

# FAIR VOTE ONTARIO SUBMISSION TO THE CITIZENS' ASSEMBLY ON ELECTORAL REFORM

January 2007

Fair Vote Ontario is a campaign of Fair Vote Canada, a democratically-governed national citizens' organization for electoral reform. Like the Citizens' Assembly, our members come from all walks of life, all parts of the province, and all points on the political spectrum. Our common bond is a belief that our political system must be anchored in democratic principle and supported by a truly democratic voting system.

## Question 1:

### **What electoral system principles are most important?**

#### **Basic Tenet of Representative Democracy**

Probably the best and most succinct definition of representative democracy was provided by Ernest Naville, a Swiss philosopher scientist, in 1865:

*"The right of decision belongs to the majority, but the right of representation belongs to all."*

That is simple and profound. Everyone has the right to political representation by casting a vote and sending a representative to parliament. It's not about what the voter thinks or where the voter lives. It's about the fundamental right to representation.

Yes, there are winners and losers in democracy, because the majority wins the right to make decisions. The majority, however, can only be determined AFTER the voting system has given fair representation to all. You cannot have legitimate majority rule when large numbers of voters don't have representation of their choice in the legislature.

## Fair Voting Principles

The Citizens' Assembly is considering nine electoral values. The list has many similarities to the fair voting values that appear in the Fair Vote Canada Statement of Purpose:

*The purpose of Fair Vote Canada is to gain broad, multi-partisan support for an independent, citizen-driven process to allow Canadians to choose a fair voting system based on the principles that all voters are equal, and that every vote must count.*

*Fair Vote Canada believes that, in order to provide a fair and equal voice for every citizen, and to accurately reflect the will of the voters, our voting system must be designed to achieve the following objectives:*

***Proportional representation:*** *The supporters of all political parties should be fairly represented in proportion to the votes they cast. Parties should have no more and no fewer seats than their popular support warrants. There should be no phony majority governments.*

***Fair representation for women, and for minorities and Aboriginals:*** *Our legislatures should reflect the diversity of our society. To enable this, voting systems must be designed to remove barriers to the nomination and election of those who are under-represented.*

***Accountable government:*** *Our voting system should give us governance which is stable but responsive, flexible but principled, which reflects the will of the majority, but which respects the rights of all.*

***Geographic representation:*** *Rural and urban voters must be fairly represented. Provinces and regions must have effective and accountable representation in parliaments and governments, reflecting real geographic communities.*

***Real voter choice:*** *Our voting system must promote real competition among candidates and political parties. No voter should be disenfranchised for living in a safe riding. No voter should feel compelled to vote strategically for the lesser of evils because the preferred candidate or party has no chance of winning the riding.*

Citizens' Assembly members are already well aware that voting system design requires trade-offs. But some values or principles should never be traded away or compromised.

## Democratic Principles Are Not a Trade-Off

If you were building a home for your family, you would face trade-offs. If you wanted to spend more on one feature, you might have to spend less on another. But there are some things you cannot trade away. You cannot build a safe, secure and sound home on a weak foundation. If you did, the home itself would be in jeopardy.

The same applies to building a healthy representative democracy. The foundation is a truly democratic voting system. You cannot trade away the democratic elements of the voting system without compromising the overall purpose, which is democracy itself. More specifically, this means the core values – those not to be traded away – are: 1) equal and effective votes for all, and 2) fair election results.

No voting system is perfect, but many proportional and mixed proportional systems allow 90 percent or 95 per cent or more of the voters to cast effective votes that help elect someone to parliament.

If votes are equal, then results are fair. Parties winning 40 per cent of the votes will get approximately 40 per cent of the seats. Parties winning 10 per cent of the votes will get about 10 per cent of the seats.

### **Demographic Representation: Multi-Member Districts and Lists Can Help Make It Happen**

The Assembly is considering demographic representation which relates to the problem of too few women, visible minorities and Aboriginals having seats in our legislature. The district magnitude and candidate lists associated with all fair voting systems – List PR, MMP, STV – can be used to both increase proportionality, indicating better voter equality, and to create practical incentives for parties to nominate diverse groups of candidates.

For both proportionality and diversity, the higher the district magnitude and longer the party list, the better, because more votes will count and parties will have far more incentive to present a diverse list of candidates to maximize their votes.

Very large district magnitude, however, can be seen as a tradeoff with local representation. In that regard, we offer the following recommendations: 1) opt for higher rather than lower district magnitude in as many regions as possible, particularly in urban areas; 2) with limited exceptions, keep the list seats per district at 5 or higher; 3) if a list PR or MMP system is chosen, consider calculating proportionality on a provincial level; and 4) consider adding seats to the legislature to reduce concerns about regional representation.

### **Build for Future Generations, Not the Past**

A new Ontario voting system needs to include an element of geographic representation, but we urge the Assembly to keep this in perspective. You

are designing a voting system for an evolving 21<sup>st</sup> century democracy to be used by our children, their children and grandchildren.

In the past, we were largely limited to meeting in person to communicate with an MPP. Today, studies show only a very small percentage of citizens ever personally visit a constituency office for a face-to-face meeting with their MPP. That doesn't mean we don't communicate with our MPPs. It just illustrates that we now have options that didn't exist in the past – email, for example. In fact, many now find the best way to get the attention of their MPP is through involvement in civic groups which advance the interests of groups of voters in many forums.

In the highly mobile internet society not only is electronic communication preferred, but younger people are less likely to define their “community” in geographic terms. Studies and surveys are already showing the communities of the future will be more cultural or values-based, rather than geographically defined. In the not too distant future, interactive video communication will also allow face-to-face meetings over long distances.

The voting system of the future should not be rooted in an assumption that community is only about geography and political communication is only about walking into a constituency office.

### **Reform is Not About North vs. South or Urban vs. Rural**

Opponents of electoral reform often try to frame the discussion as though the big issues are north versus south, or urban voters versus rural versus suburban voters, in a zero sum game where gain for one group comes at the expense of another. They claim the adoption of a fair voting system means Ontarians would lose strong geographic representation. Or so they say.

In reality, the opposite is true. Voter equality and strong proportionality will give all Ontarians *better* geographic representation than we have ever experienced.

The unfairness of the current system hurts northerners, southerners, urban and rural voters alike. Regardless of where you live in Ontario, about half of the voters cannot get the political representation they desire. Those casting wasted votes in Timmins experience the same political discrimination as those casting wasted votes in downtown Toronto. They share an inability to send a representative they want to Queen's Park.

With a fair voting system, based on equal and effective votes for all, we'll finally experience fair results in every region, as well as in the overall election outcome. A Liberal vote in Brampton will count as much as a

Liberal vote in London. A Conservative vote in downtown Toronto will count as much as one in North Bay.

This provides a new incentive for every party to pay attention to voters in every part of the province. Compare that to the current system, where every major party and each government can safely ignore voters in certain regions, knowing that they will get seat bonuses (i.e., more seats than deserved) in other regions.

A fair voting system requires either the use of larger multi-member districts (list PR or STV) or the addition of compensatory list seats in a mixed system (MMP). That feature allows all voters not only to elect someone from their own region, but someone from a party they actually support. This virtually ensures that voters in every region will have clout and good access to the legislature, having elected MPPs to both the government and opposition caucuses.

## **Question 2:**

### **Does Ontario's current system reflect the principles that are important to you?**

It's time – in fact, way beyond the time – to scrap our first-past-the-post voting system, which the experts say was first used in the 12<sup>th</sup> century. Back in the Dark Ages first-past-the-post was a great leap forward because it was replacing no voting at all.

#### **An Archaic Voting System Has No Place in 21<sup>st</sup> Century Ontario**

Time moved on. In the 19<sup>th</sup> and early 20<sup>th</sup> centuries, as representative democracy became more established, better and more democratic voting systems were developed. Most other Western nations moved on. But we didn't.

Now we're in the 21<sup>st</sup> century and Canada and Ontario are still stuck with a dysfunctional voting system that violates core Canadian values.

The current system distorts what we say with our ballots. A party can win just 40 per cent of the votes, get 60 per cent of the seats and 100 per cent of the power. In fact, distorted results are so routine, we haven't elected a legitimate majority government in Ontario since 1937. By "legitimate

majority government”, we mean a government actually put in office by a majority of votes cast.

The root of the distortion is a voting system that elects only one MPP from each riding. The only way an Ontario voter can gain political representation is by supporting the most popular party or candidate in the riding. In other words, with first-past-the-post, your political representation is often determined by where you live and what your neighbours think, and not by how *you* vote.

### **Two Million Political Orphans in Every Election**

In each provincial election in recent decades more than 2 million Ontarians went to the polls and cast futile votes: votes for candidates who didn't get elected; votes beyond the number needed to elect their candidate – all ballots that had no effect on who was sent to the legislature. If every Ontarian casting a wasted or unsuccessful vote in the last election was asked to form a line beginning at Lake Ontario, at the foot of Yonge St. in Toronto, that line would stretch north through Barrie, North Bay, Kirkland Lake, Moosenee, and out in Hudson Bay.

The people in that line – which would probably include many Assembly members – tried to gain political representation by voting. They took their civic duty seriously, but were denied representation of their choice by a dysfunctional voting system. So it should be no surprise that the line of people who have simply given up and don't vote at all, would be much, much longer.

### **Ontario's Political Diversity is Suppressed**

The current system also has the perverse effect of creating phony partisan divides among the regions in our province. For example, in the last election, in Toronto the Liberals won 53 per cent of the vote, but captured 18 of 21 seats. While 29 per cent of Torontonians voted Progressive Conservative, they sent no Progressive Conservative MPPs to Queen's Park.

In the 905 belt around Toronto, the Liberals and Conservatives attracted roughly the same number of votes, but twice as many Liberal MPPs were elected. In southern Ontario – the 23 ridings stretching from Cambridge to Windsor to Niagara Falls – 20 per cent voted for the NDP but that party won only 1 of the 23 seats.

In other elections, sometimes it was the Conservatives and sometimes the NDP that gained unfair regional seat advantages. But in every case, the

resulting electoral map bore little resemblance to the diversity of political views in every part of the province.

### **Question 3:**

## **Should Ontario keep its current system or change?**

Without question, Ontario should adopt a fair voting system, based on the democratic principles and objectives outlined in the Fair Vote Canada Statement of Purpose.

### **Fair Voting Systems: We Have Choices**

Fair Vote Canada and Fair Vote Ontario do not promote a specific voting system model. List systems, mixed member proportional (MMP) and the single transferable vote (STV) can all be designed to incorporate fair voting principles. Plurality, majoritarian and non-proportional mixed systems do not address those principles and should not be considered because they simply repackage most of the problems created by first-past-the-post voting.

After anchoring the design of a new voting system in democratic principle, you can then address other important objectives. For example, we believe barriers should be removed for the fair representation of women, minorities and aboriginals. The lists used in proportional and mixed proportional systems provide a mechanism and give parties positive incentives to present mixed and balanced slates of candidates.

By giving every citizen an effective and equal vote, we gain political choice. We would see a few more parties winning seats. All parties would have to sharpen and trim their platforms, and honour them more carefully, because voters with effective votes would be able to shop more carefully in a truly competitive political marketplace.

Fortunately, you can design fair voting systems to deliver voter equality and fair results, while still maintaining significant elements of guaranteed geographic representation.

### **Coalition Governments: Legitimate, Representative, Stable, Effective**

Finally, the really good news. It is well documented that a voting system with voter equality and fair results will also generally lead to stable and effective government.

Coalition government will become the norm, the exceptions being when 50 per cent of voters choose a single party, which may sometimes happen. The power of the Premier will be tempered because more than one party will have cabinet positions. Parties will be forced to negotiate and compromise, rather than mindlessly oppose each other on every issue. When compromise and coalitions are the norm, there is little motivation to force unnecessary elections. There would likely be little significant change in the time between elections that we currently experience.

Research also indicates that coalition governments – which actually represent a majority of voters, unlike our current governments with manufactured majorities – do a better job, yes, a better job, at producing legislation that reflects the majority view of the electorate. (See Arend Lijphart's *Patterns of Democracy*, pp. 288).

In summary, a fair voting system with equal votes and fair results is the foundation for a truly democratic political system. And good representative democracy delivers stable, effective and accountable government.

## **Question 4:**

### **Do you have other comments or recommendations related to the assembly's mandate?**

Every country and every province has unique challenges – geography, political culture and political history – that can have a significant effect on how to design the best fair voting system.

In that regard, we urge the Assembly to consider the following points and recommendations.

#### **Real Accountability Requires Effective Votes for All**

How can we create a more accountable legislature and government in Ontario? Step one is to give equal and effective votes to all eight million Ontarians on the voters' list.

Under the current voting system, a majority of Ontarians cast votes that elect no one. A well-designed fair voting system will ensure that virtually all voters, regardless of where they live, will help elect one or more MPPs. Having an MPP that you helped elect creates stronger accountability. An MPP you didn't vote for and who ran on a platform you didn't support may listen politely to your views but would have little or no motivation to act on them.

### **Size of the Legislature**

We urge the Assembly to consider the size of legislature needed to provide good democratic representation for all Ontarians. ***The current number of seats at Queen's Park has no special virtue.***

*Beginning with the 1987 election, the seats in the Ontario legislature were adjusted from 125 to 130, to reflect the population growth shown in the 1981 census. In 1999, the legislature was reduced from 130 seats to 103. If that reduction had not taken place and seats were added to reflect population growth since the 1981 census, the current size would be 172 seats.*

Fair Vote Ontario has no formal position on the size of the legislature, but we do believe that the Assembly should seriously consider adding seats to improve democratic representation, particularly given the geographic sensitivities noted above.

If a more acceptable mixed proportional system can be developed by adding 30 to 40 list seats, then that should be considered as a reasonable alternative. If a list PR or STV system would be more easily accepted if each region had more representatives to counterbalance concerns about moving to multi-member district systems, and that required another 30 to 40 seats, so be it.

In these cases, initial public response will focus on "too many politicians", but Prof. David Docherty's presentation to the Assembly provides a convincing, common-sense response. Good fiscal accountability and effective watchdogging of the government's \$87 billion budget requires reasonably large opposition caucuses. To hold the government accountable, opposition parties should ideally have a dedicated critic for each ministry or portfolio, plus enough MPPs for adequate representation on committees. Prof. Docherty convincingly

argues that the cost for MPP salaries is miniscule compared with the benefits citizens will gain from better oversight of government and improved fiscal responsibility.

Without arguing for any specific number of seats, we urge you to keep an expanded legislature on the table during your deliberations.

### **List Formation Should Require a Democratic Process**

Every voting system requires parties to nominate candidates. Whether parties nominate a single candidate under FPTP or a list of candidates for a list PR, MMP or STV system, the process should be democratic. There is no inherent characteristic in any voting system that ensures the nomination process will be fair. **Fair Vote Canada believes the introduction of legislation for a new voting system should include a requirement that all parties use a democratic process for all nominations, whether for lists or individual constituencies.**

### **Conclusion**

For more than two centuries Ontarians have endured the undemocratic consequences of a primitive and dysfunctional voting system. The Assembly has an opportunity to lead citizens toward something better – a fair voting system that gives every Ontarian an equal and effective vote and fair election results.

Fair Vote Ontario commends the members of the Assembly for their hard work and dedication to the democratic welfare of our province. As fellow citizens who have grappled with these same issues for the past three years we urge you to recommend a new and fair voting system. We look forward to working with Assembly members and many other Ontarians in the ensuing referendum campaign to ensure that your recommendation will launch a new and hopeful era in Ontario and set an example for all of Canada.

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