PROPOSAL FOR STRUCTURING THE 2018 ELECTORAL REFORM BALLOT

SUBMITTED ON BEHALF OF ELECTORAL FRAMEWORK ASSOCIATION (BC)

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What it the Electoral Framework Association?

The Electoral Framework Association (BC) is a non-partisan association of individuals working to modernize electoral systems and promote industry best practices.   (info@electoralframework.org)

The Electoral Framework Association - Chair

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STRUCTURING THE 2018 ELECTORAL REFORM BALLOT

It is my conclusion that the purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se, but the right to "effective representation". Ours is a representative democracy. Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one's grievances and concerns to the attention of one's government representative; as noted in Dixon v. B.C. (A.G.), [1989] 4 W.W.R. 393, at p. 413, elected representatives function in two roles -- legislative and what has been termed the "ombudsman role".

McLachlin J in *Reference re Prov. Electoral Boundaries (Sask.)*

The BC Government has committed to holding a referendum to re-evaluate British Columbia's electoral system in the fall of 2018 with a key focus on proportional representation. This discussion paper presents 3 alternative voting systems that increase proportional representation, as well as suggesting some supplementary changes to how the vote should be conducted. The goal of any referendum or voting change should recognize that effective representation is essential, as well as constitutionally mandated under the Charter. As such, any alternative voting system presented to the public must ensure that at its heart is the idea that effective representation must be maintained. Values such as relative voter parity are legally mandatory, while providing creating a clear link between representatives and citizens is also necessary to allow representatives to be an ear to grievances.

However, while courts have set broad values that must be reflected in a democratic system, the courts have also recognized that legislation will be required to balance potentially competing values. Voter parity and proportionality must be tempered to protect unique geographical distinctiveness of the province. A desire for broad representation by political parties will require tradeoffs on how many local representatives can be elected. This referendum is an extraordinary opportunity for the government to put to British Columbians multiple systems engaging various views. Its success will be best reflected in ensuring that a broad variety of values will be presented to voters, yet also ensuring that voters can express a clear preference as to which changes they wish to see.

Where possible, suggested maps of possible electoral systems should be put forward.

1. THE BALLOT QUESTION

To provide a clear answer, a three part question would present the ideal way to gain clear consensus from the BC electorate. The third part is optional, but recommended.

The ballot should look at both how we "vote" and how we "elect" politicians.

The first question should be a clear question about whether a proportional system should be adopted. Separation of this as a standalone question would allow voters who opine that effective representation is best achieved at the most local level will be given the option to clearly express that, while still recognizing that other values may inform a provincial system if factors other than geography are included.

The second question would be a choice of between no more than 3 options, decided using a ranked ballot to allow a consensus choice. Any voter, regardless of whether they support proportional representation or not in general, would be in a position to determine which version best reflects their values. While voters should be given the opportunity to rank all three systems, single votes should be counted as a first choice, and ballot counting rules should aim to be as broad as possible reflecting other marks.

The third question would ask voters if they wish to move to a ranked ballot for local seats in the event that proportional representation does not pass. This would ensure that if voters believe strongly in representation by geography, they will still have the option to ensure that vote splitting does not result in distorted local results. This system, known as the alternative vote, has been tried in British Columbia previously, but was discontinued prior to establishing a track record that we can judge it by. While not traditionally considered proportional representation, this system does ensure local winners are supported by a proportional majority, rather than a plurality of local votes.

Proposed Ballot

A. Should BC adopt a proportional voting system? (Choose 1)

O YES
O NO

B. Which proportional system would you prefer? (Rank 1 - 2 - 3):

O Alternative Vote Plus
O Mixed Member Proportional
O Single Transfer Vote Light

C. If BC does not adopt a proportional representation system, should BC adopt ranked ballots for local seats? (Choose 1)

O YES
O NO

2. THE PROPORTIONAL SYSTEMS

A. Alternative Vote with Top-up

This is a variation of a system proposed in England by the Jenkins Commission (1998) in that all of the current ridings would be maintained, but a small number of seats would be allocated to parties that receive a substantial province wide vote and also serve to even out discrepancies in seat counts between major parties. All local seats would be decided by a ranked vote, with the first preference votes serving as a benchmark as to whether additional seats would be required,

Proportional threshold: 10% Provincial or 20% Local threshold.
Increased government: 15-20% additional top-up seats. (87 Local; 16-20 seats.) Additional seats would be allocated prior to the election to even out urban areas that may have a higher population density than rural ridings.

Proposed Map: See Appendix A.

The map for now would involve the current 87 seats. The province would be divided into 8 regions of 9-14 seats. Suggested regions are included at the back. Seats would be first determined based on party vote using first choices, and would use a near winner scenario to allocate seats to strong second place candidates. Depending on population, some districts will be given 2, others 3 extra seats. Following an election all local seats would first be determined. The next step would be to determine whether any party that failed to win a seat received either 20% locally, or 10% in any geographical reason. To ensure broad voices, any party that met either of thresholds would be granted at least one seat, in the region where they received the broadest support and to the candidate with the most support in that area. Additional seats would then be granted to parties based on any difference between popular vote and seat counts one region at a time favouring those parties whose seat and vote count differ. Each region would receive at least 2 extra seats, with up to 4 more awarded once total votes for regions have been calculated to advance regional population parity.

This system substantially preserves local ridings and effective voices, while adding fresh voices and alternatives from regions that otherwise may be represented by a single party, making it less likely that entire regions would be shut out of government

B. Mixed Member Proportional

This system would be a variation of electoral systems found in Germany and other European countries. Under this system, approximately half of representatives will be from local ridings, with the rest representing broader geographical region. To simplify the seat distribution, BC would mirror Ontario and adopt the current federal ridings, cutting the local seats to 42. Each voter would have a local vote as well as a party vote.

Proportional threshold: 5% Provincial or 10% regional threshold.
The current seat level would be relatively maintained.

Proposed Map: See Appendix B.

The map would adopt the 42 federal districts as local ridings and adopt 42 regional seats, with an additional 5 seats allocated to make the legislature an odd number. The regional seats would be divided into 5 regions reflecting the 5 distinct regions in this province (The Interior, Vancouver Island, Greater Vancouver, Fraser Delta, and Fraser Valley East) Any party with more than 10% in a region be guaranteed seats, as would a party that reached over 5% of the voters in a province. Each voter would have a local vote, and a second party vote. To qualify as a political party, a party would be required to run at least 3 local candidates in region. For instance, a party that only ran 3 candidates on Vancouver Island, would only be listed as a party on the Vancouver Island ballot. This is to allow regional parties easier access to the ballot, but encouraging parties to run a large number of candidates in each riding, reducing the temptation for parties to not focus on local ridings.

Each party will submit a party list of candidates that would be made public in each region. However, in allocating seats, the highest 3 voters chosen candidates in a region would be given the priority over the party lists. An example would be Vancouver Island. There would be 7 local seats and 7 regional seats. A party that received 14% of the vote but no local seats on the Island would be given 2 regional seats, but these seats would be given to its 2 highest candidates. A party that received 35% of the vote and 3 local seats, would be given 2 regional seats from its list. The 5 additional provincial seats would be first allocated to any party that received over 5% of the provincial vote but no regional seats, but would subsequently used to further correct any other difference between popular vote and regional vote.

While this system creates two classes of MLAs, it ensures local and regional representation are each effective and smaller voices have a chance to be heard. Many provincial projects are regional projects and these concerns mirror many of these areas. Under this system, almost all regions would have representation from various political parties.

C. Single Transferable Vote Light

Voters previously rejected the boundary commissions larger 5-7 member STV ridings in the last election. Large district STV should not be an option on this ballot. However, a smaller more nimble system featuring districts with no more than 3 representatives would provide regional balance and opportunities for smaller parties running popular local candidates. These would deliver more, although a reduced level of proportionality. Smaller local regions would allow effective local representation, often mimicking the geography of larger towns, or smaller geographic areas with riding sizes similar to many federal ridings sizes.

Proposed Map: See Appendix C.

STV Light would feature a small number of 2 seat ridings, and the remainder 3 seat districts based on amalgamating the current ridings. A suggested riding list is attached. While this system would not have any threshold or guarantee for a smaller party, parties with 25% support in a local level would allow multiple effective voices from each region. In reality, parties with as low as 15% may see themselves elected as a result of transfers from other candidates.

Because most regions would have 3 seats, it is likely that at least two parties, or an independent would be elected unless a party obtained over 75%. This would allow a relatively local MLA of different parties that local voters could turn to.

3. CONDUCT OF THE REFERENDUM

Smartphone Voting

Smartphone voting should be considered as a supplementary alternative to mail-in ballots in the referendum. Smartphones, like the iPhone or newer Android, are very unlikely to have malware or background capturing apps, and can be authenticated and confirmed by an SMS message. Outside sources will be prevented from unauthorized interference in the election. Norway and Estonia use this technology. Block chain, the technology behind bitcoin, can be used to securely and anonymously, transmit digital votes from a phone to a central server. On voting, an SMS reply would confirm voters that their votes counted.

Only one vote per smartphone would be allowed. However, Elections BC would be able to utilize iPads at kiosks to get more voters.

Smartphone voting should end about 10 days prior to the election. This would provides sufficient time to handle any problems that may arise.

Mailed in ballots would be matched against voting lists of those who voted online, and duplicates will be held for further investigation. Smartphone voting is more secure than a traditional mailing ballot, since ballots are less likely to be intercepted and the source of wrongfully cast ballots can be easier obtained.

Advertising and Campaign Funding

Information funding should be the priority in setting campaign funding.   The government should ensure the digital divide does not leave any residents without full information.   Rather than relying on third party groups to unevenly spend public funds, the province should send at least two flyers to each British Columbia. The first should be an informational book with neutral information. The second should include literature prepared by proponents of proportional system and the current first part the post, vetted by experts relying on available reference material to support claims. Limited public subsidies should be made available to assist with production.

In addition to the two main mail outs, Elections BC should maintain a similar site hosting informational videos as well as those by proponents of various systems.

Funds should also be available for booking community spaces that can be applied to by public groups wishing to host debates or discussions.

Other than centralized government funds, private individuals should be permitted to donate or spend on promoting or opposing the system. While the government has put in place lower donation limits for provincial elections, higher donation limits should be considered based on the small lead up to the election and provincial nature of the referendum. In addition, many of the justifications for lower donation limits that occur municipally and provincially, such as potential for influence buying do not exist in a referendum. As such, personal donation limits of $10,000 should be considered. While corporate and union monetary donations should be curtailed, in-kind contributions of advocacy labour or services should be permitted so as to eliminate costly compliance issues.

APPENDIX A: Alternative Vote Plus

Parties with over 7% provincially or 15% in any region guaranteed at least one seat. 8 regions of between 9-13 seats would be used with limited 20% top-ups.

Burnaby (9)
Burnaby-Deer Lake
Burnaby-Edmonds
New Westminster
Burnaby-Lougheed
Coquitlam-Maillardville
Port Moody-Coquitlam
Coquitlam-Burke Mountain
Port Coquitlam
Burnaby North
North Interior (10)
Cariboo North
Cariboo-Chilcotin
North Coast
Skeena
Peace River North
Peace River South
Prince George-Mackenzie
Prince George-Valemount
Nechako Lakes
Stikine

Fraser Valley (10)
Abbotsford South
Abbotsford West
Abbotsford-Mission
Chilliwack
Chilliwack Kent
Fraser-Nicola
Langley East
Langley
Maple Ridge-Mission
Maple Ridge-Pitt Meadows
Vancouver Island (14)
Nanaimo
Nanaimo-North Cowichan
Parksville-Qualicum
Courtenay-Comox
North Island
Mid Island-Pacific Rim
Saanich North and the Islands
Cowichan Valley
Saanich South
Oak Bay-Gordon Head
Victoria-Beacon Hill
Victoria-Swan Lake
Langford-Juan de Fuca
Esquimalt-Metchosin

Okanagan (13)
Kamloops-North Thompson
Kamloops-South Thompson
Shuswap
Kootenay West
Nelson-Creston
Boundary-Similkameen
Vernon-Monashee
Kelowna-Lake Country
Kelowna-Mission
Kelowna West
Penticton
Kootenay East
Columbia River-Revelstoke

Surrey Delta (11)
Delta North
Delta South
Surrey-Cloverdale
Surrey-Fleetwood
Surrey-Guildford
Surrey South
Surrey-Panorama
Surrey-White Rock
Surrey-Green Timbers
Surrey-Newton
Surrey-Whalley

Vancouver West (11)
North Vancouver-Lonsdale
North Vancouver-Seymour
West Vancouver-Capilano
Powell River-Sunshine Coast
West Vancouver-Sea to Sky
Vancouver-False Creek
Vancouver-West End
Vancouver-Point Grey
Vancouver-Quilchena
Vancouver-Fairview

South Vancouver Richmond (10)
Vancouver-Fraserview
Vancouver-Kensington
Vancouver-Mount Pleasant
Vancouver-Hastings
Vancouver-Kingsway
Vancouver-Langara
Richmond-Queensborough
Richmond North Centre
Richmond South Centre
Richmond-Steveston

APPENDIX B: MIXED MEMBER PROPORTIONAL

Parties with over 5% provincially or 10% in any district would be given proportional representation, representing the 5 larger regions of British Columbia. Each voter would have a local and a party vote. Each party may run a public list of candidates, provided the top 3 members will be from local ridings. To qualify for a list in a region, a party will need to run at least 3 candidates in a district.

The list votes will be compensatory, and an additional 5 seat will be awarded, one from each region.

Greater Vancouver
Burnaby North—Seymour
North Vancouver
Vancouver Centre
Vancouver East
Vancouver Granville
Vancouver Kingsway
Vancouver Quadra
Vancouver South
West Vancouver—Sunshine Coast—Sea to Sky Country
Fraser Delta
Burnaby South
Delta
Fleetwood—Port Kells
New Westminster—Burnaby
Richmond Centre
South Surrey—White Rock
Steveston—Richmond East
Surrey Centre
Surrey—Newton

Fraser Valley East
Abbotsford
Chilliwack—Hope
Cloverdale—Langley City
Coquitlam—Port Coquitlam
Langley—Aldergrove
Mission—Matsqui—Fraser Canyon
Pitt Meadows—Maple Ridge
Port Moody—Coquitlam
Island
Courtenay—Alberni
Cowichan—Malahat—Langford
Esquimalt—Saanich—Sooke
Nanaimo—Ladysmith
North Island—Powell River
Saanich—Gulf Islands
Victoria
Interior
Cariboo—Prince George
Central Okanagan—Similkameen—Nicola
Kamloops—Thompson—Cariboo
Kelowna—Lake Country
Kootenay—Columbia
North Okanagan—Shuswap
Prince George—Peace River—Northern Rockies
Skeena—Bulkley Valley
South Okanagan—West Kootenay

APPENDIX C: SINGLE TRANSFERABLE LIGHT

STV light carries on the proud tradition of the Citizen's Assembly, while recognizing that voters rejected the larger boundaries put forward in the last election. Current ridings would be merged into mainly 3 seat districts, with a limited number of 2 seat where geography is limited or ridings stretched.

North shore
North Vancouver-Lonsdale
North Vancouver-Seymour
West Vancouver-Capilano

Sunshine Coast Whistler
Powell River-Sunshine Coast
West Vancouver-Sea to Sky

Vancouver East
Vancouver-Fraserview
Vancouver-Kensington
Vancouver-Mount Pleasant

Vancouver Center
Vancouver-Fairview
Vancouver-False Creek
Vancouver-West End

Hasting
Burnaby North
Vancouver-Hastings
Vancouver-Kingsway

Vancouver West
Vancouver-Langara
Vancouver-Point Grey
Vancouver-Quilchena
Delta Queensborough
Delta North
Delta South
Richmond-Queensborough
Richmond
Richmond North Centre
Richmond South Centre
Richmond-Steveston
Surrey East
Surrey-Cloverdale
Surrey-Fleetwood
Surrey-Guildford
Surrey South
Surrey South
Surrey-Panorama
Surrey-White Rock

Surrey Central
Surrey-Green Timbers
Surrey-Newton
Surrey-Whalley
Kootenay West
Kootenay West
Nelson-Creston
Boundary
Boundary-Similkameen
Vernon-Monashee
Kelowna-Lake Country
Kelowna
Kelowna-Mission
Kelowna West
Penticton
Kootenany
Kootenay East
Columbia River-Revelstoke
Nanaimo Parksville
Nanaimo
Nanaimo-North Cowichan
Parksville-Qualicum

North Island
Courtenay-Comox
North Island
Mid Island-Pacific Rim
Saanich
Saanich North and the Islands
Cowichan Valley
Saanich South
Victoria
Oak Bay-Gordon Head
Victoria-Beacon Hill
Victoria-Swan Lake
South Island
Langford-Juan de Fuca
Esquimalt-Metchosin
Abbotsford
Abbotsford South
Abbotsford West
Abbotsford-Mission
Chilliwack Fraser
Chilliwack
Chilliwack Kent
Fraser-Nicola

Langley Maple Ridge
Langley East
Langley
Maple Ridge-Mission
Cariboo
Cariboo North
Cariboo-Chilcotin
North Coast
North Coast
Skeena
Peace River
Peace River North
Peace River South
Prince George
Prince George-Mackenzie
Prince George-Valemount
Stikine
Nechako Lakes
Stikine

Kamloops Shuswap
Kamloops-North Thompson
Kamloops-South Thompson
Shuswap

Burnaby New Westminster
Burnaby-Deer Lake
Burnaby-Edmonds
New Westminster

Lougheed
Burnaby-Lougheed
Coquitlam-Maillardville
Port Moody-Coquitlam

Tri-cities
Coquitlam-Burke Mountain
Maple Ridge-Pitt Meadows
Port Coquitlam