

ELECTORAL REFORM IN BC: SO NEAR AND YET SO FAR

Patrick Thomson and James Maunder



On May 17, British Columbians voted by a surprising 57 percent “Yes” margin to approve a Citizens’ Assembly initiative changing the electoral system from a first-past-the-post to a single-transferable-vote system. While this fell short of the 60 percent approval required by the government, it came remarkably close, especially given the strong opposition among many public opinion and media elites. Moreover, with the proposal receiving majority approval in 77 out of 79 ridings, a double majority of voters and constituencies supported the STV proposal, even if it fell just short of the 60 percent super-majority. It is a clear mandate, write Patrick Thomson and James Maunder, for Premier Gordon Campbell to address this issue in his second term.

Le 17 mai, les électeurs de la Colombie-Britannique ont appuyé à une étonnante majorité de 57 p. 100 le projet de l’Assemblée citoyenne visant à remplacer le système majoritaire uninominal par un mode de scrutin à vote unique transférable. Même si le gouvernement avait établi la majorité requise à 60 p. 100, le résultat s’est révélé extrêmement serré, surtout quand on tient compte de la forte opposition de nombreuses personnalités publiques et médiatiques. La proposition a également obtenu la majorité des suffrages dans 77 des 79 circonscriptions de la province. Clairement, Gordon Campbell doit aller au bout de la question lors de son deuxième mandat, estiment Patrick Thomson et James Maunder.

Since British Columbia’s referendum on electoral reform on May 17, the fates of neither the BC-STV (single transferable vote) proposal nor BC’s electoral system have been decisively determined. The referendum, which failed despite receiving 57 percent of the popular vote and a majority endorsement in 77 of BC’s 79 ridings, has demonstrated to Premier Gordon Campbell that the province is in favour of electoral reform. Unable to act on the results, but unable to ignore them either, Cambell announced last month that a second referendum would be held in 2008, which, if successful, would see a new STV system in place at the election in May 2009.

In the months preceding the vote, the proposal of the Citizens’ Assembly was portrayed in diametric lights by the system’s advocates and detractors. Accordingly, any practical discussion of the system’s impact on the province was overshadowed by fantastical accusations and assertions. The media’s examination of BC-STV was decidedly negative and cynical, though there were exceptions. There were high profile denunciations from former premiers Dave Barrett and Bill Bennett, and Brian Mulroney’s former chief of staff turned political commentator, Norman Spector, whose statements

were sufficiently alarmist to warrant an accusation of fear mongering. For example, weeks prior to the election, Spector wrote: “Who knows what concessions would be offered to MLAs who believe that all abortions are murder and should be banned? And who knows what the Svend Robinson faction of the left...would obtain in return for its support?” As will be demonstrated below, this statement is unfounded.

Conversely, the loosely affiliated internet-based “Yes” campaign, though admitting that BCSTV was not a cure-all for British Columbia’s political woes, did present an overly optimistic view of the proposal, and was supported by endorsements from former Reform Party leader Preston Manning, Vancouver Mayor Larry Campbell, and eventually, the *Vancouver Sun*. So, as the effects of implementing BCSTV have not been fairly and reasonably examined, and the fate of the proposal remains undetermined, an evaluation of the proposed electoral system should be undertaken.

Simply put, BCSTV provides for the election of BC’s MLAs by preferential ballot from multi-member constituencies, each constituency electing between two and seven members. To win, a candidate must receive a

number of votes equal to the quota for that constituency. The quota is calculated by dividing the number of votes cast by one more than the number of members to be elected (three for a two-member constituency, for example), then adding one vote. Once a candidate is elected, any votes that candidate receives in excess of the quota are redistributed in proportion to the secondary preferences stated on all of the ballots cast for that candidate. If, following a redistribution, no candidate is elected, the candidate with the least votes is eliminated and his or her ballots are redistributed according to their secondary preferences. Admittedly, this does appear complicated, but, once understood, it makes perfect sense.

The pre-referendum debate was clouded by conflicting statements about this proposal that, if explored, are demonstrably fallacious. That BCSTV was too complicated and confusing to be understood and implemented is one such contention. It is understandable that the bulk of the citizenry did not fully understand the ramifications of the question posed to them, as most arguably do not fully understand the broader implications of the single-member-plurality system that has been in their province since at least 1871, and likely a lot longer.

Realistically, there are very few people who would truly be unable to understand STV if they allotted sufficient time and resources to studying the system; an hour or two on the Citizens' Assembly's Web site would likely be sufficient for most. If one assumes this is correct, and concurrently, that the Canadian population is not obtuse beyond recourse, one must also assume that the journalists and public figures who claimed not to understand STV

while commenting or editorializing on the subject were extremely irresponsible, or at least apathetic. Admittedly, STV is more complicated than the current system, which, the Athenian practice of drawing lots aside, is the simplest way of electing representatives imaginable. But, if one places even the slightest faith in the intellect of the Canadian population, it is surely not beyond the grasp of the electorate.

The equally suspect notion, as it was presented in a *Vancouver Sun* editorial and by several groups opposed to STV, that the redistribution of a winning candidate's excess votes would somehow grant some votes more weight than others, and thus be in violation of the Canadian Constitution, while initially compelling, is logically vapid upon closer examination. The reasoning of such a statement is as follows: if a candidate receives more votes than are required

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to be elected, the excess votes are redistributed to the remaining candidates; therefore, those who voted for the winning candidate have their ballots counted twice.

In fact, the preceding assumption is flawed; the excess votes are not counted twice. Once a candidate receives votes sufficient to be considered elected, the additional votes he or she may receive have no effect on the election results, as whether a candidate wins by 1 vote or 10,000 is irrelevant.

While it would be unjust to simply discard any excess votes, the redistrib-

ution of these votes is perfectly sensible. If a group of likeminded electors who affected the victory of one candidate is of a size sufficient to influence the election of further candidates, such influence should be allowed. That the influence of a likeminded group should be commensurate to its size is not only a basic principle of democracy but exactly what is provided by the reallocation of excess votes. Such a practice would not be in violation of the Constitution, which states that each person gets one equal vote, but would actually be in greater compliance with the principle of political equality than the current system, which effectively discards all votes cast for defeated candidates.

That STV's multi-member constituencies could somehow impede the representation of the citizenry by their MLAs is another commonly presented and easily dismissible claim. In the debate preceding the referendum, several individuals stated that the use of

multi-member constituencies would somehow diminish the accountability of representatives to their constituents. While there would be several MLAs representing each riding and the ridings would be larger, a simple digression into the concept of responsible government dispels this myth.

Currently, representatives are believed to be accountable to their constituents because they must face the electorate every time the legislature is dissolved. This would continue to be the basis of accountability under the proposed system.

In fact, the numerical support required to maintain the confidence of the electorate would actually increase, as will be demonstrated below, and therefore, the accountability of representatives would be improved. That representatives may engage in “buck-passing and finger-pointing,” as former premier Dave Barrett contended would occur if the proposal were adopted, would not denote a significant change from the present. However, if STV were implemented, the representatives would be subjected to the same electoral judgment, and perhaps, given the variety of options that would be placed before the voters, such behaviour could be more effectively punished than it is currently.

The validity of another commonly cited negative aspect of STV — the emergence of smaller, more extreme parties — cannot be as easily dismissed. As the results of an STV election can be expected to be far more proportional than under the current system, it naturally will increase the representation of smaller parties. But, exactly how large a party must be to gain representation under such a system is directly dependent on the number of representatives to be elected from each constituency.

The proposal, as it was voted upon, provided for constituencies that would each elect between two and seven MLAs. Thus, even in the largest constituencies, a candidate would require at least 12.5 percent of the total votes cast in that constituency to be elected. Also, while the percentage of the vote required to be victorious in a constituency may decrease, the number of votes required will actually increase. For example, in the aforementioned seven-member constituency, the 12.5 percent of the vote required to elect a candidate equates to about 17,501 votes. Yet in

the current constituencies, in which typically 18,000 to 25,000 votes were cast in 2005, the highest threshold of victory could not have been more than 12,501. So, while the proposed system would make it somewhat easier for independent or minor party candidates to be elected, by providing them with a larger area from which to solicit support, it would also increase the amount of support they would require. Although the election of independent or small party candidates would be slightly more likely if such a proposal were implemented, such occurrences would be seldom and

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could only occur in larger, presumably urban, ridings.

Furthermore, while such a system would not be as likely to produce majority governments, it would still favour the creation of majority governments, by rewarding the winning party with a number of seats slightly greater than would be proportional to its share of the popular vote. However, as the current system's bias in favour of the winning party is far more extreme, implementing STV would increase the probability of electing a minority government. This, it should be noted, could only occur when the victorious party receives less than 50 percent of the popular vote.

There were some opponents and supporters of STV who thought its

introduction would remove power from the province's political parties and constituency associations, relegating it to the electorate. Because the proposed system would require voters to rank candidates of the same party, and allow them to vote in a non-partisan manner, it theoretically could diminish the influence of constituency associations and cause infighting between candidates of the same party.

Though individual voters would definitely take advantage of the opportunities afforded to them by such a system, the growing apathy of the Canadian electorate suggests that contra-partisan voting would occur only in extreme and

isolated cases; a particularly disliked MLA, for example, would likely be defeated in spite of being heavily favoured by his or her party. Also, it is foreseeable that women's associations would campaign across partisan lines in favour of female candidates. However, expecting the electorate to collectively support a particular partisan faction against their peers is unreasonable. In a typical STV election, it is reasonable to conclude that the electorate would predominantly accept the party line, ranking that party's candi-

dates in the order prescribed by the party, as is commonplace in the election of Australia's senators. The potential for partisan bickering surrounding this prescription remains, though it would be no different from the conflicts that currently occur during the nomination process.

Unfortunately, as most of the referendum debate succumbed to discussion of STV's supposed deficiencies, fleeting attention was paid to the practical effects such a system would have on British Columbian politics. To illustrate the effects implementing STV might have on the composition of British Columbia's legislature, the results of the 2001 and 2005 elections were placed into a model of how STV may be implemented, constructed by combin-



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Premier Gordon Campbell, looking relieved as well as triumphant, on election night in British Columbia, which returned his Liberal government with a reduced majority. Some 57 percent of BC voters, and a majority in 77 out of 79 ridings, also voted "Yes" in the May 17 referendum to elect future MLAs by an STV system. While the vote fell short of the 60 percent threshold required for ratification, it was strong enough that Campbell could hardly ignore it — and he didn't, calling in September for another vote in 2008.

ing the 79 existing constituencies to form 23 multi-member constituencies. (Due to space constraints the exact combinations of constituencies could not be presented with this article. Geographic factors governed the amalgamation of constituencies.) As the ballots used in these elections were not preferential, it was necessary to assume that all votes were cast strictly on partisan lines. If no party had enough votes to meet the quota, the one with the highest percentage would be elected as their candidate would be able to stay on the ballot the longest, and that three-quarters of Green Party and NDP supporters would choose

to support each other before the Liberal Party. It was also necessary to combine constituencies, where, if BC-STV were implemented, the Electoral Boundaries Commission would alter the existing boundaries in the creation of new constituencies. Given the imperfect circumstances of its creation, the model is only a general indicator of the effects such a system would have.

In 2001, the Liberals would have won a clear majority, winning 49 seats with 58 percent of the vote. The NDP and Green Party would have received 22 seats with 22 percent and 8 seats with 13 percent,

respectively. The Liberals would still have won the majority mandated by the voters of British Columbia, but the NDP would not have been disproportionately decimated.

In 2005, the Liberals would have maintained a 3-seat majority, winning 41 seats with 46 percent of the vote. While the NDP would have won 37 seats with 41 percent, the Greens would have been reduced to a single member, with 9 percent.

This model shows that, if applied correctly, the proposed system could provide majority governments, though it would undoubtedly create

minority governments when mandated to do so by the electorate. More importantly, it demonstrates the effect that high thresholds of victory, created by the constituency sizes, have on the representation of minor parties.

Upon observation of the Irish version of STV, the overwhelming majority of the model's constituen-

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cies were 3 or 4 members large. In fact, of the 23 constituencies, there were only two 2-member (Peace River and Cariboo), two 5-member (Vancouver City), one 6-member (Greater Victoria), and no 7-member constituencies. This was done to maximize the majority-creating potential, while minimizing the chances of a minor party candidate being elected. In the model, as in Ireland, where all constituencies elect 2 or 3 members, these goals have been achieved. As such, though it was rarely if ever mentioned, allowing constituencies to elect more than 4 MLAs was one of the proposal's only weaknesses.

Aside from providing proportionality to the election of British Columbia's legislature, which is indisputably the proposal's primary purpose, STV would provide the electorate with the ability to transcend partisan politics. Though, as previously mentioned, this power would rarely be used, it would impart future generations with the ability to become more democratically involved if they were so inclined, and, presently, would provide a latent check on partisan discretion.

Given this brief examination of BC-STV, it is fair to conclude that, for whatever reason, there was an

unreasonably negative reaction among many of the province's political elites. Why the proposal elicited such a response is a matter of contention. Several of those in support of STV attributed the negative publicity it received to the effect implementing such a system would have on the partisan power structures of British

Columbia. Moreover, as the only other viable explanation for this flurry of disinformation that comes to mind is ignorance, one is inclined to agree with this interpretation. If this is true — if the primary motivation of the proposal's opponents was fear of some type of power realignment — their campaign should be recorded as one of British Columbia's greatest political mishaps, as, contrary to the claims of its supporters, the proposed electoral system would have very little effect on the partisan power structure.

The referendum, though technically a failure, revealed that British Columbia is definitively in favour of electoral reform, and simultaneously was not compelled to accept the testimony of the political elite. That most votes in favour of the proposal were likely motivated by opposition to the current system and/or respect for the Citizens' Assembly's judgment should not diminish the merits of BCSTV, which, for the aforementioned reasons, is probably British Columbia's best option for electoral reform.

Contrary to the conventional wisdom of *The Globe and Mail* and the Law Commission, STV far surpasses Germany's mixed-member proportional system, which is the only other practical incarnation of proportional representation and frequently discussed electoral

system. In such a system, representatives are elected using single-member constituencies and partisan lists, the latter correcting the disproportionality of the former. The use of partisan lists would actually facilitate the election of minor party candidates by allowing a party's total support to culminate in the election of a single member, likely lowering the threshold for representation to below 10 percent. This would create serious problems of accountability, as all list-elected representatives would be more accountable to their parties than to the electorate, so this cure may prove worse than the present ailment.

Therefore, those who urged the electorate to wait for better electoral reform proposals erred, as no better proposals are forthcoming.

The electorate's adequately expressed yet unfulfilled desire for electoral reform, already inhibited by the super-majoritarian requirements placed on the May 17 referendum, requires resolution. Placing another option before the electorate without first convening another Citizens' Assembly, and legislating electoral reforms without holding a referendum, would both be perilous breaches of convention, albeit newly formed. There would be nothing wrong, as several people have suggested and Premier Campbell has considered, with presenting the same option to the electorate again, perhaps in a standard, simple-majority referendum. This would spare the pain and expense of overturning the Citizens' Assembly's recommendation, and, arguably, give British Columbians a second chance to make the right choice.

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