

Proportional Representation: Redeeming the Democratic Deficit

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ABSTRACT

The primary standard of democratic governance in modern societies is a system of free, fair and open elections in which the people elect representatives who govern with their consent expressed through an election process. Parliamentary or presidential systems are judged, in part, according to the degree to which elected governments are accountable to the people. In most parliamentary systems, governments are formed by elected members of political parties which may exercise authority on their own if they win a majority of the seats in a legislature. In presidential systems with a clear division of power between the head of state and the legislature, matters are more complicated; however, the general principle is that democratic governments are ultimately subject to the people's will. Unfortunately, electoral systems have evolved in a way that often permits artificial majorities in which parties with a mere plurality of votes are entitled to rule as though they had the support of most voters. As well, small but significant parties are often severely underrepresented in electoral outcomes that discriminate against those which are not top contenders but nonetheless embody legitimate interests. To ensure that all viewpoints are properly represented in government and that opportunities exist to permit "third-party" choices to count at election time, most liberal democracies have adopted some form or proportional representation. The purpose of this article is to justify proportional representation in principle and to construct an argument in favour of this innovative democratic process being adopted in Canada where the absence of proportional representation creates electoral distortions of the popular will and denies access to government to important political parties with legitimate democratic concerns.

Keywords: proportional representation, electoral reform, voting systems, mixed-member-proportional, single-transferrable-vote

Introduction

Democracy can be defined as a system of government in which the power is exercised directly by the people or, as in the Canadian system and other liberal democratic systems of government, by elected representatives who exercise political power on behalf of the people. In Canada, the citizens elect their representatives expecting that the will of the majority of the people will be translated into law and implemented by government through legislation and policy implementation in constitutionally designated areas such as social programs and public services, resource extraction, industrial development and international trade, fiscal and monetary management as well as environmental protection, foreign relations and national security.

The Oxford Dictionary states that the term “Majority” appears to be more clear-cut than ‘people’; it means ‘more than half’” (McLain: 129). Historically, not all people were allowed to vote and so even the definition of democracy has evolved over time. According to various Canadian citizens’ political advocacy groups, there is a need for further involvement and improved democracy through electoral reform. One such group that focuses on the majority aspect of election outcomes is Fair Vote Canada. They represent Canadians from several political parties and some from no political party affiliation who take issue with the Canadian voting system because it can result a government that does not accurately reflect the voting intentions of the people. Fair Vote Canada’s mission is to advocate for change to a system that uses proportional representation (PR) so that the will of the majority of the people will be better reflected.

Canada is one of the few economically advanced liberal democracies where the electoral process does not include PR at the highest levels of government. Canada, United States, and England use a system called single-member plurality (SMP), colloquially known as “first-past-the-post” (FPTP) or “winner take all”. The SMP system was adopted when Canada had only two political parties existed, the Conservatives and the Liberals, and it was possible for one party to receive a clear majority of 51% of the votes. With several political parties now registered in Canada that represent a diversity of cultures, geographic regions, and political ideologies, the SMP system is no longer considered fair because a political party can obtain 100% of the power with less than 50% of the votes.

Some of the issues with SMP that will be explored include the creation of false majorities, the overrepresentation of parties with densely concentrated regional support, and the under-representation of minority groups. Several proposed alternative proportional voting systems will be described, common arguments for and against each will be examined, and a few key points about the effects of political partisanship, media coverage, and efforts of advocacy groups such as Fair Vote Canada will be summarized.

Voting Systems

There are three basic types of voting systems, plurality, majority, and proportional representation. By combining the features, some countries have implemented semi-proportional systems and elements of proportionality are now found in over eighty Western democracies. A brief description of the more common systems and their perceived advantages and disadvantages should help the reader understand some of the arguments in the debate to support why proportional representation is the fairest system of all. Plurality systems are those where the winning candidate needs only one more vote than the other candidates in order to win the election. For example, in a riding with 3 candidates, the winning candidate can get elected with 34% of the total votes cast.

Canada uses the plurality system called Single Member Plurality (SMP), a system that elects one candidate to represent the electoral district, referred to as a constituency association or “riding”. There are multi-member plurality systems that allow more than one candidate to be elected in a district, such as in Vancouver’s municipal city council, but according to Dennis Pilon (2007: 20), they have “fallen out of favour.” Majority systems are those that require any winning candidate to receive at least 51% of the votes cast. Depending on the ballot design,

voters mark their ballots with an “X” (or some other mark) or a preferential numerical order indicating, for example, first choice, second choice, and third choice.

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The voting formula used to determine the winner(s) in a majority-type voting system sometimes use a format called Alternative Vote (AV). In an AV system, there may be several steps involved in counting the ballots to determine seat allocation, especially if the election is for a multi-member district and/or if no candidate receives more than 50% of the vote in the first round. Here is an example of how AV works in a single-member district: the voters rank the candidates on the ballots in order of preference, and if a candidate receives 51% or more of the votes, then that candidate is elected. If no candidates receive the required majority, then the candidate with the lowest total number of votes is eliminated, and the second choice preferences on the ballots are redistributed according to the remaining candidates. The rounds continue until a candidate has received the majority of the votes cast.

Proportional Representation (PR) systems use various combinations of ballot design, district sizes (with respect to members and geographical boundaries), and voting formulae to determine how the votes are added to determine the winner(s). Types of PR systems include Party List, Single-Transferable-Vote, and Mixed Member Proportional. PR systems can be flexible in their design and thus vary in their degree of proportionality depending on the preferences of the people. A Party List-PR system is used in a multi-member district and the voters choose from a list of candidates put forward by each political party. If the party receives 30% of the votes, then 30% of the candidates on the list are elected.

A Single Transferable Vote-PR system is used in multi-member districts with 3 to 5 members, the ballots are ranked numerically by voter preference, and the winning candidates must receive a quota of the votes in order to be declared a winner. For example, in a five member district, the quota is about 20%. If no candidate receives the quota, then the candidate with the lowest number of votes is eliminated and the second choices on the ballots are redistributed to the remaining candidates until the quota is met and the redistribution process continues until all the positions in the district are filled.

The Mixed Member Proportional (MMP-PR) system can also be used in a single member or multi-member district and the voters mark 2 choices on the ballot. One choice is for a local candidate elected using a plurality voting formula, but the second choice is for a party list candidate. This is almost like having 2 elections run at the same time. The proportionality comes into effect if the following occurs: after the votes are counted, the total percentage of votes for the party is calculated and if the total number of seats won by the party in the local candidate portion of the election is less than the total percentage of the local candidates representing those parties, then additional seats are awarded to the party. In effect, the total percentage of votes cast for a party translate to the same percentage of seats for that party. Proportional representation

was used for a few decades in the western provinces but then reverted back to the original system, but many citizens groups continue to advocate for PR.

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Fair Vote Canada

Fair Vote Canada is a grassroots citizens' with an elected volunteer executive and members who have affiliations with several different political parties in Canada. The mission of FVC is to advocate for democratic improvement by changing the voting system to include some form of PR. There are twenty-nine chapters representing the vast regions across the country, each organized with its own executive and members that support the work of the national council, but also work specifically in their own city or region to promote PR. The common understanding among supporters of Fair Vote Canada is that the distortions caused by the current FPTP system can be and indeed have been disadvantageous to all political parties in the past, and so the messaging and methods used in the advocacy work is of a non-partisan nature. If the system is changed, it will benefit all political parties because the parliamentary seats won by each party will be a direct reflection of the proportion of popular votes received for each party. The task is a challenging one because not everyone understands the disadvantages of the current voting system and extensive resources are necessary to educate the voting public, and indeed, to get their attention on political matters in the first place. Heather MacIvor

(1999) says it well: "Electoral reform is not a burning issue in Canada, and everyone is probably wondering why we are running around trying to put out the fire when no one smells smoke".

A quote from the founders of Fair Vote Canada (Deverell & Vezina, 1993) summarizes the problem:

The British voting system used in Canada is part of the living room furniture, so familiar that we overlook the insidious and poisonous influence it exercise on our politics. Also known as the first-past-the-post election system and the single member plurality system, it consists of three electoral rules – one ballot per voter, one elected representative per constituency, and the candidate with the most votes wins. This voting system has two major defects which have not been fatal to it in Canada, but should be. It is inherently unfair because it wasted the vote and

negates the party preference of every citizen who doesn't choose a winning candidate – generally the majority of the electorate. It also requires parties serious about winning to adopt unprincipled and ultimately destructive behaviours and strategies.

Fair Vote Canada is not the only citizens' group that wishes and works for electoral reform, but it is the only one that is focused on the single goal of convincing elected politicians, media, and citizens all over Canada of the benefits of proportional representation.

The Trouble with FPTP

There are perceived problems with FPTP that concern the lack of fairness, but there are also evidence-based problems that have been well documented. The psychologically important implication of the phrase “winner-take-all” is that for someone to win, someone else needs to lose. In a country like Canada, hugely diverse in its regions and cultural backgrounds, many groups not only feel that they are not winning, but that they are losing out. At the time of this writing, there is an especially vitriolic divisiveness among the political parties and the regions of Canada, and between the “left” and “right” ideologies of the citizens—those who think that government should be more involved in economic market intervention and those who think the “free market” should prevail.

A simple numerical example of FPTP voting in an electoral district (riding) explains the perceived unfairness like this: if 40 thousand people vote for party A, and 30 thousand people vote for party B, and 30 thousand people for party C, then the candidate from party A gets elected. This means that only 40% of the people got the representative they voted for, but 60% of the people (the popular majority) did not. Across the country, these results can replicate in many of the ridings and so the entire government is then elected with less than 50% of the vote. This is referred to as a false majority.

The problem of a false majority not allowing for the democratic will of the popular majority is further exaggerated because a government with a false majority can still conduct business as if it has a true majority by using techniques such as “omnibus bills”. This is a tactic that lumps together legislation that not only was not part of the original election platform that got that governing elected, but the individual elements of proposed legislation are not debated in the usual manner and, instead, voted on as a whole in a “take it or leave it” manner.

Furthermore, the tendency is for the vote to be passed without question since strict party discipline requires the caucus MPs to vote in favour of it so that the will of the majority government will be passed into legislation. Even if the members wish to dissent with a ‘nay’ vote, they don't for fear of reprimand by the high ranking party officials. As a result, minorities have felt the brunt of it because no one debated on their behalf (Coutts, 2012).

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The numerical anomalies that have been caused by the Canadian voting system have been well documented and Milner (1999: 38) gives a “political science textbook example” of the

distortions under FPTP example from the 1993 federal election. Canada's oldest political party, the Conservative Party, received 16% of the vote but was reduced to two seats in the House of Commons (it would have won forty-six seats under PR). At the same time, the regionally based right-wing populist Reform Party won fifty-four seats with only 18% of the vote and the "separatist" Bloc Québécois took fifty-two seats with just 13% of the vote (Dyck, 2000: 266). The Eastern provinces were also affected by concentrated support, and thus occurred the "quartering of Canada", dubbed a "Rainbow Parliament."

So, in general, what has been happening is that in the western province of Alberta, where the Conservatives hold the majority of seats, the Liberals, NDP, and Green voters have a disadvantage in representation and in the urban areas like Toronto, Vancouver, and Montreal, where the Liberals traditionally held the majority of seats and the NDP has some strongholds, the Conservative voters are effectively disenfranchised. In the entire country, where almost one million Green Party supporters elected no representatives in the 2008 federal election, an almost equal number of Bloc Quebecois voters in Quebec elected forty-nine members. This is one of the best examples of regional distortion in the FPTP system that begs the question: Why should the Green Party voters get no representation just because their votes are dispersed throughout the country as opposed to concentrated in one region? This is not a win-win situation for nationalism in Canada, nor is it a win-win situation for democracy.

Innovation for Participation

Pateman (1970: 22) emphasizes the importance of participatory democracy saying that:

Rousseau's entire political theory hinges on the individual participation of each citizen in political decision making and in his theory participation is very much more than a protective adjunct to a set of institutional arrangements; it also has a psychological effect on the participants, ensuring that there is a continuing interrelationship between the working of institutions and the psychological qualities and attitudes of individuals interacting within them.

Although voter turnout in Canada and participation in political constituency associations is discouragingly low, there is some evidence that citizens have at least been attempting to participate directly in their decision making through citizens groups. Years ago, CPAC, a non-partisan public broadcasting channel that devotes its coverage specifically to political discussion and election coverage at all levels of government, aired a televised "Town Hall" panel debate with the advocacy group, Fireweed Democracy Project.

Many groups have also denounced the perceived abuses of power and affront to democracy by the current government that has prorogued parliament for apparently self-serving reasons of political partisanship.

Citizens, journalists, and scholars were invited to discuss electoral reform, and proportional representation was one of the topics. Since then, other citizens' organizations have taken up the cause of reform, each with a different vision of what their goals for democratic improvement would be. The Council of Canadians (2014) has a broad-based approach discussing many issues from education to foreign relations, but has recently addressed electoral misconduct

in which the ruling Conservative Party was accused of using “robocalls” in the May 2011 election to target opposition supporters to suppress their votes by deliberately misdirecting them to incorrect voting locations. Not enough evidence was obtainable to prove an electoral offence, but questions remain unanswered.

Many groups have also denounced the perceived abuses of power and affront to democracy by the current government that has prorogued parliament for apparently self-serving reasons of political partisanship. The Leadnow organization (www.leadnow.ca), currently partnering with Fair Vote Canada, is also attempting to find a way to stop the abuse of power by a majority government that seems to have no use for the views of the opposition political parties also representing citizens in the house and is proposing quite a dramatic solution. This solution is to convince people of the riding associations of non-Conservative political parties (currently the Liberals, the New Democratic Party, and the Green Party) to come together in closely contested ridings to choose a candidate for a one-time vote in order to attempt to defeat the majority status of the Conservative government.

This kind of innovative strategizing is somewhat unorthodox, but again demonstrates the discontent with the anomalies of the FPTP system. Under the current rules, not only are political parties incentivized to “game the system” so that they may continue to stay in power even if by a false majority, but citizen groups also feel the need to try otherwise dubious tactics to allow their opinions to be more appropriately represented in parliament. This, however, is a short-term answer to the problem of artificial majorities breeding arrogant governments. The number of citizens who are actively involved in these organizations seems to be growing, but the number of citizens who are members of political parties that work to elect trusted and known candidates from within their communities does not seem to be increasing. Ultimately, for people to truly feel that they are participating in the democratic process, they must become part of the party system in Canada. By working at the grassroots level to fully understand election rules, how to democratically nominate local candidates, and how to have their opinions expressed on economic and social issues through the existing channels, they will surely have the feeling that their involvement is more than just marking a ballot with a choice every few years.

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There have been several attempts to change the Canadian voting system to a PR system at the provincial level in the past few years, but there does not seem to have been enough good will from the politicians nor support from the mass media to actually make it happen. There are probably many reasons for this, not the least of which is that people do not understand voting system alternatives and do not wish to take the time to do so. Support for PR has to come from below in terms of articulating a new vision, organizing to bring it forward, and putting pressure on political parties to support it; otherwise, legislation for it will not be proposed and held to a legislative vote. The problem, of course, is that a political party that comes to power using the existing FPTP system would naturally be hesitant to change the system. Although there are some journalists who have been supportive of PR, the Canadian media generally tends to be critical of it editorially, but also obfuscates the issue and thwarts efforts to educating fair-minded people by

endlessly repeating the mantra that it's too complicated and that well enough should be left alone, and that the result would be an endless succession of minority governments (which, incidentally, have been among the most effective and innovative in Canada's history precisely because they make compromise possible and authoritarian conceit difficult to sustain.

There have been several non-partisan citizens' assemblies and reports from commissions that have made recommendations to change to a PR system, and polls have shown high numbers of people also want to improve the political process, making it more

open to new ideas (Nickerson, 2013). At the present time, Craig Scott (2013) of the New Democratic Party of Canada and Elizabeth May of the Green Party of Canada are including conversations about PR in their respective "democracy tours." Meanwhile, Justin Trudeau, the newly elected leader of the Liberal Party of Canada, which has often been the beneficiary of the FPTP rules, has yet to be educated on the merits of PR (although Joyce Murray, the runner-up in the recent leadership race is a strong advocate of PR), and the Conservative Party of Canada, which was most recently elected with a false majority using the FPTP system, refuses to discuss it at all.

So, why is the prospect of changing the voting system seem so difficult? In the 2007 Ontario provincial election, the Mixed Member Proportional (MMP-PR) was on the ballot as a referendum question put to the voters along with the candidate choices. The MMP system was recommended by a six-month-long effort by a randomly and carefully selected cross-section of the population called the Citizens' Assembly (2007). This group worked to study various voting systems around the world, with the express intention to pick the one they felt best fit the province of Ontario that would most likely be accepted as an alternative to FPTP. It did not pass the super-majority threshold, however, which was that 60% of the people had to choose it in at least 60% of the 103 ridings of Ontario. Post-election discussion about the reasons why indicated that the political will of the supporters was not strong enough to put the resources into properly educating all the citizens about it.

The province of British Columbia actually had two similar situations with voting system reform, the first being in 2004 when the referendum asked the citizens to vote for a Single-Transferable-Vote (STV-PR) system, also with a super-majority threshold, also chosen by a Citizens Assembly. The resulting vote was very close, with a 56% per cent in favour vote, and so pressure from citizen's groups persuaded the government to hold a subsequent referendum a few years later. The outcome of that second vote was less successful even than the first referendum (Ward, 2006).

There was a provincial referendum in Prince Edward Island, but no others in recent years. All in all, there were seven arms-length (non governmentally influenced) private commissions undertaken in Canada, and the most often cited one is probably that of the now-disbanded Law Commission in 2004, which created a 262-page report that went so far as to specifically recommend MMP as the best PR system for Canada (Law Commission of Canada, 2004). Activists, journalists, bloggers, and advocacy groups have all referenced and debated these commissioned reports many times, in many public forums, and for many years. Even with all this information being available to electorate, the prevailing conclusion seems to be that the "average

person” simply does not understand it, perhaps doesn’t want to understand it, and will simply not vote for a change to something that is not understood.

Educating Citizens

If education is the necessary link between the grassroots advocacy for change to PR and the political will to legislate it, then groups like Fair Vote Canada need to find engaging ways to create the desire in citizens to become educated. One contributor to a 2009 Fair Vote Canada yahoo (online chat) group named “Stephen J” thought that there is a further component to getting PR and wrote:

Let me quibble. For what it’s worth, I am a professional advocate and marketer. The communications challenge is not perceptions, its emotions. The case being made for a better voting system is based on facts and logic.

They’re needed, but unless the public is engaged emotionally, facts and logic will not prevail.

This is analogous to the idea that someone buying a car need not know all the details of how the inner workings under the hood happen to function but only that the car is pleasing and allows the owner to have the desired features work properly. Fair Vote Canada has a challenge in determining how much detail to provide any given audience at any given time. Considerations include whether the audience is older or younger, whether they are university educated or not, whether they are politically active or not. There are many considerations in deciding how to present the message that PR is a more fair system. If it is true that the element of emotion must be linked in to the education, then perhaps it will be easier because most people understand that Canadians seem to have a sense of the need for fairness in all things. Getting their attention amidst and competing with all the other organizations and corporations spending huge amounts of money to do so is also a challenge. One small yearly membership fee barely pays for administrative and printing costs of educational material. New and innovative methods must not only be used to educate people about PR but also to raise the funds.

The change to a more fair voting system must be the decision of the people.

One such idea might be a relatively new, online phenomenon called “crowd funding” which is used to set a target fundraising amount and ask people from larger geographic distances to make contributions without the expensive marketing effort involved with traditional direct mail, for example. If done properly, this may be one way to raise the funds needed to raise awareness to create some participation on the subject of changing our system. In any case, the change to a more fair voting system must be the decision of the people (Mollick, 2013). The elements of what that voting system should contain should also be the decision of the people, even if it is through a representative commission such as a Citizen’s Assembly. Fair Vote Canada participants probably agree that if a future referendum is called for at the national level, it had better be done with extreme care because, unless the “stars align” and all the “dots are connected” at the right time with respect to education, political will, and the democratic consent and participation of the majority of the people, then there is every possibility that success for reform will be once again thwarted.

The slide show presentation by Fair Vote Canada-York Region Chapter includes a slide stating that:

Democracy is what happens BETWEEN elections, when we see whether our representatives do the work we elected them to do. In a democratic government, the right of decision belongs to the majority, but the right of representation belongs to all. It is the Parliament that's supposed to run the country, not just the largest party and the single leader of that party.

Wikipedia's democracy index measures the quality of democracies in 166 countries. It identifies four categories: full democracies, flawed democracies, hybrid regimes, and authoritarian regimes. Eighteen of the top twenty-one democracies, according to this assessment, have proportional representation. The scale is based on considerations of electoral process and pluralism, civil liberties, functioning of government, political participation, and political culture.

If citizens become true participants in the political institutions and grassroots advocacy organizations of Canada rather than simply handing over their decision-making power to elected representatives every four years or so, and if creative and emotionally engaging education using the most innovative methods available to resource-strapped educators are used by citizen groups, media, and politicians who are asking for PR in Canada's voting system, then surely our great country of Canada will evolve a system that fair-minded Canadian citizens deserve.

About the Author:

Liz Couture has been involved with Canadian politics since 2006. She served on the Provincial Council of the Green Party of Ontario, was the founding President of the Constituency Association in her local Richmond Hill riding and stood for election to the Ontario legislature in 2007. She is currently serving as a National councilor for Fair Vote Canada. Liz Couture can be reached at lizcouture@hotmail.com.

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