The BC Citizens' Assembly: The Public Hearings and Deliberations Stage

by R.S. Ratner

The Final Report of the British Columbia Citizens' Assembly on Electoral Reform was presented to the Government on December 10, 2004. A previous article (Summer 2004) covered the establishment of the Assembly, the random selection process for delegates and the learning phase. This article focuses on the Public Hearing experience, the Assembly's Deliberation Phase, and its final report. The Assembly's proposal for a new electoral system will be submitted to the voters in a referendum to be held on May 17, 2005. If it receives 60% of the vote overall and a majority in 60% of the constituencies the government has agreed to introduce legislation to give effect to the CA recommendation.

The British Columbia Citizens' Assembly on electoral reform began its work on January 10, 2004. One hundred and sixty randomly selected citizens, one man and one woman fom every riding in the province, eagerly took their places on this historic occasion that invested 'ordinary' citizens with the power to recommend legislative action on a matter of certain political consequence.

The genesis of this experiment in participatory democracy came from Premier Gordon Campbell who had pledged to convoke such an Assembly after his Liberal Party was defeated by the New Democrats in the 1996 provincial election, despite gaining more of the popular vote. Campbell's opportunity came in the very next election (2001) when the Liberals won 77 of the 79 House seats. Despite the overwhelming margin Premier Campbell stuck to his pledge, believing that unfettered citizen involvement in evaluating the electoral process was "the right thing to do".[1] This was a bold step endorsed by most of his political colleagues despite a natural reluctance to surrender power to unelected citizens. Casting this relinquishment of power in a positive light, Gordon Gibson, the chief architect of the Assembly's constitution, remarked that "A group of politicians took their working lives and gave it to a bunch of strangers…in a great act of political generosity".[2]

Whatever the motivation there was no doubt that steps had to be taken to address features of an electoral system apparently contributing to public disenchantment with parliamentary politics. Voter turnout across the country was declining, suggesting that citizens felt rebuffed by an electoral system that failed to register the actual composition of partisan sentiment among voters. Distrust toward politicians and cynicism about politics signaled a serious loss of legitimacy that underscored the need for innovative efforts to restore a sense of citizen pride in the political system.

The idea of a random assemblage of citizens framing a public referendum on the electoral process seemed a move in the direction of a more collaborative process befitting a modernized democracy. As well, the vulnerabilities of British parliamentary traditions in the contemporary Canadian and B.C. context were increasingly manifest, given the unseemly concentrations of executive power,[3] as were the potential advantages of

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systems of proportional representation in providing greater representational diversity in the legislature. [4]

The Citizens' Assembly began its work with a Learning Phase in January 2004[5] designed to impart the basic "five families" of electoral systems. [6] The preliminary report issued by the Assembly (March 21, 2004) at the close of the Learning Phase[7] anticipated three defining features of electoral systems thought to resonate with key values of British Columbians: strong local representation, reasonable proportionality in the relation of seats to votes, and optimal voter choice. The Assembly did not yet recommend any particular alternative electoral system or dismiss the current single member plurality system, but invited public input on the report and the values believed to be "central to the political health of the province's democracy". Citizens were urged to attend one or more of the 50 public hearings to be held around the province, make a presentation if they wished, and/or send a submission on-line, by e-mail or by post.

Before concluding the learning phase, Assembly members decided to hold a special weekend session in Prince George to review what they had learned from British Columbians in the hearings and written submissions; also, a randomly chosen sub-committee of several Assembly members was assigned the task of selecting a variety of the more informative public hearing presentations for repeat delivery at the opening plenary session of the Deliberation Phase scheduled to begin in September.

Public Hearings and Submissions

Toward the end of the Learning Phase, Leo Perra, the Chief Operations Officer reminded members that the Assembly's Terms of Reference required it to consult with citizens through public hearings and written submissions. He advised Assembly members to view the exercise as an extension of their Learning Phase and as an opportunity to "hear what our fellow citizens and interested organizations have to say about different electoral systems." A short manual, incorporating members' suggestions, was prepared in order to clarify their role at the public hearings. The first of 50 hearings held over a two-month period began on May 3 in Vancouver. Hearings were well-advertised in local papers, on the Assembly website, and by posters. Hearing locations were usually at a centralized commercial site, enabling the maximum number of citizens to attend. The hearings were normally scheduled in three hour time slots, on weekday evenings and on Saturday afternoons. Staff support for each hearing consisted of a local CA member serving as co-host, a moderator who was usually a

Jacki Tait of Gitwinksihlkw receiving a commemorative certificate from Premier Gordon Campbell at the conclusion of the Assembly's work.

member of senior CA staff, a registrar, a recorder, and a member of the communications staff.

At least four CA members–often more–attended each hearing; this included a member from the local district, the neighboring district, and at least one member from another region of the province–a mix designed to help Assembly members gain an understanding of local issues and citizen concerns throughout the province.

The CA members sat at a table at the front of the hearing room, public seating was usually theatre style (unless small numbers dictated a more informal circular arrangement), and presenters spoke from a lectern/podium. After an introduction to the proceedings by the local CA member, a short video was shown that provided an overview of the Assembly and an outline of the five main families of electoral systems. Speakers were limited to ten minute presentations, followed by a ten minute question and answer period, beginning with questions from the CA panel members. In all, close to 3000 members of the public attended the 50 hearings, ranging from 20 people in very small communities to over 150 at one urban hearing. There were 387 presenters (most had pre-registered), and summaries of formal presentations were posted to the Assembly website. [8]

Other than some minor technical glitches and off-mandate gripes, the hearings went smoothly. Rooms were crowded at times, but that added to an aura of intense involvement. The time restriction was annoying to some

presenters–one stating that, "I have only ten minutes to speak for something I've been preparing for twelve years." The list of presenters, however, was usually fairly long, so limits had to be imposed in order to reserve time for audience participation. In general, the mood at hearings was one of genuine engagement. An already fabled sign of the level of public interest was the large turnout at a public hearing in the resort town of Smithers on the same night of the final game of the Stanley Cup hockey playoffs.

> *In the public hearings I attended I was impressed by the familiarity of speakers with some of the intricacies of electoral systems.*

Dominant themes and concerns expressed across the hearings resonated with issues that CA members had identified in the closing sessions of their Learning Phase: the need for change in the workings of the political system; the merits of proportionality; the importance of local representation, and the benefits of increased voter choice. Polarized politics, executive dominance, and unrepresentative legislative bodies were blamed for major grievances thought remediable by electoral reform, especially that of the PR variety.

The current first-past-the-post (FPTP) system had few advocates, while the mixed member proportional (MMP) system was often mentioned as the most plausible alternative, although this was, in part, the premeditated strategy of some determined citizens' groups and of the Green Party, whose leader waged an aggressive advocacy campaign for MMP.

A comparatively small number of presenters spoke in favour of the single transferable vote (STV) system, usually offering fairly technical and sophisticated arguments on its behalf. In absorbing the various critiques and proposed solutions, CA members improved their understanding of electoral systems in the B.C. context, occasionally experiencing a confidence boost when they discovered that they knew more than the immediate public and thus felt more capable of proposing a recommendation.

The other significant opportunity for public participation was through written submissions. By the closing date in September 2004, just prior to the start of the Deliberation Phase, the Assembly had received 1,603 substantive submissions, providing members with a great deal of useful information on electoral systems. Many of the submissions were brief–some even hand-written–while others were longer, in electronic form, and more dense, some as long as 70 pages.

In order to manage this volume, a web-based system was developed to process and index submissions, making them more accessible to members and to the public. This procedure facilitated a running dialogue between submitters, itself an augmentation of democratic process. Brief abstracts summarizing the themes of submissions were prepared and attached to submissions by the associate research officer, a laborious task made more tedious by a tactical inflation in the volume of submissions from groups campaigning for a specific electoral objective and determined to deluge the website.

Most CA members nevertheless made it their business to wade through a significant number of submissions (some boasted they had read them all), sharing their assessments on the Members-Only-Discussion Forum. A problem in this regard was that about a quarter of the members were without access to computer technology, so neither on-line submissions nor the members' forum were available to them. The staff sought to alleviate this problem by providing print-outs of valued submissions and of important members' forum exchanges.

The submissions conveyed general disapproval of the current FPTP electoral system and were supportive of some form of PR, generally of the MMP variety. Some of the submissions referred to the single transferable vote system, but often unfavourably. Apart from the repetitiveness in content of many submissions, they were by and large appropriate and informative. In essence, they matched impressions drawn at the public hearings–that many voters in British Columbia were unhappy with the present system and wanted it changed. An unanswered question is whether what was heard and read was representative of the B.C. electorate as a whole.

That question roiled in the minds of CA members at their Prince George gathering in late June when the Assembly met to review what they had learned from the public hearings and written submissions, and to approve a plan on how to approach deliberations and decision-making in the fall. Members had chosen to reconvene in Prince George as a symbolic gesture of solidarity toward the rest of the province (especially the North), given that all the plenary sessions were taking place in the urban stronghold of Vancouver. They also looked forward to the bonding and information-sharing experience that many members felt was needed to lessen the attenuating effects of the five month separation between the learning and deliberation phases. Nearly all of the members made the trip to Prince George.

The sessions were structured in the familiar plenary and discussion group format, although the gymnasium

Julie Boehmer, CA Member, making a presention at Rockridge Secondary in West Vancouver. Rockridge also staged a mock Citizens' Assembly and made a formal presentation at a public hearing.

of the Prince George Civic Centre did not afford the same ambience as the Asia Pacific Hall in Vancouver. Disappointingly, a motion to bar observers from the discussion groups was introduced by the staff (perhaps at the instigation of some members) and later approved by the Assembly. So observers were reduced to hanging around the lobby during the discussion group periods.

At the plenary session, the research director, Ken Carty, and his associate, Campbell Sharman, presented summaries of the public hearings and submissions experience. Professor Carty identified the roughly similar views and concerns expressed by presenters at hearings across the province, as well as noting some of the regional variations. The most popular electoral alternative seemed to be the two-vote MMP system with open lists and a threshold.

Some persistent questions stemming from the hearings were underlined: Who will carry the ball after the Assembly disbands so that the B.C. electorate is properly informed about the issues relevant to the referendum? And how do we tap the views of the vast majority of B.C. voters who did not come out to the hearings?

The discussion groups met and reported back a host of concerns: the 60% double bar; the 79 seat mandate restriction which particularly hindered the MMP alternative; the infiltration and dominance of special interest groups into the hearings and submission processes; and somewhat surprisingly, a fear that the final report would be written without the Assembly's approval.

Professor Carty was quick to respond to the latter concern, stating that members would certainly approve (or not approve) the full text of the final report and recommendation. He counseled against preoccupation with the 60% threshold issue, both for the reason that "it is the law and part of the established mandate," but more reassuringly, because "If 60% or over is obtained, the government *must* introduce the referendum in the legislature; but they can introduce the legislation even if the figure is lower."

Further concerns were raised by members about media distortion or bias and the role that government intends to play in a public information campaign. After another round of discussion groups, members returned to the last plenary session of the weekend determined to set aside uncertainty and enter the coming Deliberation Phase without preconceived ideas, a feeling of mutual trust, a readiness for constructive conflict, and a confidence in the guiding power of their own previously established 'shared values' to help ascertain the core values professed by British Columbians about the political process and forge an appropriate recommendation.

The decision-tree for the deliberation phase was reviewed, and the Chair posed a set of questions for members to consider in preparation for the fall meetings, urging them to "keep engaged and in contact over the summer." The Assembly disbanded with a collective twinge about whether enough had been accomplished over the two days to justify the venture, but a strengthened sense of commitment was evident.

The Deliberation Phase

On September 11th, 2004, the members returned to Vancouver for another six week series of weekend meetings in order to decide on the best electoral system for British Columbia. The first Saturday morning session began as usual, with a group rendition of O Canada by a nearly full complement of members, followed by a moment of silence for the victims of a previous September 11th, and the more recent casualties in Beslan and Darfur. It was a poignant reminder from the Chair that CA members are privileged to live in a relatively secure and peaceful society that deserves their best efforts in a world community craving for good examples.

The Assembly was informed that, in line with their own wishes, all CA decisions would be made in the general assembly and that discussion groups would be closed to the public over the course of the deliberation phase. Fortunately, the staff responded graciously to requests by me and another observer to allow us to observe the breakout groups. An access-to-discussion group policy was devised (and approved that day by the members) that would permit research-oriented plenary session attendees to apply for observer status. Three of us applied, met the criteria, and were given license to sit in on the discussion groups.

The business of the day began with nine speakers, carefully selected by a special sub-committee of the Assembly members, who gave 15 minute oral presentations to the full Assembly. The presentations championed different approaches to electoral reform that were still on the table—Alternative Vote (AV) Single TransferableVote (STV), Mixed Member Proportional (MMP), Preferential Plus (combined STV and AV), and first past the post (FPTP). A few presentations addressed issues cross-cutting some of these approaches. Most speakers favoured the MMP or STV electoral models, stressing the democratic advantages of proportionality, whereas the FPTP defender, a former cabinet minister from the Socred era, warned, unconvincingly, that "the concept of proportional representation would be a monumental error of judgment".

The presentations stimulated some thoughtful exchanges between speakers and members, and helped to illuminate the differences between the approaches. By the end of the exercise it was apparent that some variant of MMP or STV would be the likeliest contenders for the members' recommendation.

Following the oral presentations, Professor Sharman discussed the submissions experience. Three CA members also reported their impressions of the submissions, noting the wide interest in MMP, regional needs, and lo-cal representation and accountability. It appeared that a pre-organized quantum of submissions from one of the minor political parties artificially swelled the pro-MMP aggregate.

At the Sunday session, Professor Carty reviewed the mandate requirements and then took the members through a rapid review of proportional versus non-proportional electoral systems, ending with a proposed list of eight potentially desirable features of electoral models for the members to consider in their discussion groups. Members were asked to identify their top three choices and almost without exception they chose the three that topped Professor Carty's list:

- effective local representation
- the principle of proportionality
- maximum voter choice

The second weekend began with a presentation by a Vancouver-based mediator, entitled "Getting to Yes". Apparently, staff felt that members could benefit by some coaching in this area, especially following the frictions that developed in a few of the discussion groups on the previous weekend. The speaker focused on the need for members to build self-awareness, empathy and mutual trust, and to replace "positional" with "interest-based" conflict so that agreement was obtainable. Following this talk, the Chair reiterated the 'shared values' that members had identified and committed to back in the Learning Phase, and then reviewed the ten-step decision sequence (or 'critical path') that would guide the Assembly's progress over the course of the Deliberation Phase.

After members discussed and reaffirmed their three 'core values' of a preferred electoral system, Professor Carty narrowed the electoral system choices down to the only two remaining possibilities out of the five main families: STV and MMP. The challenge for the Assembly, therefore, was to conceive a single transferable vote or mixed member proportional system that would be suitable for British Columbia. Despite some members' reluctance to confine their task to just two systems (plus a possible tweaking of FTPT), no other alternatives seemed congruent with the CA mandate, so Professor Carty proceeded to outline the structural features relevant to the design of either system.

At Professor Carty's suggestion, members decided to begin with the STV model since it was described as easier to construct in terms of the number of decisions that had to be made. This exercise was undertaken the next morning, when members focused on the design elements for

an STV model appropriate to British Columbia. Members gave concerted attention to the related issues of district magnitude and local representation, the latter a matter of extreme importance to members representing the geographically expansive Northern and rural ridings.

In the STV system, multi-member Districts would result in more proportionality for the populous urban ridings (with Districts of 4 to 7 members), but much less proportionality in the under-populated Northern ridings (with Districts consisting of 2 or 3 members), yet those Northern ridings would become larger geographical districts with relatively little gain in local representation. The debate over this issue aroused both empathy and frustration with the Northern predicament, seeding some early positive sentiment for the STV model with its premium on local representation.

At the third weekend session, the members embraced the task of constructing an MMP 'good fit' model for British Columbia. Professor Carty listed the dozen or so decisions that would be necessary to integrate the different parts of a Mixed system, describing such systems as "conceptually simple but architecturally complex". Following a brief survey of current Mixed system variations (MMP in Germany and New Zealand, MMM in Japan and Russia, and MMP-Lite) characterized principally by the degree of proportionality (or the balance between constituency and list seats), the discussion groups met to clarify such matters as the allocation and assignment of list seats, quotas, thresholds, etc. and compare the relative merits of the Mixed system variants.

In the discussion group I observed, the challenge of combining design elements for an MMP system produced almost immediate nostalgia for the STV model, especially when the facilitator explained that independent candidates (i.e., those without party affiliation) had virtually no chance of winning a list seat, and only a weak chance of taking a constituency seat under MMP. A rising sentiment for the eligibility of independent candidates and concerns about the exclusionary impact of thresholds stirred a moderately negative view of MMP among some members.

Members returned to the plenary session for a meticulous review of the principles and features of mixed systems. They opted for a regional, rather than provincial, assignment of list seats which, in part, compensated for the lack of local representation as compared with STV. Members then settled down to an absorbing talk by Professor Lisa Young on "Electoral Systems and Representative Outcomes".[9]

The next morning, members voted on the design elements for a 60-40% (constituent/list) MMP system. A number of important decisions regarding the MMP model were not yet made, such as the vacancy rule for list seats, the appropriate regional structure for list seat assignments, and the proportional formula for allocating seats. The Chair ended the session by declaring that the remaining matters were technical, so "could be deferred to next week if the group chooses MMP", a decision that may have been more consequential than it seemed at the time.

> *Finally, the question—which of the two alternatives would best serve British Columbia?—was put to a secret ballot and the result was 123 for STV to 31 for MMP, a rather surprising outcome given the surface intensity and back-and-forth nature of the debate.*

The fourth week-end was the time for momentous decisions. After reviewing the previous Assembly decisions regarding the MMP model, Professor Carty offered some general and non-invidious observations about the two models. One member asked if the 79 seat restriction still applied (a stumbling block for MMP advocates) and the Chair answered abruptly that it did. Another member wondered why the Assembly did not decide on the remaining MMP design features *before* choosing between the two electoral systems. The Chair deflected the question by reminding the members of the plan to return to those residual issues should the members select the MMP model. He asked if that was not the view expressed by the Assembly, which elicited a halting affirmation. The pivotal debate got under way with members' recounting previous concerns, objections, and defenses of either electoral model while seeking to avoid acrimony.

In the discussion group I observed that morning, one member, expressing the general sentiment, said, "Let's go out of here as a united voice…whatever the outcome. If we don't, the press will kill us." In the plenary debate members acknowledged that MMP was a decided favorite in the public hearings and in the written submissions, but opinion in the Assembly seemed divided between the two models.

MMP struck members as more reliable in terms of effecting proportionality province-wide; STV seemed to come closer to fulfilling all three 'core values', accenting local accountability without creating two tiers of candidates. The debate was civil, subtle, and exhaustive.

Members applauded the result and the Chair commended them for the extraordinary civility and perceptiveness that they demonstrated during the discussion. The session ended with a standing ovation in honour of the entire process, but also with a reminder from the Chair that the decision-making was not over, although one might think that the scheduling staff possessed a crystal ball given the special meeting arranged for CA members that night to discuss ways to deal with the media should members adopt STV.

The Sunday morning plenary session began with Professor Carty reviewing the strengths and weaknesses of the current FPTP system, a talk that seemed necessary and redundant at the same time. Members had been through the wringer on the system's flaws and virtues at least a few times over the life of the Assembly, but now it was time to re-evaluate the system's capacities and decide whether it should be retained or jettisoned.

After close examination of the comparative merits and drawbacks of the FPTP and STV electoral systems in their discussion groups, the members underwent one more wrenching debate, offering observations that ranged from the abstract to the personal. Most members, however were critical of the recurrent limitations of FPTP and looked hopefully to the corrective potential of STV. Toward the end of this debate, one member, sensing the collective anxiety about recommending an historic change, commented, "Change can be scary, but remember, we're not making the decision on our own. Let's put our recommendation to the people and let them choose."

The Chair then called for the first of two secret ballots. On the question of whether the Assembly wanted to retain the current FPTP system, the vote was 142 to 11 against retention. On the second question of whether the Assembly wanted to now recommend the STV system it had devised to the people of British Columbia, the vote was 146 to 7 in favour of doing so. Relieved that the main business of the Assembly had now been accomplished, members adjourned for a three-week interlude.

The long gap between the fourth and fifth weekends called for an especially warm greeting when members returned. The Chair announced a slew of member birthdays and anniversaries, and the few absentees were welcomed back to the fold. The Assembly poet read her latest testament to the charmed enterprise and the Chair happily reported that members' evaluations of the previous weekend meetings recorded the highest satisfaction rates ever.

On a slightly apologetic note, he reflected aloud that, "If MMP had been entirely fleshed out as had STV, the process would have been flawless." Professor Carty then engaged members in one last review of their STV system,

confirming their understanding of the particulars, and the Chair followed by discussing the "other considerations" (i.e., problems related to the political process that British Columbians had advised members they wanted the government to address) that were to be mentioned in the final report, urging that they be de-coupled from the basic recommendation so that citizens do not reject the recommendation on extraneous grounds. Members then mulled over a name for their new system, tentatively favouring "BC-STV", a choice that rattled the Chair who remarked afterwards that "STV" already had a "bad rep" owing to media lampoons of its complex counting procedure.

That evening, at the members' 'living room' session, approximately 50 members began to consider how CA members could plug into the referendum process after the official dissolution of the Assembly in mid-December. A few members had already been invited to the "Yes" kickoff campaign of FairVote Canada. Members discussed the pros and cons of setting up a list serve to deal with the media and coordinate speaking engagements across the province. An ad hoc committee was formed to explore the possibilities for extended CA member involvement.

On Sunday morning, members and staff participated in a meticulous page-by-page review of the report with members offering numerous editing suggestions, points of clarification, and ideas for improved graphics. The name of the new electoral system was reconsidered, with "BC-STV" winning a strong majority against two alternatives, one of them being the staff's choice. Almost everything was now in place to present the recommendation to the Attorney-General.

Every member of the Citizens' Assembly (aside from the lone resignee) was present for the sixth and final set of weekend meetings which began with a visit from the Premier and the Attorney-General. In his remarks Premier Campbell stated that, "The amazing thing is that we decided to let citizens decide how democracy should work…the whole world will be watching what happens in the province of British Columbia." Dr. Blaney called CA members to come forward individually to receive an appreciative certificate of commemoration from the Premier and pose for a photo with him. The ceremony ended with a standing ovation for Dr. Blaney whose skilled and devoted efforts had much to do with making the Citizens' Assembly a success.

After a group photo in the atrium, and refreshments in the Grand Concourse, members re-assembled in the Asia Pacific Hall for a final scrutiny of the report. Some further changes were suggested, two of which excited some uncommonly brusque reactions from the Chair. Several

members objected to the removal of the term "proportionality" from one of the 'basic value' subheadings. It had been replaced with the term, "fair electoral results". As evidence of the deliberative mettle they had acquired in their year-long collective trek to the final report, the members forced a vote on three options, voting overwhelmingly for their compromise suggestion—"fair electoral results through proportionality".

On another matter that visibly irked the Chair (who was probably contemplating time pressures and printing costs), the members considered a key word change in the referendum motion, but after forcing another vote on three options, left the original wording unchanged. Professor Carty, in discussing the "other considerations" section of the technical report, wasted no time in saying that "it faithfully records your concerns." Even that assurance, however, could not dissuade members from insisting upon another change, one in which a phrase conflating "women" with "minority communities" was revised to read, "women, First Nations peoples and minorities". All this watchfulness could only provoke a grin of satisfaction that the staff had done their job.

The Communications Director, Marilyn Jacobsen, ended the day with some remarks about the staff's member- support strategy over the coming months, referring to the communications tool kits that would be distributed to all members, the Knowledge Network documentary on the Citizens' Assembly, the teaching aides on the public website, and the circulation of Final Reports. When asked whether there was any news from the government about what they would provide, she replied tersely, "Nothing yet."

The last Sunday morning meeting took place following a gathering the previous night which featured an after-dinner roast that spoofed members and staff, mocked the holy grail of 'consensus', and made some deliberately exaggerated blundering attempts to describe the STV counting procedure. Sunday morning was reserved for a private plenary session organized by the ad hoc committee of CA members who were taking the lead in creating a Citizens' Assembly Alumni group. Two-thirds of the CA members had already signed up for this new independent and non-affiliated association. Its declared purposes were to inform voters about the recommendation through speaking engagements, develop and carry out a media contact strategy, and provide contributions to the informational component of the public website www.bc-stv.ca. The alumni would also have a private members' website as a discussion forum, to organize regional meetings, and to generally stay in touch. A May 17th party appeared to be in the works.

Following that, a number of stirring testimonials were delivered by members, saluting the process and the result, and expressing joyful gratitude for all the camaraderie. One member with a clerical background delivered a benediction, and another, who had a reputation for verbosity, redeemed himself at the last possible moment with a crisp motion to adjourn. Members retired to the lounge for refreshments, farewells or promises to stay in touch, before heading back to the far-flung regions from whence they came.

The 16-page Final Report of the Citizens' Assembly on Electoral Reform was issued on December 10th, 2004. In late January, a copy of the report, also printed in French, Chinese and Punjabi, was sent to all of British Columbia's 1.5 million households. The Assembly's recommendation will go to B.C. voters in a referendum to be held along with the provincial election on May 17, 2005. If the referendum passes, the government is obliged to bring in appropriate legislation that would ensure the new electoral mode can be in place for the election of May 2009.

Discussion and Conclusions

Applauded as the Assembly process was –by participants and observers- three issues were especially problematic and demand closer attention. On the question of *representivity*, it was never entirely clear whether CA members conceived of themselves as representing the province, their own region or district, the contributors to the hearings and submission processes, or simply themselves. Over the course of the experience, most members came to rely on their own judgment, regarding themselves as BC society in miniature; however, the extent to which conflicting identities may have weighed on their judgment is largely unknown.

The issue of *authenticity* cast an intermittent shadow over the CA deliberations. In particular, the influence of the staff in contributing to the early identification of the critical 'core values' that later served as the basis for evaluating the various electoral models, and the decisions by staff surrounding the MMP alternative (e.g., the ambiguities regarding the 79 seat restriction, and the time squeeze imposed on the Assembly's efforts to tailor the intricacies of the MMP model to the province), may have prevented a fully autonomous assessment by members of the alternatives.

As well, the question of *impartiality* in deciding whether to retain the existing FPTP system may have been affected by the members' need to demonstrate a tangible accomplishment, which in turn may have laid the grounds for an anti-government bias that materialized into a wave of populist sentiment on behalf of STV. These are three cardinal dynamics possibly operative

within the CA process and perhaps partly determinative of the outcome, that ought to be explored in further study.

With regard to the STV recommendation itself, some of its features, already lambasted by several political pundits, are not as problematic as they may seem. Although the preferential STV ballot would contain the names of more candidates, it has not proved too complicated for members in other jurisdictions where the system has been used. The vote counting procedure, entailing a dual transfer of votes, is complex and perhaps even opaque to most voters, but not to the professionals whose job it is to count them, and as the technical reliability of computers improves, voters will exhibit more trust in the integrity of the counting process.

On the question of minority or coalition governments (the probable outcome of either an STV or MMP electoral system), so dreaded by some, particularly by FPTP 'majority government' supporters, such governments have proven to be remarkably stable and less adversarial where they have taken root. If these concerns have been exaggerated, there are, however, some important criticisms that are pertinent to an evaluation of the STV model.

- The argument, made in the Assembly's final report, that the STV system "ensures proportionality" must be treated as an exaggeration. Although STV is regarded as a distinctive variation of the PR systems, district magnitudes below 5 "ensures" only a substantial reduction in proportionality, unless there are only two or three parties contesting for seats. For this reason, STV has been described by various commentators as "quasi-proportional".

- It is unclear why "multi-member" constituencies would offer better 'local representation' than single-member ridings, at least not until it is known how MLAs in given ridings would cooperate under these new circumstances, or whether a system of 'circuits' would develop so that each of the major communities in a riding is represented by an MLA. Local representation could be weaker rather than improved in geographically expanded ridings.

- In a reversal of the above problem, MLAs may over-commit to a local constituency and engage in a narrow brokerage politics that ignores regional and province-wide issues.

- The claim that the STV system encourages 'independent' candidates may be so only for candidates who are independently wealthy, have already earned sufficient political capital to attract funds, or benefit by generous nomination and campaign finance laws. Ironically, STV may be quite dependent on party support and 'big money politics' despite its 'candidate-based' characterization.

- The argument that competition between candidates of the same party reduces party discipline and inspires greater local accountability slights the probability that elections will become more of a popularity contest in which factors extraneous to serious debate become decisive. In the politically polarized BC landscape, it is unclear whether a modified political culture would emerge in order to ensure civil competition between candidates and subsequent cooperation between winners in the same riding.

- With respect to political consequences, there is a danger that medium-sized and smaller parties will run fewer candidates in order to focus on electoral ambitions in specific ridings. This would likely weaken the broader 'grass roots' movement of a party and reduce it to a geographic niche party where, at best, it may capture only a few seats.

While these concerns are endemic to most STV electoral systems, the main objection to STV comes from those who favour party-centred systems, such as FPTP or the party-based systems of PR List and MMP. Unsurprisingly, STV is unpopular with governing parties whose ability to exert party discipline over candidates is undermined by intra-party competition.[10] On a more ideological note, those STV opponents who favour party-driven proportionality, argue that STV encourages the fiction that elections are about choosing individual representatives, and not about solidifying collective political power (i.e., parties) in the interest of achieving radical social change. Indeed, the fear that smaller parties will cannibalize the base of an established political organization (rather than form a coalition with it), induces larger parties to consolidate their control over the candidate nomination process.

Notwithstanding these problems, most of which filtered into the discussions of the Citizens' Assembly, members had little difficulty in agreeing to switch from the alienating paternalism and hierarchy of the FPTP system to the seemingly trivial dangers inherent in STV.[11]

A month after the Citizens' Assembly disbanded, I engaged in one-hour telephone interviews with 53 of the 159 members, a sample about evenly divided between men and women and between Lower Mainland (Vancouver) and other provincial inhabitants. On questions dealing with the organizational structure and processes of the Assembly and the integrity of the staff, the responses were almost uniformly positive. A split was evident, however, when it came to matters that affected the Assembly's deliberations yet was beyond their control, or rested with forces outside the purview of the Assembly but bound to affect the outcome of the referendum vote.

On these issues, half to most of the members continued to feel that aspects of the imposed mandate were too restrictive, and that the crucial 60% threshold was unattainably high. Many were disturbed by the media

coverage to date—either too sparse or excessively critical of the Assembly's recommendation. They doubted that the BC electorate would be sufficiently informed to cast an intelligent vote at the time of the election given the government's inaction on public education initiatives, and they expected the major political parties to be indifferent or hostile to their recommendation.

In sum, the members expressed thorough confidence in their 'process' and its merits as a tool of democratic governance, but they had grave misgivings about the intentions of those who were needed to endorse and implement their recommendation—the government, the political parties, the media, and the public. Moreover, they felt sorely deprived in their attempt to serve as 'ambassadors' for the recommendation in the period leading up to the May 2005 election, and they euphemistically categorized their efforts as "informational" rather than "advocacy", since the latter required an ample resource flow unavailable to them.

In the face of these obstacles and rather dim prospects for passage of the referendum, members remained motivated by their stolid conviction that the citizens of BC wanted a change, and if properly informed on the referendum question, would come to understand that the flaws of the current system were unacceptable and that the Assembly's recommendation would be a way to strengthen the democratic process. Most of them will be extremely disappointed if the recommendation does not pass and become enshrined in law, although they take early consolation in knowing that they have performed "a valuable check-up on democracy in BC," and they hope that the CA process will be utilized in other venues that enable direct citizen input on issues such as health delivery and education. Above all, they return to their communities in a more critical but constructive frame of mind, refreshed by the learning and camaraderie afforded by a year long journey that many described as "the best experience of my life."

Notes

1. See, Gordon Campbell, *et al.*, "The British Columbia Citizens' Assembly: A Round Table," *Canadian Parliamentary Review,* vol. 26, no.2, Summer 2003, pp.4-13

2. Excerpt from presentation by Gordon Gibson at the North American Summit on Citizen Engagement, Vancouver/Whistler Conference, Morris Wosk Centre for Dialogue, Vancouver, B.C., Public Forum on *"What Leaders Need to Know about Citizen Assemblies,"* November 10, 2004.

3. Nick Loenen, *Citizenship and Democracy: A Case for Proportional Representation,* 1997, Dundurn Press:Toronto.

4. Kenneth R. Carty, "Doing Democracy Differently: Has Electoral Reform Finally Arrived*?" The Timlin Lecture,* March 1, 2004, University of Saskatchewan, 19pp

5. For an informative account of events leading up to the inception of the Citizens' Assembly, see Norman J. Ruff, "Electoral Reform and Deliberative Democracy: The British Columbia Citizens' Assembly," Chapter 11, in *Steps Toward Making Every Vote Count: Electoral System Reform in Canada and its Provinces,* ed. Henry Milner, 2004, Broadview Press: Toronto, pp.235-248.

6. For a summary and discussion of the selection and learning phases of the Assembly, see R.S. Ratner, "British Columbia's Citizens' Assembly: The Learning Phase," *Canadian Parliamentary Review,* vol. 27, no.2, Summer 2004, pp. 20-26.

7. The Report was translated into Chinese, Punjabi and French and was made available to the public on-line and by request. The goal was to stimulate dialogue on electoral systems prior to the start of the public hearings.

8. A detailed account of the mechanics, problems and out comes of the Public Hearings and Submission processes appears on pp. 71-87 (and supporting Appendices) of the Assembly's Technical Report, *Making Every Vote Count: The Case for Electoral Reform in British Columbia*, December 204, 264 pp.

9. This was followed by a limited debate on the None-of-the-Above (NOTA) option. NOTA is not an electoral system per se but a "direct democracy" initiative which provides a box marked "None of the Above" on the ballot form. Should the NOTA vote gain a majority, constituency representatives would be selected at random from the NOTA electoral model. Although the members decided against including the NOTA option in any recommended model, the fact that a substantial number spoke in its favour signalled the degree of anti-party sentiment prevailing in the Assembly.

10. David M. Farrell, Malcolm Mackerras and Ian McAllister, "Designing Electoral Institutions: STV Systems and their Consequences," *Political Studies,* vol. xliv, no.1, 1996, pp. 24-43.

11. For a discussion of why an STV system was not recommended for Prince Edward Island, see, John Andrew Cousins, "Electoral Reform for Prince Edward Island," *Canadian Parliamentary Review,* vol. 25, no. 4, Winter 2002-03, pp. 22-31.