

Joint Submission to the *How We Vote* Engagement Process

It's time for everyone's vote to count in B.C. The upcoming referendum on proportional representation is an exciting opportunity for a key conversation about the future of our democracy. It provides an opportunity to modernize our voting system to make it more inclusive and reflective of people's voices from across British Columbia.

Our two caucuses are pleased that the Attorney General is seeking input from British Columbians on how the referendum will be run. We hope that our submission, along with all the submissions you receive from British Columbians, will be helpful to you in your deliberations.

In the last election, both the BC NDP and the BC Greens campaigned in favor of a fairer and more equitable voting system, and nearly 60% of the province supported us in the last election. The New Democrat and B.C. Green caucuses are now working together in favor of moving to a system of proportional representation to modernize our democracy and make every vote count.

Our caucuses are working together on proportional representation because we believe that this issue is bigger than any one party – it's about people. The decisions that government makes affect everyone. Government should reflect the diversity of our province, not just the interests of one party as with the current "winner take all" system.

The document provides our recommendations for a people-driven referendum on modernizing our electoral system.

1. Values

The following list of values reflects what both our caucuses have heard in conversations with people across British Columbia. No matter what community they are from, British Columbians have more in common with each other than things that set us apart. We believe that these core values should be reflected in how we modernize our electoral system and, in the event of a yes vote, in a new, made-in-B.C. system of proportional representation.

Every vote counts – Everyone's voice should be heard in our democracy and everyone's vote should count towards electing a representative.

Fairness – Parties' share of seats in the legislature should be roughly proportional to their share of the vote. From 1928 to 2017, there was only one general election in B.C. where a single party received over 50% of the vote.

Effective local representation – British Columbians are rightfully proud of our province's regional diversity and value having a clear and strong link to a direct local representative who speaks for their distinct community. All communities deserve to have their voices heard in the legislature – a key value for our two caucuses.

Simplicity and transparency – Voters should be confident about how to achieve the result they want when completing their ballot.

More diversity – Our legislature should look more like British Columbia. In the last election, our two parties elected diverse slates of MLAs, but we can do better and we must. Any new voting system should help break down barriers and increase diversity in our legislature.

Engagement and inclusivity – In the last election, all three parties agreed that people sent us a message – British Columbians want to see more cooperation across party lines. Our voting system should promote voter engagement and participation by building a more collaborative style of politics where good ideas come from all sides.

Accountable and effective government – Both government and opposition must be able to function effectively, allowing for good decisions to be made in a timely fashion and for the opposition to critically assess government’s activities and make their own proposals. Voters and opposition must also understand who is responsible for decisions in order to hold government to account.

2. The question

Our recommendation is a single, straightforward referendum question presenting a clear choice between keeping the existing first-past-the-post-system and moving to a system of proportional representation. For maximum clarity, voters should be invited to either tick a box indicating that they are voting to keep the existing system, or a box indicating they support moving to a system of proportional representation.

Above all, the referendum question and ballot design must be simple, concise and understandable to all British Columbians. A single, clear question is particularly important for people who don’t have English as their first language in order to ensure that all British Columbians can fully participate in the referendum. Any question must also be accompanied by a concise preamble outlining the binding commitments to a path forward to develop a made-in-B.C. proportional representation system outlined in Section 3.

However, if the Attorney General decides to have a second question, we recommend that it be a question on the values that British Columbians believe should be included in a new, made-in-BC proportional representation system as opposed to a question on specific systems. This would allow British Columbians to weigh in on the *outcomes* they wish to see in a made-in-B.C. system – binding information that would then be used in the post-referendum process to design a system for B.C. Maintaining direct local representation for all of B.C. would not be a part of these values, as it should be included in the commitments in a preamble to the question as laid out in Section 3.

Finally, the ballot question and any preliminary informational materials *must* be available in translation at the same time the question is publicly announced. Translated reproductions of the ballots should also be available online, and again, released at the same time as the ballot question becomes public.

3. A clear path forward

All British Columbians need clarity around what would happen after a “yes” vote for proportional representation.

A made-in-B.C. system of proportional representation must work for people in B.C. and reflect B.C.’s demographics and geography. To provide certainty for British Columbians, we recommend that binding commitments be made at the same time the question is announced, committing to:

- Maintaining and enhancing direct local representation for all communities throughout B.C., in the event of a yes vote – a key value for both of our caucuses.
- The details of the process to occur after a yes vote to support the development and implementation of a new, made-in-BC system of proportional representation.
 - As an important part of this process, we recommend that the Attorney General create a transparent and independent advisory body of trusted experts and diverse citizen representatives to provide recommendations on a made-in-B.C. system of proportional representation that best suits the needs and values of British Columbians. This group would be given a framework within which to make recommendations to the Attorney General on what made-in-B.C. system should be adopted. These recommendations would be made public.
- A review process to take place after two election cycles.

These commitments must be statutorily enshrined, announced at the same time as the question and be clearly and widely communicated to voters ahead of the 2018 referendum vote, including in a concise preamble on the ballot itself.

4. Educational materials

There is clear evidence that having an independent body dedicated to informing voters about a referendum increases turnout and ensures people are more informed about the choice in front of them.

A. An independent education body

We therefore recommend that the B.C. Government establish and fund an independent education body with a mandate to inform British Columbians about the referendum, and educate voters about the choice on the ballot.

We recommend that the education body be given a sufficient budget to ensure it can completely fulfill its mandate to educate British Columbians about the referendum.

Information produced by this body should neutrally present the pros and cons of both the existing first-past-the-post system and proportional representation, and should include the government’s binding post-referendum commitments. This information should be creative, engaging and disseminated on a wide variety of platforms, such as print media, radio, TV, social media, online and direct mail. To the

extent possible, educational events should also be held in public institutions across the province (e.g. schools, community centres, libraries, post-secondary institutions).

B. Materials with the ballot

In addition, easily digestible, neutral informational material should be included with each ballot. This independent education body could also be responsible for developing the materials package to accompany the ballot.

These materials should explain the fundamental differences between first-past-the-post and proportional representation and include the binding post-referendum commitments in the event of a yes vote. The materials should be approved by a representative from both the yes and the no sides.

The materials should also be understandable at a glance to all British Columbians, include visual aids to accommodate varying degrees of English fluency and different learning styles, and be available in translation.

C. Elections BC

As with any election, Elections BC should be mandated and funded to run an advertising campaign to promote referendum turnout. This information should include engaging instructions on how to obtain, complete and return a ballot package, as this process is less familiar to people.

5. Accessibility

The future of our democracy is of interest to all British Columbians. However, to make sure that all British Columbians can participate fully in the campaign and the referendum, robust accessibility measures must be in place.

A. Facilitating mail-in voting

Elections BC must be directed to put special measures in place to facilitate voting for: people with disabilities; people in communities who may not have ready access to a mailbox; Indigenous communities; and people who may move frequently or may not have a fixed address, such as young people and people experiencing homelessness.

We encourage Elections BC to explore options such as: in-person registration and ballot drop-off locations at public institutions such as Service BC offices, post-secondary campuses, schools, libraries, and community centers, including those in Indigenous communities; digital campaigns and on-campus activities directed at students; and culturally appropriate outreach in non-English speaking communities. All possible efforts should be made until as late as possible in the voting period to facilitate registration and obtaining ballots for people who are not registered or whose address has changed.

B. Translation

All materials produced during the course of the campaign, whether by Elections BC or the independent educational body, should include visual aids and be readily available in a number of languages so all British Columbians can fully engage in this important discussion.

Translations of both materials and the question must always be available at the same time as they are released in English. This should be more than just a literal translation – it needs to fully explain what proportional representation is and how it works in a way that is culturally appropriate.

6. Campaign timelines

We recommend a voting period that takes into account the municipal elections and emphasizes ensuring the greatest number of British Columbians are engaged, able to vote and able to adequately inform themselves about the referendum question – including young people and students. To that end, the referendum voting period should not overlap directly with municipal elections, and should be 21 days or shorter.

7. Campaign financing

This referendum is an opportunity for British Columbians to weigh in on whether they support changing to an electoral system that makes every vote count and ensures that people are at the center of decision making in B.C. Just like our voting system, this campaign needs to be focused on people.

A strong campaign financing framework is the key to an effective, fair and engaging referendum process that puts people's interests first.

For the most part, the new rules that have been established for general elections should be extended to the referendum campaign, including the way it regulates spending, contributions and third party advertising. In addition, we recommend that the financing framework should include the following components.

A. Proponent and opponent groups

Government should identify one proponent and one opponent group and provide no more than \$500,000 of funding to each group. Groups and individuals, including political parties, wishing to participate in the referendum should join either the proponent or opponent sides. Aggregate spending limits should apply to each side. This approach is familiar to British Columbians and will ensure that both sides have the resources to engage British Columbians in the referendum process in a manner that allows people to be informed by clear voices on each side of the debate.

B. Third parties

In general, the third party regulatory regime used for general elections should be applied to the referendum campaign, including amendments passed in Fall 2017.

Any third parties should be required to register and file a disclosure report about their spending, including the source of their contributions. Third parties should be required to establish a “sponsorship account” for contributions they receive.

C. The regulated campaign period

Separate from the voting period, the full suite of campaign finance regulations should come into force at the same time as, or as soon as possible, following the announcement of the question in order to ensure people’s interests are at the center of this campaign. As much as possible, this regulated campaign period should apply to the proponent/opponent groups, as well as third parties.

D. Contribution limits

Big money has no place in our politics. After 16 years of inaction, this government finally removed the influence of special interests from our provincial and municipal elections – a key component of the Confidence and Supply Agreement between the New Democrats and the Greens. We cannot allow big money to creep back into a referendum on our voting system.

Contribution limits for proponent/opponent groups, as well as any third parties, must include:

- A ban on all corporate and union donations, as well as contributions from non-B.C. residents.
- A ban on loans.
- An individual contribution limit of \$600 for the regulated period to promote a level playing field for citizen engagement.
- A ban on the use of resources and physical assets received prior to the regulated period for use in the regulated period.

E. Spending limits

To ensure a level playing field, strict limitations on spending should apply throughout the regulated campaign finance period and to all actors who wish to take part in referendum advertising.

In addition, unlike a general election, most of the voting in a mail-in referendum will take place within the first few days of the voting period as people receive their ballots. It is therefore essential that the spending/advertising rules are in place leading up to the voting period.

The spending limits should include:

- A spending limit of \$1.5 million established for proponent/opponent groups for the duration of the regulated campaign finance period, and paid advertising spending by opponent and proponent groups must not exceed \$500,000.
- A strict spending limit for any third party advertisers, especially during the voting period and leading up to it.

Thank you for your consideration and for your work to ensure a clear and fair vote for all British Columbians.