government. The Pearson Liberal administrations of 1963 and 1965 and the Trudeau government of 1972 were active and well regarded at the time and, cooperating with the NDP, passed substantial measures including the Canada Pension Plan, the Canada Assistance Plan, the guaranteed income supplement for old age pensions, universal medical care insurance, and the law establishing Petro-Canada.

The civilities between parties during a term of minority government are tactical and fleeting, however, and cannot offset the permanent temptation of easy electoral gain offered by the British voting rules. The government and opposition parties poll relentlessly, each looking for some small shift in public opinion which, on a sudden election gamble, might translate into a large shift in the makeup of Parliament and the big jackpot — an undeserved majority government. For a different model of parliamentary behavior we must look to Europe.

THE EUROPEAN EXAMPLE

Proportional representation is the principle shaping legislatures throughout Western Europe in democracies like Germany, Austria, Denmark, the Netherlands, Belgium, Sweden, Norway, Finland, Italy and Greece. Each of the PR countries uses slightly different

electoral arrangements which create different wrinkles in the internal workings of each political system. The chief political characteristics of the European democracies are strong legislatures, influential legislative committees, and coalition governments.[7] The largest parties in the PR countries are not large enough to win a clear majority of the popular vote and so do not command a majority in the legislature. This does not lead, as it would here, to unstable legislatures forever on the brink of new elections. Instead elections are followed by bargaining between parties, often along lines signalled to the electorate in advance, to determine the composition and program of coalition governments.

There is a stronger focus in these countries on political parties and detailed political programs and less emphasis on the personalities of leaders, and the prime minister is not always the formal or most powerful leader of his party.

The basic patterns of government formation have varied considerably from long periods of one-party dominance or near dominance in Sweden (Social Democrats) and Italy (Christian Democrats) to shifting multi-party alliances to alternating two-party coalitions in Germany and Austria.

The political culture associated with proportional representation is less adversarial than Canada's. Instead of relying on an assertive parliamentary majority, European democracy tries to limit, divide, separate and share power in a variety of ways. It features corporatist policy making with a long-term outlook and a general intertwining of parliamentary politics with the bureaucracy and powerful interest groups.[8]

The proportional representation package offers a practical response to what has become an intractable problem for Canadians — the power of special interest groups such as the Business Council on National Issues which, due to Parliament's weakness, are able to exert most of their influence out of public view. Our desire to see public business done in open legislative

7 Chandler and Siaroff, op. cit., p. 201
8 Ibid.

committees where the interest groups face effective representatives of the people is not impractical, but simply European.

STABLE AND EFFECTIVE GOVERNMENT

Some critics of proportional representation argue that it must lead to unstable and ineffective government. There is much evidence to the contrary, but the favorite negative example is Italy whose unstable coalition governments and pervasive political corruption are attributed to the fragmenting effects of Italy's PR voting system. In the election of 1987, for example, no fewer than 14 parties won seats in the Italian Chamber of Deputies. This argument, however, places too heavy a responsibility on parties like the Lombard League, the Val d'Aosta Union, the South Tyrol People's Party and the Sardinian Action Party, which among them held 1 per cent of the seats in the legislature.

A more plausible explanation of Italy's political dilemma is its ideological divisions, the size of its Communist Party (now the Democratic Party of the Left) and the determination of other parties to exclude the Communists from government. In five elections up to 1987 the Communists were Italy's second-largest party, winning between 27 and 34 per cent of the vote. The Christian Democratic Party, oscillating between 33 and 39 per cent in popular support, continued to anchor every government as it has since the end of World War II. As the president of Fiat summed it up, the Christian Democrats controlled 80 per cent of the patronage with 40 per cent of the seats because there was no acceptable alternative to them.

The Italian people, prodded by former Christian Democrat politician Mario Segni, have now chosen an electoral reform path which promises to shake up the Italian party structure and bring an end to the long-standing parliamentary stalemate. Responding to a citizen referendum initiated by Segni's Democratic Alliance, Italians have voted to adopt a modified system of proportional representation which resembles the German electoral system. In elections to be held late this year three-quarters of the Chamber of Deputies will be elected from new single-member constituencies, while the remaining one-quarter will be selected from party lists in

a way that brings the overall result as close as possible to proportional representation. Segni campaigned by arguing that the change would encourage a consolidation of parties on the left, provoke further changes within the Democratic Party of the Left, and finally make possible a government of the centre-left in Italy.

Prior to the mammoth bribery scandal and the disgrace of so many Christian Democratic politicians and corporate leaders this year it was not clear that Segni's scenario would prevail. The Democratic Party of the Left is dominant in the central regions around Florence, Perugia and Bologna but, despite significant strength elsewhere, would not likely have been able to win first-past-the-post elections in the north or south. Now, however, with the new voting rules favoring large parties and the Christian Democrats in a state of collapse, it is entirely possible that Italy's next government will be dominated by the Democratic Party of the Left. From a Canadian perspective it is instructive to watch both Italy and New Zealand, each trying to correct serious defects in its system of representation, converging on a system of modified proportional representation.

Taking a broader view of European representative democracy, we see that voter turnout — a useful measure of public attitudes — averages around 84 per cent in nine PR countries, about 10 per cent higher than the typical Canadian turnout for a federal election and close to the 90 per cent level reached in countries with compulsory voting. More than voters in Canada, voters in PR countries appear to believe their ballot matters.

A quality of life index indicates that the income distribution in the PR countries is somewhat less unequal than ours, and that they rate better on an index of democratic quality including factors for freedom of the press, free association, competitive party systems, strong parties and interest groups, and effective legislatures.[9]

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9 The index was first prepared by U.S. political scientist Robert Dahl and published in his book *Polyarchy: Participation and Opposition*, 1971. Cited by Lijphart, A., Constitutional Choices for New Democracies, in Diamond and Plattner, *The Global Resurgence of Democracy*, 1992, p. 152

Critics of PR argue that one-party government produces firmer, more effective economic policy leadership than is possible in PR countries where executive power is shared among different parties.

The evidence is not conclusive but appears to point in the opposite direction. From 1961 to 1988 economic growth in the nine PR countries averaged 3.5 per cent yearly, the same as the average in Canada, the U.K., New Zealand, Australia and the U.S. The U.S. had the best record of price stability with inflation of 5.1 per cent. The PR countries were second-best at 6.3, and the Commonwealth four worst at 7.5 per cent. On the unemployment scale, the PR countries were markedly superior with average unemployment of 4.4 per cent compared with 6.1 in both the U.S. and the four Commonwealth countries.[10] A possible explanation is that good macroeconomic performance is the result of a steady hand on the levers of government rather than a strong one. Changes of government which result in dramatic shifts in economic policy are likely to impair economic performance, while PR systems are more likely to be consistently centrist in policy orientation. In economic policy quick decisions are not necessarily wise ones and policies supported by a broad consensus, although slower in the making, are more likely to be carried out successfully and to remain on course than policies imposed by a "strong" government against the wishes of important interest groups.

The point is perhaps best made by noting that Italy, for all the apparent messiness of its coalition-forming, had a better record of economic performance over nearly three decades than the United Kingdom despite the U.K.'s "strong" governments, and even though the Italians had no good luck comparable to the U.K.'s North Sea oil discoveries. "Multi-party and coalition governments seem to be messy, quarrelsome and inefficient in contrast to the clear authority of strong presidents and strong one-party cabinets, but we should not be deceived by these superficial appearances,"

10 Ibid. p. 154

says one U.S. authority. "The argument should not be about governmental aesthetics but about actual performance."[11]

PROPORTIONAL REPRESENTATION IN CANADA

Canadians have complained about the shortcomings of the voting system since shortly after Confederation without ever getting around to changing its essential features. During the first great voter rebellion against the two-party system Parliament in 1923 endorsed proportional representation "in principle" at the insistence of the Progressive Party. The Progressives were drawn one by one into the established parties, however, and the idea went no further. At the provincial level British Columbia (1952 and 1953), Alberta (1926 to 1959) and Manitoba (1920 to 1958) have used preferential ballots, and the latter two have used a transferable vote in city districts.[12] Alberta's experiments in voting reform ended when they proved helpful to opponents of the Social Credit government led by Ernest Manning, father of Reform Party leader Preston Manning.

More recently serious discussion of proportional representation has been confined to Quebec where a series of weird provincial election results for a time made reform a hot topic. In 1966 the Union Nationale stepped out of the political grave and formed a government despite winning only 41 per cent of the vote to 47 per cent for the Liberal party. Rene Levesque's Parti Quebecois revived the issue in 1973 after winning 30 per cent of the vote but only six seats against 102 for Robert Bourassa's Liberals. But three years later Levesque won a majority in the Quebec National Assembly with only 38 per cent of the vote and his enthusiasm for PR immediately waned. In subsequent years, although detailed reports were written, nobody bothered to change the law. The separatist PQ, like every other party that ever attained dominant status, was

11 Ibid. p. 157

12 Cassidy, M., Fairness and Stability in Canadian Elections: The Case for an Alternative Electoral System. 1992 manuscript.

seduced by the pleasures of easy majority power. The memory of those Quebec debates lingers, however, and gives the idea of voting reform through proportional representation even greater support among Quebec voters than it has in other parts of Canada.

During the late 1970s, with the Parti Quebecois holding office in Quebec, a federal Task Force on National Unity chaired by Jean-Luc Pepin and John Robarts expressed concern about the corrosive effects on public opinion of Quebec block voting and the frequent underrepresentation of Western Canada in the national government.

> The simple fact is that our elections produce a distorted image of the country, making provinces appear more unanimous in their support of one federal party or another than they really are.... In a country like Canada this sort of situation leads to a sense of alienation and exclusion from power.[13]

The Robarts-Pepin group recommended that 60 extra members of Parliament be added to the House of Commons, distributed in proportion to each party's popular vote and selected to shore up weaknesses in regional representation.

The Macdonald Royal Commission on the Economic Union, the group which reported in 1985 and sold Brian Mulroney on the "leap of faith" into free trade with the United States, was also tempted by proportional representation but not enough to endorse it wholeheartedly. The commission viewed the imbalances in party representation as a problem of appearances with effects on public opinion but little impact on the actual practice of Canadian government. Proportional representation would cure a cosmetic difficulty but at too high a price, the commission suggested, because it disliked the ongoing prospect of minority, two-party or multi-party governments. Instead, as a sop to sentiment in Western Canada, Donald Macdonald proposed proportional representation of parties in an elected but weakened Senate. Only if such a

13 Task Force on Canadian Unity, Vol. I, p. 105

Senate reform did not come to pass, he suggested, should proportional representation be applied to the House of Commons, and in that case he endorsed the Pepin-Robarts proposal for 60 additional members.[14,15]

The Lortie commission on electoral reform in 1991 said there were real advantages for Quebecers in always having large numbers of members on the government side and negative consequences for westerners for being so often underrepresented in government. But, Lortie said, the very fact that the House of Commons had taken no action on the Pepin-Robarts and Macdonald proposals effectively put an end to the matter. Lortie and company took the same escape hatch as Macdonald and urged Parliament to consider, instead of reform of the Commons, Senate reform.

ONE MAN'S INQUIRY

A member of the royal commission staff, former NDP MP Michael Cassidy, took up the forbidden investigation of proportional representation in a private study completed for the Donner Canadian Foundation in 1992. Close to 100 of the 900 submissions received by the royal commission advocated proportional representation, Cassidy reported, although most of these were from individuals "rather than from influential groups or political parties."

Cassidy tested Canada's voting system against principles of fair voting set out by the New Zealand electoral reform commission: all votes should be of equal value regardless of party chosen; voters should have a reasonable chance of being represented by someone of their political persuasion; the number of votes needed to elect a member should be relatively equal be-

14 Royal Commission on the Economic Union, 1985, Vol. III, p. 390, cited in Cassidy, op. cit., p. 5

15 The federal government proposed a Senate elected by proportional representation voting rules during constitutional negotiations in 1991, but provincial premiers didn't like it and the idea was dropped.

tween parties; a party's strength in Parliament should reflect the strength of its vote in the country; minor parties should have a reasonable chance to elect members; but access for minor parties should not go so far as to make the legislature ineffective. "Canada's electoral system falls far short of fairness on all criteria except the last," Cassidy concluded. "The values of equality and fairness associated with liberal democracy take second place in Canada to the objective of stable government."

The average variance between the leading party's proportion of the vote and its proportion of Commons seats in the past four elections was 16 percentage points, Cassidy calculated. The other parties experienced a corresponding 16 point shortfall. "As the 1988 election result [Mulroney's 43 per cent majority] indicated, this bias can be enough to lift a party to a clear majority of seats in the House of Commons once it achieves above 40 per cent of the vote."

The voting system's tendency to overamplify the vote of large parties in the past has benefited parties with 30 per cent of the vote or more and could benefit the Bloc Québécois in 1993, Cassidy foresaw. "If representation from the rest of Canada was dispersed among four or five parties it might be very hard to form an alliance that could command continuing support in the House of Commons," he wrote. "The plurality system, rather than being a source of stability, is beginning to contribute to instability in Canadian government."

WHAT KIND OF PROPORTIONAL REPRESENTATION?

Once we decide to reject British voting rules and replace them with proportional representation we'll still have to choose — as they did in New Zealand in a second question on the 1992 plebiscite — which of the several forms of PR we prefer. The basic variables are the magnitude of the constituency, the style of balloting, and the mathematical procedure for allocating seats among parties when the voting numbers don't work out evenly.

By far the most important of these in determining the fit between popular vote and allocation of seats is the magnitude of the

constituency — the number of seats its voters control.[16] There is, as we know from more than 100 years of experience, no room for proportionality in single-member ridings. One party wins the seat and all the other voters and parties get nothing. Adding seats to the constituency increases the possibility of providing representation to supporters of second, third, and additional parties in proportion to voter numbers. One way to achieve near-complete proportionality between votes and seats and accomodate all political parties is to treat the entire country as a single electoral district. Under that arrangement, and with Canada's House of Commons at 295 members, a party with as little as 0.34 per cent of the national popular vote could claim a seat. Supporters of small parties find that proposition attractive and leaders of large parties don't. What the rest of us think can't be known definitively until the ballots from our proposed referendum are counted.

On the votes cast in the 1988 election a national PR system for Canada would have elected six members of the Reform Party, one from the Confederation of Regions, one Green and, believe it or not, one Rhinoceros. Two countries — The Netherlands and Israel, both of them physically small — conduct their elections with all the seats in a single pool and achieve a very high degree of proportionality in representation. The corollary, however, is that voters must choose between party lists rather than individual candidates. This in turn confers on the party leaders and central office a high degree of control over the selection of candidates, their placement on the party list, and their chances of being elected — the sort of control Liberal leader Jean Chrétien felt he needed this year to secure nominations and seats in Parliament for some of the star candidates around whom he hopes to build a cabinet.

We may prefer somewhat smaller electoral districts and, to a point, that can work well. One option is to use the regions as electoral districts — 89 seats in the West, 99 in Ontario, 75 in Quebec

16 An extensive mathematical analysis of electoral systems and discussion of the political implications of different arrangements is presented in Taagepera, R. and Shugart, M., *Seats and Votes,* 1989.

and 32 in the Atlantic. Those numbers are large enough to guarantee a high degree of proportionality in party representation. The large districts would accommodate a small but growing party like Reform which received 275,000 votes, 2.1 per cent of the national total, and no seats, in 1988. It may even be that regional districts, by strengthening regional party organizations, would help counteract rampant provincialism and improve regional integration in Western and Atlantic Canada.

A third possibility is to use the provinces as electoral districts. A fourth, the option recommended by Cassidy, is five-member districts. His calculations showed that they produce fairly good proportionality and, he suggests, they are more in keeping with Canada's tradition of viewing members of Parliament as local representatives. The Cassidy option, which he calls moderate proportional representation, would work well enough for the Liberals and Conservatives and the NDP in all but its weakest areas. However the effect of using small electoral districts, whether five-member ridings or small provinces, is to make it unlikely that parties getting less than 10 per cent of the vote would ever win a seat.

In a five-member riding, for example, the simplest PR formula assigns a seat to a party for each full 20 per cent of the vote it receives. The seats go to winning party candidates in the order they were presented on the party's list. Remaining seats are then assigned in order of the largest vote remainders. It is possible for a third or fourth party with as much as 12 per cent of the vote to get no seat.

There are several other formulas used for seat allocation in PR systems. Some confer an advantage on the largest party, some on medium-sized parties, and some on small parties. The formulas all give much the same outcome when the constituency magnitude is large and different outcomes when it is small. We think these are problems worth avoiding and that five-member constituencies are too small for genuine proportional representation.

THE GERMAN MODEL

The Federal Republic of Germany has an electoral system which ingeniously combines the appearance of British constituency voting with the results of proportional representation — a mixed system sometimes known as personalized proportional representation. This is the brand of PR nominated by New Zealanders as the reform alternative to British voting rules.

In Germany half the members of the Bundestag are elected in the British and Canadian fashion from single-member constituencies. To compensate for the resulting distortions, however, the other half are named from party lists in such way that each party's final share of seats corresponds closely to its national popular vote. For example if the Christian Democrats run strong in many constituencies and win on minority votes they will not be entitled to fill many extra seats from their list. Parties like the pivotal Free Democrats and a recent arrival, the Green Party, aren't strong enough to win constituency campaigns but are able to accumulate their minority vote from all over the country and acquire a substantial share of the compensatory list seats.

German voters mark their ballots twice — once for a local candidate and once for a national party. A rising fraction of the electorate, now about 15 per cent, splits the ballot by choosing a preferred major party candidate at the constituency level and a different party, such as the Free Democrats or Greens, in what is really the politically decisive vote, the list vote. Parties put favored constituency candidates on their list to increase their chances of reaching the Bundestag by one route or the other.

There are two refinements worthy of note. Germany, a federal state like Canada, requires that the party lists be drawn up by Land or province and that list seats be allocated on the same basis to encourage balanced regional representation and active regional organizations within each political party. Regional lists are also the practice in Austria, Belgium, Iceland, Italy, The Netherlands, Norway, Sweden, Denmark, Finland and Switzerland. The Germans, remembering the ghastly record of Adolf Hitler's National Socialist party and its small beginnings, for many years did not allow par-

ties to win list seats unless they first won at least 5 per cent of the national vote or three constituency seats.[17] In Canada an explicit threshold barrier of that sort would likely be deemed a violation of the Charter of Rights.

Among the PR countries Germany is remarkable for its small number of political parties. In 1987 the Christian Democrats (34.5 per cent) and their longtime Bavarian ally, the Christian Social Union (9.8 per cent) were the largest electoral alliance. The Social Democrats won 37 per cent of the vote, the Free Democrats 9.1 per cent, the Green Party 8.3 per cent, and the National Democratic Party 0.6 per cent. In 1990 the Green Party fell just short of the 5 per cent threshold and lost all its seats.

PERSONALIZED PR FOR CANADA

The German-style system can be transferred to Canada, but it will require some changes in the way we do our political business. Assuming that we do not want to increase the number of Members of Parliament beyond 295, we can create a pool of seats to achieve proportional representation only by reducing the number of constituency MPs and increasing the population and territory of the remaining constituencies. Cassidy presents three simulations of the 1988 election in which 50 per cent, 33 per cent or 20 per cent of the House's 295 seats are allocated from a compensatory list to correct departures from proportional representation.

Cassidy suggests that any of the simulated options are acceptable but he prefers restricting the number of compensating seats to around 20 per cent of the total or 60 seats, the same number proposed by Pepin-Robarts and the Macdonald Commission.

His stated reason for choosing the 20 per cent figure is to keep the single-member constituencies as close as possible to present-day sizes. The unstated assumptions appear to be that the Liberal and Conservative leaderships can be persuaded to accept a mild

17 Hand, G., Georgel, J. and Sasse, C., *European Electoral Systems Handbook*, 1979, pp. 58-86

Table 3.1

Comparison of Three Mixed Electoral Systems for Canada
1988 Federal Election

	PC	Lib	NDP	Reform	Other	Index of variance*
Actual seats	169	83	43	0	0	
Simulated seats						
50-50	130	97	60	6	2	
66-33	133	95	60	5	2	
80-20	143	89	59	3	1	
Actual Votes (%)	43	32	20	2	2	
Actual Seats (%)	57	28	15	0	0	14
Simulated seats (%)						
50-50	44	33	21	2	0.9	2
66-33	45	32	20	2	0.8	2
80-20	48	30	20	1	0.3	5

*The index of variance is a measure of departure from proportional representation. It is calculated by taking the difference, in percentage points, between a party's vote share and share of seats, adding the figures for all parties (without regard to sign) and dividing by two (because total gains equal total losses).

PR reform which removes some but not all of their unfair electoral advantage, that any of the reforms will benefit the NDP equally, and that all the other interests of women, social minorities and smaller political parties can safely be ignored.

We see it differently. Since 1978 and 1979, when federal NDP leader Ed Broadbent and Pepin-Robarts floated balloons much like Cassidy's, exactly nothing has happened. The Lortie royal commissioners, presumably acting on instructions from their party leaders, deliberately avoided any recommendation for proportional representation in the House of Commons. So no matter how much Cassidy, Broadbent or other federal New Democrats may wish it, the two dominant federal parties can't be coaxed or soft-soaped into changing the rules of the electoral game. Instead a citizen's movement will have to force one or another of the big parties to call a referendum on PR against its will. In that campaign the rallying call for the citizen's movement will not be "May we have a little bit of PR, please." It will be more like "Real Democrats Want Real PR." If mixed or German-style PR is the popular choice it will be the 50-50 version, not the 80-20 model.

The difference may not seem great to New Democrats, but they're only a fraction of the broad coalition that will take up the PR cause. Many of the activists will be people now associated with minority parties and non-establishment interest groups who are tired of being completely shut out of political decision-making — the women's movement, ethnic groups and visible minorities, disaffected Liberals and Tories, members of the National Party and the Green Party, the Communists, the Libertarians, Christian Heritage, and the Confederation of Regions. The coalition will include members of the Reform Party once they give up the pipedream of majority government. To these Canadians there is a world of difference between 60 compensatory seats and 150. The compensatory PR list is where all parties will find more room for talented women and minority candidates who now have difficulty obtaining nominations and winning elections in the constituencies. From that point of view, the bigger the list share of the House of Commons, the better.

For the majority of the population, the immediate appeal of proportional representation and the reason to vote for it in a referendum is that the resulting coalition governments, whether Liberal-NDP or Liberal-Conservative, are likely to be more closely in tune with the mood and thinking of a majority of the electorate.

For many of the democratic activists who will organize the Democracy League campaign, however, restricted forms of PR that create high barriers to small parties will hold little attraction. They will favor unrestricted PR because of its potential to expand the range of democratic debate in Canada and to give successful small parties the possibility of real influence. From time to time it is likely that a large party will find it necessary to talk seriously with small-party MPs to assemble a working majority and form a government. In our view that will be democracy working properly, because minorities should not be ignored if there is some reasonable way in which they can be accommodated.

YOU AND YOUR MEMBER OF PARLIAMENT

In mixed or personalized PR, the consequence of putting 150 House of Commons seats into the PR compensatory pool is to double the size of the electorate in each of the remaining territorial ridings. In straight PR the traditional ridings are eliminated because, as previously described, the electoral districts must contain large populations and dispose of large numbers of House of Commons seats to achieve a close approximation to proportional representation.

Consequently, during the debates on electoral reform, critics of PR will accuse reformers of attacking the vital democratic link between the people in a riding and their Member of Parliament. As we learned in Chapters One and Two, however, there is little reason to wax romantic about the relationship between voters and MPs. The attachment in fact is tenuous and in no way an adequate foundation for the entire political system. From the election of 1980 to the election of 1984 fully 53 per cent of the House of Commons incumbents disappeared, 31 per cent by defeat and 22 per cent by retirement. The changeover from 1984 to 1988 was almost as high — 42 per cent, of whom 22 per cent were defeated and 20 per cent retired.[18]

18 Ferejohn, J. and Gaines, B., The Personal Vote in Canada, RC Research Studies, Vol. 14, p. 281

In the United States the personal vote has become such a powerful factor that congressional incumbents are almost impossible to beat, but nothing like the same loyalties have formed between Canadians and their MPs. The Canadian Parliament is more like a glorified electoral college. Canadians watch national television news and vote for parties and prime ministers, and the MP is simply the vehicle through which the real political choice must be expressed.[19] A further indication of the weakness of the MP-constituent relationship, despite large increases in spending to provide MPs with constituency staff, is the continuing large number of swing seats. About 42 per cent of Canadian MPs won their seats in 1988 by a margin of 10 per cent or less, and 25 per cent by a margin of 5 per cent or less. These figures have been stable since 1925, indicating that many MPs find it impossible to build large personal followings and safe seats for themselves and their party.

Many backbench and opposition MPs shuttle frantically back and forth between House duty in Ottawa and casework duty in their ridings, but their immersion in casework and the study of airline schedules really reflects nothing more than their lack of serious responsibility in the capital. Canadians should not deny themselves an urgently needed electoral reform for fear that there will be no one to perform local social services. The pursuit of pension and unemployment insurance cheques and all the other prodding of the federal bureaucracy now offered by constituency MPs could probably in most cases be done better by a beefed-up federal Ombudsman's office with trained staff — people who stay on the job long enough to figure out how to get results and who aren't always exhausted from jet lag.

OTHER POSSIBLE VOTING REFORMS

We have indicated two versions of voting reform which should be offered to Canadians as choices on a referendum ballot — personalized PR with 150 list seats and straight PR by region.

19 Ibid. p. 277

We are not attracted to other options which have received serious attention from PR advocates — in particular Cassidy's proposal for PR within five-member electoral districts. Others may take a different view and five-member districts could end up as one of the choices on the ballot. There are other types of voting reform which we do not recommend because in our view they do not offer the advantages of party list PR. For the sake of completeness we will describe them briefly and indicate why they wouldn't help us get at the problems which need to be solved.

Preferential or Alternative Voting. Voters in single-member constituencies can be asked to indicate their preferences in rank order — 1,2,3 etc. Then, if no candidate wins an absolute majority, the candidate with the lowest vote is dropped and the ballots are distributed to the remaining candidates according to the second choices marked on them. The process continues until some candidate attains a majority.

This exercise gives the MP a greater aura of legitimacy but is very hard on third parties such as the NDP and Reform. The New Democrats, especially in Ontario, rely on split voting to get the seats they now win. Under preferential voting they would lose some of them because Liberal voters are more likely to vote Conservative, and Conservatives are more likely to vote Liberal, than NDP. All this adds up to an even greater departure from proportional representation.[20] Based on voter preference studies, an analysis of 1988 voting suggests that preferential voting would have strongly benefited the Liberal party to the disadvantage of Conservatives as well as New Democrats. Preferential voting offers no solution to the large discrepancy between the expressed first choices of Canadian voters and the allocation of seats in the House

20 Cassidy, op. cit., p. 29

of Commons, nor to the problem of regional imbalance in party representation.

Single Transferable Ballot. This elaborate voting system, championed a century ago by John Stuart Mill and now recommended for Canada by *The Globe and Mail*,[21] gives maximum effect to every ballot and a maximum range of choice to the voter without the slightest consideration for the interests or needs of political parties. It uses multi-seat constituencies and a ballot on which the voter ranks as many of the candidates as possible in order of preference. Once the total number of ballots is known, the electoral authority calculates the quota needed to win a seat. In a five-member riding, for example, the quota is one-sixth of the ballots plus one. The reasoning is that if four candidates reach the winning quota a fifth cannot. If no candidate reaches quota on the first count, the bottom candidate is dropped and the ballots are distributed to other candidates according to the second preferences marked. When a candidate reaches the quota he or she is declared elected and any surplus ballots in the winner's tally are distributed to the remaining candidates in suitable proportion. The process continues until four candidates are elected and no further redistribution can affect the ranking of the remaining candidates. The one with the highest total at that point is the fifth and final member elected.

The counting of an STV ballot can be slow. In Ireland voters sometimes wait several days for results after a general election, but they are well entertained by news reports of the progress of the count at each step.[22] STV allows a voter to express a series of preferences for candidates within a party as well as independents and candidates in other parties, knowing that the ballot will never

21 An editorial on June 12, 1993 addressed to Conservative convention delegates said: "We have to reconnect Canadians to their system of government. The biggest single improvement would be reform of the electoral system, perhaps along transferable ballot lines, to forestall the false majorities and regional ghettoes produced by the present first-past-the-post system."

22 Lakeman, E., *How Democracies Vote*, 1970, p. 105

help a candidate of whom the voter does not approve. It's like having party primary elections or nomination contests built right into the general election ballot. The voter need never think about negative or strategic voting, and proportional representation of all competing interests is achieved within the limits imposed by the number of seats at stake. Constituency magnitudes must be large enough to allow for a variety of representation, and yet not so large as to render the ballot ridiculous. In a five-member constituency, for example, a contest with five parties and independents can confront the voter with a ballot listing 30 or more names.

One voter option is simply to vote for five members of the same political party, but even in that case the order in which they are chosen is important. The STV system emphasizes the personal characteristics of the candidates and encourages competition among candidates of the same party as well as among the parties. In our view STV is a good voting system for elections in any small organization or even a city council but because of the limitations of constituency magnitude we don't think it's the best way to choose legislators for a continent-spanning state. On the other hand, it's better than the way we do it now. In a referendum choice among options for voting reform, an STV model should be on the ballot.

Those of us who want proportional representation and who believe the public will choose it when given the chance still have some obstacles to overcome. How to get a referendum when the established political parties don't want one is not self-evident. And even if they agree to a referendum, the structuring of the questions is critical. Voters asked to choose between British rules and reform, for example, will choose reform. But put British rules and four or five different voting reform options against each other on the same ballot and British rules might win a plurality. To be sure that a referendum's purpose is to advance the cause of reform fairly and not to derail it, we need to be in control of the referendum design. This leads us to consider the other important cause of the Democracy League — the citizen Initiative.