A Second Chance for the Single Transferable Vote

by R.S. Ratner

On May 12th, 2009, British Columbians will have a second chance to approve the single transferable vote (STV) electoral system recommended by the British Columbia Citizens' Assembly in December 2004. The creation of a Citizens' Assembly to deliberate over such highly important matters as electoral reform was a remarkably innovative moment in western political history. The voters' decision to replace the traditional Westminster single-member plurality electoral model would be equally so. This article looks at developments since the last provincial election.

In recent years, the pall of citizen disengagement in the advanced democracies has spread alarmingly, signaling again what political analysts have been wont to refer to as the "democratic deficit". This is no less apparent in Canada, particularly when it comes to the solemn duty of exercising the vote. The downward trajectory in voter turnout in federal and provincial elections has now reached the point where little more than half the eligible population goes to the polls. Paradoxically, the sense of apathy and frustration felt by so many citizens runs parallel with their desire for more grassroots participation and involvement in politics. Brimming with information in this technological age, their representative institutions nevertheless seem increasingly ill-suited for the purpose of stimulating civic engagement and generating the halo of public legitimacy.

The root of the problem may be that our *method* for choosing our official torchbearers tends to discourage

R.S. Ratner is Professor Emeritus in the Department of Sociology at the University of British Columbia. He published two previous articles for the Canadian Parliamentary Review based on his observations of meetings of the BC Citizens' Assembly and interviews that he conducted with a representative sample of CA delegates. On January 10, 2009, he attended the BC-STV Conference held in Vancouver, which marked the 5th annual reunion of the BC Citizens' Assembly alumni.

public involvement in the political process and consequently impedes revitalization of the democratic polity. In all federal and provincial jurisdictions of Canada the Westminster parliamentary system has long prevailed. Legislators are chosen by the electoral system known as single-member plurality (SMP), colloquially referred to as First-Past-the-Post (FPTP). The victor in a given riding is the candidate who receives the most votes, which is often less than a majority of the votes cast. The other contestants are all losers. As a result, minority parties are sorely under-represented (if at all) in the Legislature, regardless of their overall portion of votes obtained, and 'wrong winners' (i.e., a victorious party with fewer total votes than another) can emerge, depending on the spread of votes across ridings. Increasingly, the FPTP electoral system, originally designed for two-party encounters, seems incongruous with the varied slates of parties and agendas seeking political terra firma. This now misaligned voting scheme has, in fact, produced several disincentives to casting a ballot: it produces disproportional electoral results which encourages tactical rather than appreciative voting; it renders politics acutely adversarial, restricting the number of parties able to enter the political fray; and it fosters the entrenchment of political elites who wield undeserved and largely unaccountable power. The resultant gap between the will of the people and the rule of Parliament undermines the perceived value

in voting and induces citizens to bury their disgust in shameless and irredeemable cynicism. At best, the existing electoral system now entices just two of three eligible voters to the polls.

The corrective to this deplorable state may lie in the area of electoral reform – i.e., finding a better way to choose candidates who truly speak for the constituencies they serve.

Attempting Electoral Reform

In clear acknowledgment of the gravity of the problem, electoral reform efforts have been underway in Canada over the past several years, notably in five provinces and also at the federal level. All of these efforts have proposed some form of proportional representation in order to alleviate the so-called democratic deficit. Of course, most incumbent politicians are loath to change the system that permitted them to win office, but the momentum for change received a considerable boost in British Columbia when Gordon Campbell, the leader of the governing Liberal party, announced formation of the British Columbia Citizens' Assembly, whose mandate was to decide whether the existing electoral reform system should be preserved or changed. If the latter, the recommendation for change would be decided by voters in a referendum coinciding with the B.C. provincial elections in 2005. The Premier's ostensible motive for convening a Citizens' Assembly was the perverse results delivered by the FPTP electoral system in the 1996 provincial election in which the New Democratic Party (NDP) was able to form a majority government despite the Liberals gaining a larger share of the popular vote, and in the following 2001 election, when Liberals captured 77 of 79 provincial ridings with less than 60% of the vote. In opening the gates to political reform, Campbell authorized a process that gave a body of 160 randomly chosen citizens from across the province a rare opportunity to recommend a constitutional change in B.C.'s electoral system if they deemed the status quo unsatisfactory.

The Citizens' Assembly(CA) process extended over a thirteen month period (December 2003 to January 2005), comprising instruction for members in the various electoral systems, participation in public hearings throughout the province, and a final period of deliberation.[1] The process went smoothly, ending with a strong recommendation for a variant of the single-transferable vote system (BC-STV) that seemed most compatible with the members' paramount consensual values of maximal voter choice, accountable local representation, and proportionality of election results. Under an STV system, voters rank candidates in order of preference (up to the number of candidates to be elected in their district) with their votes transferring to other candidates once their first choices are either elected or eliminated. The democratic appeal of the STV ballot is that in multi-member constituencies (2 to 7 members in ridings in B.C.) it purportedly results in a distribution of legislative seats based as closely as possible on choices expressed by the voters, with relatively few "wasted" votes. Voters are better represented since elected members in a candidate-driven electoral system like STV are presumably less beholden to their political parties.

The Assembly's STV recommendation was put to the voters as a referendum question at the provincial election held on May 17th, 2005. The vote favouring the recommendation received 58.7% of the ballots cast, falling just short of the required 60% supermajority threshold, and obtained majority support in 77 of the 79 ridings, exceeding a similar 60% threshold. Although the referendum did not pass, the high level of support obtained bound the Premier to call for a second referendum, now set to occur at the time of the May 12th, 2009 provincial election. This time, sufficient monetary resources have been provided by the government to Yes and No advocacy groups, and the electoral district boundaries for STV have been clarified, conditions that did not obtain in the 2005 referendum and which may have undercut the affirmative vote. Should the requisite number of voters now choose the STV option (rather than retain FPTP), the new STV system would be in place for the next provincial election in 2013.

The B.C. experiment inspired the Liberal Ontario government to implement a roughly similar process.[2] Interestingly, Assembly members in both regions rated FPTP as the worst possible electoral system. However, the outcomes of electoral reform deliberations in Ontario and elsewhere in Canada fared poorly compared with British Columbia. The Ontario CA (September 2006 – May 2007) favoured a mixed member proportional (MMP) electoral system which combines FPTP constituency elections with a smaller number of party-designated 'list' candidates commensurate with the proportion of total votes obtained by the party. The MMP alternative contains the appeal of greater proportionality and more representation in the legislature for smaller parties, but also raises fears about augmented party control on the one hand (e.g., 'party bosses' deciding list candidates), and tenuous government by coalition on the other, with large parties held hostage by smaller ones. Voter anxieties about "party hacks" and "brokered government" were therefore key factors in the defeat of the Ontario

referendum. Almost two-thirds of the voters (63.1%) chose to retain the FPTP system, with the remainder choosing to switch to MMP, which gained majority support in only 5% of the political districts. The result prompted the Ontario Premier, Dalton McGuinty, to declare that there would not be another Citizens' Assembly on electoral reform.

In Prince Edward Island, an electoral reform commission struck by the Premier recommended an MMP variant which PEI voters soundly rejected in a November 2005 plebiscite. In New Brunswick, a Commission on Legislative Democracy (2005) recommended a regional MMP system along with a binding referendum, but the government ultimately reneged on its agreement to hold a referendum in the 2008 provincial election. An MMP variant is still under consideration in Quebec, originating from a private bill presented to the National Assembly in 2004 that was scheduled for approval in 2006 (without requiring a referendum), but was then derailed by conflicting views about amendments to the bill. Federally, the Law Commission of Canada issued a report in 2004 also recommending an MMP electoral system. The Liberal (Martin) government that commissioned the report failed to act on the recommendation despite its vow to address the democratic deficit. Since then, none of the federal parties has evinced more than tepid interest in electoral reform. The NDP is inclined to support a Canada-wide Citizens' Assembly to examine the possibility for change and, of the qualifying parties, the Green Party is alone in aggressively endorsing an MMP system since the list seats it would earn (given that its national vote is now comfortably above the likely 5% threshold) would guarantee its official presence in Parliament.

In sum, neither the obvious flaws of the antiquated FPTP system nor the fact that it is currently in place in only a few large countries in the world, has brought about its abandonment in any of the federal or provincial jurisdictions in Canada.

Some Dilemmas of Electoral Reform

One widely shared explanation for the defeated referenda in B.C. and Ontario is the inadequacy or misdirection of the government-funded public education campaigns. Oddly, the B.C. Government, which provided $5.5 million to establish and sustain the Citizens' Assembly, set aside only $800,000 to inform voters about the STV recommendation. A volunteer group of about 100 CA alumni and a relatively small band of STV supporters were faced with the immense task of educating three million voters about the CA recommendation. Somehow, enough was done to

secure the approval of a majority of B.C. voters, but public funding of a robust advocacy group may well have produced a threshold-breaking vote for STV since polls repeatedly indicated that the more people knew about STV, the more they supported it. The government later acknowledged the funding shortfall and has since committed $1.5 million for a vigorous public information campaign, two-thirds of that sum to be shared by the Yes and No private advocacy groups.[3] In Ontario, supporters of the trounced recommendation claimed that the government office (Elections Ontario) had mounted only a weak and misguided public information campaign that blunted the potential Yes vote. The $6.8 million allotted by the government to that campaign mistakenly focused on technical details (e.g., sample ballots and the sheer mechanics of the FFPT and MMP systems), without providing voters with the substantive rationale for the Ontario CA's recommendation. Consequently, the constrained or "neutral" government approach left voters in doubt about the CA's ability to engage in a demanding political discourse and about the credibility of their recommendation. The meagre resources that private advocacy groups were able to muster could not suffice to bridge the substantive gap. Many citizens were therefore unable to dissect the issues, and barely half of the eligible voters participated in the Referendum vote. In the government's strenuous effort to remain unbiased, too much influence was left to Ontario's mainstream media, which expressed reservations about the CA from its inception and scorned its recommendation. Dubious about the integrity of the CA, many voters could not disentangle themselves from the barbed commentaries of journalists, politicians, and business interests.[4]

All in all, the referendum experiences in B.C. and Ontario underscore the need for a generously funded public education and outreach program that includes both a non-partisan government information component and organized competing advocacy groups. Relying strictly on a 'neutral' disseminator of information produces, so it seems, a listless or gullible electorate.

A second issue of consequence in the CA and referendum experiences in both provinces was whether (and how) to include the 'political class' in the proceedings. Politicians and civil servants are normally reluctant to launch civic deliberations that might compromise their own authority, especially when complex political tasks are assigned to "ordinary citizens" that they, the experts and professionals, are convinced they could more competently perform. In the B.C. example, the CA charter prohibited people

holding political office currently or in the recent past from serving as members of the Assembly. While their participation was not precluded from the public hearings and referendum stages of the proceedings, the Premier, himself, avowed to remain neutral and he instructed his Cabinet and caucus to maintain a low profile on the referendum question throughout the 2005 election campaign. Other political parties and candidates generally took a neutral position and, with the exception of the Green Party, which was strongly in favour of an MMP motion, seldom referred to the electoral reform issue. It was well-known, however, that most members of the Liberal caucus were hostile to the recommendation, and members of the NDP opposition accorded it only lukewarm support, preferring to await their own turn as the unhindered ruling party. The case was not very different in Ontario where politicians were given direct access to the CA process but usually turned down the opportunity, fearing that any engagement in the process would signify their support for it. As in B.C., most members of the Ontario Liberal Cabinet and caucus opposed the Ontario CA's recommendation, albeit not as quietly.

Given the prescribed taboos and self-imposed restraints, it cannot be said that either Citizens' Assembly was directly affected by the views of politicians. The question remains, however, whether the political class functioned as a shadow opposition and influenced the outcome of the referendum process. Certainly Premier Campbell's planned unleashing of the Liberal caucus in the coming referendum and election campaigns heralds a more concerted and vocal political opposition, in turn suggesting that a CA strategy of maintaining distance from the political elite may be worth rethinking. It may be that a sheltered CA ultimately delegitimizes its recommendation on the grounds that it was formulated in a political vacuum. On the other hand, establishing a dialogical connection with the political class is problematic; for one, it may require that the politicians themselves undergo an instructional process about electoral systems prior to any public pronouncement of their views. At bottom, in order for politicians to invest their political capital in a Citizens' Assembly, they will need to feel that the CA can prove useful to them in some way. Minimally, the CA must be able to provide a potential 'escape route' for politicians unwilling to accept the risk of initiating a needed but contentious change. This is something that CAs can do; indeed, it's their raison d'etre.

A third, more substantive, controversy revolves around the vexed question of government by coalition. Opponents of any system of proportional representation argue that PR weakens major parties by encouraging brokering with 'fringe' parties and independents, often leading to political instability and, on the economic front, loss of investor confidence. Certainly both STV and MMP would result in more parties gaining seats in the Legislature, ideally promoting the formation of broader, more representative government. Critics of PR, however, harshly debunk it, invoking the stigma of "minority government," particularly in the case of MMP, which is meant to imply a perpetually fragile and splintered polity; or, in the example of STV, charging that elected officials, shorn of their party dependence, would preside over individual fiefdoms and pamper their constituents in order to stay in office. Notwithstanding these possibilities, a principled coalition politics can moderate stringent adversarial politics and compel accountability amongst elected representatives. This has been amply demonstrated in various European democracies where PR accords parties greater legitimacy and fosters a mood of pragmatic cooperation. Recourse to the "C"-word by opponents of proportional representation in order to halt momentum towards electoral reform underlines the importance of clarifying the nuanced but crucial distinctions between terms such as "coalitions," "minority government," and "fringe parties", as well as their comparative impacts on efficient and stable governance.[5]

Two other debatable matters to note here that impinge on the fate of electoral reform referenda touch on the fairness of setting a 60% threshold for passage of the referendum motion, and whether it is sensible to hold the referendum coterminous with a provincial election. The main argument advanced for the high threshold is that, in these particular cases, the referendum applies to a constitutional matter, so it should require a strong majority endorsement; but it is also true that many equally important questions put to voters in other jurisdictions have been decided by a simple majority, as was the case regarding Quebec's potential secession prior to legislation of the Clarity Act. In any event, the 60% high water mark was set arbitrarily and warrants broader discussion. As for the timing of the referendum, the key advantage in having it coincide with a general election is that it almost certainly draws out a greater number of voters to the polls; the chief disadvantages are that the referendum matter is likely to receive less media attention, that it becomes a secondary focus for most voters, and that the content and value of the public information campaign is diluted. Like the threshold question, this

issue deserves more study, and should not be decided by sheer expedience.

Conclusions

Regardless of the referenda results, the CA experiments in B.C. and Ontario demonstrated unequivocally that "ordinary people" can acquire the necessary expertise to engage in a lengthy deliberative process about a complex subject and arrive at a reasoned judgment. Establishing the Citizens' Assemblies allowed the B.C. and Ontario governments to showcase their democratic credentials; however, the failure to provide adequate means to appropriately inform citizens about the Assemblies and the rationales for their recommendations diminished their accomplishments and left the electorate, particularly in Ontario, vulnerable to a haphazard, if not battle-drawn, media, and to the negative cues signaled by a covertly hostile political elite.

Yet, once again, despite the registered decibels of ambivalence about citizen involvement in matters as pivotal as electoral reform, voters in British Columbia will have an opportunity to decide whether to retain the FPTP system or undertake a fundamental political reform and shift to STV.

Clearly there is a public interest in having a fair and responsive electoral system, and any effort to improve that system takes a vital step toward closing the democratic deficit in Canada. Indeed, it may be difficult to achieve any significant political reform without first changing the electoral system. The May 12th, 2009 referendum may be the last chance for voters in B.C. (and perhaps in Canada) to launch electoral reform, for a long time to come. Currently, the Liberal majority in B.C. is complemented by a strong NDP opposition— the last provincial election in 2005 having delivered a closer match between seats and popular votes than the two previous ones. Consequently, the drive for change may have abated and it may prove harder to get the 58% vote for STV obtained in the last referendum. Nevertheless, the stakes are high as the fate of a more progressive and deliberative politics—embodied in the inspirationally conceived Citizens' Assembly— and the possibility of revitalizing a flagging Canadian democracy, rest on the outcome.

Notes

1. For a summary of the B.C. Citizens' Assembly learning, public hearings, and deliberative phases, see Ratner, R.S., "British Columbia Citizens' Assembly: The Learning Phase," *Canadian Parliamentary Review*, vol. 27, no. 2, Summer 2004, pp. 20-26; and, "The BC Citizens' Assembly: The Public Hearings and Deliberation Stages," *Canadian Parliamentary Review*, vol. 28, no. 1, Spring 2005, pp. 24-33.

2. For a summary of the three phases of the Ontario Citizens' Assembly, see Rose, Jonathan, "The Ontario Citizens' Assembly on Electoral Reform," *Canadian Parliamentary Review*, vol. 30, no. 3 , Autumn 2007, pp. 9-16.

3. Several analyses of the CA process and referendum experience are presented in, "*Designing Deliberative Democracy: The British Columbia Citizens' Assembly*, eds. Mark E. Warren and Hilary Pearse, 2008, Cambridge Unviersity Press: Cambridge, U.K.

4. For a critique of the fate of the Ontario referendum, see, Lawrence LeDuc, Heather Bastedo, and Catherine Baquero, "The Quiet Referendum, Why Electoral Reform Failed in Ontario," 2008, www.tvo.org/TVOOrg/Images/tvoresources/BBDF37B2-9FB0-934F-69CB56E26191B64E.pdf

5. For a discussion of the effect of coalitions on government stability, see "Electoral Systems and Stability," Chapter 9, pp.192-207, in Farrell, David M., *Electoral Systems: A Comparative Introduction*, Palgrave: Houndmills, Basingstoke, Hampshire, U.K.