

# **NO BC PROPORTIONAL REPRESENTATION SOCIETY**

## **No to Proportional Representation in BC**

No BC Proportional Representation Society  
c/o 1770 West 7<sup>th</sup> Avenue – Suite 305  
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Wednesday February 28, 2018

Attorney General David Eby  
Ministry of Attorney General  
PO Box 9044 Stn Prov Govt  
Victoria, BC V8W 9E2

[citizenengagement@gov.bc.ca](mailto:citizenengagement@gov.bc.ca)

Dear Attorney General Eby:

The No BC Proportional Representation Society was formed to oppose any proportional representation electoral system in British Columbia. Our organization will campaign vigorously in every part of our great province to keep the First Past The Post electoral system that has helped build a strong democracy, an inclusive society and a powerful economy. British Columbia is a jurisdiction admired around the world and we believe that proposed changes will have a serious negative impact.

We are therefore pleased to make this public submission to you and the BC government on the proposed electoral system referendum and in response to the online government consultation website.

Unfortunately, we are making this submission under duress and with significant and grave worries about the process the BC government has undertaken. We believe this consultation process is unfairly biased in favour of Proportional Representation electoral systems and against our current First Past The Post electoral system.

These are fundamental concerns that we fear will undermine the referendum.

We also respectfully disagree with your own statement: "The Attorney General will serve as a neutral arbiter throughout the process to ensure the referendum is conducted fairly and in accordance with B.C. law".

[https://archive.news.gov.bc.ca/releases/news\\_releases\\_2017-2021/2018AG0001-000104.pdf](https://archive.news.gov.bc.ca/releases/news_releases_2017-2021/2018AG0001-000104.pdf)

As a New Democratic Party candidate, you campaigned in favour of Proportional Representation in the May 2017 provincial election and you are on the record as being in support of changing to Proportional Representation.

While we fully expect that the Attorney General will indeed, as your statement said: “recuse himself from all cabinet and caucus debate and decisions regarding the referendum,” there is at best a clear public perception that you have already decided and favour one side in this debate.

In the election, your party promised to campaign for proportional representation: “A New Democrat government would not only consult British Columbians on the specific proportional reform to be put to a vote, but would campaign strongly in favour of that reform.”

And the NDP-Green Party Confidence and Supply Agreement states that:

“The parties agree that they will work together in good faith to consult British Columbians to determine the form of proportional representation that will be put to a referendum. “The parties agree to both campaign actively in support of the agreed-upon form of proportional representation.”

<http://vancouver.sun.com/opinion/columnists/vaughn-palmer-pose-of-neutrality-a-little-late-in-pr-electoral-reform>

We hope that you take additional steps to ensure any perception of bias is removed and we have some recommendations on how that can be achieved.

That said, we did appreciate your statement regarding giving information to British Columbians: “We will be providing them with neutral information about the different voting systems. There are all kinds of benefits of first past the post. There are all kinds of benefits of proportional systems.”

<http://www.news1130.com/2017/12/03/ag-dismisses-claims-upcoming-referendum-will-favour-bc-ndp-greens/>

You also said that the public input and opinion gathering would be: “fair, neutral and as independent as possible.”

<https://www.kamloopsthisweek.com/b-c-ndp-solicits-ideas-electoral-reform/>

We indeed hope that will be the case going forward; We do believe, however, that you need to remove yourself from the process given your pre-determined and frequently expressed bias as to the result.

Bill Tieleman  
Suzanne Anton  
Bob Plecas

Directors, No BC Proportional Representation Society

## Recommendations - No BC Proportional Representation Society

The No BC Proportional Representation Society presents the following recommendations for the conduct of the 2018 referendum on electoral systems.

1. **British Columbia voters should have two clear choices in the 2018 electoral system referendum: our current First Past The Post system and whatever Proportional Representation system the government recommends. There should not be any “two-part” ballots or “ranked ballots” with multiple choices.**

We agree with BC Premier John Horgan on the need to two clear choices for voters in this referendum. Premier Horgan told The Vancouver Sun editorial board prior to the May 2017 election in discussing the referendum question that:

“A consensus on yes or no is pretty easy. You are going to have 50 per cent say yes or no.”

“So you give them one system to vote on?” he was asked for clarity’s sake.

“Yeah, yeah exactly,” the NDP leader replied.

<http://vancouversun.com/opinion/columnists/vaughn-palmer-pose-of-neutrality-a-little-late-in-pr-electoral-reform>

Having two clear choices is the only way voters can compare electoral systems as apples to apples, not apples to oranges – to ensure they have the full information before deciding. Full information includes any constituency boundary changes as well detailed information about how votes are counted and allocated.

2. **For further clarification, the proposed Proportional Representation electoral system must have all details made public well prior to the referendum, including proposed geographic riding boundaries; Proportional Representation Candidates List rules; whether that List will be open or closed; and comparisons with similar systems around the world.**

A fair and democratic referendum means giving BC voters all the details they need to make an informed choice. And that requires providing substantial information about the proposed Proportional Representation electoral system that could be adopted.

All details include knowing the answers to these questions:

- What the electoral geographic ridings are with each system – our current First Past The Post and a proposed Proportional Representation system or systems;
- What type of local representation there would be under each system or systems;
- What the role of political parties would be in deciding if there is local representation – which is not guaranteed under certain Proportional

Representation system – and what kind of local representation would be determined by the electoral system;

- Whether there would be Proportional Representation List candidates chosen by political parties to “top up” each parties’ MLAs to match the province-wide popular vote;
- What laws and regulations would determine the Proportional Representation List of candidates and how it would be administered;
- Whether the Proportional Representation electoral system would force parties to create the Proportional Representation List of candidates with required regional, gender, sexual orientation, ethnic heritage or any other qualifications;
- How BC’s unique *Recall and Initiative Act* could be amended to allow the recall of Proportional Representation List candidates by voters, since they would not be representing any geographic riding, or if they would be beyond the reach of recall; [http://www.bclaws.ca/Recon/document/ID/freeside/96398\\_03#section19](http://www.bclaws.ca/Recon/document/ID/freeside/96398_03#section19)
- Whether political parties under a new Proportional Representation electoral system could expel Proportional Representation List candidates MLAs from the BC Legislature if they quit their party to join another, as currently is being proposed in New Zealand’s *Electoral Integrity Amendment Bill*. That legislation, popularly called the “waka jumping bill,” would give party leaders enormous new power over their Members of Parliament.

As National Party MP Nick Smith has argued: "It will enable party leaders to dismiss MPs from Parliament. It risks turning our parliamentarians into party poodles. An MP who questions a policy, criticizes a leader, or votes differently to their party faces dismissal from Parliament by their party leader. This is a fundamental change to the centuries-old principle that the public alone gets to hire and fire MPs. The greatest harm would be to stifle debate and further concentrate power with political parties and leaders.”;

[http://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=11999005](http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11999005)

- 3. The referendum should require that to change our current electoral system, a 60% vote in favour of a Proportional Representation system across the province of those voters participating and a 50% plus one vote in favour in at least 60% of British Columbia’s 87 geographic ridings vote in favour.**

Changing our electoral system is a very significant decision that not only determines how we will be governed indefinitely but also impacts our economy, our society and our communities.

For that reason, we strongly disagree with the *Electoral Reform Referendum 2018 Act* and the decision in Section 9 (1) that allows a 50% plus one vote to change our electoral system.

We respectfully urge the BC Legislature to amend the *Electoral Reform Referendum 2018 Act* before the referendum this fall.

The precedents are extremely clear: in British Columbia's two previous electoral system referenda in 2005 and 2009 a 60% vote in favour of the Single Transferable Vote electoral system across the province of those voters participating was required along with a 50% plus one majority in at least 60% of British Columbia geographic ridings voting in favour.

<http://www.elections.bc.ca/docs/news/FF-Ref-20090129.pdf>

The province of Ontario in 2007 <https://www.ontario.ca/laws/statute/s07001> had an identical requirement for changing electoral systems as did the province of Prince Edward Island in 2005 <http://www.cbc.ca/news/canada/prince-edward-island/electoral-reform-rejected-1.533310>

Why require a majority stronger than 50% + 1? We believe it is necessary for a stronger consensus among BC voters to be reached before making a fundamental and significant change in our electoral system.

The legitimacy of changing BC's electoral system with such a narrow margin will lead to ongoing questions and objections to its validity. Surely requiring a strong majority of voters in favour is not too much to ask?

Ironically perhaps, but other provincial legislation requires even higher democratic thresholds of 75% in order to make much less significant changes.

The *BC Strata Property Act* – Section 97 – demands that strata property owners must approve by a  $\frac{3}{4}$  vote in favour any additional expenditures not previously approved in the strata's budget.

In other words, a Strata Council must hold a special general meeting to spend \$20,000 to replace a furnace and obtain 75% approval – but BC's *Electoral Reform Referendum 2018 Act* would change our entire electoral system with just 50% + 1 in favour! How absolutely absurd.

[http://www.bclaws.ca/civix/document/id/complete/statreg/98043\\_06](http://www.bclaws.ca/civix/document/id/complete/statreg/98043_06)

**4. The ballot question must be drawn up by Elections BC and meet the test of being neutral and fair. Adequate time should be given for possible judicial challenge of the ballot.**

This should go without saying but given the biased nature of the government consultation process on electoral systems, it must be clearly stated – Elections BC must draw up the ballot question and it must be neutral and fair.

And Elections BC should make public the question with adequate time left before the referendum for a possible judicial challenge of the ballot.

**5. That the term “electoral reform” be dropped from all further government and Elections BC reference, as it indicates a strong bias in support of a proportional representation electoral system.**

“Reform” has a particular meaning that indicates “improvement” or “positive change”. While that may well be the view of proportional representation advocates, it should not be the term used by either the government in official communications about the referendum or by Elections BC.

British Columbians voted strongly in the 2009 referendum against one of the alleged “electoral reforms” – the Single Transferable Vote. To use a biased term in the 2018 referendum is not only unfair but fails to recognize that a majority of voters in a binding referendum decided democratically that proportional representation is not a “reform”.

**6. Proponent groups on each side of the referendum should have equal funding at a minimum of \$500,000 each as in the 2009 STV referendum.**

There should be a minimum of \$500,000 provided to each of the two sides in the referendum – that amount was given to each side in the 2009 referendum to undertake a public awareness campaign.

That amount is a minimum in our view based on the previous electoral system referendum and the need to inform voters prior to such a fundamental decision that could last for decades to come. Ideally the amount would also at least reflect inflation since 2009.

Whatever the total amount is, it should be equally split between only two parties, one representing the First Past The Post side and the other, the Proportional Representation side.

And there should be no restrictions on how proponent groups use the funding so long as they are accountable, transparent and following all applicable laws and regulations.

The funding decision should be made independently of the government by a neutral third party individual [or panel] as has been done previously and should be based on the proponents’ groups experience, knowledge of the issue and recognized public leadership and support.

**7. No referendum funding should be provided to proponent groups from outside British Columbia, including non-profit organizations, unions or businesses.**

We believe that this referendum is exclusively an issue for British Columbians to decide, not organizations or individuals from other provinces, let alone other countries. It is essential that during the referendum campaign period prior to the balloting, outside organizations and individuals not be allowed to fund either side, or place advertisements

of any kind. Of course, speakers representing views one way or another should be allowed, as freedom of speech and full discussion are important. For this type of free debate notices of speaking forums should be exempt. Elections BC should be asked to provide approvals and be the watch guard.

**8. Unions and businesses based in British Columbia should be allowed to make donations to proponent groups, with full disclosure.**

We do not believe it is fair or reasonable to restrict unions or corporations from making contributions to proponent groups. A referendum on electoral systems is quite different from an election, since:

- The BC government has said it will be “campaigning” in favour of proportional representation – to restrict unions and businesses from supporting either side would further increase the bias of the government being on one side, potentially with all its resources;
- No MLAs are being elected so political party financing changes need not apply; the results are indefinite and could last for decades;
- This is a public policy issue, not a partisan issue;
- The choice of electoral systems will have a significant impact on our economy and jobs – blocking unions or businesses from having their right to free speech would be highly undemocratic; and
- The potential negative impact of proportional representation on rural representation in the BC Legislature is such that unions and businesses based in rural areas should have every right to oppose an electoral system that could hurt their interests.

**9. Third-party advertising by British Columbia-based organizations should not be restricted during the referendum period.**

For many of the same reasons listed above, we believe that there should be no restrictions on third-party advertising by British Columbia-based organizations or individuals during the referendum period.

We believe that so long as there is disclosure of who the third-parties are and that their expenditures are also disclosed after the referendum, British Columbians are more than able to think for themselves and decide this issue on its merits after hearing all arguments from both sides.

**Conclusion**

There are flaws in every electoral system. Transplanting a foreign concept into our British-based parliamentary system will not solve any that critics of First Past The Post raise.

We could propose workable solutions to these problems, and will during the referendum campaign, but that is not within the request for submissions.

We are fortunate to live in the best province in the best country in the world. At the center of our success is our democracy, and at its core lies the current electoral system.

Stability, simplicity, success.

Your government has chosen to bring forward the third referendum on the same topic in 13 years. Attempts to change our electoral system have failed twice.

Some people will not take no for an answer. Instead you have changed the rules, lowered the threshold and slanted the early stages of the discussion.

We nonetheless remain hopeful that you will consider the above and bring forward a referendum that is unbiased and fair.