



Final Report of the Special Committee on Electoral Reform

35th Yukon Legislative Assembly

April 2023

Special Committee on Electoral Reform

35th Yukon Legislative Assembly

Final Report

April 2023

Kate White, MLA

Takhini-Kopper King
Chair

Brad Cathers, MLA

Lake Laberge
Vice-Chair

Hon. John Streicker, MLA

Mount Lorne-Southern Lakes

Allison Lloyd

Clerk to the Committee



Yukon Legislative Assembly

Special Committee on Electoral Reform

35th Yukon Legislative Assembly

April 24, 2023

Hon. Jeremy Harper, MLA
Speaker
Yukon Legislative Assembly

Dear Mr. Speaker:

The Special Committee on Electoral Reform, appointed by Order of the Legislative Assembly on May 26, 2021, as amended by Order of the House on October 25, 2021, and November 15, 2022, has the honour to present its final report to the Legislative Assembly, and commends it to the House.

Sincerely,

Kate White
Chair

Acknowledgements

The Special Committee on Electoral Reform would like to thank the many experts, individuals and organizations who expressed their views to the committee. The committee would also like to thank Dr. Keith Archer, the Yukon Bureau of Statistics, the Hansard staff, contractors and the staff of the Legislative Assembly Office for administrative, logistical, technical, and procedural assistance.

Contents

Introduction	1
The Committee's Process	2
Gaining an Understanding of Electoral Reform	2
<i>Research Report</i>	2
<i>Expert Witnesses</i>	2
Facilitating an Informed Public Dialogue	2
<i>Transparency</i>	3
<i>How Yukon Votes Campaign</i>	3
Public Input.....	3
<i>Survey on Electoral Reform</i>	3
<i>Written Submissions</i>	3
<i>Public Hearings in Yukon Communities</i>	4
<i>Survey on Citizens' Assembly</i>	4
<i>Lessons Learned</i>	4
Main Themes	6
Challenges of Reform	6
Decision by Yukoners	6
Local Representation.....	7
Political Parties Working Together	7
Public Education	8
Rural and Urban Interests.....	8
Voting Age	9
Citizens' Assembly	9
Conclusion	11
Committee Recommendations	11
Appendices	
Orders of the Legislative Assembly	
Options for Yukon's Electoral System	
Yukon Bureau of Statistics Reports	
List of Expert Witnesses	
Transcripts of Public Hearings	
<i>Hearings with Expert Witnesses</i>	
<i>Community Hearings</i>	
Written Submissions	
Descriptions of Voting Systems	
<i>Plurality Systems</i>	
<i>Majority Systems</i>	
<i>Proportional Representation</i>	
<i>Mixed Electoral Systems</i>	

Introduction

On May 26, 2021, the Yukon Legislative Assembly adopted Motion No. 61, thereby establishing the Special Committee on Electoral Reform. The committee's reporting deadline was amended by the Legislative Assembly on October 25, 2021, with the adoption of Motion No. 167, and again on November 15, 2022, with the adoption of Motion No. 530. All three Orders of the Legislative Assembly are appended to this report.

The committee's purpose, as set out in the motion establishing the committee, is to examine electoral reform and report to the Legislative Assembly its findings and recommendations. Motion No. 61 also empowered the committee "to conduct public hearings" and "to call for persons, papers, and records".

The committee decided upon a multi-phased approach to fulfilling its mandate. Firstly, the committee endeavoured to gain an understanding of different voting systems and how they might apply to the particular demographic and geographic situation of Yukon. To this end, the committee hired a researcher to prepare a report on options for the territory and sought input from several subject matter experts.

Secondly, the committee undertook to facilitate an informed public dialogue on electoral reform. A communications campaign, including advertisements, a website and the distribution of pamphlets, was developed to educate Yukoners on different voting systems. The committee also endeavored to make its work readily accessible to the public by publishing its minutes, recordings and transcripts of hearings, and the reports and submissions received online.

The final stage of the committee's work was gathering input from the Yukon public. All Yukoners 16 years and older were invited to participate in a survey on electoral reform from February 15 to April 10, 2022. The committee also collected written submissions and held public hearings in communities across the territory to hear the opinions of citizens and stakeholders. A follow-up survey was conducted from January 12 to March 5, 2023.

Having completed this work, this report to the Legislative Assembly contains the committee's findings and recommendations and is consistent with the mandate given to the committee by the Legislative Assembly.

The Committee's Process

Gaining an Understanding of Electoral Reform

From its first meeting, the members of the Special Committee on Electoral Reform observed that the committee's orders of reference to examine electoral reform could encompass studying potential voting systems as well as the rules governing various elements of elections.

Research Report

The committee hired Dr. Keith Archer to study options for the Yukon's electoral systems. Dr. Archer, a former professor of political science, was Chief Electoral Officer of British Columbia from 2011 to 2018 and also served on the Electoral Boundaries Commission of Alberta and the Electoral Boundaries Commission of British Columbia.

Dr. Archer submitted a final report to the Special Committee on Electoral Reform on October 31, 2021. The 75-page report includes a summary of the major electoral system options and their characteristics, as well as analysis of election results in the Yukon under the current first-past-the-post system.

On January 10, 2022, Dr. Archer provided an executive summary of the options for the Yukon's electoral system. Dr. Archer's report and the executive summary are appended to this report. The executive summary identifies which of the available electoral systems are most suitable for the Yukon and elaborates on how those systems could be applied in the territory. The executive summary also compares the likely impacts of three types of electoral systems: first-past-the-post, single transferable vote, and mixed member proportional.

Expert Witnesses

In its study of potential changes to the voting system, the committee sought input from additional subject matter experts. The Special Committee on Electoral Reform conducted public hearings with expert witnesses by videoconference due to the ongoing COVID-19 pandemic. Between January 21 and April 22, 2022, the committee held 14 videoconference hearings with subject matter experts. A list of the expert witnesses and the transcripts of each hearing are appended to this report.

Facilitating an Informed Public Dialogue

Committee members identified communications as an important committee consideration.

Transparency

The committee took steps to make its work accessible to the public. Minutes of in camera committee meetings, recordings and transcripts of public hearings, and the reports and submissions received by the committee were published online. The committee also put out frequent news releases regarding its activities.

On November 24, 2022, the committee released an interim report summarizing its activities to that point.

How Yukon Votes Campaign

A communications campaign, including digital, print and radio advertisements, a website, and the distribution of pamphlets to all Yukon households, was developed to inform Yukoners on the different voting systems identified in Dr. Archer's report.

The descriptions of each voting system created for the How Yukon Votes campaign are appended to this report.

Public Input

It was important to committee members that public opinion be part of the committee's study of electoral reform.

Survey on Electoral Reform

The Yukon Bureau of Statistics (YBS) conducted a survey on electoral reform on behalf of the Special Committee on Electoral Reform from February 15 to April 10, 2022. YBS's report to the committee is included in the appendices of this report. All Yukon residents aged 16 and over were invited to participate in the survey.

6,129 Yukoners (17.1% of eligible individuals) completed the survey.

Written Submissions

The committee welcomed written submissions from the public over the course of its examination of electoral reform.

Between July 2, 2021 and September 30, 2022, the committee received 60 unique written submissions. The committee also received 2 different form letters advocating for the establishment of a citizens' assembly, submitted by 49 individuals.

The written submissions the committee received are appended to this report.

Public Hearings in Yukon Communities

The committee held 8 in-person public hearings to hear from Yukoners in 7 different communities: Whitehorse, Haines Junction, Teslin, Watson Lake, Dawson City, Mayo and Carmacks. Public participation by videoconference was also possible at each of the hearings.

The committee wrote to all city councils, local advisory councils and First Nations Governments in the Yukon to advise them of the hearings and offer opportunities to share perspectives from their communities.

In total, 53 individuals presented to the committee during the community hearings. Transcripts of all the public hearings are appended to this report.

Survey on Citizens' Assembly

The Yukon Bureau of Statistics (YBS) conducted a follow-up survey from January 12 to March 5, 2023. The survey focused on the potential use of a citizens' assembly to assess electoral systems and to recommend whether the Yukon's current system should be retained or another system should be adopted. YBS's report to the committee is included in the appendices of this report. All Yukon residents aged 16 and over were invited to participate in the survey.

6,354 Yukoners (17.5% of eligible individuals) completed the second survey.

Lessons Learned

The input the committee received highlighted some of the challenges of studying voting systems and engaging the public on the topic of electoral reform. The committee has included a representative sample of quotes in this report which are intended to reflect the themes that came up. All submissions and the transcripts of each public hearing are appended to this report and readers are encouraged to explore the submissions.

Complex subject difficult to distill

While the committee attempted to make the information it presented on voting systems accessible to the general public through the How Yukon Votes campaign, the material was still confusing to some Yukoners. Oversimplifying the topic can eliminate important factors that warrant consideration and striking the right balance can be difficult.

Not everything could be considered

The committee acknowledges that it was not able to fully consider every possible combination of potential voting systems that could be employed in the Yukon. Given its limited timeframe and resources, the committee chose

to focus its study on the options identified by the committee's expert researcher.

Criticisms of communications

Communication with the public was an important consideration for the committee. The committee received some feedback that its communications were not far reaching or frequent enough to keep Yukoners apprised of the committee's activities.

Limitations of survey

Efforts were made to poll the opinion of the territory through the use of two surveys. Limitations of the survey and multiple-choice questions were criticized by some commenters. The Yukon Bureau of Statistics considered the volume of survey responses to be sufficient to provide analysis.

Main Themes

Several recurring themes surfaced from the expert testimony that the committee heard and the comments submitted by Yukoners:

- the shortcomings of the current voting system;
- the importance of public education;
- the value of cross-partisan collaboration;
- the challenges of competing rural and urban interests;
- the importance of local representation;
- whether a referendum should be required;
- the difficulty of changing the status quo;
- whether a citizens' assembly should be created.

"Elections are the heart of a representative democracy. A fundamental test of a healthy democracy is whether what voters say with their ballots is reflected in the legislature."

Challenges of Reform

Across Canada, the expert witnesses that spoke with the committee noted that attempts at electoral reform have not resulted in electoral changes.

"Determining the electoral system best suited to effectively represent all Yukoners is not a simple or clear-cut task. There are many different voting systems to consider, each with a varying impact on key characteristics such as proportionality, regional representation, and the ability to vote for parties or candidates."

Decision by Yukoners

The committee heard several arguments for and against the need for a referendum or plebiscite prior to enacting changes to the voting system.

It is the committee's opinion that decisions on electoral reform should be made by the Yukon public.

"I suggest that we chose the favourite option, then after running an election based on it, run another referendum in conjunction with the subsequent election a few years later. We have to see how it goes, so the first run is actually a test."

"I think a referendum is a double-edged sword in that it's easy to make the statement that we will do what the people of the Yukon want, as expressed through a referendum."

The committee heard from Dr. Therese Arseneau regarding the referendum approach used in New Zealand, which included votes both prior to a change

in the electoral system and following a period of time with the new system in place.

"The question is absolutely vital and it was decided and had been recommended to New Zealand to have a two-step referendum process and it was critical that the first — and you can see the questions on the referendum — very straightforward. The question should be simple and clear and neutral.¹"

Recommendation No. 1 The Special Committee on Electoral Reform recommends that Yukoners be given the opportunity to vote on a proposed change to Yukon's voting system both before any such change is implemented and again after a trial period with a new voting system.

Local Representation

A topic of importance to many Yukoners is local representation. Some voting systems sacrifice local representation for proportionality.

"I feel strongly that we should have direct, local representation - the candidates one votes should live/directly represent their district. We are a small territory and it's important our communities (and in Whitehorse, neighborhoods) have a voice. I'm very leery of proportional representation for this reason but open to models that keep direct local representatives."

"I would hate to see our system become over-burdened with MLAs and overrepresentation and lumping together of ridings and not actually getting an appropriate balance between actually having good representation and all of that in the House."

Political Parties Working Together

The seemingly divisive nature of partisan politics was criticized by several individuals who presented to the committee. Multiple submissions highlighted a desire for politicians to be required to work together more collaboratively.

"Canadian political systems need to be reformed to more accurately and meaningfully represent the diversity of

¹ Yukon Legislative Assembly, Special Committee on Electoral Reform, Public Proceedings: Evidence, January 27, 2022 page 8-9

perspectives of voters. We are also seeing too much partisanship in governance and decision-making and need to introduce a wider plurality of voices and discourse in government."

Public Education

The committee heard repeatedly that Yukoners are not well versed on electoral system options.

"I really wish that I would learn about how to vote, what happens to my vote, and how that can affect my country and my classes, because I am not being educated on that."

"I don't know how educated the average person in Yukon is on the topic, and therefore, without some system to drastically increase the level of education on the topic first, I would doubt the quality of the referendum."

Rural and Urban Interests

A unique aspect of the Yukon as a political jurisdiction is the distribution of the population. As noted in Dr. Archer's report, "71.2% of the residents of the Yukon reside in Whitehorse... the Yukon is a highly urbanized territory combined with areas of expansive land with low population density."²

With such a significant proportion of Yukoners living in and around a single urban centre, it was not surprising to hear rural residents' concerns that the electoral system should represent interests outside of the capital. The committee believes that maintaining the proper balance between rural and urban representation is a crucial element of any voting system for the territory.

"We understand that most of the population lives in Whitehorse, and there's a tendency of that's where the efficiencies are and that's where you go and that's the way our whole system is set up in Canada, but we still need that strong rural voice in a way to sway things, because to a large extent, we feel like we're overwhelmed and forgotten about many times."

"I was thinking of the ridings that we currently have, and I sort of like that idea that in little places like Haines Junction and Old Crow, although they don't have the populations of the big cities like Whitehorse, I think it would be good to stick with

² *Options for Yukon's Electoral System*, Keith Archer, Committee Researcher (October 31, 2021) page 17.

that, rather than to have it totally by the numbers of different ridings.”

Recommendation No. 2 The Special Committee on Electoral Reform recommends that any decision on voting systems reflects the importance of balance for rural and urban representation.

Voting Age

The results of the survey did not show a high level of interest in lowering the voting age. However the committee did hear from several people who would like to lower the voting age.

“I’m 17 years old, and I just want to say that I have a job, and I pay taxes, and I would like to be able to vote and to be able to be represented, if I’m a taxpayer.”

“The thing came up for voting at 16; I just voted for Switzerland. They had that coming up, and I voted that young people can vote, but I can remember in my life — the young people these days are much more educated than I ever was. I was never taught how to speak in school.”

Citizens’ Assembly

Many submissions to the committee recommended the creation of a Yukon citizens’ assembly on electoral reform. A citizens’ assembly (also known as a citizens’ jury, citizens’ panel, or policy jury) is an independent, non-partisan body formed of randomly selected individuals to deliberate on important issues.

As noted by Dr. R. Kenneth Carty, citizens’ assemblies are based on “the idea that ordinary, randomly selected citizens would be able to, in some sense, represent the electorate as a whole”³.

“Randomly chosen Citizens Assemblies are inherently open and non-partisan.”

“What problem are we trying to solve?”

“I feel like each election sets me up to vote against something instead of for it. I would like to recommend a Yukon Citizens’ Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.”

³ Yukon Legislative Assembly, Special Committee on Electoral Reform, Public Proceedings: Evidence, January 24, 2022 page 2-2

"I prefer the current system and don't believe that a change is required."

"I am in favour of a citizens' assembly, in part because it is complicated and it is new — it's really new for people, and even lots of people who might say, 'Yes, I don't like first-past-the-post', but then they don't realize that maybe there's like 10 or 12 different other options and variations within each, and I think it's really important that we get a group of people, a widely representative group of people, to really study the issue"

"I think our elections are very democratic. Of course, we don't all get our people elected, but I know who I'm voting for. My vote is for a person who will represent me in my riding, and I don't want it to be anything else. I don't want it to evolve or morph or do anything like that."

After hearing from witnesses, the committee decided to conduct a second survey with a focus on citizens' assemblies. The results were 63% in favour of the establishment of a citizens' assembly on electoral reform.

Recommendation No. 3 The Special Committee on Electoral Reform supports the creation of a Yukon Citizens' Assembly on Electoral Reform.

Conclusion

Throughout its study of electoral reform, the committee worked diligently to reach consensus. The committee acknowledges that recommendations one and two were decided by consensus. The final one, Recommendation No. 3, was agreed to by majority.

All members of the committee would like to thank the Yukoners who shared their thoughts and perspectives on this important issue.

Committee Recommendations

Recommendation No. 1 The Special Committee on Electoral Reform recommends that Yukoners be given the opportunity to vote on a proposed change to Yukon's voting system both before any such change is implemented and again after a trial period with a new voting system.

Recommendation No. 2 The Special Committee on Electoral Reform recommends that any decision on voting systems reflects the importance of balance for rural and urban representation.

Recommendation No. 3 The Special Committee on Electoral Reform supports the creation of a Yukon Citizens' Assembly on Electoral Reform.

Appendices

Orders of the Legislative Assembly

Motion No. 61 — Establishing a Special Committee on Electoral Reform

Motion No. 167 — Extending the Special Committee on Electoral Reform's reporting deadline

Motion No. 530 — Extending the Special Committee on Electoral Reform's reporting deadline

Options for Yukon's Electoral System

Executive Summary and Elaboration (January 2022)

Report prepared by Keith Archer, Committee Researcher (October 31, 2021)

Yukon Bureau of Statistics Reports

Yukon Electoral Reform Survey Report (May 31, 2022)

Survey Report on the proposal to form a Citizens' Assembly on Electoral Reform (April 6, 2023)

List of Expert Witnesses

Transcripts of Public Hearings

Hearings with Expert Witnesses

Issue 1 January 21, 2022 Keith Archer, Committee Researcher

Issue 2 January 24, 2022 R. Kenneth Carty, Professor Emeritus of Political Science, University of British Columbia

Issue 3 January 25, 2022 Maxwell Harvey, Chief Electoral Officer, Elections Yukon

Issue 4 January 25, 2022 Joanna Everitt, Professor of Political Science, University of New Brunswick

Issue 5 January 26, 2022 Donald Desserud, Professor of Political Science, University of Prince Edward Island

Issue 6 January 26, 2022 Fair Vote Canada

Issue 7 January 27, 2022 Peter Loewen, Director, Munk School of Global Affairs and Public Policy, University of Toronto

Issue 8 January 27, 2022 Therese Arseneau, Senior Fellow in Political Science, University of Canterbury

Issue 9 January 28, 2022 Paul Howe, Professor of Political Science,
University of New Brunswick

Issue 10 January 31, 2022 Keith Archer, Committee Researcher

Issue 11 March 25, 2022 Dennis Pilon, Associate Professor, Department of
Politics, York University

Issue 12 March 25, 2022 Graham White, Professor Emeritus of Political
Science, University of Toronto

Issue 13 March 25, 2022 R. Kenneth Carty, Professor Emeritus of Political
Science, University of British Columbia

Issue 14 April 22, 2022 Fair Vote Yukon

Community Hearings

Issue 15 May 30, 2022 Whitehorse

Issue 16 July 14, 2022 Haines Junction

Issue 17 July 26, 2022 Teslin

Issue 18 July 27, 2022 Watson Lake

Issue 19 September 1, 2022 Dawson City

Issue 20 September 7, 2022 Whitehorse

Issue 21 September 13, 2022 Mayo

Issue 22 September 14, 2022 Carmacks

Written Submissions

Elections Yukon - January 26, 2022

Fair Vote Canada - January 26, 2022

Dave Brekke - January 26, 2022

Richard Lung - January 26, 2022

Sue Greetham - January 27, 2022

Michael Lauer - January 27, 2022

Graham White - February 9, 2022

Norman Hart - February 10, 2022

Linda Leon, Fair Vote Yukon - February 12, 2022

Sarah Newton - February 15, 2022

Rhys Goldstein - February 16, 2022

Colin Graham - February 28, 2022

Remi Smith - March 11, 2022
Cathleen and David Lewis - March 15, 2022
Réal Lavergne - April 8, 2022
Josh Schroeder - April 19, 2022
Ruth Hall - April 19, 2022
Paul Baker - April 22, 2022
Fair Vote Yukon - April 22, 2022
Don Hrehirchek - April 23, 2022
Jim Cahill - April 25, 2022
Mike Ellis - April 26, 2022
Kyle Smith - April 26, 2022
E Bradshaw - April 26, 2022
Dorothea Talsma - April 26, 2022
Tristan Newsome - April 27, 2022
Verena Hardtke - April 27, 2022
Paul McCarney - April 28, 2022
Karen Smallwood - April 30, 2022
Kristina Calhoun - May 1, 2022
Dave McDermott - May 1, 2022
Inga Petri - May 2, 2022
Q Shane Skarnulis - May 2, 2022
William W. Dunn - May 3, 2022
Sue Greetham - May 4, 2022
Brian Laird - May 7, 2022
Sally Wright - May 9, 2022
Marten Berkman - May 9, 2022
Erica Heuer - May 20, 2022
Duncan Smith - May 24, 2022
James Saunders - May 24, 2022
Ruth Lawrence - May 26, 2022
George Nassiopoulos - May 26, 2022

Tanya Handley - May 30, 2022
Sue Greetham and Sally Wright - May 30, 2022
Mike Fancie - June 1, 2022
Sally Wright - June 16, 2022
Michael Lauer - June 27, 2022
Dave Brekke - August 6, 2022
Chris Caldwell - September 5, 2022
Ben Sanders - September 14, 2022
Dave Brekke - September 20, 2022
Association of Yukon Communities - September 23, 2022
Daniel Sokolov - September 25, 2022
Ana Pineda - September 29, 2022
Michael White - September 30, 2022
Theo Stad - September 30, 2022
Floyd McCormick - September 30, 2022
Lenore Morris - September 30, 2022
JP Pinard - September 30, 2022
Mary Amerongen - September 30, 2022
Guiniveve Lalena - September 30, 2022

Descriptions of Voting Systems

Plurality Systems

First Past the Post

Block Vote

Majority Systems

Alternative Vote

Two-Round System

Proportional Representation

List Proportional Representation

Single Transferable Vote

Single Non-Transferable Vote

Mixed Electoral Systems

Parallel Vote

Mixed Member Proportional

Orders of the Legislative Assembly

Motion No. 61 Establishing a Special Committee on Electoral Reform

Moved by Hon. Ms. McPhee, Government House Leader

Notice given Thursday, May 20, 2021

Considered Wednesday, May 26, 2021

Carried Wednesday, May 26, 2021

THAT a Special Committee on Electoral Reform be established;

THAT the Government appoint the first member to the committee;

THAT the membership of the committee also be comprised of one member from the Official Opposition caucus selected by the Leader of the Official Opposition and one member from the Third Party caucus selected by the Leader of the Third Party;

THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party inform the Clerk of the Legislative Assembly of the names of the selected members from their respective caucuses in writing no later than seven calendar days after the adoption of this motion by the Assembly;

THAT the Chair of the committee have a deliberative vote on all matters before the committee;

THAT the committee examine electoral reform;

THAT the committee be empowered to conduct public hearings;

THAT the committee have the power to call for persons, papers, and records and to sit during intersessional periods;

THAT the committee report to the Legislative Assembly on its findings and recommendations no later than March 31, 2022;

THAT, if the House is not sitting at such time as the committee is prepared to present its report, the Chair of the committee shall transmit the committee's report to the Speaker, who shall transmit the report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly shall be responsible for providing the necessary support services to the committee.

Motion No. 167 Extending the Special Committee on Electoral Reform's reporting deadline

Moved by Ms. White, Chair of the Special Committee on Electoral Reform
Notice given Monday, October 25, 2021
Considered Monday, October 25, 2021, unanimous consent to move motion without one clear day's notice granted
Carried Monday, October 25, 2021

THAT the terms of reference for the Special Committee on Electoral Reform, as established by Motion No. 61 of the First Session of the 35th Legislative Assembly, be amended by changing the special committee's reporting deadline to the House from March 31, 2022 to the 2022 Fall Sitting of the Legislative Assembly.

Motion No. 530 Extending the Special Committee on Electoral Reform's reporting deadline

Moved by Ms. White, Chair of the Special Committee on Electoral Reform
Notice given Monday, November 14, 2022
Considered Tuesday, November 15, 2022, unanimous consent to move motion without one clear day's notice granted
Carried Tuesday, November 15, 2022

THAT the terms of reference for the Special Committee on Electoral Reform, as established by Motion No. 61 of the First Session of the 35th Legislative Assembly, and amended on October 25, 2021, with the adoption of Motion No. 167, be further amended by changing the special committee's reporting deadline to the House from the 2022 Fall Sitting to the 2023 Spring Sitting of the Legislative Assembly.

Options for Yukon's Electoral System

Executive Summary and Elaboration

Keith Archer
January 2022

Table of Contents

Table of Contents	1
Introduction	2
Identifying the main alternatives	2
Elaborating the Electoral systems as they apply to Yukon	4
1. Plurality and majority Electoral Systems	4
1.1 First past the post	5
1.2 Alternative vote	5
1.3 Block vote	6
1.4 Two-Round Systems	8
2. Proportional Representation Electoral Systems	8
2.1 List Proportional Representation	8
2.2 Single Transferable Vote	11
2.3 Single Non-transferable Vote	13
3. Mixed Electoral Systems	14
Parallel	14
Mixed Member Proportional	15
Comparing qualities of three major options	17

Executive Summary and Elaboration

Introduction

This paper provides an Executive Summary and Elaboration of the paper “Options for Yukon’s Electoral System”, prepared for the Special Committee on Electoral Reform, Yukon. In the original paper, three families of electoral system were identified – Plurality/Majority systems, Proportional Representation systems, and Mixed electoral systems. The paper briefly described several electoral system options in each family, identifying some advantages and disadvantages of each. This paper elaborates those electoral system options as they would apply specifically to elections in the Yukon. Although it is acknowledged that one cannot assume a similar vote outcome using a different electoral system as what occurred under first past the post, nonetheless it clarifies the effects of an electoral system if one uses data relevant to the jurisdiction. Therefore, some of the analysis to follow applies different electoral system results based on Yukon elections run under first past the post.

The original paper discussed 4 electoral systems in the plurality/majority family, three in the proportional representation family and two in the mixed electoral system family. The task of choosing among and between electoral system can be daunting when examining such a wide range of options. Therefore, this summary identifies a smaller set of electoral systems that should receive further consideration. In focussing on this smaller set of options, more detailed comparisons among the “potential” options are provided.

Identifying the main alternatives

Let’s begin with the plurality/majority family of electoral systems. Four options are identified and elaborated. These include first past the post, alternative vote, block vote and two round systems. The current electoral system in Yukon is first past the post, and as the “status quo” option it is obvious that it should remain as one of the alternatives. It is the electoral system against which alternative options should be assessed. It has several strengths – it is well-known, easy to understand, retains a local connection between MLAs and citizens, both in nominating the candidates and in electing members, and it has a demonstrated history in the Yukon of electing majority governments, even when no party wins a majority of votes. Not everyone views this latter feature as an advantage, but many people do. And this is one of the features that most differentiates this electoral system from proportional representation and mixed alternatives, as the latter options are much more likely to produce minority or coalition governments. The principal disadvantage of the first past the post electoral system, especially in a multiparty system, is that results may be distorted. A party may win more or fewer seats in the territory than its share of the votes would suggest.

Among the other options within the plurality/majority family, none of them significantly address the disadvantage of the first past the post system. For example, the alternative vote, block vote and two round systems can be equally distorting when compared to first past the post. Furthermore, none of them have other advantages when compared to first past the post

to elevate them to compelling alternative options. For example, with alternative vote, although this system ensures that the elected candidate has a majority of support, there has not been widespread discussion in the Yukon that vote-splitting (that is, when two similar parties split the vote, thereby enabling a less popular alternative to get elected) has been a major topic of concern. The block vote option, in which people throughout the Yukon vote for all 19 candidates, creates more challenges than it solves. Although block voting may be appropriate in elections to city councils which generally do not have political parties, like it is in Whitehorse municipal elections where the area is smaller and people can get to know the candidates, it is less useful in a vast territory like the Yukon and in which political parties are key parts of the representational landscape. The last of the options in the plurality/majority family, two round systems, again is not very practical in a large, sparsely populated jurisdiction with harsh climate conditions such as the Yukon. It is also known as producing high levels of distortion in election results. Consequently, among the plurality/majority family, only first past the post will receive additional consideration.

Among the proportional representation systems, three options are discussed – list proportional representation (list PR), Single Transferable Vote (STV) and Single Non-Transferable Vote. Perhaps the simplest of these options to eliminate is Single Non-Transferable Vote. As the discussion below demonstrates, the SNTV option falls prey to the same difficulty as first past the post, namely that the result may be highly distorting for political parties. As the example shows, a very popular candidate for one party can detract from the likelihood of other candidates from that party being elected. A possible advantage of this system is that it increases the chance of an independent candidate, or a minor party candidate being elected. But by providing potentially highly distorting results, it is problematic as an alternative to first past the post.

The list PR electoral system contains several advantages. Firstly, it could be implemented without changing the total number of MLAs – a system with 19 MLAs elected by list PR is workable. This electoral system addresses the major disadvantage of first past the post by providing parties with seats proportional to their votes. As can be seen in the discussion below, however, the degree of proportionality increases as the number of seats in the district increases. Applying data from the 2021 election, the result was much more proportional when used with one electoral district of 19 MLAs than it was with 2 electoral districts, one for 11 MLAs in Whitehorse and one for 8 MLAs in the Regions. There may be other disadvantages to having only one electoral district with respect to urban and rural representation overall. A disadvantage of this system is that MLAs are no longer elected from a small constituency. Instead, they represent either the territory as a whole, or are one amongst many MLAs elected from a large constituency. Consequently, constituency representation suffers. In addition, the political parties control the order in which MLAs are elected by providing ranked lists of candidates. The list PR system has enough advantages to retain it as a possible option, especially if combined with first past the post in a mixed system (see below).

The Single Transferable Vote option also provides an effective corrective to the possible vote-to-seat distortion of first past the post and is a corrective to parties' control of the candidate

nomination process as viewed in the list PR system. However, it has problems of its own with relatively large electoral districts (such as one for Whitehorse and one for the Regions). A ballot that requires voters to rank candidates in an electoral district with 11 seats or 8 seats would be daunting, as there may be more than 30 candidates to rank. Therefore, if this system is used, there likely would be a need to divide the territory into four or five electoral districts, in which each district would elect between 3 and 5 MLAs, to make the ballot a reasonable length and complexity. The ballot counting process with STV is complicated, so it would be necessary to provide public education on this topic. STV has enough advantages to be retained for further consideration.

The third of the electoral system families – mixed – has two options, a parallel electoral system and a mixed member proportional (MMP) system. In both instances, two electoral systems are combined to elect MLAs. Under the parallel system, the two systems run separately and in parallel with one another, whereas with MMP, the proportional system is used to compensate for distortions in the plurality system. For these systems to operate, there likely would be a need to increase the number of MLAs, for example from 19 to 30. In this way, the plurality system – first past the post – could include the current 19 seats, with another 11 seats allocated by the second electoral system. The discussion below demonstrated that the parallel system may have little effect in correcting any distortion of the first past the post system, and for this reason should be rejected from further consideration. The MMP system, in contrast, has a particular strength in rebalancing the parties' seats in the legislature based on votes in the election. Therefore, it retains the advantage of constituency representation that exists currently based on the first past the post system, but also ensures the overall distribution of party seats corresponds to the parties' votes. Combining first past the post with list PR in this system would appear to take best advantage of both systems. Indeed, list PR in combination with first past the post would appear to be a better option than list PR on its own.

This suggests the following three options should be considered in further detail as possible electoral system options for the Yukon. Option 1 is first past the post, which is the status quo. Option 2 is Single Transferable Vote, with either 4 or 5 electoral districts. Option 3 is Mixed Member Proportional, in a legislature of up to 30 seats, with 19 seats assigned by first past the post, and 11 seats assigned by list PR.

Elaborating the Electoral Systems as they apply to Yukon

1. Plurality/Majority systems

Yukon currently uses a plurality/majority system, in the first past the post electoral system. Plurality and majority electoral systems elect MLAs in constituencies, and generally elect one member from each constituency. Where they differ is in whether the elected member needs to receive a majority of votes to be elected, or simply a plurality, which is more votes than any other candidate. Furthermore, majority systems differ in how a candidate can obtain a majority – is it by eliminating candidates with fewest votes and transferring their votes based on their subsequent preferences, or having the top candidates compete in a second, run-off election to

determine the winner? These systems tend to be easy to use and understand and have the advantage of being more likely to produce a majority government, even when no party wins a majority of votes overall. Some critics of plurality/majority systems view this latter tendency as a disadvantage rather than an advantage.

1.1 First past the post

This is the system currently in use in the Yukon, in federal elections in Canada, and in all provincial and territorial elections. Divide Yukon into 19 electoral districts. Each electoral district elects one member. Voters vote for one candidate. The person with the most votes in each electoral district wins that district. That person becomes “your representative” in the legislative assembly. Candidates are nominated locally. The following is an example of how this system works at the district level and in the Yukon as a whole.

In district

Total votes = 1,000	
Candidate A	250 votes
Candidate B	400 votes
Candidate C	350 votes

Candidate B wins. Note that 400 voters voted for the winning candidate and 600 voters voted for the losing candidates.

In Yukon as a whole

Each of the 19 electoral districts elects one person. This system can lead to a distortion between votes and seats if a party wins several seats with less than a majority of votes. The party with the most seats usually forms government. If a party wins more than 50% of seats, they form a majority government. If less than 50% of seats, a minority or coalition government. A coalition is when 2 or more parties have people appointed to cabinet. A minority is when only one party has cabinet positions, but one or more other parties support the party in government. Often, a minority of votes can produce a majority of seats.

1.2 Alternative Vote

Divide Yukon into 19 electoral districts. Each electoral district elects one member. Voters rank-order the candidates, identifying first, second, third preferences, etc. To win, a candidate must receive a majority of votes. If no candidate receives a majority based on first preferences, the candidate with the lowest vote total is eliminated, and their second preferences are allocated to the remaining candidates. This process continues until one candidate wins a majority of

votes. That person becomes “your representative” in the legislative assembly. Candidates nominated locally.

In district

Total votes = 1,000		
	First preference	First preference + 2 nd preference of Candidate A
Candidate A	250 votes	eliminated
Candidate B	400 votes	450 votes
Candidate C	350 votes	550 votes

Candidate C wins. Note that a majority of voters voted for the winning candidate.

In Yukon as a whole

Same as with first past the post. Often a similar amount of distortion as with First-Past-the-Post.

1.3 Block Vote

Block Voting takes place in electoral districts with multiple members – there can be as few as one electoral district, with all 19 MLAs elected from that district. There also could be more than one district, for example a system with 2 electoral districts that elects 11 members from Whitehorse and 8 members from outside Whitehorse. It is similar to elections of city council members in some Canadian cities, such as Whitehorse, in which everyone runs in an “at large” election. However, unlike municipalities where there usually are not political parties, Block Vote in a Yukon election would still have political parties. If there were 19 people elected, voters could cast a vote for up to 19 candidates. Candidates are nominated by central party organization.

Total voters = 25,000

Candidate	Party	votes	status
Candidate 1	Party A	20,000	elected
Candidate 2	Party A	19,500	elected
Candidate 3	Party C	19,400	elected
Candidate 4	Party B	18,900	elected
Candidate 5	Party A	18,400	elected
Etc ...			
Candidate 17	Party C	7,430	elected
Candidate 18	Party A	6,920	elected
Candidate 19	Party A	6,810	elected
Candidate 20	Party B	6,805	not elected
Candidate 21	Party B	6,800	not elected
Candidate 22	Party A	6,700	not elected
Etc. ...			

In Yukon as a whole

All candidates are elected from the Yukon as a whole, so there are no “constituency representatives”. Candidates from the same party are running against candidates from other parties, but also against candidates from their own party. Can be a highly distorting outcome.

1.4 Two-round system

This system likely would be applied with 19 constituencies, each electing one member. Each candidate needs a majority of the votes in their district to win. If no one wins a majority of votes, then the two candidates with the most votes have a second, run-off election between them. Whichever of the two candidates in the run-off election receives a majority of votes, wins the election. Candidates nominated locally.

Round 1			
Total votes = 2,000			
Candidate	Party	Votes	Status
Candidate 1	Party A	725	Eligible for run-off election
Candidate 2	Party B	125	Eliminated
Candidate 3	Party C	400	Eliminated
Candidate 4	Party D	750	Eligible for run-off election
Round 2			
Total votes = 2,000			
Candidate	Party	Votes	Status
Candidate 1	Party A	1,050	Elected
Candidate 4	Party D	950	Not elected

2. Proportional Representation systems

All proportional representation systems have multi-member districts. Each party receives a number of seats relatively proportional to the percentage of votes received. The larger the number of members in each district, the more proportional can be the conversion of votes into legislative seats. We'll consider 3 types of Proportional Representation systems – List Proportional Representation (List PR), Single Transferable Vote (STV), and Single Non-Transferable Vote.

2.1 List Proportional Representation

The List PR electoral system is the most popular among proportional representation systems. Multiple members are elected from each district, based upon lists in which the candidates are ranked. In a closed list, the party ranks the candidates and voters can choose between parties, but not between candidates. In an open list, voters can choose between candidates and parties.

The following tables present 2 versions of electing candidates with List PR compared to the current first past the post system.

Members elected in each electoral district

Option 1, First past the post (one member for each electoral district). Voters in each district elect the member from that district.

1	1	1	1
1	1	1	1
1	1	1	1
1	1	1	1
1	1	1	

Option 2, 2 electoral districts, Whitehorse + Regions (11 members in the district of Whitehorse, 8 members in the district of “the Regions”). Voters in Whitehorse elect the members from Whitehorse, voters in the Regions elect the members from the Regions.

Whitehorse	Regions
11	8

Option 3, 1 electoral district. All voters in the Yukon elect all members. In a closed system, members are elected based on the order in which they are ranked by the parties.

All
19

Under List PR, take the total number of votes cast in the election and divide by the total number of seats to produce the **electoral quotient**. Then, divide each party’s votes by the electoral quotient to determine the number of seats to which the party is entitled. If the resulting seat allocation does not equal the total number of seats, then allocate the remaining seats based on the largest remainder for each party. The following is an illustration of this method using vote totals from the 2016 Yukon election.

	Party					
	NDP	Liberal	Yukon	Green	Other	Total
Number of votes	4,927	7,404	6,272	145	38	18,786
Percent of votes	26.2	39.4	33.4	0.8	0.0	

Option 1. First past the post

	Party					
	NDP	Liberal	Yukon	Green	Other	Total
Number of seats	2	11	6	0	0	19
Percent of seats	10.5	57.9	31.6	0.0	0.0	

Option 2. List PR, with 2 electoral districts

	NDP	Liberal	Party Yukon	Green	Other	Total
Votes, Whitehorse	3,303	4,863	3,912	85	0	12,163
Seats, Whitehorse	3	4	4	0	0	11
Votes, Regions	1,624	2,541	2,360	60	38	6,623
Seats, Regions	2	3	3	0	0	8
Seats, Total	5	7	7	0	0	19
Percent of seats	26.3	36.8	36.8	0.0	0.0	

Option 3, List PR with one electoral district

	NDP	Liberal	Party Yukon	Green	Other	Total
Number of votes	4,927	7,404	6,272	145	38	18,786
Number of seats	5	8	6	0	0	
Percent of seats	26.3	42.1	31.6	0.0	0.0	

Allocation of Seats, Option 3

Party	Votes	1 st Allocation of seats	Votes/seat (989) * seats	Remaining votes	2 nd allocation of seats	Final Seat Total
NDP	4,927	4	3956	971	1	5
Liberal	7,404	7	6923	481	1	8
Yukon	6,272	6	5934	338	0	6
Green	145	0		145	0	0
Other	38	0		38	0	0
Total	18,786	17		2	19	

Observations. In the 2016 election, the Yukon Liberal party received 39.4% of the votes. In first past the post electoral system, this produced 11 Liberals being elected and a majority government. Under both List PR methods, the proportion of votes was closer to the proportion of seats for all parties. With 2 electoral districts, the Liberal and Yukon parties each receive 7 seats, and the NDP receive 5 seats, which would lead to a minority or coalition government. The Liberal party was somewhat under-rewarded and the Yukon party over-rewarded in this instance. With one electoral district, the Liberal party receives 8 seats compared to the Yukon party's 6 seats, and 5 seats for the NDP, producing proportions closer to the vote totals. Once again, the outcome is a minority government. In addition, under this system, there is no guarantee of seats for any region of the Yukon.

2.2 Single Transferable Vote (STV)

The Single Transferable Vote system uses multimember districts and enables voters to vote for individual candidates by indicating their rank-order preference for each candidate. Candidates are elected when their vote total crosses the "threshold", which is the minimum of votes needed to guarantee election. If a candidate receives more votes than the threshold, they are elected. Furthermore, all their votes above the threshold are transferred to other candidates, based on the preferences of those voters. After each round of counting ballots, the candidate with the lowest vote totals is eliminated, and the subsequent preferences of their supporters are distributed to remaining candidates. The threshold is calculated as the total number of ballots cast divided by the number of seats plus one, and one is added to this amount [threshold = (votes/(seats + 1)) + 1].

To illustrate, suppose there were 2 electoral districts in Yukon, one for the 11 Whitehorse seats and one for the 8 seats in the rest of the territory, called the Regions. Voters in the Regions would receive a ballot for electing 8 candidates. Each party could nominate up to 8 candidates and there could be independent candidates as well. With three parties, this would mean there were at least 24 candidates, and with four parties, at least 32 candidates (assuming each party nominated the maximum number of candidates). There also could be smaller parties that nominated only one or two candidates, to maximize the votes for those candidates. For simplicity of presentation, let's assume an electorate with 4000 voters and 3 seats. The election would proceed as follows: calculate the threshold as $[(\text{votes}/(\text{seats} + 1)) + 1]$. Thus threshold = $[(4000/(3 + 1)) + 1] = (4000/4) + 1 = 1000 + 1 = 1001$. Once a candidate receives 1001 votes, they are elected, and their "surplus" votes can be redistributed. As well, the candidate with the lowest vote total is eliminated and their votes redistributed based on the voters' preferences, following each round of counting. The vote counting could proceed as follows:

Candidate	Party	1 st count	2 nd count Transfer Dell's votes	3 rd count Transfer Gallant's votes	4 th count Transfer Fortney's votes	5 th count Transfer Clarke's votes
Abbott	Party A	570	570	+10 580	580	+20 600
Brock*	Party A	990	990	990	990	+100 1090
Clarke	Party A	120	120	120	120	----
Dell*	Party B	1050	1001	1001	1001	1001
Elliott	Party B	250	+49 299	299	+9 308	308
Fortney*	Party C	910	910	+100 1010	1001	1001
Gallant	Indep.	110	110	----	----	----

*Elected candidate

Proportionality			
	1 st ballot		
	Votes	Vote%	Seat %
Party A	1,680	42.0	33.3
Party B	1,300	32.5	33.3
Party C	910	22.8	33.3
Independent	110	2.8	0.0

Observations. The STV electoral system provides voters with the ability to choose among parties and among candidates in each of the parties. Each of the elected candidates has achieved the electoral threshold. The counting system tends to be quite complex, even in a simple example with seven candidates and three seats. It is much more so if there were two electoral districts, with 8 and 11 seats each, or one electoral district with 19 seats. In the current example, there is a lower level of proportionality with first preference rankings, in part because subsequent preferences are considered. Parties may also behave strategically and nominate less than the full slate of candidates.

2.3 Single Non-Transferable Vote (SNTV)

The Single Non-transferable Vote electoral system is sometimes categorized among proportional representation systems and sometimes as an “other” system. It is similar to a block vote electoral system, with multi-member electoral districts, but unlike block vote, where voters can cast a ballot for each seat elected from the district, in SNTV, the voter casts only one vote. Seats are awarded based on the largest number of votes obtained by the candidates, and therefore candidates are elected based on the number of votes they receive. This also implies that candidates are elected based on the proportion of votes they receive. Thus, the proportionality of seats is based on the proportionality of candidate votes, not on the proportion of a party’s vote. It is a system that can reward minor parties and encourages all parties to act strategically in the nomination of candidates.

To illustrate a SNTV system, imagine the following hypothetical distribution of votes and seats for the following 6 candidates, when 1,000 votes are cast and where four candidates are elected:

Candidate	Party	Votes
1	A	300
2	A	90
3	B	200
4	B	180
5	C	120
6	D	110

Of the 1,000 votes, candidate 1 finished with the most votes, 300, followed by candidates 3, 4 and 5. These are the four candidates that would be elected. But consider that happens when looking at the outcome from the perspective of votes obtained by each party:

Party	Votes	Vote %	Seats
A	390	39.0	1
B	380	38.0	2
C	120	12.0	1
D	110	11.0	0

Observations. In this hypothetical election, party A received 39% of the votes, but only one seat, compared to party B receiving 38% of the votes and two seats. The single candidate for party C received only 12% of the votes, but obtained one seat, as many as party A with 39% of the votes. The votes among party B candidates were more evenly distributed than among party

A candidates, enabling it to win two seats. Therefore, the proportionality of the system characterizes the seat distribution among candidates more so than among parties. It provides a greater opportunity for minor parties to obtain representation.

3. Mixed Electoral Systems

Mixed electoral systems are those in which candidates are elected to the legislative assembly using different electoral systems – some are elected by one method, and others are elected by another method. The idea is that while all electoral systems have advantages and disadvantages, combining more than one electoral system can help moderate the disadvantages that exist with any single system. Mixed electoral systems tend to combine some seats from a plurality or majority system, with others using a proportional system. In doing so, the system can ensure a direct connection between voters and representatives that exists with a constituency-based system, with less distortion than can occur with the first past the post system due to some seats being allocated proportionally.

3.1 Parallel systems

A parallel electoral system, as the name implies, is where legislators are elected using two separate electoral systems that are not connected to one another. Some of the representatives could be elected by a first-past-the-post system, and others by a list PR system. The voter would have two ballots and would cast one ballot for the representative in their district, and another for the party they prefer. Imagine that the 2021 Yukon election was run using a parallel system, that the results of the constituency contests were the same as occurred in 2021, and that the party vote was the same as the overall party vote in 2021. Assume further that the legislative assembly has 30 seats, 19 of which are elected by first-past-the-post, and 11 by list PR, with a single district in the Yukon. The result would be as follows:

Party	Votes	Vote %	Constituency seats	Constituency seat %	List seats	Total seats	Total seat %
NDP	5356	28.2	3	15.8%	3	6	20%
Liberal	6155	32.4	8	42.1%	4	12	40%
Yukon	7477	39.3	8	42.1%	4	12	40%
Indep.	26	0.1	0	0.0%	0	0	0%

When allocating the list PR seats, a party’s share of the vote is multiplied by the number of list PR seats to be allocated. For the NDP, this produces $11 * .282 = 3.1$ seats, which rounds down to 3 seats. For the Liberals, $11 * .324 = 3.6$, which rounds up to 4 seats. For the Yukon party, $11 * .393 = 4.3$, which rounds down to 4 seats.

Observations. A parallel electoral system would likely require adding more seats to the Yukon legislature, to ensure there is a reasonable number of seats available through the list PR part of the process. Notice, however, that even with an increase of over 50% in the number of seats,

from 19 to 30, the election results from 2021 were not significantly different under the parallel system than they were under first-post-the-post. Since the two electoral systems are run separately, the list PR portion may have a limited impact overall in increasing proportionality.

3.2 Mixed Member Proportional (MMP)

The mixed member proportional system also uses two electoral systems to elect MLAs, but unlike the parallel system, the two electoral systems are linked, with the expectation that the List PR seats will compensate for any distortion produced by the first past the post system. Those parties that are under-rewarded by the first past the post seats will receive greater compensation from the list PR seats. Under an MMP system, voters can either have separate ballots for the constituency seats and list PR seats or can use the same ballot.

This example uses data from the 2021 Yukon election to demonstrate how the MMP system would allocate seats, assuming 19 constituency seats and 11 list seats, for a total of 30 seats. Also, we assume that the list PR seats are allocated based on the total constituency votes. To determine the seat allocation for each party, divide their vote total by a sequence of odd numbers. A party is assigned a seat whenever its product is largest among the parties. The calculations to determine seat allocation for each party proceed as follows:

Divisor	NDP Votes	NDP seat #	Liberal votes	Liberal seat #	Yukon votes	Yukon seat #	Indep votes	Indep seat #
1	5356	3	6155	2	7477	1	26	
3	1785	6	2052	5	2492	4		
5	1071	9	1231	8	1495	7		
7	765	13	879	11	1068	10		
9	595	16	684	14	831	12		
11	487	20	560	18	680	15		
13	412	23	473	21	575	17		
15	357	27	410	24	498	19		
17	315		362	26	440	22		
19	282		324	30	394	25		
21	255		293		356	28		
23	232		268		325	29		
25	214		246		299			
Total seats		8		10		12		

This calculation shows that the NDP is allocated 8 seats, the Liberals 10 seats and the Yukon party 12 seats. Based on the constituency votes for 2021, the first-past-the-post system awarded 8 seats to the Liberals, 8 to the Yukon party and 3 to the NDP. Therefore, the list PR seats are awarded as follows:

Party	Constituency seats	Total seats	List PR seats	% votes	% seats
NDP	3	8	5	28.2%	26.7%
Liberal	8	10	2	32.4%	33.3%
Yukon	8	12	4	39.3%	40.0%
Other	0	0	0	0.1%	0.0%

Because under the MMP system the list PR seats are allocated in a way that compensates any possible distortion caused by the first past the post seats, they may be allocated very differently, depending on the results of the constituency contests. To show this effect, let's run the same analysis using data from the 2002 Yukon election, in which the Yukon party won a majority government with 12 of 18 seats. To keep the total number of seats at 30, assume there are 12 list PR seats for this example.

Divisor	NDP Votes	NDP seat #	Liberal votes	Liberal seat #	Yukon votes	Yukon seat #	Indep. votes	Indep seat #
1	3763	3	4056	2	5650	1	535	14
3	1254	6	1352	5	1883	4		
5	753	10	811	8	1130	7		
7	538	13	579	12	807	9		
9	418	18	451	16	628	11		
11	343	21	369	20	514	15		
13	289	25	312	23	435	17		
15	251	28	270	26	377	19		
17	221		239	30	332	22		
19	198		213		297	24		
21	179		193		269	27		
23	164		176		246	29		
Total seats		8		9		12		1

If one compares the vote proportions in the two elections – 2002 and 2021, they are quite similar. The Yukon party got 40.4% of the votes in 2002 and 39.3% in 2021. The Liberals received 29.0% in 2002 and 32.4% in 2021. And the NDP got 26.9% in 2002 and 28.2% in 2021. But the first past the post system produced very different results, with the Yukon party getting a majority government and 12 of 18 seats in 2002, but only 8 of 19 seats in 2021. Even more dramatically, the Liberals received only one seat in 2002, but 8 seats, and a minority government in 2021. Under the MMP system, in contrast, the election results were remarkably

similar, in both instances with the Yukon party receiving about 40% of seats, and the Liberals and NDP about 30% each.

Party	Constituency seats	Total seats	List PR seats	% votes	% seats
NDP	5	8	3	26.9%	26.7%
Liberal	1	9	8	29.0%	30.0%
Yukon	12	12	0	40.4%	40.0%
Other	0	1	1	0.1%	3.3%

Comparing qualities of three major options

Beyond the mechanics of how each of the electoral systems work, described above, is the question of the practical impacts of adopting a new electoral system. For example, do voters still have “their MLA” after an election, to whom they can turn if they have a problem or issue that needs to be addressed? Is the party system likely to remain the same or change because of adopting a new electoral system? Is government going to be stable, with elections taking place at regular four-year intervals, or is it likely that a different electoral system produces less stable government and more frequent elections? Although it is not possible to know with certainty what the impacts of changing the electoral system will be on these and other matters, nonetheless each electoral system has tendencies, and these can be assessed to identify some likely effects of changing the electoral system.

The following table identifies some of the likely impacts of the three types of electoral systems – first past the post, single transferable vote (STV), and Mixed Member Proportional (MMP). The assumption is that the MMP system would elect some members (perhaps up to 19) using first past the post, and other members (perhaps up to 11) using list PR, with closed party lists. The qualities of the electoral systems described below are neither inherently good or bad – rather they simply are tendencies. It is up to the people of the Yukon to decide whether taken as a whole, which electoral system provides the features that most align with the goals they have for their electoral system.

Feature	First past the post	Single Transferable Vote	Mixed Member Proportional (MMP)
Number of MLAs	19	19	25 - 30
Constituency-based MLAs?	Yes	Yes, but multiple MLAs elected from larger constituencies	Yes, some MLAs elected in constituencies, and some elected from party lists
How many constituencies?	19	Probably 4 or 5	19, plus additional MLAs elected from party lists
Proportionality between votes and seats	Similar to today, there can be distortion	Not necessarily highly proportional	Very high level of proportionality
Likelihood of forming majority government	Very likely	Not very likely	Unlikely
Likelihood of minority or coalition government	Unlikely. Most Yukon elections under FPTP have produced a majority government	Quite likely, since it is easier for minor parties to be elected	Quite likely, since it is rare for a party to win a majority of votes
Ease of electing minor party candidates and independents	Difficult	Fairly easy	Difficult, especially if there are thresholds for list PR seats
Does each constituency have its own MLA?	Yes	Each constituency has multiple MLAs, perhaps up to 5, who are likely from different parties	Yes, each constituency has one MLA, plus there are some MLAs who are elected from the Yukon as a whole, and don't represent a constituency
Will this system produce stable government?	Yes, experience has demonstrated this system produces stable government	The number of parties in the legislature will likely increase, and require the government party to negotiate an agreement with one or more smaller parties	It remains difficult in the way MMP would be applied in the Yukon for minor parties to become successful. The government party would often require the support of another party.

Options for Yukon's Electoral System

A Report prepared for the Special Committee on Electoral Reform, Yukon

October 31, 2021

Table of Contents

Table of Contents	1
List of Tables	3
Introduction	4
Introduction to Electoral Systems	5
Setting the context: Election results in Yukon territorial elections under the FPTP system, 1978 to 2021	6
Participation in territorial elections	11
Representational characteristics of MLAs	12
Electing women in the Yukon	13
Electing Indigenous members	15
Urban and Rural Representation	17
Other factors influencing representation	20
Eligible voting age	20
Political Financing	21
Electoral system options and their characteristics	23
Plurality and majority Electoral Systems	24
First Past the Post	24
Alternative Vote	27
Block Vote	29
Two-Round Systems	31
Proportional Representation Electoral Systems	33
List Proportional Representation	33
Single Transferable Vote	35
Single Non-transferable Vote	37
Mixed Electoral Systems	39
Parallel	39
Mixed Member Proportional	41
Key issues in PR systems	44
District magnitude	44
Thresholds	44
Open and closed lists	45
Special considerations	46
Representation of Women	46
Representation of Indigenous People	48

Community representation (urban and rural)	50
Population size and the size of the Legislative Assembly	52
Changing the electoral system: Key challenges	55
New Zealand’s experience with electoral system change: a case study	57
New Zealand and the representation of Maori electors	61
Previous attempts at electoral reform in Canada	63
Federal electoral system reform (2015-2017)	63
Recent electoral system reform in the provinces	64
British Columbia (2003-2009, 2018)	64
Ontario (2004-2007)	65
Quebec (2018-2021)	66
New Brunswick (2003-2006, 2016-2017)	67
PEI (2005-2019)	68
Lessons from Canadian experience with electoral reform	69
Key issues when considering electoral system reform	70
Appendix 1. Actual Quotients for Party List Seat Allocation, New Zealand General Election, 2020	73
Appendix 2. Biography of author	75

List of Tables

Table 1A. Translation of votes to seats in general elections, 1978 to 1996	8
Table 1B. Translation of votes to seats in general elections, 2000 to 2021	10
Table 2. Voter turnout in Yukon elections, 1978 to 2016	12
Table 3. Gender Representation among candidates and elected MLAs in Yukon general elections, 1978-2021	14
Table 4. First Nations Persons Representation in Yukon Legislature, 1978 to 2021	16
Table 5. General Election results, New Zealand, 2020	43
Table 6. Electoral systems among small countries or territories	54
Table 7. Percentages of Votes and Seats Won by Political Parties, New Zealand	59
Table 8. Composition of the New Zealand Parliament after Three Elections, 1990 – 1996	60
Appendix 1: Actual Quotients for Party List Seat Allocation, New Zealand General Election, 2020	73

Options for Yukon's Electoral System

A Report prepared for the Special Committee on Electoral Reform, Yukon

1. Introduction

This report has been prepared for the Yukon Legislative Assembly's Special Committee on Electoral Reform. The Special Committee on Electoral Reform was established by order of the Yukon Legislative Assembly on May 26, 2021 and is required to report to the Legislative Assembly on its findings and recommendations no later than March 31, 2022. At the request of the Committee, this report does not take a position on whether the Yukon electoral system should be changed. Instead, it provides information to serve as background and context in considering whether reform is desirable, and if so, examines reform options.

This report proceeds on the following basis. Section 1 provides this introduction to the report. Section 2 introduces the concept of an electoral system and discusses the unique role performed by the electoral system. In Section 3 attention turns to the Yukon's experience with the first past the post (FPTP) electoral system in the period from 1978 to the present. It discusses the relationship between votes and seats following general elections, trends in voter participation, and the characteristics of elected candidates under the FPTP system. In short it asks the question, is the system of representation, due to the FPTP electoral system, broken? This section also briefly reviews other factors influencing representation in the Yukon, such as political financing, the age of voter eligibility, urban and rural representation, and Indigenous representation.

Section 4 reviews the different families of electoral systems, discussing their general characteristics, the tendencies associated with the system and its strengths and weaknesses. The discussion illustrates the wide range in which votes are translated into seats in contemporary democracies, and some of the implications that follow from different systems. This section concludes with a discussion of three key issues in proportional representation systems, namely the district magnitude of electoral districts, the use of thresholds to obtain legislative seats, and the use of open versus closed party lists. Section 5 turns to a consideration of a set of special considerations that need be borne in mind when reviewing electoral systems. These include the extent to which the system provides for the representation of women and of significant cultural groups, such as Indigenous people, the representation of "community of interest" and the mix between urban and rural representation, the size of the population being represented, and the size of the legislative assembly.

Section 6 examines the way in which electoral systems change, in view of the obvious observation that at most times and in most places, the electoral system is static. The case of New Zealand is examined in some detail, as a system with a Westminster style parliamentary

system that changed twenty-five years ago from a FPTP to a mixed member proportional (MMP) electoral system. New Zealand's unusual feature, of including electoral districts for the minority Maori population also is considered. Section 7 reviews attempts at electoral reform in Canada, focusing largely on the unusually large number of efforts at electoral system change since 2000. Half the provinces engaged in a process of examining electoral system reform in the past twenty years, some of which tried to change multiple times. So too did the federal government embark on a process to change the electoral system. Yet none resulted in dismantling the first past the post system. What lessons can be drawn from this experience? The report concludes with Section 8 that examines key issues to consider in electoral system reform in the Yukon. This includes an understanding of the effectiveness of the current system, clarity about core representational values, consideration of size of the population and the legislature, and the manner of public engagement on the topic.

2. Introduction to Electoral Systems

An electoral system is the set of rules through which votes in an election produce seats in a legislative assembly. Several factors must be considered when designing an electoral system. For example, **how many candidates** are being elected to the legislature? Is the voter casting a ballot for a single legislative seat, or are there multiple seats being contested that are affected by the vote? Second, **how does the voter express his or her preferences?** Are they able to indicate their preference only for their most preferred candidate or party, or are they able to provide a more nuanced articulation, such as ranking the candidates from most preferred to least preferred? Thirdly, **what is the rule for winning a contest?** Does a successful candidate simply need to have more votes than all others, do they require a majority of votes, or is there some determination of fractional vote totals that results in a candidate's election? Different electoral systems provide different answers to the above questions. In some electoral systems the voter plays a role in the election of more than one member of the legislature, whereas in other systems, a voter is limited to voting for candidates for a single seat. Some electoral systems allow voters to express a range of preferences, such as ranking all candidates, whereas others allow only a simple preference, of indicating the more preferred candidate. In some cases, the winner needs only to have more votes than all other candidates, whereas in others, one needs a majority of support, even if this requires voting for more than one's top preference.

A second observation about electoral systems is that once an electoral system is put in place, electoral stakeholders, including parties, candidates, and voters, adjust their behaviour to the existence of that electoral system. In the words of Maurice Duverger, one of the founding scholars of research on electoral systems, such systems "are strange devices – simultaneously cameras and projectors. They register images which they have partly created themselves."¹

¹ Duverger, M., 1984. "Which is the best electoral system?" In: Lijphart, A., Grofman, B. (Eds.), Choosing an Electoral System: Issues and Alternatives. Praeger, New York, p. 34, quoted in Ken Benoit, "Models of Electoral System Change," Electoral Studies, 2003, 363-389.

What Duverger means by this is that the party system in a jurisdiction is strongly impacted by the electoral system. It would be wrong, in other words, to consider the results of an election using one electoral system, and to then interpret those results as though they were produced by another electoral system. To take an example from the most recent territorial election in Yukon, whereas support for the Yukon Party, the Liberal Party and the NDP was 39.3%, 32.4%, and 28.2%, respectively, using the first past the post electoral system, there is no reason to expect that a different electoral system would produce the same voting result – indeed, there is reason to expect that it would not. Electoral systems, therefore, influence not only the way in which votes are translated into seats, but they also affect the way parties approach an election and the way voters respond.

Considerations

Are there advantages or disadvantages in the Yukon for voter choices to be simple or complex (registering a single check or ranking of candidates), for there to be constituencies that elect one member or many members, and should the winner get more votes than the other candidates, or a majority of votes (50% + 1)?

The current party system in the Yukon is in part a creation of the first past the post electoral system. Are there presently deficiencies with the party system that could or should be corrected by changing the electoral system? If so, what are those deficiencies? Are some parties missing, or is the system consistently under-representing some interests?

3. Setting the context: Election results in Yukon territorial elections under the FPTP system, 1978 to 2021

The 1978 territorial election marked an important point in the political development of the Yukon. It was the first election in which candidates formally ran under party labels, and the members elected exercised increasing power in a legislative assembly with additional authority devolved from the federal government and the federally appointed commissioner. The first two elections conducted in this contemporary period were administered by the Yukon Elections Board, with the assistance of an Administrator of Elections. In 1983 the Clerk of the Legislative Assembly was given the added duties to serve as Chief Electoral Officer, with responsibilities for overseeing election-related matters with the help of a full-time Assistant Chief Electoral Officer. In 2007, following the retirement of the long-serving Clerk and Chief Electoral Officer, a full-time Chief Electoral Officer was appointed. Three individuals have served in this role since its creation as a full-time position in 2007.² The electoral system in place in Yukon for the period under consideration was the FPTP.

There have been twelve territorial general elections in Yukon from 1978 through 2021. The results of the elections are presented in Table 1, which has two panels. Panel A covers the six elections from 1978 to 1996 and Panel B covers the six elections from 2000 to 2021. For the six

² Yukon Legislative Assembly, [Hansard](#), see Debates June 13, 2007 and March 28, 2013.

elections held between 1978 and 1996, the Yukon Party and its predecessor, the Yukon Progressive Conservative Party won three times, and the NDP won three elections. Of the six elections, a clear majority of seats was obtained on four occasions, the winning party obtained half the seats on one occasion, and a minority government was elected on one occasion. In half the elections, the winning party obtained fewer than 40% of the votes cast, and in the other three elections, the winning party received between 41% and 46% of the vote. In none of the elections did a party win more than half the votes, and yet, in most elections, a majority government was elected.

In all but one of the elections, the party winning the most votes obtained the most legislative seats, and in some cases, the winning party was heavily over-rewarded in its seat count. For example, in the 1978 election, the Yukon Progressive Conservatives won 68.8% of the seats based on 36.9% of the votes, or about two-thirds of the seats based on just over one-third of the votes, for a difference of 31.9% in vote versus seat shares. Likewise, in 1996, the NDP won 64.7% of the seats based on 39.8% of the votes, for a seat advantage of 24.9%. In the other elections, the winner's advantage ranged from 5.3% to 10.5%. The exception to these trends is the 1985 election, when the biggest advantage was provided to the NDP, the party with the second highest vote percentage. The NDP won 41.1% of the votes and 50% of the seats, thereby winning the election, while the Yukon party won 46.9% of the votes, and 37.5% of the seats, and lost the election. In three of the six elections, the party finishing in third place was most penalized by the electoral system (Liberals in 1982, 1989, and 1992), in two elections the party finishing in second place was most penalized (Liberals in 1978, Yukon Party in 1996), and in one election, the party with the most votes was most penalized (Yukon Progressive Conservative Party in 1985). Independent candidates were sometimes slightly advantaged and sometimes slightly disadvantaged by the electoral system.

Table 1A. Translation of votes to seats in general elections, 1978 to 1996

Year	Party	Votes	% Votes	Seats	% Seats	Vote% Seat% Difference
1978	Yukon Liberal Party	2,201	28.5	2	12.5	-16.0
	Yukon New Democratic Party	1,568	20.3	1	6.3	-14.0
	Yukon PC Party	2,869	36.9	11	68.8	+31.9
	Independent	1,096	14.2	2	12.5	-1.7
	Total	7,734		16		
1982	Yukon Liberal Party	1,564	15.0	0	0.0	-15.0
	Yukon New Democratic Party	3,689	35.4	6	37.5	+2.1
	Yukon PC Party	4,770	45.8	9	56.3	+10.5
	Independent	393	3.8	1	6.3	+2.5
	Total	10,416		16		
1985	Yukon Liberal Party	806	7.6	2	12.5	+4.9
	Yukon New Democratic Party	4,335	41.1	8	50.0	+8.9
	Yukon Territorial PC Party	4,948	46.9	6	37.5	-9.4
	Independent	458	4.4	0	0.0	-4.4
	Total	10,547		16		
1989	Yukon Liberal Party	1,303	11.1	0	0.0	-11.1
	Yukon New Democratic Party	5,275	45.0	9	56.3	+11.3
	PC Yukon Party	5,142	43.9	7	43.7	-0.2
	Total	11,720		16		
1992	Yukon Liberal Party	2,098	16.1	1	5.9	-10.2
	Yukon New Democratic Party	4,571	35.1	6	35.3	+0.2
	Yukon Party	4,675	35.9	7	41.2	+5.3
	Independent	1,686	12.9	3	17.6	+4.7
	Total	13,030		17		
1996³	Yukon Liberal Party	3,464	23.9	3	17.6	-6.3
	Yukon New Democratic Party	5,760	39.8	11	64.7	+24.9
	Yukon Party	4,392	30.4	3	17.6	-12.8
	Independent	852	5.9	0	0.0	-5.9
	Total	14,468		17		

³ The general election in 1996 produced a tie vote between the candidates for the Yukon NDP and the Yukon Party. As a result of a draw, the New Democratic candidate was declared the winner.

In the three elections conducted between 2000 and 2021, the Liberal Party won three elections and the Yukon Party has won three elections. Five of the six elections during this period have resulted in the election of a majority government, and one election has produced a minority government. The percentage of votes won by the party with the largest number of votes has ranged from 39.3% to 42.9%, and yet this minority of votes has tended to produce a majority government. The party with the largest percentage of votes has received the largest percentage of seats in all elections except for 2021, when the Liberal Party's 32.4% of the votes provided it with the same number of seats (8) as the Yukon Party's 39.3% of votes.

The impact on the electoral system can be compared across the parties. During the period 2000 to 2021, the Yukon Party has been significantly over-rewarded on three occasions (14.9%, 17.5%, and 26.3%), significantly under-rewarded on one occasion (-18.4%), and relatively evenly rewarded twice (2.8% and -1.8%). The Liberal Party also has been significantly over-rewarded three times (9.7%, 15.9% and 18.5%), significantly under-rewarded twice (-14.8% and -23.4%) and moderately under-rewarded once (-6.9%). The New Democrats have been significantly under-rewarded twice (-12.4% and -15.7%), moderately under-rewarded once (-6.9%), and relatively evenly rewarded three times (0.9%, -1.0% and 2.5%). Over the course of the six elections between 2000 and 2021, Independent candidates and other party candidates (First Nations Party, Green Party) have all been under-rewarded in converting their vote support to legislative seats, although the under-rewarding has been consistently small. No independent candidates and no parties other than Yukon, Liberal and New Democrat, have won a legislative seat during this period.

Considerations

How does one interpret the experience in the Yukon of translating votes into legislative seats? There is strong evidence that the FPTP electoral system consistently converts a minority of votes into a majority of legislative seats – it has done so in three-quarters of the elections. Does the conversion of a minority of votes into a majority of legislative seats indicate that the electoral system is working or that it is broken?

In reviewing the data on translating votes into seats in Yukon elections, what stands out more, the effect of the electoral system on a party's relative standing, or a party's character? Does the electoral system reward or penalize parties because of what they stand for, or because of where they finished in the vote count?

In the first six elections beginning in 1978, Independent candidates won seats in three of the five elections in which they were candidates. In elections since 2000, no independent candidate has been elected, and no minor party (that is, other than the Yukon, Liberal or New Democratic parties) has won a seat. Is the failure of minor parties and independent candidates to win legislative seats a strength or weakness of the current electoral system?

Table 1B. Translation of votes to seats in general elections, 2000 to 2021

Year	Party	Votes	% Votes	Seats	% Seats	Vote% Seat % Difference
2000	Yukon Liberal Party	6,119	42.9	10	58.8	+15.9
	Yukon New Democratic Party	4,677	32.8	6	35.3	+2.5
	Yukon Party	3,466	24.3	1	5.9	-18.4
	Total	14,262		17		
2002	Yukon Liberal Party	4,056	29.0	1	5.6	-23.4
	Yukon New Democratic Party	3,763	26.9	5	27.8	+0.9
	Yukon Party	5,650	40.4	12	66.7	+26.3
	Independent	535	3.8	0	0.0	-3.8
	Total	14,004		18		
2006	Yukon Liberal Party	4,699	34.7	5	27.8	-6.9
	Yukon New Democratic Party	3,197	23.6	3	16.7	-6.9
	Yukon Party	5,506	40.7	10	55.6	+14.9
	Independent	143	1.1	0	0.0	-1.1
	Total	13,545		18		
2011	Yukon First Nations Party	81	0.5	0	0.0	-0.5
	Yukon Green Party	104	0.7	0	0.0	-0.7
	Yukon Liberal Party	4,008	25.3	2	10.5	-14.8
	Yukon New Democratic Party	5,154	32.6	6	31.6	-1.0
	Yukon Party	6,400	40.4	11	57.9	+17.5
	Independent	79	0.5	0	0.0	-0.5
	Total	15,826		19		
2016	Yukon Green Party	145	0.8	0	0.0	-0.8
	Yukon Liberal Party	7,404	39.4	11	57.9	+18.5
	Yukon New Democratic Party	4,928	26.2	2	10.5	-15.7
	Yukon Party	6,272	33.4	6	31.6	-1.8
	Independent	38	0.2	0	0.0	-0.2
Total	18,787		19			
2021⁴	Yukon Liberal Party	6,155	32.4	8	42.1	+9.7
	Yukon New Democratic Party	5,356	28.2	3	15.8	-12.4
	Yukon Party	7,477	39.3	8	42.1	+2.8
	Independent	26	0.1	0	0.0	-0.1
	Total	19,098		19		

⁴ The 2021 general election produced a tie vote between the Liberal and New Democratic candidates in the electoral district of Vuntut Gwitchin. As a result of the drawing of lots, the New Democratic candidate was declared the winner, a result which denied the Liberal party a plurality of seats in the legislature.

Participation in territorial elections

One of the metrics used to gauge the health of a democratic electoral system is the degree to which eligible citizens turn out to vote in elections. There is a large body of experience among western democracies that voter turnout has decreased over the last generation or two. While voter turnout in federal elections in Canada generally hovered around 75% from the 1940s to the 1980s, thereafter it declined and has generally remained in the low to mid 60 percent range since 2000. The exception to this trend was in the 2015 election, when voter turnout climbed to 68.5%, only to drop thereafter to 65.9% in 2019, and to an estimated 60% in 2021. Considerable research on the decline in voter turnout in Canada has indicated that much of the decline owes to lower rates of turnout among younger voters. Young people are less likely to vote when they first become eligible than were their counterparts in previous generations, and as they age, they remain less likely to participate⁵. This finding has been a key reason that some have argued for changes to the way in which Canadians conduct politics.

Table 2 shows voter turnout in Yukon’s territorial elections from 1978 to 2016 (data for 2021 are not yet available). In contrast to the general decline in turnout that can be seen at the federal level in Canada and in many provinces, Yukon voters who are registered to vote have retained a high level of voter turnout during the past 40 years. Turnout jumped from 70.4% in 1978 to 78.7% in 1982 and remained at or above 77% for the next 20 years. In 2006 turnout dropped somewhat to 72.8% but climbed again to 74.3% and 76.4% in the following elections. Therefore, if voter turnout is an indication of the relative health of a democratic voting system, the data suggest there has been little change in public sentiment in this regard in the period from 1978 to 2016.

Considerations

What is one’s expectation about voter turnout in Yukon’s territorial elections? And, to what extent is participation linked to an electoral system? The overarching characteristic about most jurisdictions’ electoral system is its stability – electoral systems tend not to change very frequently. If an electoral system is not changed, to what extent can changes in voter participation be logically linked to an electoral system?

⁵ Elections Canada, *First-time electors – Youth*, available at: <https://www.elections.ca/content.aspx?section=res&dir=rec/part/yth&document=index&lang=e>

Table 2. Voter turnout in Yukon elections, 1978 to 2016⁶

Year	Electors on list	Voters	% Electors Voted
1978	11,051	7,783	70.43
1982	13,290	10,462	78.72
1985	13,530	10,607	78.40
1989	15,093	11,768	77.97
1992	16,900	13,104	77.54
1996	18,297	14,559	79.58
2000	18,285	14,368	78.58
2002	18,067	14,116	78.13
2006	18,681	13,611	72.76
2011	20,730	15,906	74.34
2016	23,494	18,840	76.37
2021 ⁷			

Representational characteristics of MLAs

Canada's system of representation in our elected legislative assemblies – the House of Commons federally, and provincial and territorial legislative assemblies, is based on the principle of representation by population. This term implies that our elected representatives each have a role in representing a portion of the electorate, and that there should be some measure of relative equality between the value of one person's vote and that of another person's vote. Although Canadian law and the court's interpretation have veered considerably from a principle of strict mathematical equality⁸, nonetheless our system of representation continues to hold to the general principle of representation by population.

Our ideas of representation have expanded beyond considering only whether each representative is elected in an electoral district of relatively equal population. The discussion of representation today also considers the degree to which the characteristics of elected representatives reflect the characteristics of the people they represent – sometimes called

⁶ Source: Yukon, Reports of Chief Electoral Officer on general elections. (Note that for 1978 and 1982, the reports on the general election were produced by the Yukon Elections Board).

⁷ At the time of writing, the report on the 2021 election was not published. Therefore, the data are not available.

⁸ Much has been written about the extent to which the principle of relative voter equality is applied in Canada's elected legislatures. See John Courtney, *Commissioned Ridings: Designing Canada's Electoral Districts*, Montreal and Kingston: McGill-Queen's University Press, 2001.

“descriptive representation”.⁹ One can imagine a wide range of characteristics of individuals that could be reflected in their representatives, such as age, socioeconomic status, religion, ethnicity, gender, race, or urban and rural residence, among others. Considering the factors that may be of interest to residents of the Yukon, it is useful to consider the factors of gender, Indigenous identity, and urban versus rural residence.

Electing Women in the Yukon

For the first 50 years of confederation, women were not entitled to vote in Canadian federal elections, nor in provincial or territorial elections. Changes to voter eligibility in advance of both the 1917 and 1921 federal elections removed the legal barriers for women to vote and seek elective office, provided they otherwise met voting requirements that applied to males as well. Although there continued to be a gender gap in voter turnout between men and women into the 1960s, by the 1970s it had largely disappeared¹⁰. However, the gap in women being elected to the House of Commons and to provincial and territorial legislatures, would persist well beyond the 1970s, and continues to characterize many legislatures. Later in this report we discuss both the experience of other electoral systems in addressing the election of women representatives as well as factors other than an electoral system that could impact the number of women elected. In this section, we review the status of electing women to the Yukon legislative assembly.

Table 3 presents data on the proportion of women running as candidates and the proportion of women elected to the Yukon legislative assembly in general elections. Once again it is useful to distinguish between elections before and after 1996. In the six elections from 1978 to 1996, women comprised between 15.4% and 20.4% of candidates. In only one election did women make up as much as 20% of the candidates. In the five elections since 2000 for which we have data, women comprised between 27.6% and 39.7% of candidates. Although the number of female candidates did not equal the number of male candidates, there was a significant increase in the number and proportion of women candidates over time. Similarly, women candidates were more likely to be elected from 2000 onwards. Although the elections of 2002 and 2006 saw very low success among women in getting elected, in the other four elections since 2000, the election has resulted in between 29.4% and 42.1% of elected members being female. The other observation from the table is that at least part of the reason that fewer women than men are elected to the Yukon legislature is that fewer women run as candidates. In eight of the eleven elections, women candidates either won a higher percentage of seats than they contested (1985, 1989, 2011), or women candidates’ percentage of winning was within 5 percentage points of their percentage of candidates. Therefore, they were within one seat of exceeding their candidacy percentage. Thus, similar to a finding published by Sevi, Arel-

⁹ Hanna Fenichel Pitkin, *The Concept of Representation*. Berkeley: University of California Press, 1967.

¹⁰ Jerome Black and Nancy McGlen, “Male Female Political Involvement Differentials in Canada, 1965 – 1974,” *Canadian Journal of Political Science*, 12:3 September 1979, pp. 471-498.

Bundock and Blais¹¹ for female candidates federally, women candidates in the Yukon have about as good a chance of winning election once they declare as a candidate as do men.

Table 3. Gender Representation among candidates and elected MLAs in Yukon general elections¹², 1978-2021¹³

Year	N. of candidates	Male candidates	Female candidates	% Female candidates	Male elected	Female elected	% Female MLAs
1978	52	44	8	15.4	14	2	12.5
1982	51	41	10	19.6	13	3	18.8
1985	44	36	8	18.2	13	3	18.8
1989	47	39	8	17.0	12	4	25.0
1992	52	42	10	19.2	15	2	11.8
1996	54	43	11	20.4	14	3	17.6
2000	49	33	16	32.7	12	5	29.4
2002	60	43	17	28.3	15	3	16.7
2006	58	42	16	27.6	16	2	11.1
2011	62	44	18	29.0	13	6	31.6
2016	63	38	25	39.7	12	7	36.8
2021 ¹⁴					11	8	42.1

Considerations

What is the ideal distribution of legislative seats among men and women? Should men and women have guaranteed representation in the legislative assembly?

¹¹ Semra Sevi, Vincent Arel-Bundock and Andre Blais, “Do Women Get Fewer Votes? No,” *Canadian Journal of Political Science* 2018, 1-10.

¹² Data in this table present the number of male and female candidates elected in general elections for the period covered. Some additional female candidates also were elected in by-elections during this period. For a report on women MLAs, including those elected in by-elections, see, Yukon Legislative Assembly Office, *Women Elected to the Yukon Legislative Assembly*, available at, <https://yukonassembly.ca/sites/default/files/inline-files/history-women-elected-to-legislative-assembly-2021-06-30.pdf>.

¹³ Data from 1978 to 1982 from the Report of the Yukon Election Commission on the general election. Data from 1985 to 2016 from the Report of the Chief Electoral Officer on the general election. The reports are available at, <https://electionsyukon.ca/en/content/territorial-elections>. Data from 2021 from the Yukon Legislative Assembly at, <https://yukonassembly.ca/mlas>.

¹⁴ Report of the Chief Electoral Officer on the 2021 general election was not published at the time of writing.

Recent elections in the Yukon have produced a significant proportional increase in electing women MLAs. Is there an expectation that these proportions would be larger under a different electoral system?

What role do political parties play in the election of women to the legislative assembly? Should parties be required to consider some form of gender parity among their candidates?

Electing Indigenous members

The Aboriginal¹⁵ population in the Yukon, based on the 2016 census, was 8,195 people, in a total territorial population of 35,110¹⁶. Of the 8195 Aboriginal people, 6,690 were single identifying First Nations, 1,015 were Metis and 225 were Inuk. Of the remaining Aboriginal people, 160 had multiple Aboriginal identities and 105 had an Aboriginal identity not otherwise categorized. Thus, in total, 23.3% of the population is Aboriginal and 19.1% is single identity First Nations.

Table 4 presents the number of First Nations persons elected to the Yukon legislative assembly from 1978 to 2021¹⁷. During these 12 elections, the number of First Nations people elected to the legislative assembly ranged from 2 to 4. In view of changes in the number of legislative seats, the proportion of First Nations members differed across years. In five of the 12 elections (1982, 1985, 1989, 2006 and 2021), the number of First Nations members elected was roughly equal to their proportion of the population. In another five of the 12 elections, the number of First Nations members would be consistent with their proportion of the population had one additional First Nations member been elected (1992, 1996, 2002, 2016 and 2021). In three of the elections, two additional First Nations members would need to be elected for there to be proportionality in representation for this group (1978, 2000 and 2011). The small size of the Yukon legislative assembly means that relatively modest changes overall in the number of members elected from a particular group produces substantial changes in the proportion of the legislative assembly comprised of the group. In this instance, the small variations in the number of First Nations members elected produce substantial differences in the overall proportionality of First Nations representation.

¹⁵ The Census report uses the term “Aboriginal” rather than Indigenous, the term used elsewhere in this report. In this paragraph, when referring specifically to the Census report, the term Aboriginal is used to be consistent with the source data.

¹⁶ Statistics Canada, Census, available at: <https://www12.statcan.gc.ca/census-recensement/2016/as-sa/fogs-spg/Facts-PR-Eng.cfm?TOPIC=9&LANG=Eng&GK=PR&GC=60#sec-geo-dq>

¹⁷ The available data is limited to First Nations persons elected, rather than the broader categories of Indigenous or Aboriginal peoples.

Considerations

The Aboriginal population of the Yukon is a large and significant proportion of its overall population. Does the current electoral system provide sufficient and appropriate representation of the interests of this group?

Should there be guaranteed seats for First Nations peoples in the Yukon legislative assembly? If so, how many?

What mechanism could be put in place to ensure appropriate representation for First Nations electors in the legislative assembly?

Table 4. First Nations Persons Representation in Yukon Legislature¹⁸, 1978 to 2021

Year	First Nations Person elected in general election	Seats in legislature	Percent First Nations Persons elected as MLA
1978	2	16	12.5
1982	3	16	18.8
1985 ¹⁹	4	16	25.0
1989	4	16	25.0
1992 ²⁰	3	17	17.6
1996	3	17	17.6
2000	2	17	11.8
2002	3	18	16.7
2006	4	18	22.2
2011	2	19	10.5
2016	3	19	15.8
2021	4	19	21.1

¹⁸ Source: Yukon Legislative Assembly Office, [First Nations Persons Elected to the Legislative Assembly](https://yukonassembly.ca/sites/default/files/inline-files/history-First-Nations-persons-elected-to-legislative-assembly-2021-06-30.pdf), available at, <https://yukonassembly.ca/sites/default/files/inline-files/history-First-Nations-persons-elected-to-legislative-assembly-2021-06-30.pdf>. The percentages differ somewhat in this table compared to the source table because this table includes only those elected during general elections, whereas the source includes people elected in by-elections as well.

¹⁹ In addition to the four First Nations persons elected in the general election in 1985, one additional First Nations person was elected in a by-election for 26th legislature.

²⁰ In addition to the three First Nations persons elected in the general election in 1992, one additional First Nations person was elected in a by-election for the 28th legislature.

Urban and rural representation

According to the Yukon Bureau of Statistics, the population of the Yukon in March 2020 was 42,152 and the population of Whitehorse (within the municipal boundary) was 30,025²¹. Therefore 71.2% of the residents of the Yukon reside in Whitehorse. Thus, from a population distribution perspective, the Yukon is a highly urbanized territory combined with areas of expansive land with low population density. To what extent are the interests of urban and rural communities in the Yukon represented in the legislative assembly?

One can begin to address this question by indicating that the FPTP electoral system is a constituency-based electoral system. Each residence is assigned to a unique electoral district, and each electoral district can have some configuration of urban and rural areas. Under a system of representation by population, there will likely be some extent to which some districts are largely urban in character and some districts are largely rural. And a question to arise is whether the number of urban and rural seats generally conforms with the proportions of urban and rural populations in the territory. This is not specifically a matter relating to electoral systems, because a FPTP electoral system can use a variety of formulas to allocate seats to urban and rural communities. But it is a question that arises in a discussion of electoral systems because an electoral system that contains constituencies, with members elected from those constituencies, brings forward the possibility of different principles behind the allocation of urban and rural seats.

Electoral boundaries for territorial elections in the Yukon are decided by vote in the legislative assembly, based on recommendations of an Electoral Boundaries Commission. Current electoral boundaries are based on the recommendations of the Electoral Boundaries Commission in 2008. The recommendations of a subsequent Electoral Boundaries Commission in 2018 were rejected by the legislative assembly. The terms of reference for an electoral boundaries commission appear in Part 7 of The Election Act. Section 419 of the Act provides that an electoral boundaries commission “shall take into account the following:

- a. The density and rate of growth of the population of any area;
- b. The accessibility, size and physical characteristics of any area;
- c. The facilities and patterns of transportation and communication within and between different areas;
- d. Available census data and other demographic information;
- e. The number of electors in the electoral district appearing on the most recent official lists of electors;
- f. Any special circumstances relating to the existing electoral districts;
- g. The boundaries of municipalities and First Nations governments;
- h. Public input obtained under Section 416; and

²¹ Yukon Bureau of Statistics, Population Report First Quarter 2020, available at: https://yukon.ca/sites/yukon.ca/files/ybs/populationq1_2020.pdf

- i. Any other reasons or information relied on by the commission.”²²

The terms of reference described above provide an electoral boundaries commission with considerable latitude and discretion in making recommendations on electoral district boundaries. That the commission is to consider the boundaries of municipalities indicates that there should be some consideration of urban and rural electoral districts. The rationale behind the recommendations of the Electoral Boundaries Commission in 2018 are instructive in understanding how commissions interpret their mandate. For example, the 2018 commission noted the observation of the 1991 Electoral Boundaries Commission regarding the special circumstances in Yukon and indicated that these circumstances “still exist today”.²³ The 1991 commission was quoted as follows:

“The entire region outside Whitehorse is sparsely populated, and ... no other Canadian city dominates its province or territory to the extent that Whitehorse dominates the Yukon. The disproportionate representation of rural areas in the existing legislation was explicitly intended to offset this feature of population distribution. Given relatively less developed municipal organization in much of rural Yukon, MLAs from those areas contend with a broader range of responsibilities toward their constituents that is common elsewhere in Canada.”²⁴

Unlike some other jurisdictions, Yukon electoral boundaries commissions are not constrained by legislation establishing an acceptable population variance. And The Election Act does not specifically provide for urban and rural electoral districts, nor does it provide specific instructions to recommend electoral districts with smaller populations in rural areas and larger populations in urban areas. However, the rationale articulated by the 1991 Electoral Boundaries Commission has provided Yukon electoral boundaries commissions with justification to propose electoral boundaries with three characteristics – populations systematically larger in urban electoral districts, populations systematically smaller in rural electoral districts, and the existence of one or more “special” districts, whose variance is outside the commonly understood Canadian standard of +/- 25% variance.

There are currently 19 constituencies in the Yukon. Of those, 9 are located wholly within the municipal boundaries of Whitehorse, and another three constituencies (Takhini-Kopper King, Porter Creek North and Lake Laberge) are partly in Whitehorse and partly in the surrounding rural area²⁵. The constituencies of Takhini-Kopper King and Porter Creek North are generally considered part of the Whitehorse constituencies, while Lake Laberge is considered to be one of the “communities”, or rural districts. Therefore, there are 11 Whitehorse districts and 8 rural

²² Yukon, Elections Act, RSY 2002, Ch. 63. Available at:

<https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0063/2002-0063.pdf>

²³ Yukon Electoral District Boundaries Commission, Final Report, April 2018, available at:

<https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf>, p. 18.

²⁴ Yukon Electoral District Boundaries Commission, Final Report, p. 18.

²⁵ Elections Yukon, Electoral District Maps, Whitehorse Electoral Districts, available at:

https://electionsyukon.ca/sites/elections/files/whitehorse_ed_16x20_26may2016.pdf

districts. Using this grouping, the 11 constituencies in Whitehorse comprise 57.9% of the constituencies in the Yukon. If one were to consider strict “representation by population”, then Whitehorse, with 71.2% of the population, would be allocated 71.2% of legislative seats, or 13.53 seats, which would round up to 14 seats. Consequently, Whitehorse is short 3 constituencies on a population basis. Put another way, the constituency based FPTP electoral system, combined with interpretations taken by the Legislative Assembly on the recommendation of a series of electoral boundaries commissions, has provided the Yukon with a measure of rural over-representation in the legislature.

The extent of rural over-representation can also be understood by comparing the average size of constituencies, as well as the “special” constituency of Vuntut Gwitchin at the time of the 2016 election²⁶. Using data on the number of registered voters on the voters list, the 8 rural constituencies had a population of 8509, for an average of 1064 voters per constituency. The 11 urban constituencies had a population of 16,858, for an average of 1533 voters per constituency. The territorial average for 2016 was 1335 registered voters per constituency, and the variance of +/- 25% produced a range of 1002 to 1669 voters per constituency. The special district of Vuntut Gwitchin, the most northerly constituency, had 175 registered voters, which is 87% below the average²⁷. Thus, the Yukon constituency based electoral system has provided for differences in representation for urban and rural voters.

Considerations

How important is it to have a direct connection between a representative and people living in specific geographical areas? What benefits arise from people having a specific MLA to whom they can turn for support? What are the drawbacks of this system? What benefits might arise from having MLAs who were not tied to representing a particular geographical group? What are the drawbacks of this system?

How important is rural over-representation in the legislative assembly? Can one provide for “effective representation” while also proposing representational equality?

²⁶ Data from Elections Yukon, Report of the Chief Electoral Officer on the 2016 General Election, available at: https://electionsyukon.ca/sites/elections/files/english_website_2016_election_report_1.56.55_pm.pdf

²⁷ The Yukon is not alone among Canadian jurisdictions in providing over-representation to “special” areas due to their northerly location and sparse population. For example, the BC Electoral Boundaries Commission in 2015 recommended an electoral district of Stikine, with a population 61.2% below the provincial average. See, British Columbia Electoral Boundaries Commission, Final Report, September 2015, Available at: https://elections.bc.ca/docs/rpt/BC-EBC_Final_Report-Sept_24_2015.pdf, p. 148. As well, in the 2020 general election in Saskatchewan, one of the two northern constituencies, Athabasca, had 9,136 voters on the voters list, compared to Saskatoon Willowgrove with 20,102 and Saskatoon Stonebridge-Dakota with 19,683. See, Elections Saskatchewan, Report of the Chief Electoral Officer on the 29th General Election, Volume 1, Statement of Votes. Available at: <https://cdn.elections.sk.ca/upload/2020-Statement-of-Votes-Volume-1-web-viewing.pdf>

Other factors influencing representation

In addition to the factors discussed above that relate in one way or another to the electoral system, there are other factors that can affect representation and that can also affect citizen attitudes towards politics and political participation. Two items worth considering in this regard are the eligible voting age and political financing.

Eligible voting age

The discussion of changes to the voting age that have occurred in several jurisdictions, and put into practice, for example, in elections to the Scottish Legislative Assembly, generally focus on reducing the age of voting from 18 to 16. The voting age federally in Canada was reduced from 21 to 18 in 1970 and has been in effect in federal elections since 1972. For Yukon voters in territorial elections, the age of vote has been 18 years throughout the period under review (1978 to present). If one were to lower the voting age in the Yukon from 18 to 16, data from the Yukon Bureau of Statistics indicate that the number of people directly affected by such a change would be quite low, less than 900.²⁸

Elections Canada has published estimates of voter turnout by province and territory among different age groups and among men and women for the 2019 federal election. The data from the Yukon in this study is instructive. The researchers found, firstly, that young voters continue to participate at significantly lower rates than their older counterparts. This lower level of participation is based on lower interest in politics, lower trust in politicians, a greater tendency to see political participation as a choice rather than as a duty, and a greater likelihood to be impacted by “administrative barriers” such as not being on the voter list and receiving a Voter Information Card, and not knowing where and when to vote²⁹. With respect to respondents from the Yukon, the research found that 72.1% of women voted, but among those aged 18-24, only 51.6% of eligible female voters voted. They further examined the differences between those in this age group who were eligible to vote for the first time versus those in this age group for whom this was the second election in which they were eligible. For first time youth women voters, 48.8% voted compared to 55.0% among those who previously were eligible. Younger men showed even a greater disinclination to vote. Overall, 66.9% of Yukon men were estimated to have voted in the 2019 federal election. Of Yukon men aged 18-24, that dropped

²⁸ For example, the Bureau of Statistics Population Report for the first quarter of 2020 provides age projections in 5-year intervals, and projects that 2,098 people are between the ages of 15 and 19. If people were spread evenly over these five years, there would be 423 people in each yearly age group. Reducing voting from 18 to 16 includes a two-year reduction, producing $423 * 2$, or 846 people. One can assume, therefore, that somewhat less than 900 people would be directly affected by such a change in voting age. See Yukon Bureau of Statistics, Population Report, available at: https://yukon.ca/sites/yukon.ca/files/ybs/populationq1_2020.pdf

²⁹ Elections Canada, First Time Electors – Youth, available at: <https://www.elections.ca/content.aspx?section=res&dir=rec/part/yth&document=index&lang=e>

to 40.3%. Once again it was lower among first-time eligible young men (38.6%) and remained low among non-first-time eligible young men (42.4%)³⁰.

One of the arguments in favour of lowering the voting age to 16 years is that by doing so, an opportunity is created to increase instruction on voting and elections within the secondary school social science curriculum, since many students would become eligible to vote while still attending high school. A related matter, which does not go quite as far as lowering the voting age to 16, is providing for 16- and 17-year-olds to be included on a provisional voter register. Data has shown that eligible voters aged 18-24 are less likely to be registered to vote than their older counterparts, and that not being registered is a barrier to voting. Some jurisdictions, such as Ontario and Nova Scotia, currently allow 16- and 17-year-olds to be included on a provisional voter register, and in 2018 the Chief Electoral Officer of British Columbia also made this recommendation to the legislative assembly.³¹ The idea behind these initiatives are to encourage more training of civic engagement within the high school curriculum, and to encourage younger citizens to participate earlier in political life.

Considerations

Currently, young voters are less likely to be interested in elections and have lower voter participation than other Canadians. In what ways will lowering the voting age lead either to higher participation overall, or to other benefits in the political system?

Are there indications that reducing the voting age to 16 will produce more interested and informed voters either among this group, or as these voters age?

Political Financing

One important aspect of politics is raising funds to provide for the ability to contest elections. Political parties and candidates normally require funds for a campaign office and equipment, at-times paid staff members or those who provide their services as in-kind contributions, information gathering through mechanisms such as polling and other research efforts, travel of the candidate, advertising, event-hosting, and the like. For the first century of confederation, there were virtually no restrictions on the raising or spending of money for federal elections, and no requirement for parties or candidates to disclose the source of their funding. This changed in the 1970s with new restrictions on the raising and spending of money and new disclosure requirements, to provide for a more level playing field among political contestants, and great transparency to assist voters in understanding the raising and spending of political funds. Over the following years, provinces and territories followed suit, at times following the federal government's lead, and at other times, charting their own course.

³⁰ Elections Canada, Estimation of Voter Turnout By Age Group and Gender at the 2019 General Election, available at: <https://www.elections.ca/content.aspx?section=res&dir=rec/eval/pes2019/vtsa2&document=p1&lang=e#>

³¹ Elections British Columbia, Report of the Chief Electoral Officer on Recommendations for Legislative Change, May 2018, p. 3. Available at: <https://elections.bc.ca/docs/rpt/2018-CEO-Recommendations.pdf>

Today there is a wide range of provisions for political financing in Canada. Some jurisdictions have significant limits on contributions by individuals and ban outright contributions from corporations, unions, or other organizations, whereas other jurisdictions have more generous contribution limits for individuals, allow contributions from corporations, unions and other organizations. Some jurisdictions, like the Yukon, have no contribution limits either on individuals or organizations. Virtually all jurisdictions in Canada require disclosure of political contributions, although the contribution threshold can vary from one place to another. In the Yukon, a contribution of \$250 triggers a requirement to disclose the name of the contributor. Jurisdictions vary in the degree to which they place limits on candidate and party spending during an election period. In some jurisdictions there are limits on both party and candidate spending in an election campaign. Furthermore, some jurisdictions provide partial reimbursements to parties and candidates, who can recover some of their expenditures during the election period, but not expenditures outside the election period. In the Yukon, there are no limits on party or candidate spending during the election period, and no reimbursements to parties or candidates for election spending.

Political parties in the Yukon are required to file with the Chief Electoral Officer annual financial returns, identifying the funds raised by cash or cash equivalents, the funds raised by in-kind contributions, and the name of corporations, unions or individuals who contributed \$250 or more in cash or equivalents, or through in-kind contributions. The most recent data is from 2020. The report³² for that year indicates that the Liberal Party raised \$41,160, the NDP raised \$91,163.10, and the Yukon Party raised \$110,246.48. For the Liberal Party and the Yukon Party, the funds included both cash and in-kind contributions. The NDP had no in-kind contributions. Overall, the political financing system in place in the Yukon is probably best described as adhering to a lower regulatory standard. The transparency of what the parties receive and who provides the funding, is in keeping with many other jurisdictions, although some are moving toward a more frequent publication of data (with closer to real-time updates provided to the data). On the matter of contribution limits and election spending limits, the Yukon is among a decreasing number of jurisdictions that continue to provide no limits in either of these respects.

³² Elections Yukon, Report of the Chief Electoral Officer to the Legislative Assembly, 2020 Annual Revenue Returns Contributions Made to Political Parties, January 1, 2020 to December 31, 2020. Available at: https://electionsyukon.ca/sites/elections/files/v_arr_2020_report_eng.pdf

Considerations

Is there a consensus view on the question of whether there should be limits either on political contributions or election expenses, either by candidates or parties, in the Yukon? If so, what is the consensus?

Is there evidence that the public either supports or opposes the current system of political financing in the Yukon? Is there a linkage in the territory between attitudes towards political financing and the electoral system? Would there be a logical linkage between changes to the electoral system and changes to the system of political financing?

4. Electoral System Options and their characteristics

Electoral systems are often categorized into three types – plurality or majority systems, proportional representations systems, and mixed electoral systems, which contain elements of each of the former types. Within each of the families of electoral systems, there are further differences in specific characteristics of electoral systems. This is the case because within each electoral system family, there still may be differences in the way the three key criteria, discussed above, are addressed. These are the number of candidates a voter is voting for (one candidate or multiple candidates), the way in which a voter expresses his or her preferences (with a simple choice of one candidate or party, a ranking of the candidates or otherwise), and the rule for determining when a candidate is elected (through a plurality, a majority, achieving an electoral quotient, or otherwise).

Electoral systems structure the choices for voters and provide quite different incentive structures for political parties and candidates. By using different processes for translating popular votes into legislative seats, the systems can produce quite different, but predictable, outcomes. For example, plurality and majority systems tend to favour a party system with a relatively small number of parties. They have a tendency to over-reward the party that wins the most votes, and under-reward parties finishing in second, and particularly those finishing in third place or lower. By over-rewarding the winning party, they have a tendency to majority government, and can reward a party with a majority government even with a minority (but plurality) of votes. Since many plurality and majority systems are constituency-based, they feature a direct connection between representatives and the communities they represent.

Proportional representation systems, in contrast, place a higher emphasis on ensuring that parties receive a proportion of legislative seats that more closely approximates its share of votes. Generally this means that there is a lower threshold to entry for political parties, including new political parties, and thus a tendency for a larger number of parties. More parties in the legislative assembly means that it is less likely that any party will receive a majority of seats, and therefore a greater likelihood that at least some parties will need to cooperate to form government. In order for proportionality to take effect, there is a need for a larger

number of people to be elected from an electoral district, thereby expanding the size of districts and weakening the ties between representatives and the community that elected them. It also tends to increase the strength of parties, as the parties often determine the placement and order of candidates on their list. Mixed electoral systems attempt to combine the strengths of the other two electoral system families, creating legislatures in which some representatives are elected under one system, and some legislatures under another system. At their root, they attempt to create a greater proportionality to the election outcome, while maintaining a direct link between elected representatives and their community.

Selecting between electoral system families does not imply that one is choosing between a “good” and a “bad” electoral system. Nor is the choice between a “democratic” and a “non-democratic” system. Instead, it is a choice between different ways of reflecting the way in which democratic votes are translated into legislative seats, with knowledge that each of the systems has its own characteristics. The system that is adopted will have an impact on the way that parties structure voting choices, and ultimately how the legislative assembly functions.

Plurality and Majority Electoral Systems

This section reviews four types of electoral systems characterized as plurality or majority systems – First Past the Post, Alternative Vote, Block Vote, and Two Round systems. Following the description of each electoral system, several advantages and disadvantages are presented.³³

First Past the Post (FPTP)

The First Past the Post electoral system is the one with which Yukoners will be most familiar since it is the system in use in federal and territorial elections. Sometimes called the single member plurality system, FPTP divides the jurisdiction into a number of electoral districts, or constituencies, generally based on population, and assigns one representative to each district. In FPTP systems, candidates can compete either as representatives of a political party or as unaffiliated or independent candidates, and the candidate with the most votes wins the seat. In a system in which there are two candidates contesting the seat, the winner will receive a majority of votes cast. However, with three or more candidates, the winning candidate is not required to have a majority of votes, but rather simply to have more votes than any other candidate (that is, a plurality). If the votes are relatively evenly split among the three candidates, with each candidate receiving about one-third of the votes cast, then the losing candidate can have the support of just almost two-thirds of voters, with only about one-third supporting the winner. As the number of candidates continues to increase, a smaller percentage of votes may be required to win the seat. To determine the winner of the election, the individual contests in each of the electoral districts are summed to determine how many

³³ The list of proposed advantages and disadvantages is not purported to be exhaustive. Rather, they are indicative of arguments often made in criticism or defence of each of the electoral systems.

seats were won by each party or independent candidate. Generally, the winning party is the party that won the most seats.

Advantages

Direct connection between voters and representative in their community. The FPTP electoral system is constituency-based. This means that each elector has his or her representative, who is responsible for providing a constituency service function within the constituency. The member of the legislature can serve as a conduit between electors and the more general system of government, and therefore provides an important liaison function.

Simple to understand. The translation of votes into seats in an FPTP system is very easy for voters to understand. They vote for a person in their community (electoral district), and the person with the most votes wins.

Easy to see who won. In any electoral district, identifying the winner is simple and straightforward, and generally is known on election night, when the counting of votes is concluded. The ballots themselves are very simple, with candidates for a single office listed on the ballot. And the winner can be identified as soon as the counting of the simple ballots concludes.

Tendency toward majority government. Although not everyone views this as an advantage, the FPTP electoral system has the characteristic in some systems, depending on the percentage votes of the winning party, of transforming a minority of votes into a majority of legislative seats. The result is relatively stable government, that can carry out its legislative agenda for the duration of its term. The Yukon Legislative Assembly has experienced this tendency on a regular basis since territorial elections were conducted since 1978 (see Tables 1A and 1B). In the 12 elections conducted since 1978, no party has won a majority of votes. However, during this period, a majority government has been elected 9 times (75%) and a minority government 3 times (25%). In addition, each of the major parties has benefitted from this feature, including the Yukon party (and its predecessor the PC party) five times, the Liberal party twice and the NDP twice.

Disadvantages

In multi-party systems, most voters may vote for losing candidate. It is common in FPTP systems that more than two parties compete in many electoral districts. Where this occurs, it is not necessary for a candidate to receive a majority of votes to win in their district. It is common in systems that use FPTP, and that have multi-party systems, that no candidate receives a majority of votes in a district. When this is repeated in many districts across the country, the result is that more voters cast their ballot for losing candidates than for winning candidates. Furthermore, when this is combined with the feature about majority governments discussed above, the result is that it is often the case that a minority of votes is used to produce not only a government, but a majority government.

Can be highly distorting between votes and seats. A FPTP system is often characterized as a “winner take all” system. A party coming in a close second to the winner in an electoral district receives as many seats as a party that loses by a wide margin – namely, nothing. A party that finishes first in many districts by a small margin, and loses other districts by a large margin, will likely have their votes produce an inflated number of seats. In contrast, a party that loses by a small margin, but nonetheless loses consistently, is likely to have a significant under-representation in their seats. The exception is with parties with relatively narrow, but regionally concentrated support. Where support is concentrated regionally, the party is likely to be over-represented in seats compared to votes.

Relatively difficult for new and emerging parties, except those that are geographically concentrated. FPTP systems are considered to have fairly high thresholds of entry into the legislative arena. For a nascent political party to gain an electoral foothold, it must win one or more constituency contests outright. It can be very challenging to go from the formation of a political party to a position of being able to beat all alternatives in an electoral district. Therefore, although FPTP system can often develop into multi-party systems, generally such systems support a fairly small number of political parties, often no more than four or five competitive parties.

Can be barriers to entry for women, and for minority candidates. Plurality and majority systems generally, and FPTP systems in particular, present barriers to entry for women and minority candidates. Voters who may have preconceived biases against any class of candidates, based on the candidate’s gender, religion, ethnicity, age, or other characteristics, may bring those biases into their voting decision. In addition, political parties, through the nomination process for candidates, may take the position that a candidate is less likely to win in a district if they come from a historically under-represented group. Therefore, a female candidate, or a candidate from a religious or ethnic minority group, may face greater challenges under a FPTP system in being nominated in a competitive electoral district (that is, a district in which their party stands a reasonable chance of electing their member), or once nominated, in overcoming social or cultural biases against them. Furthermore, although political parties may adopt policies to encourage citizens from historically under-represented groups to seek a nomination and run as a candidate, the party has no independent way of guaranteeing that it has a balance of diverse candidates elected.

Considerations

Changing the electoral system in the Yukon implies getting rid of the FPTP system. Overall, what is the assessment of the performance of FPTP? Is there a consensus in the Yukon that FPTP should be replaced?

Have the perceived negative impacts of the FPTP electoral system changed over time? Are they perceived as more or less problematic today?

Why is now the time to replace FPTP in the Yukon?

Alternative Vote (AV)

The Alternative Vote electoral system is sometimes referred to as Preferential Voting. Like the FPTP system, it also is based on single member constituencies. However, unlike FPTP, a candidate is required to receive a majority of votes in order to win the election. In an AV system, a voter receives a ballot for the electoral district, listing the name of each candidate. Beside each candidate's name is a square. The voter must rank the candidates from highest preference (number 1) to lowest preference (number x, where x is the total number of candidates)³⁴. A candidate is declared the winner when they receive a majority of votes cast. This can be done in one of two ways. First, the ballots are sorted according to the first preferences of all voters. If one of the candidates receives a majority of first preference votes, they are declared elected. If no candidate receives a majority of first preference votes, then the second procedure is used. The candidate with the lowest number of first preference votes is eliminated, and the second preferences of their voters are distributed among the remaining candidates. If no majority winner is declared, then this procedure continues in a series of rounds, in each round eliminating the candidate with the lowest number of votes, and distributing the subsequent preference of their voters to the remaining candidates. Eventually, one candidate will obtain a majority.

AV is not widely used, and the most significant instance of its use is for elections to the House of Representatives (the lower house) in Australia. Alternative voting was introduced by the National party government in Australia in 1918, following a period in which the two more conservative candidates running in the same constituency were consistently losing to a single more progressive party candidate running under the Labour Party.³⁵ To prevent this so-called vote-splitting from negatively impacting the election of conservative candidates, the Alternative Vote method was introduced so that, if no party received a majority, in subsequent tallies the preferences of "like-minded" citizens could be aggregated into a majority.³⁶

Advantages

Winning candidate guaranteed to have majority support. Where a concern with FPTP is that in a multi-candidate contest it takes less than a majority vote to win, the Alternative Vote system solves this problem. Winning candidates, by definition, won with a majority. This has the practical effect of indicating that most voters indicated more support for the winning candidate than for the losing candidate, notwithstanding the fact that the winner may not have been their

³⁴ For a description of how to cast a ballot in an Alternative Vote election, see the description by the Australian Electoral Commission entitled, "House of Representatives Ballot Papers," available at:

https://www.aec.gov.au/Voting/How_to_Vote/Voting_HOR.htm

³⁵ See, ACE project, The Alternative Vote in Australia, available at:

https://aceproject.org/main/english/es/esy_au.htm

³⁶ For an argument in favour of using this system in federal elections in Canada, see Tom Flanagan, "The Alternative Vote: An Electoral System for Canada," in Henry Milner, ed. Making Every Vote Count: Reassessing Canada's Electoral System. Peterborough: Broadview, 1999, pp. 85-90.

first choice. For most voters, the winning candidate was more preferred than the candidate finishing second.

Simple to understand. Like FPTP, the voting process in Alternative Vote is easy to understand, although the way in which preferences are counted is less straight-forward.

Voters indicate a fuller range of preferences. Voters attitudes towards candidates and parties may be complicated and nuanced. The FPTP system requires that voters reduce their choice to a single statement – they like candidate A more than all others. The choice in Alternative Vote is more detailed and more nuanced, does not require voters to make strategic considerations about which parties may win and lose, and encourages them to provide a true expression of their range of preferences.

Encourages parties to cooperate. Since it is possible, and in fact probable in many instances, that no candidate will win a majority of first preference votes, this system encourages parties and candidates to court one another and their supporters as possible second, third or fourth alternatives. In doing so, the system encourages parties to cooperate.

Disadvantages

Other than ensuring the winning candidate has a majority, AV shares many of the shortcomings of FPTP. It can be equally distorting as FPTP, and overall provides no improvement on the distortion between votes for a party and its legislative seats. It also can have the same effect on under-representing historically under-represented groups.

Evidence from Australia suggests the result of seat allocation based on the majority system may have a mixed effect. On the one hand, in the 2019 election, only 46 of the 151 seats in the House of Representatives were decided on first ballot preferences. The other 105 seats were decided based on the preferences of lower-ranked candidates.³⁷ On the other hand, seats decided by preferences do not mean that the candidate leading on first preferences loses. Data from the 1990s indicates that about 6% of members elected were not the leader on first preference votes³⁸. Thus, while preferences make a difference, and can affect which party forms government, in general the effect is somewhat muted.

Large number of excluded ballots. Although the ballot used in an Alternative Vote system like that in the lower house in Australia is straight-forward, the way a voter must mark the ballot is very prescriptive. A voter must indicate a rank order for each candidate listed on the ballot, with the minor exception that they may leave one square unmarked, with the understanding that the unmarked square is for their least favourite candidate. If the ballot is marked in any

³⁷ Australian Electoral Commission, “Seats Decided on First Preferences,” available at: <https://results.aec.gov.au/24310/Website/HouseSeatsDecidedOnFirstPrefs-24310.htm>

³⁸ See, the ACE project, “The Alternative Vote in Australia”, Available at: https://aceproject.org/main/english/es/esy_au.htm

other way (such as marking for only some of the candidates), then it is considered an “informal”, or invalid, ballot. In the 2019 election, 835,223 of the 15,088,616 of the ballots (5.54%), were declared informal and therefore not counted³⁹.

Considerations

The AV electoral system provides constituency representation, like FPTP, but ensures through a voter’s ranking of candidates that the winning candidate will obtain a majority of votes in the constituency. However, it tends not to correct for disproportionality of voting results to seat results. For those who consider FPTP to be flawed, is the principal flaw its disproportionality overall or that constituencies have winners with only a plurality of votes. In other words, does an AV system correct the most significant concern with the current electoral system?

Does the current electoral system work against collaboration among political parties, and if so, would there be more collaboration under AV?

Is vote-splitting currently a problem with some Yukon parties being under-rewarded and some consistently over-rewarded? Would this situation change under AV?

Block Vote (BV)

The Block Vote electoral system is essentially the same as the FPTP system, with the exception that more than one member is elected from an electoral district, and voters are able to vote for as many candidates as are elected. For example, if an electoral district has three seats, voters can cast a ballot for up to three candidates, and these candidates may be from the same party or from different parties. The voter does not indicate his or her preferences among the three candidates, as could be done by ranking them. Instead, like in FPTP, the voter simply indicates their support for up the three candidates. The winning candidates are those who have received the highest number of votes. In any electoral district, more than one candidate from the same party can be elected.

Advantages

Easy to understand. Like the FPTP system, the BV electoral system is viewed as simple to understand and to administer. The ballot is simple, and voters need only indicate with a mark which candidates they support.

Ballots counted at polling station. Local results are known immediately after the count concludes. In his discussion of the use of the Block Vote system for the first elections of the Palestinian Legislative Council in 1996, Ellis notes that the relatively high level of societal distrust led to the agreement to use an electoral system in which the tabulation of results is

³⁹ Australian Electoral Commission, “Informal Votes by State,” available at: <https://results.aec.gov.au/24310/Website/HouseInformalByState-24310.htm>

easy, straight-forward and could be done at the local polling station.⁴⁰ This decision eliminated the possibility of using preference ballots, such as in use in AV or Single Transferable Vote system, in favour of BV.

Disadvantages

High distortion. The absence of any factors leading to proportionality of election results means that the Block Vote system can be similarly distorting as FPTP.

Large number of parties in legislature. Unlike FPTP, which tends to lead to a relatively small number of parties with legislative seats, the Block Vote system can reward multiple parties with seats from any multi-member district, thereby leading to a larger number of effective parties in the legislative assembly, and a lesser likelihood of majority government. For example, Hicken indicates that prior to Thailand abandoning BV in the 1990s, elections often produced six or more effective parties in the legislature, making stable governance more challenging.⁴¹

Intraparty fighting among candidates. The existence of multiple seats in a constituency, with parties able to run a candidate for each of the seats, means that a candidate is vying for a seat not only against candidates from other parties, but also against candidates from his or her party. This can have the effect of heightening intraparty divisions and weakening political parties, as Hicken suggest occurred in Thailand under the Block Vote system.⁴²

Considerations

Would a BV electoral system improve representation in the Yukon? There is no evidence to suggest that electoral distortion of votes to seats improves with the Block Vote system over FPTP. What advantages would this system bring to the Yukon. Would its disadvantages, of likely weakening party ties through more intraparty competition, be a desirable outcome?

Constituencies in the Yukon outside of Whitehorse already are large. What would be the impact in the territory of increasing the size of electoral districts and adding one or more MLAs to each of the districts?

If one is using a constituency-based electoral system, as is the case with either FPTP or BV, is it preferable in the Yukon to elect a single representative in an electoral district using current electoral districts, or is it better to elect multiple representatives from each district, but in doing so recognizing that the size of the electoral districts will increase significantly?

⁴⁰ Andrew Ellis, "Political Realities Shape the System," in Reynolds, Reilly and Ellis, 2005, pp. 45-46.

⁴¹ Allen Hicken, "Thailand: Combatting Corruption Through Electoral Reform", in Reynolds, Reilly and Ellis, 2005, pp. 105 – 107.

⁴² Hicken, "Thailand: Combatting Corruption Through Electoral Reform", p. 106.

Two-Round systems (TRS)

As its name implies, two-round electoral systems, sometimes called run-off systems, provide for a second election to be held soon after the first if no candidate receives a majority of votes in the first round. There are differences in the criteria used to determine whether a candidate is entitled to be on the second ballot. In some instances, such as occurred in the election for US Senator from the state of Georgia following the 2020 election, both Senate seats were up for election, and for each seat, since no candidate received a majority of ballots, the candidates with the two highest vote totals contested the second, run-off election. The run-off election, which took place on January 5, 2021, resulted in Democrats winning both seats (after trailing their Republican counterparts in the first round), thereby providing an even 50-50 split in the US Senate among Democrats and Republicans⁴³. A run-off election between the two candidates will always produce one person with a majority of votes. A second method of identifying the run-off candidates, used in parliamentary elections in France, is for candidates receiving more than one-eighth of the votes (12.5%) to be entered in the second election. The winner of the second election is the candidate with the most votes, meaning that this system is not necessarily a majority system, since with more than two candidates one can win with less than 50% + 1 of the votes. This electoral system often is used in a country-wide vote for president and is used in many parliamentary elections as well.⁴⁴

Advantages

Enables voters to vote their “true preference” on first ballot, not a strategic vote. A criticism of the FPTP system is that voters may be faced with a dilemma, of voting in favour of their most preferred candidate, or voting to try to prevent their least preferred candidate from winning. This so-called strategic voting is not necessary in a two-round system, as long as no candidate wins a majority of votes on the first round, voters are able to vote their first preference in round one, and to vote against their least preferred candidate in round two.

Encourages interests to coalesce around a preferred candidate. The two round system encourages, at least informally, alliance-building among parties, or among candidates from competing parties, since a candidate may rely on the support from their opponents in the second-round ballot.

Minimizes the penalty for vote-splitting among otherwise similar parties. A concern of some people with FPTP is that if two or more similar parties compete against one another, a third

⁴³ It was unusual that both Senate seats from Georgia were up for election in 2020, since Senators serve 6-year terms, and the terms for Senators within states are staggered so as not to elect both in a single election. One Senate seat was held by David Purdue, whose 6-year term had expired. Purdue faced a run-off against Democratic challenger Jon Ossoff, who won. The second seat was held by Kelly Loeffler, a Republican who was appointed to this seat by Governor Kemp following the resignation (for health reasons) of Johnny Isakson in 2019. Since Loeffler was appointed to the seat, it also was up for election for the duration of the initial term. Loeffler lost in the run-off to Democratic challenger Raphael Warnock.

⁴⁴ Reynolds, Reilly and Ellis, p. 52.

party, with less support than the combined support of the first two, may be elected. This appeared to be the situation federally in Canada during the period in the 1990s in which the Reform Party and the Progressive Conservative parties each won a significant share of the votes, but in which the Liberal party was able to win elections with a declining overall share of the vote. The second-round ballot, particularly if available to only the top two candidates, eliminates this effect.

Disadvantages

Very challenging for election administration. Although deciding upon which electoral system to have in place generally is not determined by how easy or difficult it is for an election agency to administer the system, nonetheless it should be acknowledged that administering a two-round system is very challenging, whether the second round occurs a week after the first, as in France, or a couple months after the first, as in the US state of Georgia.

The challenge to voters of turning out multiple times. Two-round systems are challenging not only for election administrators, but for candidates and parties, and for voters. Although voter turnout in Yukon territorial elections has remained relatively high, nonetheless it is often the case the voter turnout in second round elections is lower than the first round in systems that use TRS.

Can be highly disproportionate. TRS makes no provision for increasing the proportionality of voting. It is notable that France, which often is viewed as the most salient example of the two-round voting system, has among the highest electoral distortion of any Western democracy.

Considerations

Conducting elections in the Yukon is very challenging for all concerned. Is it reasonable to expect that, where voting does not produce a majority winner, that voters be asked to return to the polls a short time later for a second round?

Are the political interests of Yukoners accurately reflected in the composition of the legislative assembly following most elections? Would a two-round system likely produce a significantly different composition of the legislative assembly that would more accurately represent the wishes of people in the territory?

Proportional Representation Electoral Systems

Proportional representation electoral systems have a single overarching rationale – to ensure that the seats in the legislative assembly are generally at or near the same proportion as the popular vote obtained by the parties. To accomplish this, parliamentary seats must have multiple members, and the degree of proportionality can increase as the number of seats in the district increases. The seats are generally allocated according to regionally-based multi-member districts, although in some instances, they are determined by the parties' overall vote in the country. There are several formulas for allocating seats under a proportional representation system, referred to as the "highest average" or the "largest remainder" methods, although in most instances the difference between the two does not make an appreciable difference to the degree of proportionality. Proportional representation systems are widely used around the world. According to the Handbook of Electoral System Design published by International IDEA, 72 of the 199 countries or significant territories that they categorized use a system of proportional representation, almost all of which (70) use a list PR system⁴⁵. The Single-Transferable Vote system is used in two jurisdictions, and the Single Non-Transferable Vote, which they categorize as an "other" system, is used in 4. These data were as of the time of publication in 2005.

List Proportional Representation (List PR)

As its name implies, a List Proportional Representation system is one in which parties present a list of candidates to the voters, voters indicate their vote for a party, and the parties receive seats in the legislative assembly based on the proportion of people who voted for the party. The party lists represent a ranking of the candidates, and candidates are elected in the order in which they appear on the list. Thus, if a party is contesting 20 seats and wins 40% of the vote, then the party would receive $(20 * 0.4)$, or 8 seats. The candidates listed first through eighth on the party list would be declared elected, and the candidate listed ninth would not, nor would candidates with a lower ranking. In this way parties have a very high degree of control over who will represent them in the legislative assembly – they simply don't know how many of their selections to which they are entitled.

Advantages

High proportionality between vote and seat percentages. The most significant and most distinctive feature of party list PR systems is the close alignment between a party's votes and seats. To the extent that there is a visceral attachment to the idea that the division in the legislature should reflect the division in the electorate, the party list PR system comes closest to manifesting this feature.

Encourage formation of many political parties, as the barrier to entry is lower. Under list PR, depending upon the number of legislative seats in the regional or national district, it may not

⁴⁵ Reynolds, Reilly and Ellis, 2005, p. 30 and 57.

require a very high proportion of votes to qualify for one or more legislative seats. Consequently, the barrier to entry for a political party is relatively low, and as a result, more parties are likely to emerge and to find representation in the legislature. This is especially the case with a pure list PR system, without thresholds. However, as discussed below, various thresholds could be put in place to make entry into the legislative assembly more difficult.

Can facilitate the representation of women and minority groups. Under a majority or plurality electoral system, although voters know of the party affiliation of a candidate, they are casting a ballot directly for the candidate. As a result, although parties may nominate women candidates or candidates from minority communities, there is no guarantee that such candidates will be elected. Under a list PR system, in contrast, the party controls the placement of members on the list. Therefore, if the party is committed to gender equity in representation, it can ensure that its candidates alternate between males and females. The party can also ensure that candidates of minority groups are placed on their lists in a position that is likely to ensure the election of these candidates.

Disadvantages

Majority government is very unlikely. List PR tends towards coalition government. The flip side of the observation that a list PR system leads to more parties being represented in the legislature is that it is more difficult for any party to form a majority government. The tendency is towards the increased fractionalization of the party system and governing therefore often requires multiple parties to work together, including doing so formally through a coalition government arrangement. Although coalition governments are not necessarily less stable than majority governments, they can be.

Disproportionality in power of minor parties that are government partners. It is perhaps paradoxical that discussions of proportional representation focus on the relative alignment of votes in an election to seats in the legislative assembly but focus less on the relative power exercised by the different parties depending on whether they fit in possible coalition arrangements. It is commonplace following an election under a list PR system that party leaders engage in negotiations, sometimes protracted negotiations, to determine what set of parties can come to a coalition agreement. In such negotiations, it can be the case that a party with a relatively small support base and vote total effectively holds the balance of power in a coalition. Where this occurs, the party's effective power can be significantly disproportional to its vote percentage.

Difficult to vote a party out of power. Coalitions are arrived at through party negotiations. The reliance on coalition governments, and the tendency for there to be a relatively large number of political parties with legislative seats, means that a fairly large "centrist" party may be a key figure in many different coalition possibilities. To the extent this is true, it makes it difficult for voters to vote a government out of office if the legislative party can find enough coalition partners to remain in government.

No direct tie between voters and representatives. In a list PR system, the direct connection between citizens and their representatives is broken. To the extent that the party lists are based on regional lists, then there may be some continuing connection between representatives and the people in a regional who voted for them (through the party). However, elected members are highly dependent upon following will of the party, perhaps more so than the will of the electorate. Under this system, a member's first allegiance may be to his or her party, rather than to his or her constituents. In addition, since the system emphasizes the vote received by an entire party in a constituency (whether that is a regional constituency or a national constituency), it heavily disadvantages independent candidates.

Considerations

Among the values that should be expressed in an electoral system, where does the value of proportionality fit? Is this the most important characteristic, or are one or more other characteristics equally or more important?

Proportionality can increase as the number of seats in an electoral district increases. For example, if a district has only three seats, and the election produces a result in which one party wins 45% of the votes, a second party gets 35% of the votes and a third party gets 20% of the votes, there will still be a high amount of disproportionality in seat allocation. However, with 10 seats, the disproportionality can decrease substantially. If a list PR system is used in the Yukon, how many seats would be included in each electoral district? Would there be a Whitehorse district and a non-Whitehorse district?

Does the Yukon legislative assembly have enough seats available for a list PR system to be implemented? How many seats would be required for the system to work well in the Yukon?

List PR systems are said to favour the development of a larger number of political parties. Would it be a good thing in the Yukon for there to be more parties with seats in the legislative assembly?

Some list PR systems impose thresholds to make it more difficult for very small parties to have a legislative seat. For example, a party may need to obtain 5% of the vote to be eligible for any seats. Would such thresholds be desirable in the Yukon if a list PR system was adopted, and if so, what would be relevant thresholds?

Single Transferable Vote (STV)

The Single Transferable Vote electoral system combines aspects of the list PR and AV systems. Like list PR, it uses multi-member districts and can include party lists of candidates. However, voters are not required to follow the ranking of candidates based on the parties' lists, and instead can indicate which party they prefer as well as indicate which candidate(s) they prefer, by providing a ranking of the candidates for whom they are voting. Although STV is popular among political scientists, it has had relatively few applications for national legislature

elections, the two most prominent cases being the Republic of Ireland and Malta. One of the challenges of STV is the complicated method used to count ballots and allocate seats. It begins by establishing a quota, based on first preference votes. The quota is defined as the total number of votes divided by the total number of seats plus one, with one added to the product. For example, if there were 1,000 votes and four seats, the quota would be $((1,000/(4+1)) + 1$, which is 201. Therefore, each candidate with 201 votes would be declared elected. If there were not four candidates with 201 votes, then a series of steps would be taken until another candidate achieved the quota. This would involve taking the “excess” votes from the elected candidates (that is, those with 201 votes), and redistributing their votes over 201 to the remaining candidates. It also would involve successively removing the candidate with the lowest vote and redistributing their next preferences, until all seats were filled.

Advantages

Similar advantages as other PR systems. By increasing the proportionality of vote and seat counts, STV can lead to greater confidence in the election process and its outcomes.

Maintains proportionality while also retaining a connection between representative and those they represent. The ability of voters to cast their ballot not only for a party but for specific candidates increases the likelihood that a direct relationship will develop between representatives and those in the constituency who elected them.

Disadvantages

Very complicated method of calculating winners. The ballot counting procedure is not intuitively clear to many voters. The process of tallying the votes and redistributing vote preferences must be done at the election agency’s headquarters, not at the polling place. The method of calculating winners is opaque.

Can introduce internal fragmentation into parties since candidates for the same party can be seen as competing with one another. Parties exert less control over their candidates compared to list PR systems, and therefore candidates may seek an advantage over a candidate from the same party.

Considerations

Although STV often is given high praise by political scientists who study electoral systems, it has not been widely adopted. One of the reasons for this is the complicated process used for determining the winner. Would this electoral system be widely accepted in the Yukon if people had difficulty understanding how a winner is determined?

While providing the opportunity for voters to rank candidates is viewed by some as an improvement over list PR systems, in which parties determine the order of candidates, it can also lead to some internal conflict within parties, since candidates from the same party can be

seen as competing with one another. Parties' ranking of the candidates is therefore non-binding on the voters. Would this be a desirable or undesirable aspect if this system was used in the Yukon.

Single Non-transferable Vote (SNTV)

The Single Non-transferable Vote electoral system is sometimes categorized among proportional representation systems⁴⁶ and sometimes as an “other” system⁴⁷. It is similar to a BV electoral system, with multi-member electoral districts, but unlike BV, where voters can cast a ballot for each seat elected from the district, in SNTV, the voter casts only one vote. Seats are awarded based on the largest number of votes obtained by the candidates, and therefore candidates are elected based on the number of votes they receive. This also implies that candidates are elected based on the proportion of votes they receive. Thus, the proportionality of seats is based on the proportionality of candidate votes, not on the proportion of a party's vote. It is a system that can reward minor parties and encourages all parties to act strategically in the presentation of candidates.

To illustrate a SNTV system, imagine the following hypothetical distribution of votes and seats for the following 6 candidates, when 1,000 votes are cast and where four candidates are elected:

Votes	Candidate	Party
300	1	A
90	2	A
200	3	B
180	4	B
120	5	C
110	6	D

Of the 1,000 votes, candidate 1 finished with the most votes, 300, followed by candidates 3, 4 and 5. These are the four candidates that would be elected. But consider that happens when looking at the outcome from the perspective of votes obtained by each party:

⁴⁶ Andre Barnes, Dara Lithwick and Erin Virgint, Electoral System and Electoral Reform in Canada and Elsewhere: An Overview, Background Paper, Library of Parliament, 2016, p. 9. Available at: https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201606E

⁴⁷ Reynolds, Reilly and Ellis, 2005, p. 113.

Party	Votes	Vote %	Seats
A	390	39.0	1
B	380	38.0	2
C	120	12.0	1
D	110	11.0	0

In this hypothetical election, party A received 39% of the votes, but only one seat, compared to party B receiving 38% of the votes and two seats. The single candidate for party C received only 12% of the votes, but obtained one seat, as many as party A with more than 39% of the votes. The distribution of votes among party B candidates was more evenly divided than among party A candidates, enabling it to win two seats. Therefore, the proportionality of the system characterizes the seat distribution among candidates more so than among parties. Thus, it provides a greater opportunity for minor parties to obtain representation.

Advantages

Direct connection between voters in an electoral district and elected members. As a constituency electoral system, emphasizes direct linkage with voters.

Likelihood that multiple parties will be elected from an electoral district. With multiple candidates being elected from an electoral district, there is an increased chance that candidates from more than one party will be elected, perhaps more so than with other multi-candidate systems.

Easy to understand. The candidates with the most votes win.

Disadvantages

Requires parties to be highly strategic in nominating candidates. Parties perform better when their two or more candidates have support distributed fairly evenly.

One candidate receiving many votes can disadvantage a party. A party that nominates a candidate with overwhelming support, may disadvantage its other candidate(s), by drawing most of the support of those party supporters.

Can be disproportionality in vote to seat counts for parties, although candidates with the most votes win. Depending on the distribution of votes among party candidates, the outcome may be more or less proportional.

Intraparty competition is heightened. Candidates within a party can view one another as competitors, thereby decrease intraparty unity.

Considerations

The SNTV system is premised on the use of multi-member electoral districts. Is there a compelling reason to use multi-member districts in Yukon territorial elections? What would the multi-member districts look like – would there be one for the city of Whitehorse, and one for the rest of the territory, or something different?

SNTV systems provide greater opportunities for minor parties to be represented in the Legislative Assembly. To what extent is the fact that minor parties are not present in the Yukon legislative assembly a problem that should be addressed through electoral system reform?

The SNTV system encourages the parties to be highly tactical in the way in which they nominate candidates for multi-member elections. Would this be a good thing for Yukon elections?

There is no guarantee that the seat distribution in the legislature under SNTV is less distorted in relation to votes cast than under FPTP. Are there other advantages that this system brings that make it an attractive alternative?

Mixed Electoral Systems

Mixed electoral systems attempt to capture the best of both worlds. They generally combine a list PR system with some other form of electoral system, often FPTP, to ensure both a direct connect between at least some of the legislators and their constituents, with the ability to reduce the distortions in plurality and majority systems between vote and seat percentages. The two types of systems within the mixed family are parallel electoral systems, which essentially run two types of electoral systems alongside one another, taking the results of each independently, and mixed member proportional systems, which use the seats determined from party lists to compensate for distortions arising from the seats allocated using the plurality or majority system.

Parallel

Parallel electoral systems provide two electoral systems that run alongside but independent of one another. In most cases they combine a plurality or majority electoral system with a list PR system. In their review of electoral systems in 2005, Reynolds, Reilly and Ellis identified 21 countries that used parallel electoral systems, from large countries like Russia to small one like Seychelles and Kazakhstan. They found a wide discrepancy between the proportion of seats assigned to the constituency contests (using plurality or majority systems) and those assigned to party lists. Of the 21 jurisdictions, 8 of them had one-third or fewer of their seats determined by the party lists, 10 had between one-third and two-thirds of their seats as party list seats, and 3 had more than two-thirds of their seats decided by party lists. As well, of the 21 countries, two of them had legislative assemblies with fewer than 30 members (24 in Monaco and 28 in

Andorra), and four had legislatures with 450 or more members (Japan, Russia, Thailand and Ukraine). Of the two smallest legislatures using a Parallel electoral system, Monaco assigned one-third of its seats by party list and two-thirds by constituency vote, and Andorra assigned 50% to each.

Advantages

Reduces the distortion that may be caused by a majority or plurality electoral system. The existence of the party list PR system is intended to reduce some of the distortions, although this will be less so than with the MMP system.

Provides an opportunity for minor parties to be represented, despite the distortion that may be present due to the plurality or majority system. However, there must be sufficient list PR seats to provide relatively minor parties with a chance to achieve an electoral quota that would provide them with seats. If the number of list PR seats is relatively small, there is little opportunity for minor parties to receive list PR seats, and thus little difference between the result obtain by the plurality/majority system

Disadvantages

To the extent that there is distortion in the electoral system, it may be insufficiently compensated. This system is not intended to compensate for under-representation based on the plurality or majority system. Rather, it simply provides a second opportunity for parties to receive seats.

Considerations

The Parallel electoral system introduces two kinds of MLAs sitting simultaneously. One type represents electoral districts, and one represents parties. Would these MLAs have different status in the legislature?

Is the Yukon legislative assembly big enough to have two different types of MLAs? If the division between types is 50/50, the current 19 constituencies would be reduced to 9 or 10 constituencies. Is this desirable? Or is it better to add more seats to the legislature?

Will list PR seats simply reinforce the relative advantage received by the party with the largest vote total, and the largest number of constituency seats?

Mixed Member Proportional (MMP)

The Mixed Member Proportional electoral system allocates some seats by a plurality or majority system and others based on list PR. The key aspect of this electoral system is that party list seats are used to determine a party's seat entitlement and are added to a party's seat allocation after the constituency seats have been allocated. This method ensures that a party's total seat allocation approximates very closely its proportion of the party list vote. At the same time, because it includes seats elected in constituencies, it combines the principles of providing a direct link between voters and representatives in their local area, with the principle of proportionality.

The MMP system used in New Zealand can illustrate the manner of seat allocation using this method. New Zealand uses the St. Lague formula to allocate the total number of seats to which each registered party is entitled. New Zealand has a dual threshold system in place for allocating list seats – a party is entitled to list seats if it has won at least one constituency seat, or if it has won at least 5% of all votes cast in the election. Determining the number of seats to which each party is entitled is a multi-step process which proceeds as follows:

Step 1. Draw a table that lists all parties, their total votes, their percentage of party votes, and the number of constituency seats. Eliminate from consideration all parties that did not win a constituency seat or did not win 5% of all party votes.

Step 2. Divide each party's total vote by a sequence of odd numbers, starting with one, until the 120 highest quotients have been found (there are 120 seats in the New Zealand Parliament). Assign to each party the number of seats it has in the highest 120 quotients.

Step 3. Assign to each party the constituency seats it won and add to this the difference between total seats assigned and constituency seats to determine the number of party list seats. Assign each party the party list seats to which it is entitled and declare elected the top-ranking candidates on the party's list until their seat entitlement is filled.⁴⁸

The way in which this system works in practice can be seen by using data from the 2020 general election. Appendix 1 shows the result of calculating the quotients for party list seats for the top 5 parties in the election. The Labour party received 1,443,545 votes. This number is divided by odd numbers sequentially until, once it is divided by 129, it produces the 120th largest quotient of all parties using this method. Summing the number of seats included in the Labour party tally, this system entitles the party to 65 seats. In contrast, for the Maori party, their 33,630 party votes entitle them to only two seats.

⁴⁸ Abridged version of Elections New Zealand, [St. Lague formula explained](https://www.electionresults.govt.nz/electionresults_2020/statistics/sainte-lague-formula.html), available at: https://www.electionresults.govt.nz/electionresults_2020/statistics/sainte-lague-formula.html

Table 5 demonstrates the seat allocation for constituency and list seats. The Labour party won 46 constituency seats. Since it is entitled to 65 seats overall, it therefore is entitled to 19 party list seats. In contrast, the Green party, with 226,757 votes is entitled to 10 seats. However, it won only a single constituency seat. Therefore, it is allocated 9 party list seats. The result is that some parties are compensated at a higher proportion than others depending on how the constituency seats are allocated. Also, it is noteworthy that in New Zealand, the district magnitude for calculating party list seats is the country, with 120 seats and one electoral district.

Advantages

System is more proportional since list seats are compensatory. The seats allocated based on party lists are only allocated after the constituency seats are factored into the total seat allocation for a party. In this way, they are intended to compensate for the plurality or majority system over-rewarding some parties and under-rewarding others.

Improved proportionality while maintaining constituency-based representation. The system tries to take advantage of the positive attributes of both plurality/majority systems and PR systems. It includes MLAs elected by constituencies, thereby maintaining a direct tie with representatives, but also improves proportionality.

Disadvantages

Like parallel systems, a MMP system would appear to require a legislative assembly with a relatively large number of seats. The rural constituencies in the Yukon already are large. This system would likely require them to be larger.

With very few list PR seat to allocate, it would likely be that the party list seats would be allocated through one Yukon-wide district. This may raise challenges for diversity.

Considerations

Like the Parallel electoral system, the MMP system elects some MLAs using one electoral system such as FPTP, and others using another electoral system, such as list PR. Is the Yukon legislative assembly large enough to accommodate two types of electoral systems, and two types of representatives?

Under MMP what would be the proportion of constituency MLAs and the proportion of list PR MLAs? Would the two types of MLAs have different roles and functions?

Would list seats come from the Yukon as a whole, or from different constituencies?

Table 5. General Election results, New Zealand, 2020

Party	Party Votes	% of Votes	Electorate Seats	List Seats	Total Seats
Labour Party	1,443,545	50.0	46	19	65
National Party	738,275	25.6	23	10	33
Green Party	226,757	7.9	1	9	10
ACT New Zealand	219,031	7.6	1	9	10
Maori Party	33,630	1.2	1	1	2
New Zealand First Party	75,020	2.6	--	--	--
The Opportunities Party	43,449	1.5	--	--	--
New Conservative	42,613	1.5	--	--	--
Advance NZ	28,429	1.0	--	--	--
Aotearoa Legalise Cannabis	13,329	0.5	--	--	--
ONE Party	8,121	0.3	--	--	--
Vision New Zealand	4,237	0.1	--	--	--
NZ Outdoors Party	3,256	0.1	--	--	--
TEA Party	2,414	0.1	--	--	--
Sustainable New Zealand Party	1,880	0.1	--	--	--
Social Credit	1,520	0.1	--	--	--
HeartlandNZ	914	0.0	--	--	--
Total	2,886,420		72	48	120

Source: Elections New Zealand, 2020 General Election and Referendum – Official Result, available at: https://www.electionresults.govt.nz/electionresults_2020/

Key issues in PR systems

This section reviews three key issues in proportional representation systems – the district magnitude of electoral districts, the use of thresholds to provide a standard of support that must be met for a party to win a seat, and the use of open or closed lists, which involves a decision on whether voters are able to adjust a party's ranking on its list of candidates.

District magnitude

District magnitude refers to the number of members that are elected from an electoral district. Single member districts, such as those in FPTP systems or AV systems, by definition have only one member. On the other hand, multi-member districts have more than one member. Proportional representation systems attempt to provide greater proportionality in voting results by increasing the number of seats that are under consideration by the electoral formula. In their definitive study of electoral systems, Reynolds, Reilly and Ellis⁴⁹ suggest there is almost universal agreement among electoral specialists that the number of members elected in each district is the most important determinant of whether an electoral system is proportional. Those with fewer members, in general, are less proportional than those with more members. And with relatively small district magnitude, it is difficult for smaller parties to break through to win legislative seats. For example, with a district magnitude of 3 seats, a party is required to obtain at least 25% + 1 of the votes to guarantee a seat. A party that receives 10% of the vote would require a district magnitude of 10 to guarantee it would receive a seat. Notwithstanding this fact, Reynolds, Reilly and Ellis suggest that district magnitudes between 3 and 7 tend to provide reasonable proportionality, while also suggesting results are improved when the number of seats per district is an odd number.⁵⁰

Thresholds

Whereas increasing the district magnitude is one way of making it easier for smaller parties to gain entry to legislative seats, thresholds have the opposite effect, by making it more difficult to gain entry. Thresholds can either be *de facto*, meaning they exist simply by virtue of the character of the electoral system, or they can be *de jure*, meaning that they are designed specifically to exclude some parties (or some groups) from effective representation. A FPTP electoral system imposes a *de facto* threshold, excluding parties (or at least limiting them) if they cannot win outright any seats on the basis of the candidate with the most votes wins. A system provides *de jure* thresholds if the law prevents a party from receiving seats unless it has surpassed some pre-established indicator of success. For example, Germany, New Zealand and Russia all impose a 5% threshold to obtain any party list seats. This provision was put in place in the German constitution following World War II as a way of preventing parties with extremist

⁴⁹ Andrew Reynolds, Ben Reilly and Andrew Ellis, *Electoral System Design: The New International IDEA Handbook*, p. 77, available at: <https://www.idea.int/sites/default/files/publications/electoral-system-design-the-new-international-idea-handbook.pdf>

⁵⁰ Reynolds, Reilly and Ellis, p. 82.

views from obtaining a hold in the legislature. In some countries that use a threshold, a secondary measure may be used to partially by-pass the threshold. For example, in New Zealand a party is eligible for party list seats if it has elected one member through the constituency elections, whereas in Germany, this is done provided the party wins three constituency seats.

The data in Table 5 from the 2020 election in New Zealand illustrates how this threshold works. Although 17 parties contested seats in the New Zealand election, only four of them achieved 5% of the votes in the country. However, a fifth party, the Maori party, won a single constituency seat, which made them eligible to receive party list seats, of which it earned one. In contrast, 12 of the 17 parties did not win a constituency seat, and did not achieve 5% of the votes, and therefore were denied any seats in Parliament. Three of the parties that were denied seats (New Zealand First, The Opportunities Party, and New Conservative) won more votes than the Maori party, which won two seats. In general, proportional representation leads to more political parties contesting elections because smaller parties have a greater chance of winning legislative seats. Imposing legal thresholds on the allocation of seats to smaller parties counters this general tendency of PR systems and leads to a larger disproportionality than would otherwise exist.

Open and Closed Lists

In proportional representation systems, the question of whether voters can choose only the party, or whether voters also can choose candidates within the parties, is determined on whether the system uses open or closed lists. With a closed list, the party ranks its candidates from highest to lowest, and the voter can choose only among the parties, but not among the candidates. If, for example, a party wins 30% of the votes in a 50-seat legislature, it is awarded 30% of the seats, or 15 seats. The candidates who rank from 1 to 15 in the party's list are declared elected, and the 16th through the lowest ranked candidate on that party's list are not elected. With an open list, in contrast, voters can cast a ballot both for the party, and can indicate their support for specific party candidates within the party's list. This has the effect of enabling voters to effectively overturn the party's internal ranking of its candidates, while still supporting the party. In their discussion of open and closed lists, Reynolds, Reilly and Ellis suggest that open lists in some jurisdictions have been used to negate attempts by political parties to represent minority or historically under-represented groups. They note, for example, that in Sri Lanka, attempts by major Sinhalese parties to increase representation of the Tamil minority have been thwarted by the tendency of voters to vote for lower-ranked Sinhalese candidates above the party's higher ranked Tamil candidates. They also point out that in Kosovo, the change from closed to open lists increased the number of extremist candidates that were elected.⁵¹

⁵¹ Reynolds, Reilly and Ellis, p. 90.

5. Special considerations

The discussion of electoral systems thus far has centred on the extent to which they provide relatively proportional representation in legislative assemblies. The general conclusion is that systems known as proportional representation electoral systems place a higher value on ensuring that the proportion of members of a party elected to the legislature is similar to the proportion of votes received. These systems are designed to reduce the distortion in translating votes into seats. Plurality and majority electoral systems, in contrast, place a higher value on the direct representation of constituency interests. In addition, their proponents often point to their tendency to transform a minority of votes for the winning party into a majority of legislative seats as an advantage of the system. Detractors of majority and plurality systems, however, tend to view this feature of plurality/majority systems in negative terms. Mixed electoral systems attempt to combine the advantages of both types of systems.

In addition to the translation of votes into seats, several other factors can be examined to assess the features of an electoral system. Three of the features discussed above in the review of the performance of the Yukon electoral system, which can be considered more generally, are the impact of an electoral system on the representation of women, Indigenous peoples, and urban versus rural residents. A particular interest in the consideration of electoral systems in the Yukon is the impact that population size and the size of the legislative assembly have on the selection of an electoral system. These matters are reviewed in this section.

Representation of Women

There is a considerable body of research that demonstrates that countries that use list PR electoral systems are more likely to elect women legislators than countries that use majority or plurality electoral systems. For example, in a ranking of the proportion of women legislators in a selection of 25 countries in 1997, Donley Studlar⁵² found that countries using PR or Mixed electoral systems on average elected 20.9% female legislators, compared to 15.4% among those using FPTP or majoritarian systems, a difference of 5.5 percentage points. Citing data from 2004, Reynolds, Reilly and Ellis⁵³ found that countries using list PR systems elected female legislators at a rate of 19.5% compared to 11.1% among FPTP systems. However, Erin Tolley⁵⁴, citing data from 2016, cautions against ascribing the differences in women's representation to electoral system differences. As Tolley notes,

⁵² Donley Studlar, "Will Canada Seriously Consider Electoral System Reform? Women and Aboriginals Should," in Henry Milner, ed., Making Every Vote Count: Reassessing Canada's Electoral System, Peterborough: Broadview, 1999, p 129.

⁵³ Reynolds, Reilly and Ellis, 2005, p. 61.

⁵⁴ Erin Tolley, "The Electoral System and Parliament's Diversity Problem: In Defence of the Wrongfully Accused," in Andrew Potter, Daniel Weinstock and Peter Loewen, Should We Change How We Vote? Evaluating Canada's Electoral System, Montreal and Kingston: McGill-Queen's University Press, 2017.

“...there are countries with proportional electoral systems where the proportion of women legislators barely deviates from the level that has been achieved in Canada under SMP (Single Member Plurality). This is the case in Poland and Israel, which both use proportional representation and have legislatures where women make up 27 percent of the members. Ireland uses the single transferable vote, and yet only 22 per cent of lower house members are women. In other countries with proportional representation, the number of women legislators is surprisingly low. In Uruguay and Hungary, both of which use proportional representation, the proportion of women in the lower house is just 16 per cent and 10 per cent, respectively.”⁵⁵

Rather than blaming the under-representation of women on the electoral system, Tolley instead argues that it is the failure of political parties to recruit a diverse selection of candidates, that accounts for a lack of gender equality among legislators. In a chapter in the same book, Angelia Wagner and Elisabeth Gidengil provide an alternative explanation that also does not point to the electoral system. They maintain that in Canada, there is a general trend towards the over-representation of rural areas and the under-representation of urban areas, a situation they describe as malapportionment. Further, they suggest that in general, parties that are more conservative in orientation are less likely to nominate and elect female candidates and are more likely to perform better in rural areas, thereby resulting in fewer elected female members. Parties on the political left, they argue, are more likely to nominate and elect women, are more likely to do better in urban centres, but the urban centres are under-represented in the legislatures. Therefore, the under-representation of women, they propose is a by-product of the distribution of urban and rural seats.⁵⁶

A nuanced analysis of the effect of the electoral system on women’s representation was recently completed by Therese Arseneau, in which she examines the impact that the switch to a MMP electoral system from FPTP has had on the representation of women and Maori people since 1996.⁵⁷ Examining data from 1990 to 2011, Arseneau found that women in the legislative assembly increased from 21 per cent in 1993 (the last year FPTP was used) to 29 per cent in 1996, and hovered between 28 percent and 32 percent in the next five elections. Furthermore, she found that the increased diversity “has come predominantly from party lists.... Of all MPs elected to Parliament from party lists, 43 per cent have been women compared to only 24 per cent of MPs elected from electorates (that is, constituency seats from the general or Maori districts)”.⁵⁸

⁵⁵ Tolley, 2017, pp. 116-7.

⁵⁶ Angelia Wagner and Elisabeth Gidengil, “Addressing Representational Deficits in Canadian Legislatures,” in Andrew Potter, Daniel Weinstock and Peter Loewen, Should We Change How We Vote? Evaluating Canada’s Electoral System, Montreal and Kingston: McGill-Queen’s University Press, 2017, p. 143.

⁵⁷ Therese Arseneau, “The Impact of MMP on Representation in New Zealand’s Parliament – a view from outside Parliament”, paper presented at the Australian Study of Parliament Group, 2017. Available at: <https://www.aspg.org.au/wp-content/uploads/2017/08/Session-2-Dr-Therese-Arseneau-The-Impact-of-MMP-on-Representation-in-New-Zealands-Parliament.pdf>.

⁵⁸ Arseneau, “The Impact of MMP”, p. 4.

Overall, the findings of research on women's representation and electoral systems suggest several conclusions. Women tend to be elected at higher rates in proportional representation and mixed systems than in plurality or majority systems, but the relationship is not overwhelmingly strong. Second, the success of women candidates in PR systems varies across political parties – smaller parties, and parties considered more “progressive” tend to place women candidates higher on party lists. A key to the success of electing more female candidates is by examining the incentives for parties to endorse female candidates in the party nomination process.

Considerations

There is a relationship, albeit an imperfect relationship, between electoral systems and the representation of women candidates. How does the Yukon perform in electing women MLAs in comparison to other jurisdictions? Is female under-representation a significant concern, and if so, is it best addressed through electoral system reform?

If female representation in the Yukon legislature is a concern, in what ways might this be addressed outside of electoral system reform? What are the comparative advantages and disadvantages of addressing this issue as an electoral system issue versus another type of issue (such as an issue of party nominations, campaign financing, etc.?)

Representation of Indigenous People

It is generally considered that electoral systems that are based on plurality or majority electoral systems present a challenge for voters from minority groups. Being part of a minority places an added difficulty for minority candidates, particularly for those who wish to highlight the political significance of their minority characteristic. The challenge is to indicate that one's minority characteristic is an important part of their self-image and self-concept, and to seek the support of voters, a majority of whom do not share that identity. This can have the effect of either encouraging candidates from minority communities to de-emphasize the political importance of their minority identity, or simply have more difficulty in appealing to an electorate a majority of whom do not share the identity. It also could lead political parties from being averse to nominating a candidate from a minority community and could lead minority members to be disinclined to seek elective office. However, where members of a minority community are concentrated in a geographical area, then the incentive structure in a plurality or majority electoral system can change. If, for example, a national or regional minority group is concentrated in a local area, it may be part of a local majority. When this occurs, a person from a minority group may have an advantage over a person from the majority population in the local constituency contest.

As was the situation with women's representation, the representation of minority groups (for the purposes of the Yukon we focus on Indigenous persons as the key minority group) can be enhanced by a system of proportional representation. Once again, the key is with the ability of

political parties to order the candidates on its party list. If a minority candidate is ranked relatively high, they have a greater chance of being elected. This leads Reynolds, Reilly and Ellis to conclude that people from minority groups tend to be less under-represented in list PR electoral systems than in plurality or majority systems.⁵⁹

In her discussion of the change from a FPTP to a MMP system, Arseneau confirmed the representational advantage provided to Maori by the MMP system. She found, firstly, that Maori under-representation was never as low in New Zealand as it might otherwise have been, in part due to the early (1867) provision of four seats, called the Maori electorates, which have now increased to seven seats (compared to 65 general electorate seats). She also found that since the introduction of MMP, there has been an increase in Maori representation, such that in some elections there has been a higher percentage of Maori members elected to the legislature than their proportion of the population. However, most of the change has come about not because Maori candidates are more successful in the constituency seats – their success in this regard has not changed consistently. Instead, they have been more successful in securing seats from the party lists.⁶⁰

Examining the situation in Canada, Wagner and Gidengil suggest that Canada's FPTP electoral system has facilitated higher rates of representation among visible minorities and some First Nations because, "the system works to the advantage of groups that are regionally concentrated."⁶¹ They cite a study conducted by Karen Bird, who studied visible minority representation in Canada (First Past the Post), Denmark (Proportional Representation) and France (Two Round system). She concluded that Canada's electoral system encouraged the parties to nominate visible minority candidates in electoral districts with higher percentages of visible minority citizens⁶². Consistent with this finding, Erin Tolley's examination of data from the 2015 Canadian election found that "Indigenous peoples made up 33 percent of the population in the ten ridings where Indigenous MPs were elected."⁶³

The effect of the electoral system on the representation of minority interests, and in the case of the Yukon, on the representation of Indigenous electors, is somewhat nuanced. Although the general trend is for PR systems to be more generous in representing minority group interests, particularly if those are taken up by the political parties, the situation in plurality and majority electoral systems is not straight-forward. Although minority candidates may experience difficulties in getting elected in electoral districts in which their numbers are small, where they are concentrated, they have a greater chance at election. As well, the special character of some

⁵⁹ Reynold, Reilly and Ellis, p. 61.

⁶⁰ Arseneau, 2017, pp. 12-14.

⁶¹ Wagner and Gidengil, 2017, p. 142.

⁶² Karen Bird, "The Political Representation of Visible Minorities in Electoral Democracies: A Comparison of France, Denmark, and Canada," *Nationalism and Ethnic Politics* 11 (2005), pp. 425-65, cited in Wagner and Gidengil, 2017, p. 142.

⁶³ Erin Tolley, "Visible Minority and Indigenous Members of Parliament," in Alex Martland and Thjierry Giasson, eds. *Canadian Election Analysis: Communication, Strategy, and Democracy*, Vancouver: UBC Press, 2015, 50-51, cited in Wagner and Gidengil, 2017, p. 142.

districts, such as Vuntut Gwitchin, with a high Indigenous population and sparse population overall, helps ensure that Indigenous people are more likely to be represented in the legislature.

Considerations

Does the geographic distribution of Indigenous peoples in the Yukon lead to the First Past the Post electoral system under-rewarding them with legislative seats?

To what extent would either a proportional representation system, or a mixed electoral system, change the representation of Indigenous peoples in the Yukon?

Community representation (urban and rural)

The issue of urban and rural representation is most relevant in a constituency-based electoral system. Since plurality and majority electoral systems tend to be constituency-based, then one can calculate the degree to which the urban and rural constituencies have legislative seats that are roughly proportional to their population. A common approach in Canada is for rural areas to have fewer voters on average than urban areas. This rural over-representation has been facilitated by the court's interpretation of the requirements of the right to vote, set out in section 3 of the Charter of Rights and Freedoms. The court has maintained that the right to vote guarantees Canadians the right to "effective representation", and that variations in constituency size of 25% above or below the average population is consistent with this provision. Furthermore, some jurisdictions, like British Columbia have included the +/- 25% standard in legislation setting out the terms of reference for electoral boundaries commissions. Furthermore, variations even beyond +/- 25% are permissible where doing so will provide for effective representation. Although the Yukon Elections Act, section 7, does not specifically identify the variation of +/- 25% as the standard to be used by electoral boundaries commissions, the commissions have tended to abide this standard, while also making an exception for the Vuntut Gwitchin constituency in the north, which has a population much smaller than 25% below average.

Under list PR electoral systems, where the list is drawn on a national, or jurisdictional, basis (that is, one district for an entire country, state, province, or territory), the matter of urban and rural representation does not really arise, since representatives do not represent a geographical area. However, where the lists are based on electoral districts, it is possible to consider the relative voting power of people in rural and urban areas. Recall, however, that as the size of an electoral district becomes smaller, in the number of legislative seats assigned to it, then the proportionality of the system is reduced. With a legislative assembly the size of the Yukon's, with 19 seats, one could not introduce very many constituencies using a proportional representation model without sacrificing most of the benefits that would be expected from having the list PR system.

In this context, it is useful to consider one of the options that was on the ballot in 2018 in British Columbia in a referendum on electoral reform. In the referendum, BC voters were able to express their view on two matters – first, whether they supported the FPTP electoral system or a proportional representation system. Secondly, they were then asked to rank three proportional representation options – dual member proportional, mixed member proportional, and rural urban proportional. Voters favoured FPTP over proportional representation by a ratio of 61.3 to 38.7, and of the proportional representation options, voters favoured MMP the highest, dual member second, and rural urban third.⁶⁴

Because of the relative novelty of the rural urban proportional representation option, it is useful to consider it in some detail. This option, which is viewed as a PR model, provides different ways to represent people in urban and in rural areas. In urban areas, the model proposed using a Single Transferable Vote option. Thus, if this model were used in the Yukon, it would imply a single constituency in the city of Whitehorse with multiple representatives, and voters would cast their ballots for multiple candidates. The candidates elected in the city's constituency would be proportional to the votes cast for the parties. In rural electoral districts, in contrast, the BC rural urban proportional system would provide for MMP representation, which would include a number of constituency seats, with added list seats to top-up parties who were under-represented in the constituency seats. The number of rural constituencies would either need to be reduced from current levels if this was used in the Yukon so that some compensatory seats could be created, or more seats added to the current legislative assembly to provide the additional top-up seats.

Two criticisms of the use of the rural urban proportional model in BC were that, firstly, it is an electoral system that has never been used in any jurisdiction. Its novelty is such that the system has no track record and has not been demonstrated to be workable. A second criticism, raised by Richard Johnston, a leading scholar of voting and elections, is that “it's two quite different systems Everyone should be voting under the same system. Everyone should be dealing with similar levels of complexity.”⁶⁵ Those in favour of this option tended to view it as a novel way of enabling proportional results in districts with different characteristics. The defeat of the proportional representation option in the referendum on electoral reform in BC, and of the low relative ranking of the rural urban proportional model, means that the system continues to be untested.

⁶⁴ Elections BC, [2018 Referendum on Electoral Reform Results Available](https://elections.bc.ca/news/2018-referendum-on-electoral-reform-voting-results-available/), available at: <https://elections.bc.ca/news/2018-referendum-on-electoral-reform-voting-results-available/>

⁶⁵ “The PR Option: Rural-Urban Proportional Recognizes Province’s Diversity,” The Tyee, Oct 12, 2018, available at: <https://thetyee.ca/Analysis/2018/10/12/PR-Options-Rural-Urban/>

Considerations

The FPTP electoral system, as a constituency-based electoral system, provides a way for the Yukon to consider the representation of urban and rural interests. How well is this system currently working? Does the Yukon currently provide “effective representation” for urban and rural areas in a manner consistent with Canadian standards?

By switching to a proportional representation system, will there be more or fewer opportunities to consider the representation of urban and rural interests? The recent BC referendum on electoral reform introduced a novel idea of electing urban and rural representatives using different electoral systems. Does this idea have any merit when considering electoral reform in the Yukon?

Population size and Size of the legislative assembly

The size of the legislative assembly has an important bearing on the way electoral districts can be configured, and the ability to achieve a relatively high level of proportionality. Larger legislative assemblies can more readily accommodate multiple districts with multiple MLAs. The presence of multiple electoral districts ensures that diverse interests in different regions are likely to be accommodated and reflected in the legislative assembly. If, for example, there is only one or two electoral districts, there is no guarantee that people from all areas of the jurisdiction will be elected, and thus some geographic interests may go underrepresented. In addition, there must be a minimum number of legislative seats from a district for the voting system to produce a reasonable semblance of proportionality in converting votes into seats. It is generally found that a district needs a minimum of three to seven seats to achieve reasonable proportionality. In small legislative assemblies, these two principles of multiple electoral districts and a reasonable number of elected members per district work as counterpoints to one another. If the total number of legislative seats is relatively small (for example, 30 or fewer legislative seats), then efforts to have a larger number of seats per district mean there will be fewer districts. Balancing these competing values is challenging, and likely is a key reason that among jurisdictions with small legislatures, there is a strong tendency to adopt a plurality or majority electoral system over a proportional or mixed system.

This result can be seen in Table 6, drawn from a review of the electoral system used in 213 independent countries and related territories. In this table, part A presents the type of electoral system used in all jurisdictions that had 30 or fewer members elected to their legislative assembly. Of the 30 “small” legislatures, 23 or 77% of them, used a plurality or majority electoral system. Three of the 30 used proportional representation, two used a mixed system, and two used a system that did not fit this classification. Part B of Table 5 looks in more detail at the electoral systems used among the 23 jurisdictions that used a plurality or majority electoral system. Of this group, 13 or 57% used first past the post, 4 used block voting, 2 used a two-round voting system, and 4 used a combination of systems.

It is instructive to review in more detail those jurisdictions with small legislatures that used electoral system other than plurality or majority systems. The three jurisdictions with small legislatures that use proportional representation are Liechtenstein, Aruba, and the Netherlands Antilles. Liechtenstein is one of Europe's smallest countries, covering 160 square kilometres (compare this to the Yukon, which covers 482,000 square kilometres). It is divided into two electoral districts, Oberland with 15 seats and Unterland with 10 seats. Voters in Oberland can vote for up to 15 candidates as well as indicating their party preference, and those in Unterland can vote for up to 10 candidates. The 2021 election result produced a fairly high degree of proportionality – the Patriotic Union party received 35.89% of the votes and 10 of the 25 seats (40%). The Progressive Citizens party received almost identical votes (35.88%) and received 10 seats (40%). The Free List party (a Green party) received 12.86% of the votes and 3 seats (12%), and the Democrats for Liechtenstein received 11.14% of the votes and 2 seats (8%). 28% of the candidates elected in 2021 are women⁶⁶, up from 12% in the 2017 election⁶⁷. None of the candidates elected in 2021 were under the age of 30.

Aruba (180 square kilometres) is a second example of a small country with a small legislative assembly using proportional representation. Aruba uses an open list PR system, with a single electoral district in the country. In the election of June 2021, the People's Electoral Movement received 9 of 21 legislative seats (42.9%) based on 35.3% of the vote. The Aruban People's Party received 7 seats (33.3%) on 31.3% of the vote. Three other parties received 2 or 1 seats on votes ranging from 9.4% to 5.8%. Seven parties failed to achieve the threshold and received no seats.

Andorra is an independent country on the Iberian Peninsula, bordered by France on the north and Spain on the south. With an area of 465 square kilometres and a population of 78,015, it is another one of the world's smallest countries. It uses a mixed electoral system for its 28 legislative seats, in which 14 are elected by block voting and 14 by proportional representation using closed lists. The country is divided into 7 parishes dramatically different in size, from Andorra de Villa, with a population of 22,537 to Canillo, with 4,422 inhabitants. Despite these differences in size, each parish elects two members to the legislature. The other 14 members are elected in a single nationwide constituency based on proportional representation. In the 2019 election, the Democrats for Andorra won 6 of 14 constituency seats (42.9%) based on obtaining 34.9% of the vote. The Social Democrats and Liberals offer joint lists of candidates for the constituency elections and won 4 seats (28.5%) based on 38.1% of the votes. For the proportional representation seats, the Democrats for Andorra received 5 of 14 seats (35.7%) based on 35.1% of the votes. The Social Democrats received 5 seats from 30.6% of the votes, and the Liberals obtained 2 seats from 12.5% of the votes. Smaller parties also received 2 constituency seats and two PR seats. The result is a minority Democrats for Andorra government with 11 of 28 legislative seats (39%). The Democrats for Andorra formed a coalition government with the Liberal party and Committed Citizens.

⁶⁶ <https://www.coe.int/en/web/electoral-assistance/elecdata-liechtenstein>

⁶⁷ http://archive.ipu.org/parline-e/reports/2187_E.htm

Table 6. Electoral systems among small countries or territories⁶⁸

Part A. All Countries or territories with 30 or fewer members of the legislative assembly

Type of Electoral System	Number of countries/territories	Percentage
Plurality/Majority	23	76.7
Proportional Representation	3	10.0
Mixed	2	6.7
Other	2	6.7
Total	30	100.0

Part B. Countries or Territories using a Plurality or Majority system

First-past-the-post	13	56.5
Block Voting	4	17.4
Two-round system	2	8.7
Combination	4	17.4
Total	23	100.0

⁶⁸ Source: Data are from Andrew Reynolds, Ben Reilly and Andrew Ellis, Electoral System Design: The New International IDEA Handbook, International IDEA, Stockholm 2005, Appendix A; available at <https://www.idea.int/sites/default/files/publications/electoral-system-design-the-new-international-idea-handbook.pdf>. Note that territories are included in this summary when they have no representation in the legislature of the country with which they are associated.

Considerations

Most small countries use FPTP, in part due to the challenges of achieving proportionality due to limitations in a small legislative assembly. Those that use proportional representation are very small geographically, and not confronted with the challenges that geography presents in the Yukon. Is some form of PR the best option in jurisdictions with a small number of legislative seats?

Those countries with small legislatures that use PR are geographically small, about 1/1,000 of the size of the Yukon, or even less. Is constituency representation more important in jurisdictions that are larger and more diverse?

6. Changing electoral systems: Key challenges

An important feature of electoral systems is that they tend to endure over extended periods of time. In any jurisdiction, the best predictor of which electoral system will be used in the next election is the electoral system used in the last election. Changing an electoral system is not impossible, but one should recognize there is substantial inertia in changing an electoral system. Consider the following factors as contributing to the inertia around electoral system reform.

Lack of public attention. There are many things that compete for the attention of citizens. The financial well-being of themselves and their family are paramount concerns. At different stages of life, people are keenly interested in childcare, the cost of housing, their pensions and savings, the quality and availability of the health care system, and many other day-to-day considerations. For most people, interest in and attention to politics is not always a top-of-mind matter. And when attention turns to political matters, it is often on pressing issues of the day, such as the state of the economy, the cost of living, climate change, government spending and the like. Discussions of changing the institutions of government, like the electoral system, is generally well down the list of the priorities of the public. Which is not to say that electoral reform cannot boil to the top of the list periodically. But rather, to note that it will not be a priority issue often nor for too long a period. For an electoral reform initiative to be successful, therefore, it must align with a period in which it is salient for the public at large.

Politician interest. One of the ways in which electoral reform may become more salient is through the efforts of politicians or political parties and their related stakeholder groups to highlight its importance. But political parties do not always agree on the need for electoral system reform. Political parties and candidates often view an electoral system as good or bad in relation to how well the outcome of the current system aligns with their interests and performance. It is difficult for parties not to evaluate electoral systems from the standpoint of their own interest, since parties stand to gain or to lose a lot if the electoral system works to their advantage or disadvantage. Changing an electoral system will almost never work to the advantage of all parties, and therefore in the normal course of events there is unlikely to be a

consensus of changing the electoral system among parties. To the extent that this is the case, any discussion of electoral reform has the risk of being influenced by differences among parties.

Government interest. For electoral reform to proceed, there needs to be some level of support, if not for changing the electoral system, at least for reviewing and considering changes to the electoral system, among the government. But the government, it should be borne in mind, was elected by the current electoral system. To a certain extent, therefore, it may be reasonable for a government to believe that the current electoral system has some merit. In some instances, a government may support electoral system reform because they made a commitment to examining the electoral system while they were in opposition, and their supporters now expect them to follow-through in government. In other instances, a government may have been in opposition for an extended period and may blame their lack of success over the longer term on the electoral system. They may come to believe that electoral system reform is good for their longer-term prospects, and for the jurisdiction. In other instances, governments may introduce reviews of the electoral system because they made a commitment to do so with another party, in exchange for supporting their agenda in the legislature.

Public consultation. In many jurisdictions, the rules for changing the electoral system are not well-articulated since there may be both formal and informal rules involved. So far as the formal rules are concerned, they are often straight-forward. Certainly, in a parliamentary system, the rules involve passing a law, usually called an Election Act, that sets out the procedures used by the election agency in conducting a general election. But since an electoral system is seen to be a part of the “rules of the game” of politics, it is generally understood that changing these rules involves more than a government simply using its majority to pass a bill like other bills. Instead, it involves an effort to engage other political parties in the process and to involve public consultation. The public consultation often is designed to include public input in formulating the options for electoral reform. This can include, for example, a multi-party parliamentary committee leading a process to receive public input through things such as opinion surveys, outreach to stakeholder groups, an invitation to the public to respond to a set of questions, the scheduling of public hearings, and the like. It could also include, as it has in some jurisdictions, establishing a consultative body that does not involve elected officials, such as a Citizens’ Assembly, to structure options around electoral reform. In addition to information gathering and the structuring of options, public consultation often involves a “yea” or “nay” decision by the public through a referendum or plebiscite.

Choosing among which options. As part of the public consultation process, a key part of the outcome is identifying what options are being presented. Presumably there will be a choice between the status quo and some other option. But what is that option? Is the decision to change or not to change, and if change is chosen, to then decide what the change might be? What do citizens know about different electoral systems? As noted above, for most citizens, electoral system reform is not top-of-mind, and there may be a very low level of understanding about the current electoral system, let alone systems of which most citizens have never been a part. If the number of options presented to the electorate is too large, the entire enterprise may be viewed as too complex and off-putting. Thus, there is a need to sift through the options

in electoral reform, and to present the options in a way that is fair and clear, on the one hand, and sufficiently simple to enable people to make an informed choice.

Despite the challenges that must be overcome for electoral system reform to be pursued, there have been many instances in which a country or territory has changed its electoral system. One prominent example is New Zealand, which rejected the First Past the Post electoral system for a Mixed Member Proportional system. It is useful to review this case in more detail.

New Zealand's experience with electoral system change: A case study

Many accounts of the change from FPTP to MMP in New Zealand suggest it was accomplished not because the major parties favoured changing the system, but rather even though they generally did not.⁶⁹ For most of the 20th century, New Zealand politics was conducted as a contest between two political parties, the Labour party on the left and the National party on the right. This dynamic is partly a function of the FPTP electoral system, which presents a relatively high threshold for new parties that are not regionally based to gain a foothold in the legislature. A series of events and circumstances in the 1970s and 1980s led, however, to the government holding two referendums on electoral reform that led ultimately to the adoption of MMP. The elections of 1978 and 1981 both proved significant in developing sentiment in opposition to FPTP, in that both returned the National party with a majority government despite the Labour party winning more votes in the election.⁷⁰ During those two elections, the Social Credit party won 16% and 21% of the votes, respectively, but won only 1 seat in 1978 and 2 seats in 1981. Concern with the election results led the Labour party in Opposition to commit to establishing a Royal Commission on Electoral Reform if they were elected, and once elected in 1984, appointed the Royal Commission the following year. The Royal Commission report in 1986 recommended the adoption of MMP, based on the German electoral system.

The Labour government was re-elected in 1987 and showed little enthusiasm for acting on the recommendations of the Royal Commission.⁷¹ As the 1990 election approached, and to embarrass the government for not taking up the recommendations of the Royal Commission, the National party leader promised a referendum on electoral reform if the party was elected, perhaps surprisingly, since the National party also showed little support for MMP. Following their victory in the 1990 election, the party scheduled a non-binding "indicative" referendum. In the two-part poll, voters were asked first if they wanted to retain or change the current

⁶⁹ See, for example, Peter Aimer, "From Westminster Plurality to Continental Proportionality: Electoral System Change in New Zealand," in Henry Milner, ed., *Making Every Vote Count: Reassessing Canada's Electoral System*. Peterborough: Broadview, 1999, pp. 145 – 155; New Zealand History, *The Road to MMP*, available at: <https://nzhistory.govt.nz/politics/fpp-to-mmp>; Therese Arseneau, "The Impact of MMP on Representation in New Zealand's Parliament – a view from outside Parliament," paper presented at the Australian Study of Parliament Group, 2017. Available at: <https://www.aspg.org.au/wp-content/uploads/2017/08/Session-2-Dr-Therese-Arseneau-The-Impact-of-MMP-on-Representation-in-New-Zealands-Parliament.pdf>

⁷⁰ Elections New Zealand, 1890 – 1993 General Elections: Overview. Available at: <https://elections.nz/democracy-in-nz/historical-events/18901993-general-elections/?ref=btn>

⁷¹ Aimer, "From Westminster Plurality to Continental Proportionality," 150 – 1.

electoral system, and then asked to indicate which of four alternatives (MMP, STV, AV, or Supplementary member) they favoured. 84.7% of those voting wanted to change the electoral system, and 70.5% indicated they would like to replace it with MMP. The following year, the government held a second, binding, referendum between FPTP and MMP, with the latter being favoured 53.9% to 46.1%.⁷² MMP was therefore implemented for the following general election in 1996.

The immediate aftermath of the election of October 12, 1996, the first election in New Zealand under MMP, confirmed several expectations for the system – that the election of members to the legislative assembly mapped much more closely to vote totals than had been the case in the two preceding elections. Despite the greater proportionality, public opinion data indicated a substantial decline in support for MMP following the election.⁷³ According to Nagel, the advocates of MMP emphasized three advantages of the system over First Past the Post – there would be greater proportionality between votes and seats, there would be more representation for historically under-represented groups, such as women and Maori people, and there would be a greater likelihood of minority governments, rather than majority governments elected with minority voter support.⁷⁴ The first election under MMP produced all three results, and despite this fact, support for MMP declined.

Table 7 presents voting results in New Zealand for the elections in 1990 to 1996, the first two conducted under First Past the Post, and the last under Mixed Member Proportional. In the first two elections, there was a striking deviation between votes received and seats won, with the winning party (National) being heavily over-rewarded for its votes, and the third parties (New Labour, Greens and Democrats, which later became Alliance) heavily penalized. The National party formed a majority government following each of these elections. In 1996, in contrast, the parties were generally awarded seats based on their vote percentages, with no party being over-rewarded or under-rewarded by more than three percentage points. The biggest loser of the MMP system was the minor parties grouped as Other.

⁷² Arseneau, “The Impact of MMP”, p. 1.

⁷³ Jack H. Nagel, “The Defects of its Virtues: New Zealand’s Experience with MMP,” in Henry Milner, ed. Making Every Vote Count: Reassessing Canada’s Electoral System. Peterborough: Broadview, 1999, p. 157.

⁷⁴ Nagel, 1999, p. 158.

Table 7. Percentages of Votes and Seats Won by Political Parties, New Zealand⁷⁵

Party	1990 (FPTP)		1993 (FPTP)		1996 (MMP)	
	Votes	Seats	Votes	Seats	Votes	Seats
ACT	--	--	--	--	6.1	6.7
National	47.8	69.1	35.1	50.5	33.8	36.7
United	--	--	--	--	0.9	0.8
NZF	--	--	8.4	2.0	13.4	14.2
Labour	35.1	29.9	34.7	45.4	28.1	30.1
Alliance	13.7	1.0	18.2	2.0	10.1	10.8
Other	3.4	0.0	3.7	0.0	7.5	0.0
Index of Deviation from proportionality	21.3		26.2		7.3	

In addition to producing a legislature with greater proportionality, the first election under MMP also produced a legislature with a more diverse composition of members. Again, the data are provided by Nagel, and appear in Table 8. The number of new members, or those members elected for the first time, varied considerably between 1990 and 1993 under FPTP, from 41.2% to 16.2%. Under MMP, it rose to 37.5%, although this latter change can be accounted in part to the fact that the number of general single member constituencies dropped between 1993 and 1996 from 95 to 60. Therefore, some members lost their seats because their district was eliminated. For the other categories of members, the MMP electoral system saw a consistent increase in the diversity of members. The proportion of women rose from 21% to 29%, Maori members rose from 6% to 12.5%⁷⁶, and Pacific Island members rose from 1% to 2.5%.

⁷⁵ Source: Jack H. Nagel, "The Defects of its Virtues: New Zealand's Experience with MMP," in Henry Milner, ed. *Making Every Vote Count: Reassessing Canada's Electoral System*. Peterborough: Broadview, 1999, p. 159.

⁷⁶ A significant reason for the increase in Maori members was the change in allocation of seats based on the general electoral roll and the Maori electoral roll, a topic discussed in more detail below in the section, "New Zealand and the representation of Maori electors".

Table 8. Composition of the New Zealand Parliament after Three Elections, 1990 - 1996⁷⁷

Number	1990		1993		1996	
	Seats	Percent	Seats	Percent	Seats	Percent
New Members	40	41.2	16	16.2	45	37.5
Women Members	16	16.5	21	21.2	35	29.2
Maori Members	5	5.2	6	6.1	15	12.5
Pacific Island Members	0	0.0	1	1.0	3	2.5
Asian Members	0	0.0	0	0.0	1	0.8
Number of seats in Parliament	97		99		120	

On the surface, it seems paradoxical that the MMP electoral system in New Zealand would achieve its purported objectives, and yet nonetheless support for the MMP system would decrease. Nagel offers the explanation that this was due to events that transpired in the aftermath of the election. As Table 7 makes clear, no party was able to form government following the election since none approximated a majority of seats. This led to a period of protracted negotiation between the parties, and particularly between the New Zealand First party with both the National party, and with a combination of the Labour and Alliance parties, since both combinations could produce a majority government. The sharp criticism of National by NZF during the election campaign led many to expect that NZF would align itself with Labour and the Alliance following the election, particularly since National had been the incumbent government. In the end, NZF, with 14% of seats, was able to negotiate a coalition agreement with National, which provided them with over 30% of cabinet positions. The length of the post-election negotiations, combined with the surprising (to many) outcome, led to a drop in support for MMP in the immediate post-election period. This result led Nagel to caution the following conclusions about MMP and proportional systems more generally – the proportionality of seats does not mean proportionality of power among the parties following the election, that increased representation for historically under-represented groups may produce unexpected results, and the coalition government does not mean consensus government.⁷⁸

⁷⁷ Jack H. Nagel, "The Defects of its Virtues: New Zealand's Experience with MMP," in Henry Milner, ed. *Making Every Vote Count: Reassessing Canada's Electoral System*. Peterborough: Broadview, 1999, p. 160.

⁷⁸ Jack H. Nagel, "The Defects of its Virtues: New Zealand's Experience with MMP," in Henry Milner, ed. *Making Every Vote Count: Reassessing Canada's Electoral System*. Peterborough: Broadview, 1999, p. 158.

Since the 1996 election, the MMP system has produced a series of governments, mostly with either the National party or the Labour party winning a plurality of seats and able to form governing coalitions or partnerships with minor parties. For example, that National party formed government following the 1996 election with the support of the New Zealand First party. This was followed by three consecutive Labour governments with the support of a variety of parties, including Alliance, Progressive, United Future, Green and New Zealand First 1999 to 2008. In 2008, National won the first of three consecutive elections, with the support of ACT, United Future and the Maori Party, and remained in power until 2017. The latter year saw the return of Labour to government, first in a coalition with New Zealand First and with the support of the Green party through 2020, and then as in the first majority government in the MMP era.

New Zealand voters were provided the opportunity to reconsider whether they supported the MMP electoral system fifteen years after it was implemented. The National government that was elected in 2008 announced they would put the electoral system to a non-binding referendum, which was administered in conjunction with the 2011 general election. The referendum posed two questions. First, “Should New Zealand keep the Mixed Member Proportional (MMP) voting system?” and “If New Zealand were to change to another voting system, which voting system would you choose?” The options included FPTP, AV, STV and Supplementary member. On the first question, 57.8% opted to keep MMP, whereas 42.2% wanted to change to another system⁷⁹. With this definitive result, no change was made to the MMP system, and it remains in place.

New Zealand and the representation of Maori electors

The existence of separate “electorates”, and consequently of separate electoral districts for citizens of Maori descent is one of the unique features of New Zealand’s system of representation. Maori people are indigenous Polynesian people of mainland New Zealand. Beginning with the Maori Representation Act of 1867, Maori people have had specific and designated representation in the country’s Parliament. Initially this was through the establishment of 4 seats set aside for voters of Maori descent. Today, the system of Maori representation is somewhat more complicated, as Maori can get a seat in Parliament through one of three mechanisms – be elected in a Maori constituency, be elected in a general constituency, or be elected by virtue of placement on a party list. To understand this system in practice, it is useful to review the Maori and general voter lists, or as they are referred to in New Zealand, the electorates.

Voters of Maori descent have the option of being included on either the Maori voter list or the general voter list. The number of seats assigned to voters on the Maori list is based on the number of people who declare themselves to be Maori compared to the total number of voters. The process works as follows. The South Island is guaranteed 16 seats in Parliament. The

⁷⁹ Elections New Zealand, Overall Results – 2011 Referendum on the Voting System, available at: https://www.electionresults.govt.nz/electionresults_2011/referendum.html?_cf_chl captcha tk _pmd 5R4clg PRfDyvj.O.CaFV6CuwRjvmdBgxXILHnlVY2Y-1635459137-0-gqNtZGzNA2WjcnBszQpR

total population of the South Island therefore is divided by 16 to produce the electoral quotient. Once the electoral quotient is determined, then the population of the North Island is divided by the electoral quotient to determine the number of seats allocated to the North Island. Similarly, the number of people who have chosen to be included on the Maori voters list is divided by the same electoral quotient to identify the number of Maori seats⁸⁰. As reported by Elections New Zealand, following the 2018 Maori option, a total of 247,494 (52.4%) voters of Maori descent registered on the Maori roll, and 224,755 (47.6%) voters of Maori descent registered on the general roll⁸¹. In total, 7 of the 72 constituency seats in the 2021 election were elected in the Maori constituencies. Also, note that there are two sets of electoral boundaries in New Zealand, one set for the general seats, and one set for the Maori seats, so that all parts of the country are assigned to both a general and a Maori seat. It is obvious, then, that the seats assigned to the Maori electorate are much larger geographically, on average, than the general seats.

In addition to having a specific number of seats allocated to the Maori electorate, people of Maori descent can run as a candidate in the general electorate seats. And, because of its use of the MMP electoral system, parties can receive “list seats” based on the proportion of vote the party receives. Parties rank-order their candidates on party lists. A party can include one or more candidates of Maori descent relatively high on its list, increasing the likelihood that the Maori candidate will be elected if the party performs relatively well in the election.

Considerations

Representing relatively large minority groups in the legislature through dedicated electoral districts, as is done with Maori electors in New Zealand, is an unusual but effective way of ensuring such groups have guaranteed representation. Is this model applicable to Indigenous people in the Yukon?

Does the current electoral system provide for relative proportionality in the representation of Indigenous people in the Yukon?

⁸⁰ Electoral Commission of New Zealand, New Zealand’s Electoral System: Everything you need to Know about voting under MMP, Wellington, 1996, 49-53.

⁸¹ Elections New Zealand, “What is the Maori Electoral Option,” available at: <https://elections.nz/democracy-in-nz/what-is-an-electoral-roll/what-is-the-maori-electoral-option/>

7. Previous attempts at electoral system reform in Canada

Federal electoral system reform (2015-2017)

The recent experience with electoral reform at the federal level in Canada was short-lived. The initiative began in 2015 when the federal Liberal party, in advance of the 2015 general election, published a 32-point plan for “restoring democracy” in Canada.⁸² Included in this plan was a commitment to change Canada’s electoral system. When in October the party was elected, perhaps surprisingly, with a majority government, there was considerable interest in how the government would ensure that the 2015 election was “the last run in Canada under the First Past the Post electoral system”. Instead of appointing a commission at arm’s length from the parliamentarians most impacted by the electoral system, the government appointed a minister with responsibility for democratic reform, and parliament established a parliamentary committee, to conduct public hearings and otherwise gather public views. The federal Chief Electoral Officer, Marc Mayrand, had advised the government that Elections Canada would require a two-year time frame to implement a new electoral system, and therefore any reform proposal would need to be finalized by May 2017.⁸³ The legislative committee conducted hearings across the country during 2016, leading to the committee’s report to the House of Commons in December 2016. The Committee recommended, among other things, that there should continue to be constituency representation for the House of Commons, but that also the amount of distortion should be targeted to be 5 or less using the Gallagher index, an index of disproportionality.⁸⁴ Less than two months after the tabling of the Committee’s report, the Minister announced that electoral reform was no longer part of her mandate, and the government moved electoral reform off the federal agenda.

⁸² Potter, Weinstock and Loewen, “Introduction: The History and Politics of Electoral Reform,” in Potter, Weinstock and Loewen, eds. *Should we change how we vote?*, xiii.

⁸³ Potter et al, 2017, p. xiii.

⁸⁴ Canada. House of Commons, Committee Reports, Electoral Reform, available at: <https://www.ourcommons.ca/Committees/en/ERRE/StudyActivity?studyActivityId=9013025>. To calculate the Gallagher Index of Disproportionality, one squares the difference between a party’s share of the votes and its share of seats, sums these values across all parties, divides this sum by 2, and calculates the square root of this value. The higher the value, the more disproportionate is the result. The following table presents the Gallagher index for Yukon elections. In every Yukon election, the Gallagher index is well above the value of 5, recommended by the federal parliamentary committee for federal elections.

Gallagher Index of Disproportionality, Yukon Elections, 1978 - 2021

Year	1978	1982	1985	1989	1992	1996	2000	2002	2006	2011	2016	2021
Gallagher Index	27.1	13.2	10.3	11.2	8.8	20.7	17.3	25.0	12.6	16.2	17.2	11.3

Recent reform proposals in the provinces

British Columbia (2003 – 2009, 2018).

There were three referendums on electoral reform in British Columbia in the thirteen years from 2005 to 2018, held under both Liberal and New Democratic governments. The circumstances that led to the referendums were quite different, and in each referendum the decision was to retain the First Past the Post electoral system. However, BC has probably come the closest to any province in adopting an alternative electoral system, so a review of its experience is instructive.

The seeds of electoral reform in BC were first planted in 1996. The general election that year produced a majority NDP government, which won 39 of 75 legislative seats with 39.5% of the vote. The Liberal party “lost” the election because their 41.8% of the votes produced only 33 seats. Subsequently, the Liberal party pledged that if it won the next election, it would initiate a process to consider changing the electoral system⁸⁵. Following their victory in the 2001 election, the Liberal government in 2003 established a so-called Citizens’ Assembly, comprised of a man and women from each of the 79 electoral districts plus one male and one female Indigenous member, to consider electoral reform.⁸⁶ The Citizens’ Assembly recommended changing BC’s electoral system from FPTP to a STV system, with 20 multi-member electoral districts. The 2005 general election included a referendum on electoral reform. To pass, the question on changing to STV had to achieve a dual super-majority. The change option needed to be supported by 60% of all votes, and it required majority support in at least 60% of the electoral districts. Despite this very high threshold, the change option almost passed. It achieved majority support in 77 of the 79 electoral districts, clearly surpassing the 60% threshold, but was supported by 57.7% of voters overall, thereby falling just short of the second threshold. As a result, the referendum was defeated.⁸⁷

One of the concerns expressed at the time was that voters in British Columbia were asked to vote on an electoral system without complete information about the new system. Although the Citizens’ Assembly had recommended 20 electoral districts, there was no indication of how those districts were configured. Therefore, the legislative assembly instructed an electoral boundaries commission, struck in 2006, to make recommendations for new electoral districts based on two different models – one for single member districts under a First Past the Post electoral system, and one set of multi-member districts for use in a Single Transferable Vote electoral system. The electoral boundaries commission did so, and the resulting districts were then part of a second referendum put to BC voters in conjunction with the 2009 general election. This time, the result was not close. Only 39.1% of votes were cast in support of STV,

⁸⁵ Keith Archer, “Public Consultation on Electoral Reform Through Referenda or Plebiscite: Recent Experience in British Columbia,” in Andrew Potter, Daniel Weinstock and Peter Loewen, eds., Should we Change How we Vote? Evaluating Canada’s Electoral System, Kingston and Montreal: McGill-Queen’s University Press, pp. 155-65.

⁸⁶ Citizens’ Assembly on Electoral Reform, Making Every Vote Count: The Case for Electoral Reform in British Columbia, Technical Report, 2004. Available at: <https://citizensassembly.arts.ubc.ca/>

⁸⁷ Archer, “Public Consultation”, p. 161.

and a majority was received in only 8 electoral districts. For the BC Liberal government, the case for electoral reform was closed.

However, perhaps surprisingly, the case was reopened following the 2017 general election, which returned a legislative assembly in which no party achieved a majority of seats. The Liberal party received 40.37% of the votes and 43 of 87 seats. The NDP got 40.29% of the votes and 41 seats, and the Green party got 16.83% of the votes and 3 seats.⁸⁸ Subsequently, the Liberal government was defeated on the Throne Speech, and the Lieutenant Governor appointed NDP leader John Horgan as Premier. The NDP and Green parties had signed a confidence and supply agreement, one element of which was the government's commitment to hold a referendum on electoral reform. Following a public consultation process initiated by the Ministry of Justice, a referendum was held during October and November 2018 by mail-in ballot. The ballot included two questions – first whether the voters supported the First Past the Post electoral system or proportional representation, and second, voters were then asked to rank three PR options – Dual Member, Mixed Member and Rural Urban. On the first question, First Past the Post was supported over proportional representation by a margin of 61.3% to 38.7%.⁸⁹ Therefore, the results on the rank-order ballots were moot, and changing the system was rejected.

Ontario (2004 – 2007).

The province of Ontario embarked on a review of electoral system reform in 2004, following the election of the Liberal government in October 2003. Ontario experienced three consecutive elections in 1990, 1995 and 1999 in which a party was elected with a strong majority of seats after obtaining a minority of votes. For example, in 1990 the NDP obtained 37.45% of the votes and 74 of 130 seats (56.9%). In 1995 the Conservatives elected 82 of 130 members (63.1%) based on 44.85% of the votes, while the same vote percentage in 1999 gave the Conservatives 59 of 103 seats (57.3%).⁹⁰ Despite taking advantage of a similar characteristic of the electoral system in 2003, when their 46.38% of the votes returned 72 of 103 legislative seats (69.9%), the Liberal government launched their own version of a Citizens' Assembly on Electoral Reform.

The Ontario Citizens' Assembly on Electoral Reform submitted its report in May 2007.⁹¹ The Citizens' Assembly recommended that Ontario change its electoral system from First Past the Post to one based on a Mixed Member Proportional system, with 129 seats in the legislative assembly, up from the 107 seats elected in 2007. Of the 129 seats, 70 would be elected by First

⁸⁸ Elections BC, Report of the Chief Electoral Officer on the May 9, 2017 Provincial General Election, p. 74, available at: <https://elections.bc.ca/docs/rpt/2017-General-Election-Report.pdf>

⁸⁹ Elections BC, Report of the Chief Electoral Officer on the 2018 Referendum on Electoral Reform, p. 2, available at: <https://elections.bc.ca/docs/rpt/2018-CEO-2018-Referendum-Report.pdf>

⁹⁰ Elections Ontario, General Election Summary of Candidates Elected and Valid Ballots Cast, available at: [file:///Users/user/Downloads/General%20Election%20Summary%20of%20Candidates%20Elected%20and%20Valid%20Ballots%20Cast_2021-Oct-25%20\(1\).pdf](file:///Users/user/Downloads/General%20Election%20Summary%20of%20Candidates%20Elected%20and%20Valid%20Ballots%20Cast_2021-Oct-25%20(1).pdf)

⁹¹ Ontario Citizens' Assembly on Electoral Reform, One Ballot Two Votes: A New Way to Vote in Ontario. Available at: <http://www.citizensassembly.gov.on.ca/assets/One%20Ballot,%20Two%20Votes.pdf>

Past the Post in 70 constituencies, and 39 would be awarded to parties as compensating seats based on party lists. The reform option was presented to voters in conjunction with the October 2007 general election, and like BC, required a double super-majority to pass, with 60% support for change overall, and a majority support in at least 60% of the constituencies. The referendum result produced a strong endorsement of the status quo. Overall, 63.2% supported First Past the Post compared to 38.8% supporting MMP. In addition, a majority supported First Past the Post in 102 of 107 constituencies. With that definitive result, discussion of electoral reform in Ontario effectively ended.⁹²

Quebec (2018-2021).

The 2018 general election in Quebec produced an overwhelming majority for the Coalition Avenir Quebec party (CAQ), winning 74 of 125 seats (59%) in the National Assembly, based on 37.42% of the votes. As the party with the third largest number of seats going in to the election, CAQ leader Francois Legault had campaigned on, among other things, the need to reform the electoral system. On September 25, 2019, the Quebec Minister for Responsible Democratic Institutions introduced Bill 39, an Act to establish a new electoral system. The proposal is to replace the First Past the Post electoral system with a Mixed Member Proportional system that includes 80 seats elected as single member seats through First Past the Post, and 45 seats to be elected based on party lists in 17 regions.⁹³ The legislation provides that the government will not proceed with enacting the new legislation until after it receives public support in a referendum. It was expected that the referendum on electoral reform would be conducted in conjunction with the next provincial election in Quebec, scheduled for October 3, 2022. However, at the time of writing, the legislative assembly has not passed Bill 39. Furthermore, in April of 2021, the Minister responsible for the Bill advised a legislative committee that the Bill would not be passed by June 2021, which was the deadline that was required by the Chief Electoral Officer for a referendum on the topic to be ready for the next general election. Therefore, the government has cancelled plans to conduct a referendum on electoral reform in conjunction with the 2022 general election, although the Minister has stated that the government continues to support the bill and the reform effort.⁹⁴

⁹² For a detailed discussion, see Lawrence LeDuc, Heather Bastido and Catherine Baquero, "The Quiet Referendum: Why Electoral Reform Failed in Ontario," paper presented to the 2008 Annual Meeting of the Canadian Political Science Association, Vancouver: University of British Columbia, June 6-8, 2008. Available at: <https://cpsa-acsp.ca/papers-2008/Leduc.pdf>

⁹³ Quebec Legislative Assembly, *Bill 39, An Act to establish a new electoral system*, Available at: <file:///Users/user/Downloads/19-039a.pdf>

⁹⁴ CBC News, "Quebec Backtracks on Promise, No Referendum on electoral reform in 2022," available at: <https://www.cbc.ca/news/canada/montreal/quebec-electoral-reform-referendum-2022-1.6005897>

New Brunswick (2003 – 2006, and 2016 - 2017)

New Brunswick has had two separate commissions examining electoral reform during the past 20 years. The first was through an 8-person Commission on Legislative Democracy, appointed by Premier Bernard Lord in December 2003 and which issued its report in December 2004.⁹⁵ The Commission recommended that the First Past the Post electoral system be replaced by a Mixed Member Proportional system with 56 seats – 36 of which would be single member constituency seats using the First Past the Post system and 20 would be party list seats allocated to four regions with approximately equal population.⁹⁶ The Premier announced that a referendum on the recommendation of the Commission would be held in 2008 in conjunction with municipal elections. However, the Conservative government was defeated by the Liberals in the 2006 general election. The Liberal government was not in favour of changing the electoral system to a MMP system and cancelled the referendum. Consequently, there was no referendum on this option.⁹⁷

The second commission was the Commission on Electoral Reform, a five-member commission appointed in November 2016 and who published their report and recommendations in March 2017.⁹⁸ This commission had an unusually brief mandate but covered a wide range of issues. On the matter of electoral reform, the Commission recommended the replacement of the First Past the Post electoral system with one based on the Alternative Vote. As noted above, an Alternative Vote system is in use for the House of Representatives (the lower house) in Australia. It uses single member districts, similar to First Past the Post, but enables voters to rank-order candidates. In doing so, the winning candidate is required to obtain 50% + 1 of the votes cast. Candidates are eliminated through a series of tabulations, and the votes of eliminated candidates are distributed based on their subsequent preferences. Following publication of the Commission's report, Premier Gallant announced that a referendum on electoral reform would take place in conjunction with municipal elections in 2020.⁹⁹ However, in the general election of 2018, no party won a majority government. The Lieutenant Governor offered the Liberals the chance to form government, but they were subsequently defeated in a vote of confidence. The Conservatives were then offered the chance to form government and were able to maintain confidence of the house until 2020 when Premier Higgs requested dissolution and a new election, which returned the Conservatives with a majority. The Conservative government has not expressed support for the recommendations of the Commission, and thus there has been no further movement on electoral reform in New Brunswick.

⁹⁵ New Brunswick Commission on Legislative Democracy, Final Report and Recommendations, December 31, 2004, available at: <https://www.electionsnb.ca/content/dam/enb/pdf/cld/CLDFinalReport-e.pdf>

⁹⁶ New Brunswick Commission, p. 17.

⁹⁷ Paul Howe, "A New Electoral System for New Brunswick," *Journal of New Brunswick Studies*, 9 (Spring 2008), p. 5.

⁹⁸ New Brunswick Commission on Electoral Reform, A Pathway to an Inclusive Democracy, available at: <https://www2.gnb.ca/content/dam/gnb/Departments/eco-bce/Consultations/PDF/PathwayToAnInclusiveDemocracy.pdf>

⁹⁹ Paul Howe, "A New Electoral System", p. 6.

PEI (2005 – 2019).

The government of PEI has organized three public consultations on electoral reform over a 14-year period between 2005 and 2019. The first public consultation began in 2003, when the government asked Norman Carruthers to serve as a Commission of one to review and make recommendations for changing PEI's electoral system. Appointed in January, the Commission filed its report in December, recommending that PEI change its electoral system from First Past the Post to Mixed Member Proportional, and recommending that the government appoint a further commission to conduct a more thorough review of this option, and include in its review a more comprehensive discussion of how the public can be brought to increase its understanding of electoral reform options.¹⁰⁰ In response to the report of the Carruthers Commission, the government appointed a Commission on PEI's Electoral Future, which began its work in February 2005 and issued its report in October 2005.¹⁰¹ The Commission recommended that PEI change its electoral system from FPTP to a MMP system, and that the public be asked to choose between these two options in a plebiscite on November 28, 2005.¹⁰² In advance of the vote, the government announced that a change in the electoral system to MMP would require the same type of double super-majority as used in BC – it required the support of 60% of voters, and a majority of votes in 60% of electoral districts.¹⁰³ With an unusually low turnout for PEI elections (33%), 64% of voters preferred FPTP to MMP.

The second public consultation on electoral reform in PEI occurred in 2016. Following the 2015 general election, which saw a considerable growth in support for both the NDP and Green parties, the Liberal government published a White Paper on Democratic Renewal.¹⁰⁴ The White Paper suggested the possibility of dual member electoral districts and the use of preference balloting and suggested that a legislative committee be established to further examine electoral system options. The Special Committee on Democratic Renewal issued its Report and Recommendations in November 2015.¹⁰⁵ The Committee recommended that a plebiscite be offered to PEI voters to select among 5 electoral reform options. These options included First Past the Post, Mixed Member Proportional, Alternative Vote, and two systems that had not previously been used, one called First Past the Post and Leaders, and the other called Dual

¹⁰⁰ Prince Edward Island, Electoral Reform Commission, 2003, Report, Available at:

http://www.gov.pe.ca/photos/original/er_premier2003.pdf

¹⁰¹ Prince Edward Island, Commission on PEI's Electoral Future, 2005. Final Report, Available at:

https://www.electionspei.ca/sites/www.electionspei.ca/files/elec_elecfrm05_1.pdf

¹⁰² PEI, Commission on PEI's Electoral Future, p. 2.

¹⁰³ Don Desserud and Jeffrey F. Collins, "The Ongoing Saga of Electoral Reform in PEI," Policy Options, April 11, 2017, Available at: <https://policyoptions.irpp.org/fr/magazines/avril-2017/the-ongoing-saga-of-electoral-reform-in-pe/>

¹⁰⁴ Prince Edward Island, White Paper on Democratic Renewal, July 2015, Available at:

<https://www.assembly.pe.ca/sites/www.assembly.pe.ca/files/whitepaperdemocraticrenew.pdf>

¹⁰⁵ Prince Edward Island, Special Committee on Democratic Renewal, Recommendations in Response to the White Paper on Democratic Renewal, November 27, 2015. Available at:

<https://www.electionspei.ca/sites/www.electionspei.ca/files/Special%20Committee%20on%20Democratic%20Renewal%201st%20copy.pdf>

Member Proportional. The plebiscite on these options was scheduled for October 29 to November 7, 2016, voting could be done either in person or remotely, and the results were to be determined by a ranked ballot. On the fourth count, MMP won out over FPTP. MMP was the preferred option in 22 of the province's 27 constituencies, and on the fourth count MMP received 52.4% of votes compared to 42.8% for FPTP. However, the surprisingly low turnout of 36.5% led the government to quickly indicate it was not committed to putting MMP in place before a more definitive voting opportunity, pitting MMP directly against FPTP.¹⁰⁶

The third public consultation on electoral reform in PEI occurred in conjunction with the 2019 general election. The referendum question asked voters whether PEI should change its voting system to a mixed member proportional voting system. For the referendum question to pass, it needed the support of a majority of voters (50% plus 1) and have majority support in 60% (that is, 17) of the 27 constituencies. The MMP option was favoured in 14 of the 27 constituencies. Since it did not achieve the required support in 17 constituencies, it was defeated.¹⁰⁷ There has been no further action on electoral reform in PEI following the 2019 referendum.

Lessons from Canadian experience with electoral reform

Among the lessons that can be drawn about electoral reform from the Canadian experience, the following are particularly significant.

First, there are common complaints against the FPTP electoral system. In almost all instances, over-rewarding winning and regionally-based parties and under-rewarding parties finishing in second or third place, has been at the root of concern. But this concern does not necessarily, or often, translate into a change to the electoral system. It is mistaken to believe that demonstrating a gap between votes and seats will lead to a demand for electoral system change. There have been many instances in which voters are willing to accept less than direct proportionality in the vote to seat translation.

Changing the electoral system is difficult. There is not a clear-cut set of rules in place for electoral system change. In addition, there is a considerable amount of inertia in the current system.

Current understanding is that some form of public consultation is important. One of the areas of uncertainty is the way in which public input and consultation is to be facilitated. Although there is no formal requirement for public consultation, the electoral system is viewed as part of the "rules of the game" of politics and requires a broader consultation process than most legislative changes. What the consultation looks like can vary from place to place, but some consultation appears to be a requirement.

¹⁰⁶ Desserud and Collins.

¹⁰⁷ Elections Prince Edward Island, Electoral System Referendum, available at: <https://www.electionspei.ca/resources/electoral-system-referendum>

It is common to require a super-majority to change. Furthermore, in many instances, governments have required the public consultation to include a super-majority. That is, changing the system requires the support not only of the public, but a higher proportion of the public than is generally the case to pass a law.

Similar questions can produce different results. Timing makes a big difference in electoral system reform. The government of British Columbia asked very similar questions about electoral reform in 2005 and 2009. In the former, reform came within a small margin of passing. In the latter, the status quo won by a wide margin. Context, and the vagaries of public opinion, mean that electoral reformers will be successful only when conditions are propitious.

There should be a process for narrowing options. The public often is not keenly interested in the electoral system used, and often does not hold strong views. Electoral systems by nature are complicated and the results may be very nuanced. It is important to discuss electoral system reform in the mechanics of the systems, so that people know what they will be doing under a new system. But it is also important to discuss the implications of electoral systems. What are the characteristics of the system that is being offered as an alternative? And, offering many alternatives to voters is a recipe for information overload. There should be a process for reviewing and narrowing the options.

Public education on electoral reform is important. Further to the discussion above, it is incorrect to assume that most people will know much about electoral system options, their characteristics, their effect on party competition, and the like. When voters don't understand the nature and implications of alternative electoral systems on a ballot, they are less likely to participate in the election. Low public engagement often is interpreted as a low level of interest in electoral system change.

8. Key issues when considering electoral system reform

Effectiveness of the current electoral system. There may be a tendency for those who advocate changing the electoral system to use an overly simplified way of assessing the advantages and disadvantages of a system. For example, one often hears that a plurality or majority system is not sufficiently proportional, or that a proportional representation system leads to a fragmented party system. Although those things may be true, it is useful to take a broader perspective on how the electoral system overall is working, and how other systems, superimposed on a jurisdiction, would work differently. A useful question to pose is, what are the characteristics of a good electoral system for this jurisdiction? It is very likely the case that no system will meet all of the qualities identified as a "good" system, and that several electoral systems will achieve, to a greater or lesser extent, some of the desirable qualities. Having some clarity about what outcome is desirable in an electoral system will help navigate through the alternatives.

What are the representational values one is seeking to achieve? Further to the discussion about outcomes, what are the underlying values that one seeks to promote through an electoral

system? An obvious question is how important is it to have an electoral system that tends towards the election of majority governments, or is it important to have an electoral system that is likely to produce coalition or minority governments? Is it a good thing to have a party system with many parties having a chance to be elected to the legislature, and potentially form part of government, or better to have fewer parties, and encourage intra-party coalition forming rather than inter-party coalitions? What about the relative position of radical or extremist parties – should they be incentivized, disadvantaged, or precluded from participating in the legislative assembly? Who determines when a party is radical or extremist?

What about the representation of women and minorities, or groups that have historically been under-represented in legislatures? What are the avenues of increasing the representation of such groups that don't involve the electoral system? To what extent has the current electoral system provided opportunities for the representation of historically under-represented groups both in absolute terms, and in relation to other electoral systems? Might reforms to other aspects of governance, such as changing norms of legislative behaviour, changing laws about party and candidate financing, or party nominations, accomplish the goals of encouraging diversity among legislators?

Size of the population and of the legislative assembly. Population and legislative assembly size factor into discussions of the best electoral system in several ways. A population like that of the Yukon, which is at once highly concentrated in Whitehorse, while also being widely dispersed throughout the rest of the territory, presents challenges for any type of electoral system. Proportional systems are most effective at achieving proportionality between votes and seats when there is a relatively large number of seats per electoral district. It is difficult to imagine a reasonable configuration of multi-member electoral districts in the Yukon that includes more than two districts – one for Whitehorse and one for the rest of the territory. The risk in such a system is that for the rural district, there is little opportunity to recognize differences between regions within the district and opens the possibility of some regions being or feeling left out. But there are also challenges with the FPTP system, as the data on distortion presented in tables 1A and 1B demonstrated.

Public engagement is an important element in electoral reform. As has been shown in many jurisdictions, although there tends not to be a specific legislative requirement for the public to be engaged in an electoral reform process, there has emerged an unwritten expectation that some level of public engagement is required to provide the outcome with legitimacy. Although public engagement has come in the form of citizens' assemblies in some jurisdictions, they are but one of the options available for engaging the public. Many other jurisdictions have used independent commissions or parliamentary committees with which to engage the public. The key is to have opportunities for the public to make their views known during the period in which reform proposals are being developed. And an important element of this process is providing civic education on the nature and characteristics of electoral systems. Most citizens do not come to this discussion with well-established or rigid position on electoral reform and thus need guidance to formulate their views on the topic.

There also has developed an expectation that public engagement extends beyond formulating alternatives to consider. Rather, it is conventional wisdom that the public should be directly consulted on electoral reform either through a referendum or plebiscite. This may be a multi-stage process. In some jurisdictions, voters have been presented with two questions – the first on whether the voter would like to keep the present electoral system or change to a new form, such as keeping First Past the Post or changing to a proportional representation system, and then ranking several alternative PR options, including mixed systems. In other instances, a pre-referendum process has identified the top proportional representation option, and offered a choice between the status quo and the other option. This helps simplify the choice for voters in the referendum. But if there is not a strong consensus among proponents of change that the identified option on the ballot is the best option, then it will work against people voting for change. Paul Howe, for example, has suggested that this occurred in New Brunswick with the identification of Alternative Vote as the preferred option of the Commission on Electoral Reform in 2017.¹⁰⁸

A final consideration relating to changing the electoral system following a referendum or plebiscite is whether a change will be implemented, and if so, can the government revert to the previous electoral system. We have seen several examples of a government announcing a date for a referendum on electoral reform, only to have the government defeated prior to the referendum date. Since parliamentary supremacy means that a current parliament is not able to bind a future parliament, there is not guarantee that a referendum held in conjunction with a general election will necessarily result in the outcome of the referendum being implemented if the government is defeated. Each government makes its own decisions about its priorities. One failsafe procedure to consider is whether there should be a commitment to revisit the issue of electoral system reform at some future date. To a certain extent, changing the electoral system is stepping into the unknown. Although one might have expectations about how an alternative electoral system will function, it is to a certain extent speculation. The decision of offer a second referendum, after electoral reform has been accomplished, provides an opportunity to review the new system once it has been in place. The experience in New Zealand, in which a second referendum on electoral reform was held in 2011 following the adoption of MMP in 1996 is instructive. Despite some initial misgivings about the adoption of MMP, the electorate in 2011 voted 57.8% to 42.2% in favour of retaining MMP. That outcome represents a strong endorsement that for the voters in New Zealand, changing their electoral system was a success.

¹⁰⁸ Paul Howe, “A New Electoral System”, pp. 6-9.

Appendix 1: Actual Quotients for Party List Seat Allocation, New Zealand General Election, 2020

Divisor	Party List Seat Allocation										
	Labour Party	Seat No.	National Party	Seat No.	Green Party	Seat No.	ACT New Zealand	Seat No.	Māori Party	Seat No.	
1	1443545.000	1	738275.000	2	226757.000	6	219031.000	7	33630.000	39	
3	481181.667	3	246091.667	5	75585.667	18	73010.333	19	11210.000	119	
5	288709.000	4	147655.000	10	45351.400	29	43806.200	30	6726.000		
7	206220.714	8	105467.857	13	32393.857	41	31290.143	44	4804.286		
9	160393.889	9	82030.556	16	25195.222	54	24336.778	56	3736.667		
11	131231.364	11	67115.909	21	20614.273	65	19911.909	68	3057.273		
13	111041.923	12	56790.385	24	17442.846	76	16848.538	80	2586.923		
15	96236.333	14	49218.333	27	15117.133	88	14602.067	91	2242.000		
17	84914.412	15	43427.941	32	13338.647	100	12884.176	104	1978.235		
19	75976.053	17	38856.579	35	11934.579	111	11527.947	116	1770.000		
21	68740.238	20	35155.952	38	10797.952		10430.048		1601.429		
23	62762.826	22	32098.913	42	9859.000		9523.087		1462.174		
25	57741.800	23	29531.000	46	9070.280		8761.240		1345.200		
27	53464.630	25	27343.519	49	8398.407		8112.259		1245.556		
29	49777.414	26	25457.759	52	7819.207		7552.793		1159.655		
31	46565.968	28	23815.323	57	7314.742		7065.516		1084.839		
33	43743.788	31	22371.970	60	6871.424		6637.303		1019.091		
35	41244.143	33	21093.571	63	6478.771		6258.029		960.857		
37	39014.730	34	19953.378	67	6128.568		5919.757		908.919		
39	37013.974	36	18930.128	71	5814.282		5616.179		862.308		
41	35208.415	37	18006.707	74	5530.659		5342.220		820.244		
43	33570.814	40	17169.186	78	5273.419		5093.744		782.093		
45	32078.778	43	16406.111	82	5039.044		4867.356		747.333		
47	30713.723	45	15707.979	85	4824.617		4660.234		715.532		
49	29460.102	47	15066.837	89	4627.694		4470.020		686.327		
51	28304.804	48	14475.980	93	4446.216		4294.725		659.412		
53	27236.698	50	13929.717	96	4278.434		4132.660		634.528		
55	26246.273	51	13423.182	99	4122.855		3982.382		611.455		
57	25325.351	53	12952.193	103	3978.193		3842.649		590.000		
59	24466.864	55	12513.136	107	3843.339		3712.390		570.000		
61	23664.672	58	12102.869	110	3717.328		3590.672		551.311		
63	22913.413	59	11718.651	114	3599.317		3476.683		533.810		
65	22208.385	61	11358.077	118	3488.569		3369.708		517.385		
67	21545.448	62	11019.030		3384.433		3269.119		501.940		
69	20920.942	64	10699.638		3286.333		3174.362		487.391		
71	20331.620	66	10398.239		3193.761		3084.944		473.662		
73	19774.589	69	10113.356		3106.260		3000.425		460.685		
75	19247.267	70	9843.667		3023.427		2920.413		448.400		
77	18747.338	72	9587.987		2944.896		2844.558		436.753		
79	18272.722	73	9345.253		2870.342		2772.544		425.696		
81	17821.543	75	9114.506		2799.469		2704.086		415.185		
83	17392.108	77	8894.880		2732.012		2638.928		405.181		

Party List Seat Allocation

Divisor	Labour Party	Seat No.	National Party	Seat No.	Green Party	Seat No.	ACT New Zealand	Seat No.	Māori Party	Seat No.
85	16982.882	79	8685.588		2667.729		2576.835		395.647	
87	16592.471	81	8485.920		2606.402		2517.598		386.552	
89	16219.607	83	8295.225		2547.831		2461.022		377.865	
91	15863.132	84	8112.912		2491.835		2406.934		369.560	
93	15521.989	86	7938.441		2438.247		2355.172		361.613	
95	15195.211	87	7771.316		2386.916		2305.589		354.000	
97	14881.907	90	7611.082		2337.701		2258.052		346.701	
99	14581.263	92	7457.323		2290.475		2212.434		339.697	
101	14292.525	94	7309.653		2245.119		2168.624		332.970	
103	14015.000	95	7167.718		2201.524		2126.515		326.505	
105	13748.048	97	7031.190		2159.590		2086.010		320.286	
107	13491.075	98	6899.766		2119.224		2047.019		314.299	
109	13243.532	101	6773.165		2080.339		2009.459		308.532	
111	13004.910	102	6651.126		2042.856		1973.252		302.973	
113	12774.735	105	6533.407		2006.699		1938.327		297.611	
115	12552.565	106	6419.783		1971.800		1904.617		292.435	
117	12337.991	108	6310.043		1938.094		1872.060		287.436	
119	12130.630	109	6203.992		1905.521		1840.597		282.605	
121	11930.124	112	6101.446		1874.025		1810.174		277.934	
123	11736.138	113	6002.236		1843.553		1780.740		273.415	
125	11548.360	115	5906.200		1814.056		1752.248		269.040	
127	11366.496	117	5813.189		1785.488		1724.654		264.803	
129	11190.271	120	5723.062		1757.806		1697.915		260.698	
131	11019.427		5635.687		1730.969		1671.992		256.718	
133	10853.722		5550.940		1704.940		1646.850		252.857	
135	10692.926		5468.704		1679.681		1622.452		249.111	

Number of Party Votes	1443545	738275	226757	219031	33630
Percentage	54.24%	27.74%	8.52%	8.23%	1.26%
Electorate Seats	46	23	1	1	1
List Seats	19	10	9	9	1
Total seats	65	33	10	10	2

Source: Elections New Zealand, [Report on the 2020 Election](https://www.electionresults.govt.nz/electionresults_2020/statistics/party-quotients.html), available at:
https://www.electionresults.govt.nz/electionresults_2020/statistics/party-quotients.html

Appendix 2. Biography of author

Keith Archer received a BA (1979) and MA (1980) in Political Science from the University of Windsor and a PhD (1985) in Political Science from Duke University. He was Professor of Political Science at the University of Calgary from 1984 to 2011, when he was appointed Professor Emeritus of Political Science. He has written extensively about voting and elections, political parties, and research methods. In 2011 he was appointed Chief Electoral Officer of British Columbia and served in this role until his retirement in 2018. He served on the Electoral Boundaries Commission of Alberta (2009-2010) and the Electoral Boundaries Commission of British Columbia (2014-2015). He continues to conduct research and writing on matters relating to the administration of elections.

YUKON ELECTORAL REFORM SURVEY REPORT

Prepared for the Special Committee on Electoral Reform
of the 35th Yukon Legislative Assembly
by Yukon Bureau of Statistics

May 31, 2022

Table of Contents

- Introduction and Methodology 1
- Results 2
 - A. Your vote 2
 - B. Goals of a voting system..... 7
 - C. Current electoral system.....11
 - D. Plurality or majority systems13
 - E. Proportional representation systems.....16
 - F. Mixed electoral systems.....19
 - G. Voting system preference.....20
 - H. Size of the legislative assembly22
 - I. Voting age and residency requirements23
 - J. Moving forward on electoral system reform26
- Appendix 1. Data tables28
- Appendix 2. Yukon Electoral Reform Survey Questionnaire39

Yukon Electoral Reform Survey Report

Introduction and Methodology

The Yukon Electoral Reform Survey was conducted by Yukon Bureau of Statistics (YBS) on behalf of the Special Committee on Electoral Reform of the 35th Yukon Legislative Assembly. The purpose of this survey was to collect input from Yukoners on electoral reform including their perceptions of various voting systems and outcomes.

The survey was a census of all Yukon residents aged 16 years and over. YBS started sending invitations to all eligible individuals in the Bureau's Household Survey Frame on February 15, 2022, and the process was completed in a week. Each eligible person received either an email invitation with a unique and non-shareable link or a letter invitation with a unique PIN and a simplified URL. Individuals in the 65 years and older age group, whose email addresses were not available in the survey frame, received a letter invitation along with a printed copy of the questionnaire. The initial invitation was followed by reminders and the survey was closed on April 10, 2022.

Out of 35,858 eligible individuals, 6,129 completed the survey with a response rate of 17.1%. The percentage distribution of responses by stratum (i.e., geography, age group, and gender) was compared with that of the eligible population. The difference between the two distributions by stratum ranged from -2.4 to +4.7 percentage points. Calibration factors were derived for each stratum to minimize the distributional differences and to better represent the geographies and demographics. The distribution of the calibration factors was compared with the distributions of the population and responses to validate their alignments, and then the calibration factors were applied to responses.

In most surveys of the general population without any non-response follow-up, older adults and women tend to respond in a relatively higher proportion than other demographic groups, and this survey was no exception. Therefore, calibration of responses was necessary to minimize any participation bias and to improve the distributional balance of responses. The results presented in this report reflect the responses of the survey participants without under- or over-representing any groups based on geography, age group, or gender. The application of the calibration factors helped reduce the participation bias and improve the survey results. However, the results may not be representative of the eligible population.

Results

The survey questionnaire included 28 Likert-scale statements, 1 ranking question, and 6 other questions organized in 10 sections (A to J). The other questions provided binary ('yes' or 'no'), 'select one', or 'check all that apply' response options.

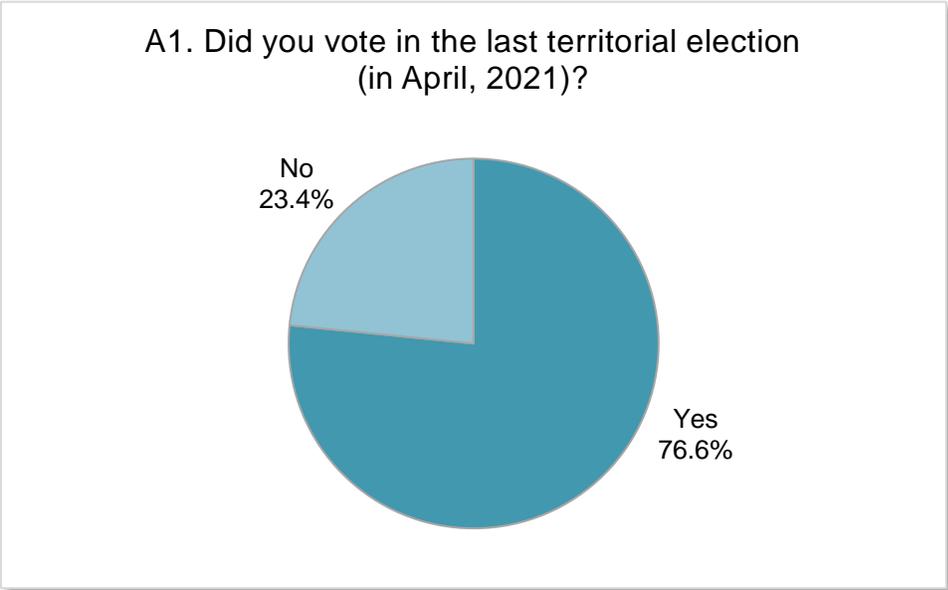
The questionnaire included seven paired statements — one about the majority or a minority government as an electoral outcome, and two each about electoral systems, voting age and residency requirement. For example, in section C, respondents were asked to share their level of agreement with the following consecutive statements: "The current electoral system should be maintained", and "The current electoral system should be changed." As the statements are essentially opposites, it is logical that a respondent would agree or disagree with only one of them. However, a respondent could remain neutral to both statements. Respondents' levels of agreement to paired opposing statements were checked for response consistency, and the extent of inconsistency is noted with the relevant results.

The survey results are presented below by section (A to J).

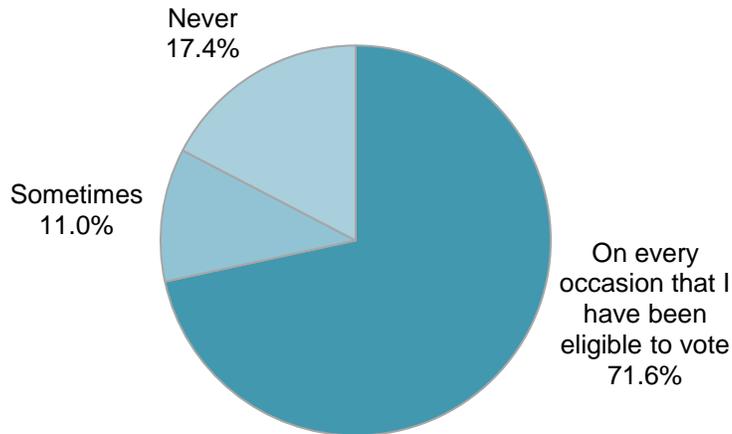
A. Your vote

The first section of the survey asked respondents if they voted in territorial elections.

- 76.6% of respondents said they **voted in the last territorial election** (Figure A1);
- 71.6% of respondents said they **voted in previous territorial elections**, on every occasion when they were eligible to vote (Figure A2).

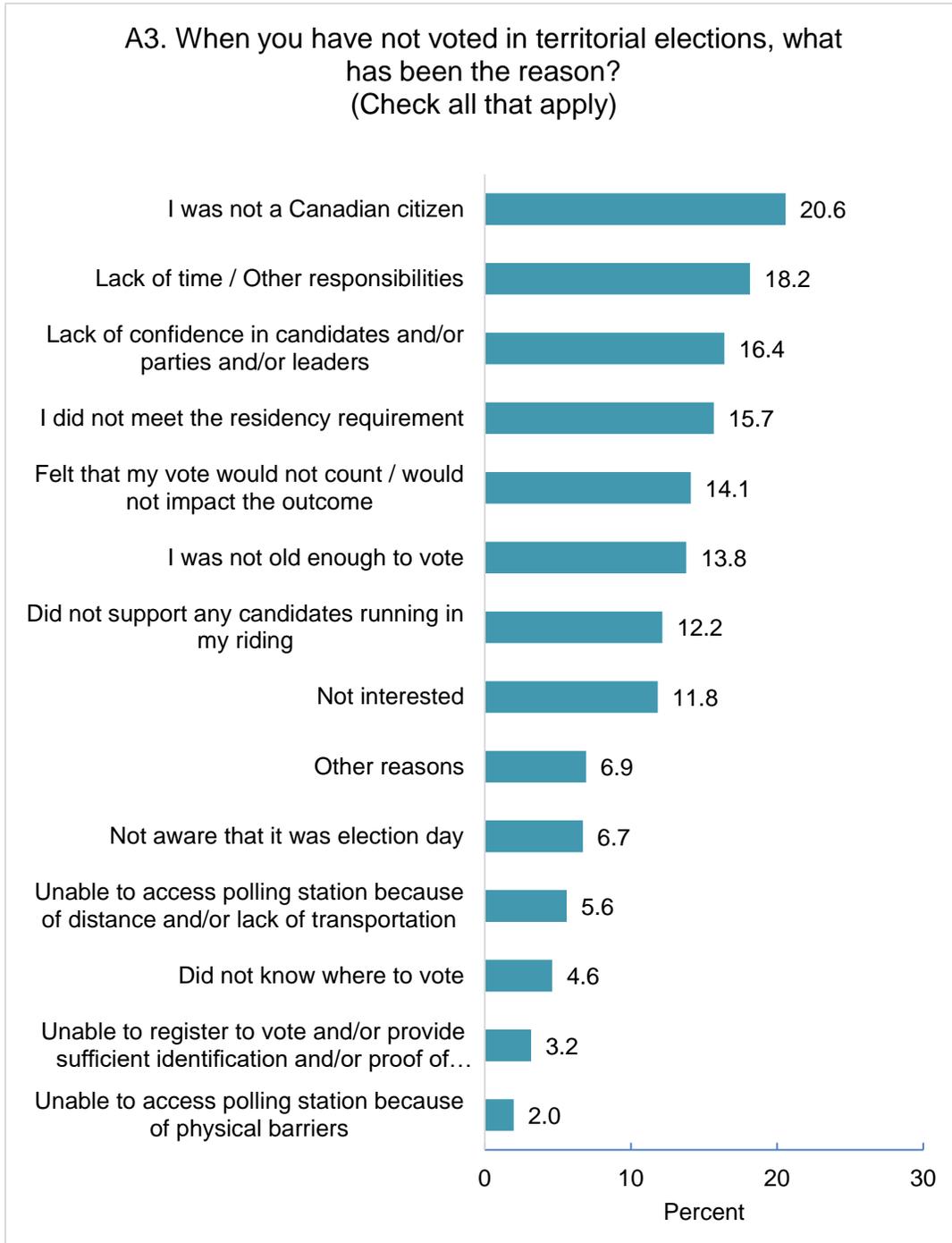


A2. Did you vote in previous territorial elections?



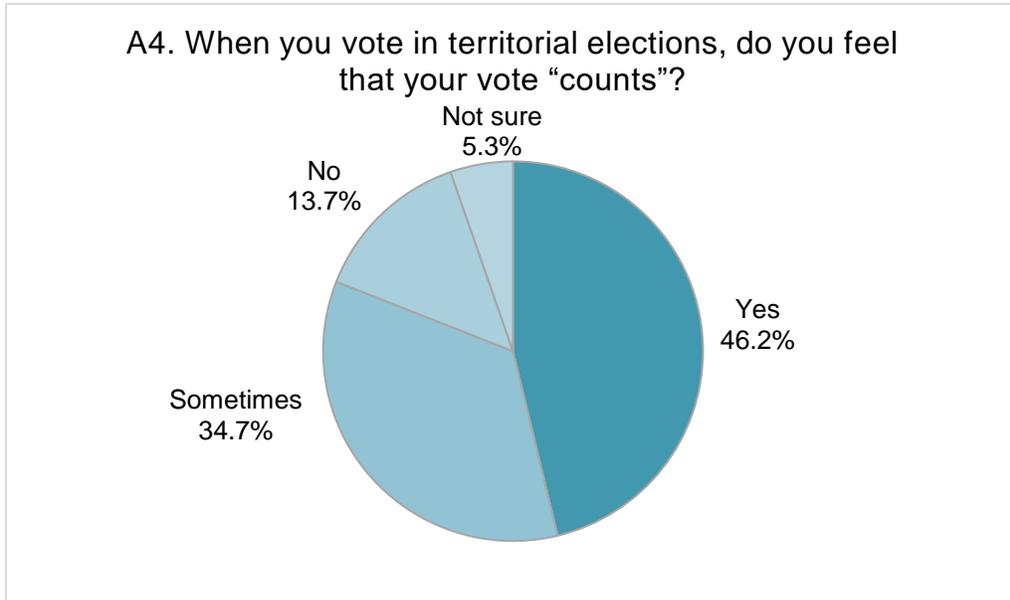
The survey asked respondents, who indicated that they did not always vote, to share their reasons for not voting (Figure A3). The top eight reasons given were:

- Not a Canadian citizen (20.6% of those who have not always voted; 6.6% of all respondents);
- Lack of time or other responsibilities (18.2% of those who have not always voted; 5.8% of all respondents);
- Lack of confidence in candidates and/or parties and/or leaders (16.4% of those who have not always voted; 5.3% of all respondents);
- Did not meet the residency requirement (15.7% of those who have not always voted; 5.0% of all respondents);
- Felt that their vote would not count or would not impact the outcome (14.1% of those who have not always voted; 4.5% of all respondents);
- Was not old enough to vote (13.8% of those who have not always voted; 4.4% of all respondents);
- Did not support any candidate (12.2% of those who have not always voted; 3.9% of all respondents); and
- Was not interested (11.8% of those who have not always voted; 3.8% of all respondents).



Note: question A3 was only asked of those respondents who did not always vote in territorial elections (n=1,974).

The survey asked those who said they voted in a territorial election whether they felt that their vote mattered. Less than half of the respondents (46.2%) answered 'yes', while 34.7% said 'sometimes', and 13.7% said 'no' (Figure A4).

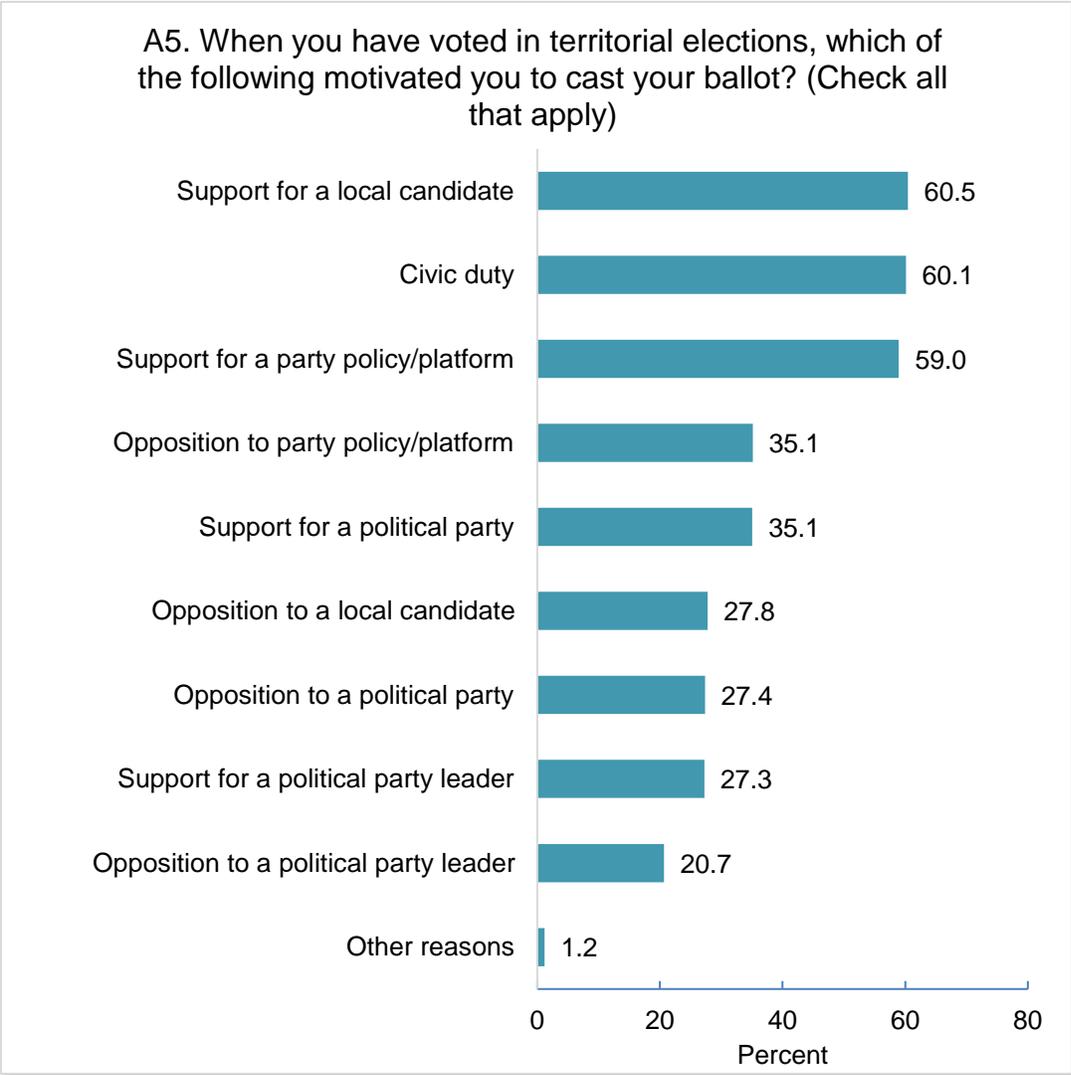


Note: question A4 was only asked of those respondents who voted in territorial elections (n=5,200).

For those who have voted in territorial elections, there were a few motivating factors (Figure A5). Most often, respondents said they voted:

- to **support a local candidate** (60.5% of those who voted in territorial elections);
- because of their **civic duty** (60.1% of those who voted in territorial elections); or
- to **support a party policy or platform** (59.0% of those who voted in territorial elections).

Respondents were more likely to say they voted to support a local candidate, a party policy or platform (around 60%), and less likely to say they voted to support a political party (35.1%) or a party leader (27.3%). Similarly, respondents were less likely to have been motivated to vote by their opposition to a party policy or platform (35.1%), a local candidate (27.8%), or a political party or party leader (20.7%).

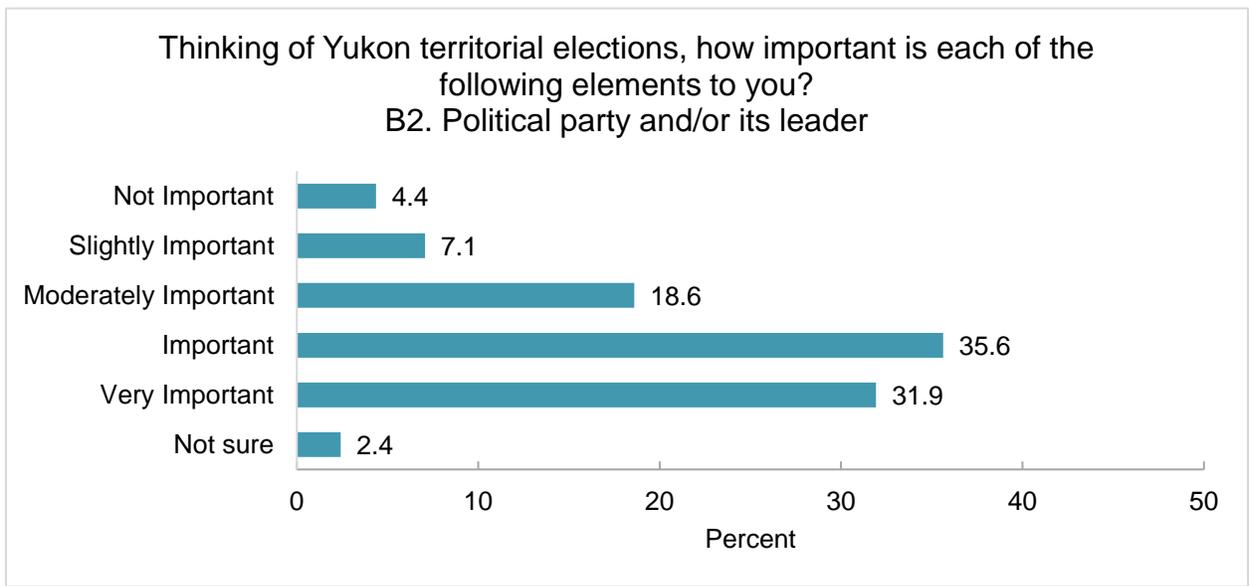
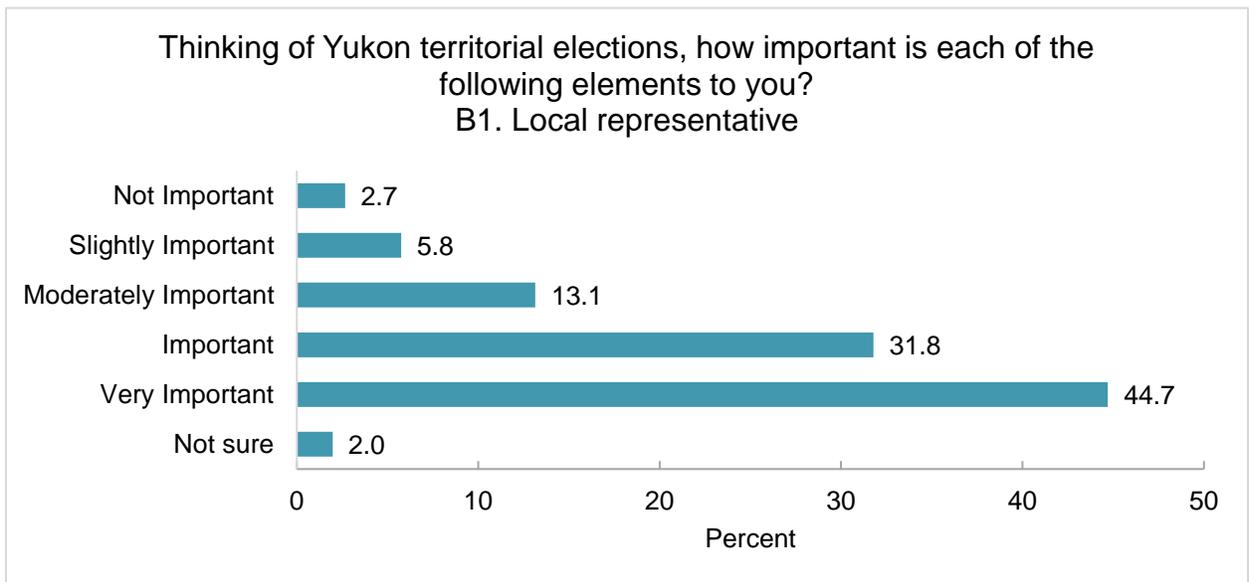


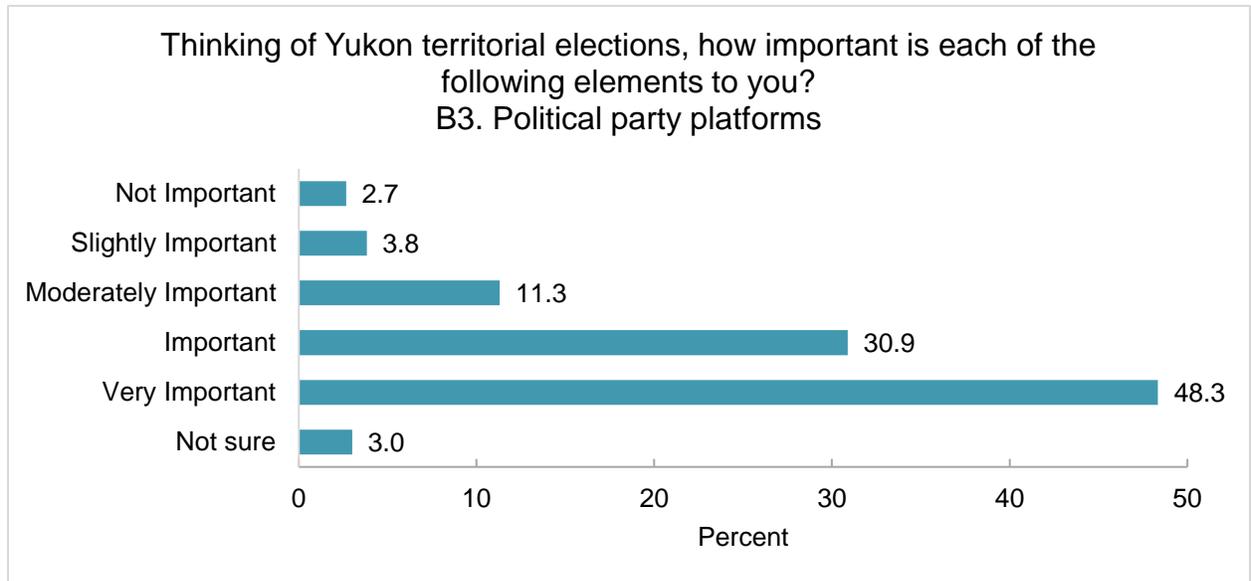
Note: question A5 was only asked of those respondents who voted in territorial elections (n=5,200).

B. Goals of a voting system

The first three questions in this section asked respondents about the importance of the following elements of Yukon territorial elections: local representation, a political party and/or its leader, and political party platforms. The majority of respondents rated all three elements as important or very important —

- 76.5% said having a **local representative** was important or very important (Figure B1);
- 67.5% said **political party and/or its leader** were important or very important (Figure B2); and
- 79.2% said **political party platforms** were important or very important (Figure B3).



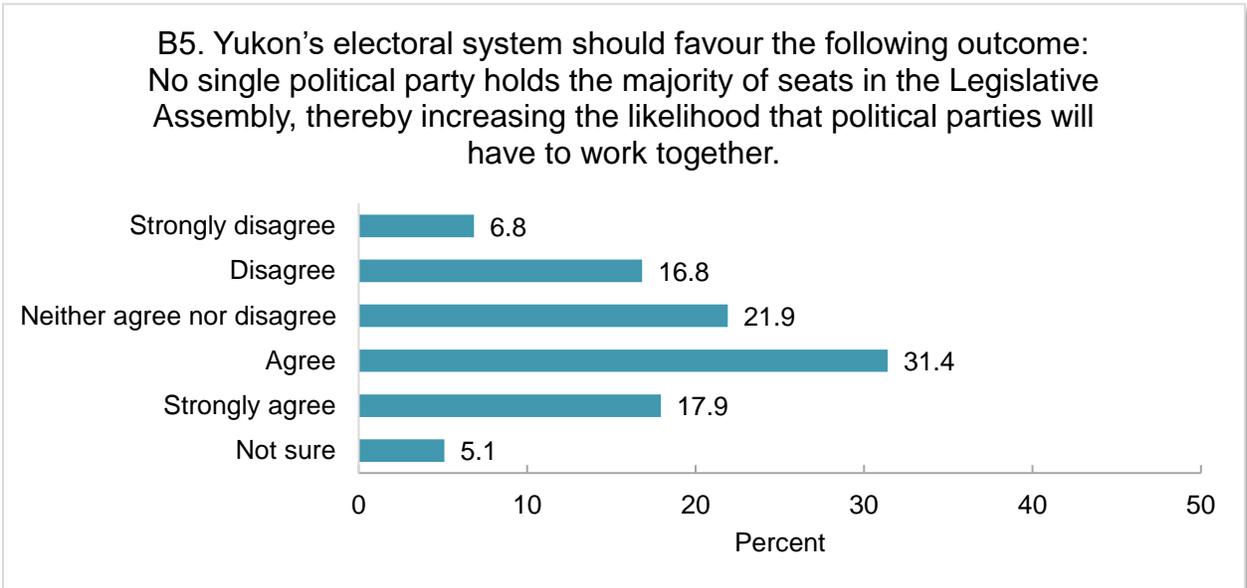
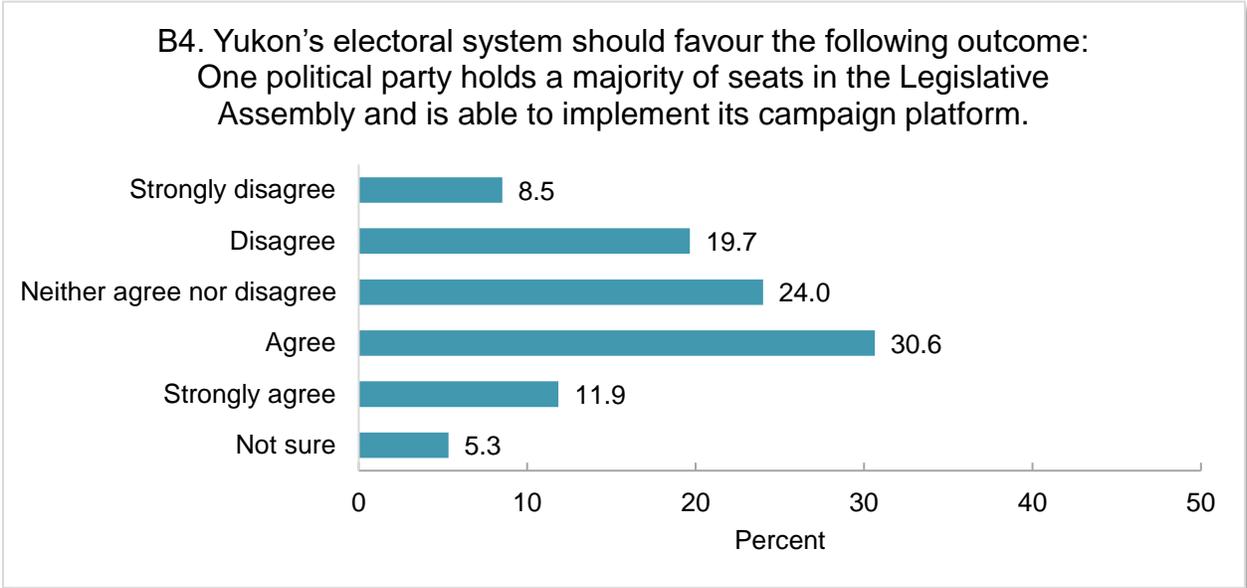


The next four questions in this section asked respondents to indicate their level of agreement to electoral system's outcomes. While respondents were divided in their level of agreement with a majority or a minority government as an electoral outcome, the majority agreed that Yukon's electoral system should ensure local representation and proportional representation. The results are as follows:

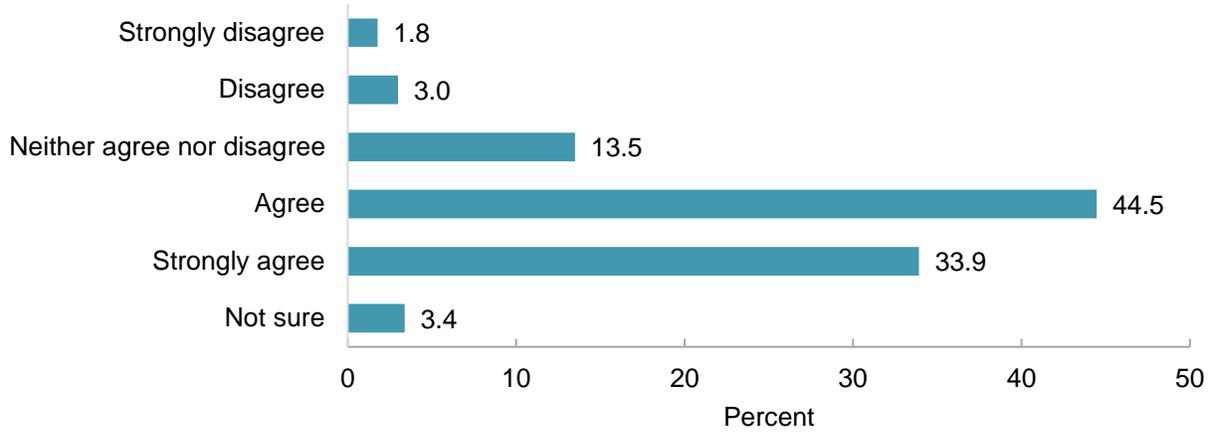
- 42.5% agreed or strongly agreed that Yukon's electoral system should favour the outcome that **one political party holds a majority of seats in the Legislative Assembly and is able to implement its campaign platform**, while 28.2% disagreed or strongly disagreed (Figure B4);
- 49.3% agreed or strongly agreed that Yukon's electoral system should favour the outcome that **no single political party holds the majority of seats in the Legislative Assembly, thereby increasing the likelihood that political parties will have to work together**, and 23.6% disagreed or strongly disagreed (Figure B5);
- 78.4% agreed or strongly agreed that Yukon's electoral system should ensure that **voters elect local candidates to represent them in the Legislative Assembly**, while 4.8% disagreed or strongly disagreed (Figure B6); and
- 71.6% agreed or strongly agreed that Yukon's electoral system should ensure that **the number of seats held by a party in the Legislative Assembly reflects the proportion of votes it received across the territory**, and 10.1% disagreed or strongly disagreed with this outcome (Figure B7).

Response consistency was checked for respondents' level of agreement with a majority or a minority government as an electoral outcome (questions B4 and B5). Since a third option (e.g., a consensus government) was not provided, a respondent could disagree or strongly disagree with both outcomes. Also, a respondent could prefer one outcome over the other, or remain neutral to, or agree with (i.e., a *soft* agreement) both considering the pros and cons of both outcomes. However, it is logical that a respondent would strongly agree with only one of them.

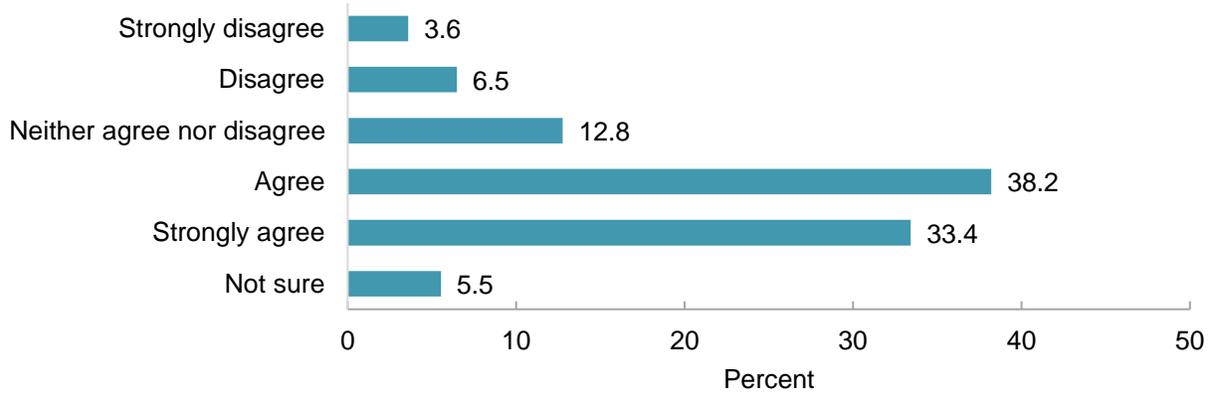
An analysis of responses shows that about 98% of the responses to these two questions were consistent as only 1.6% respondents strongly agreed with both outcomes.



B6. Yukon's electoral system should ensure that voters elect local candidates to represent them in the Legislative Assembly.



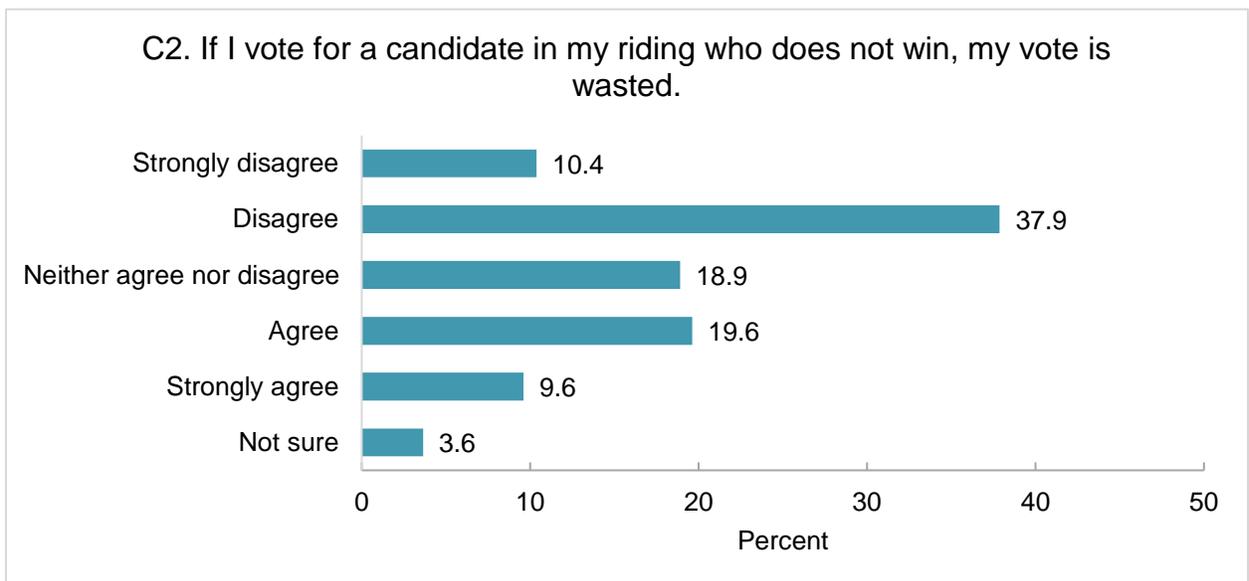
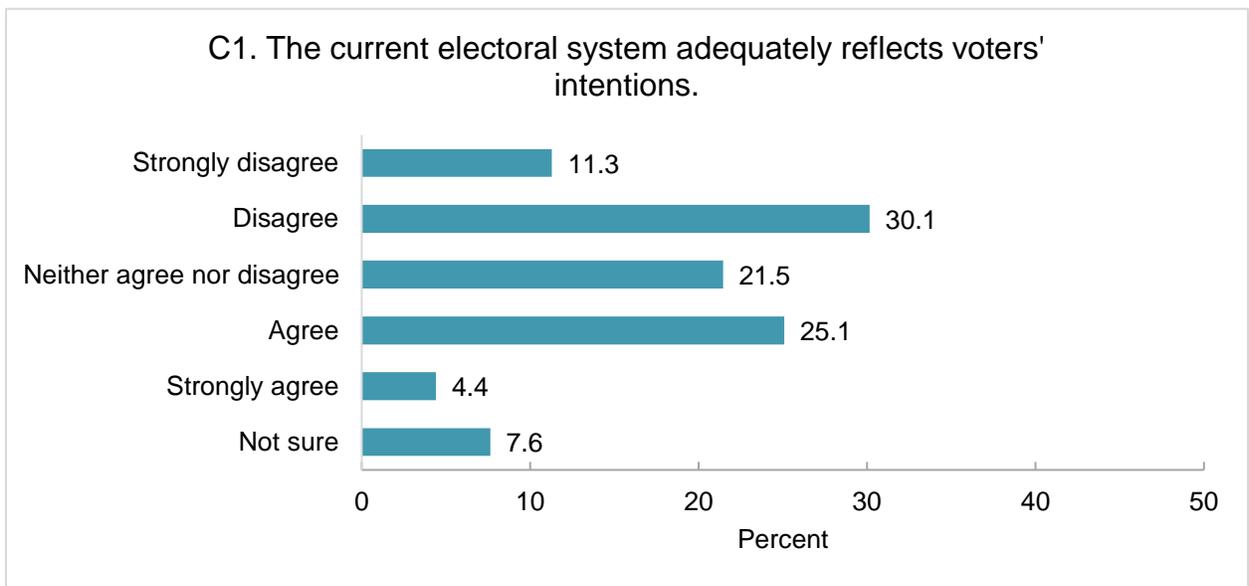
B7. Yukon's electoral system should ensure that the number of seats held by a party in the Legislative Assembly reflects the proportion of votes it received across the territory.



C. Current electoral system

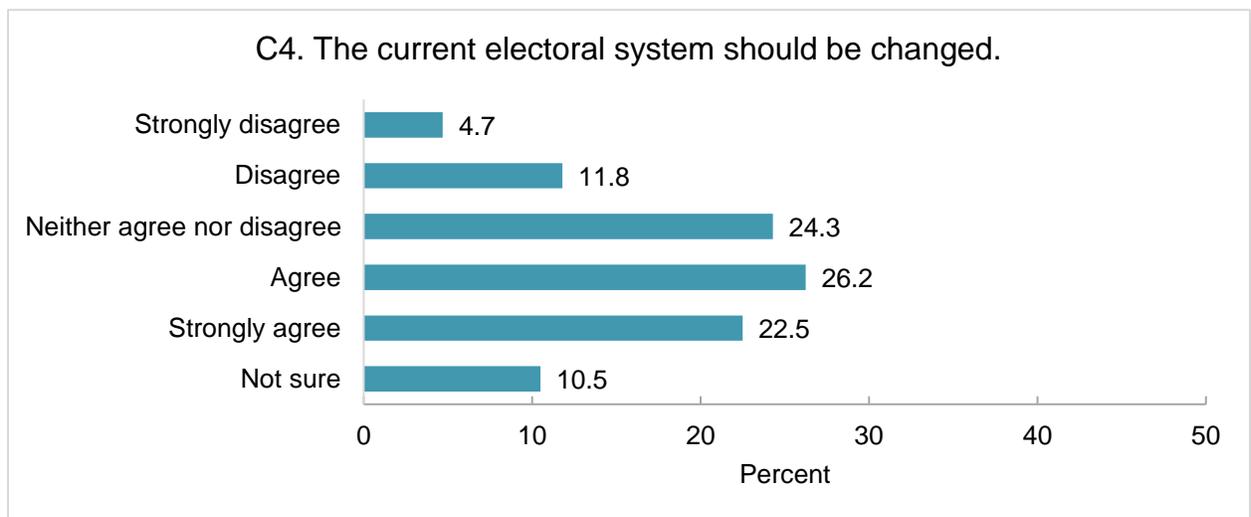
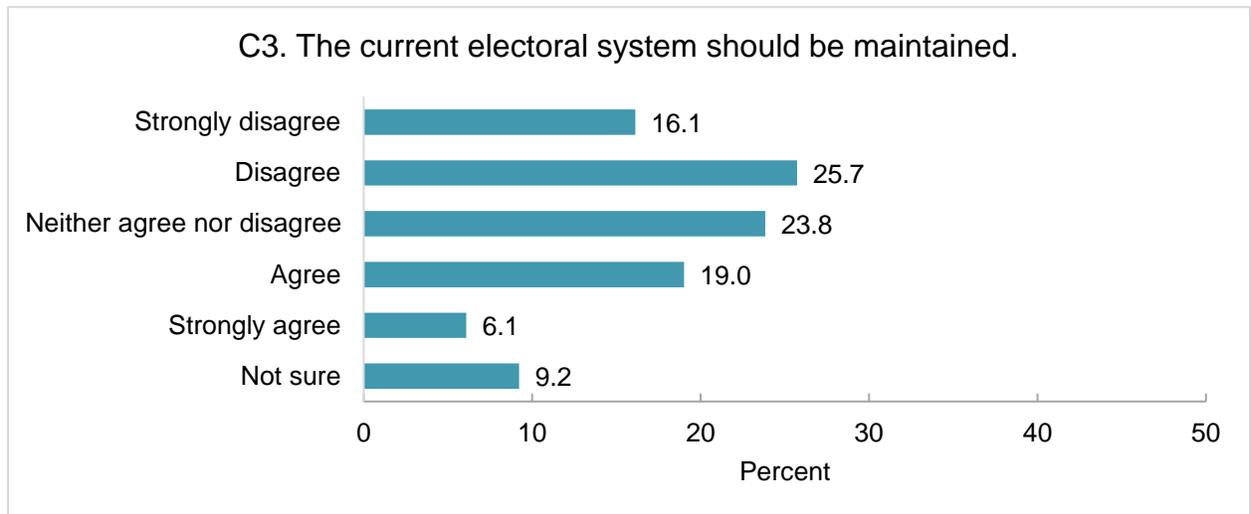
This section of the survey assessed respondents' perception of the current electoral system. Questions C1 and C2 asked respondents to indicate their level of agreement to the statements that *the current electoral system adequately reflects voters' intentions*, and that *their vote is wasted if the candidate they vote for does not win*. In response —

- 29.5% of respondents agreed or strongly agreed that **the current electoral system adequately reflects voters' intentions**, while 41.4% disagreed or strongly disagreed (Figure C1); and
- 29.2% of respondents agreed or strongly agreed that **their vote is wasted if the candidate they vote for does not win in their riding**, while 48.3% disagreed or strongly disagreed (Figure C2).



Questions C3 and C4 asked respondents to indicate their level of agreement with two opposing statements that *the current electoral system should be maintained*, and that *the current electoral system should be changed*. In response —

- 25.1% of respondents agreed or strongly agreed that **the current electoral system should be maintained**, while 41.8% disagreed or strongly disagreed (Figure C3); and
- 48.7% of respondents agreed or strongly agreed that **the current electoral system should be changed**, while 16.5% disagreed or strongly disagreed (Figure C4).



Consistency was checked for individual responses to questions C3 and C4, since they are mutually exclusive at both ends of the response scale. A respondent could prefer one option over the other or remain neutral to both options. However, it is logical that a respondent would agree or disagree at the same scale with only one option. About 97% of the responses to these two questions were consistent; only 0.6% of respondents disagreed or strongly disagreed, and 2.5% agreed or strongly agreed with both options.

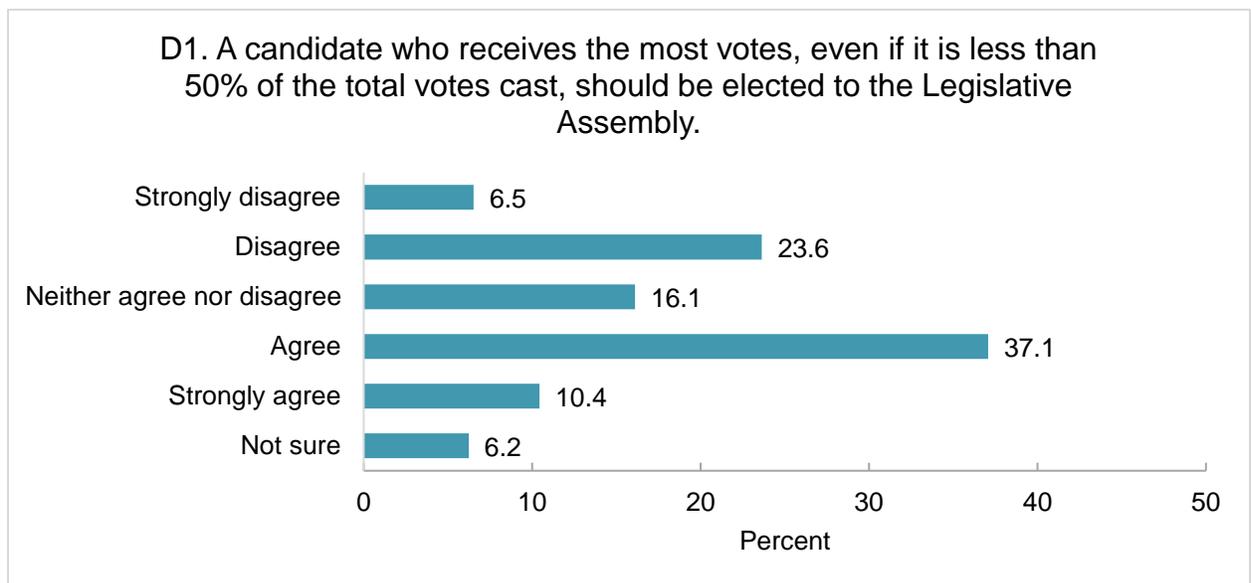
D. Plurality or majority systems

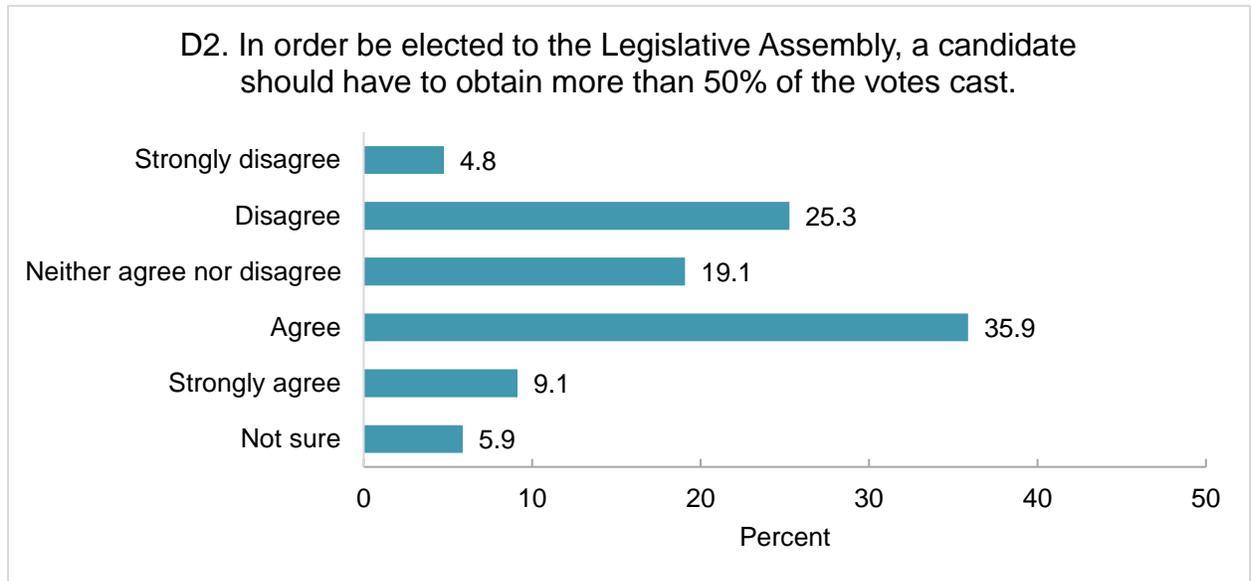
In a plurality system (commonly known as first-past-the-post system), the candidate who receives more votes than any other candidate is elected. Our current electoral system is a plurality system.

In a majority system, the party or candidate winning more than 50% of the vote cast in a riding is awarded the contested seat. This can involve a ranked ballot or a second round of voting.

Questions D1 and D2 asked respondents to indicate their level of agreement with the plurality and the majority systems. In response —

- 47.5% of respondents agreed or strongly agreed that **a candidate who receives the most votes, even if it is less than 50% of the total votes cast, should be elected** to the Legislative Assembly, while 30.1% disagreed or strongly disagreed (Figure D1); and
- 45.0% of respondents agreed that **a candidate should have to obtain more than 50% of the votes cast in order to be elected**, while 30.1% disagreed or strongly disagreed (Figure D2).



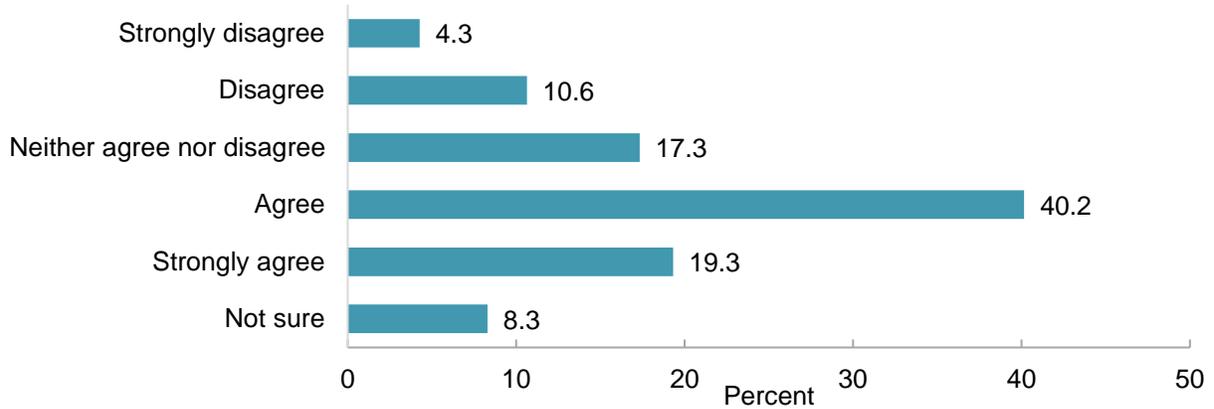


Respondents' levels of agreement to statements in questions D1 and D2 were checked for **consistency**. Since the statements provided options only for two systems (i.e., the plurality and majority systems), a respondent could disagree or strongly disagree with both options. Also, a respondent could prefer one option over the other, or remain neutral to, or agree with (i.e., a *soft* agreement) both considering the merits and demerits of both options. However, it is logical that a respondent would strongly agree with only one of them. About 99% of the responses were consistent; less than 1.0% respondents strongly agreed with both options, showing no preference for one option over the other.

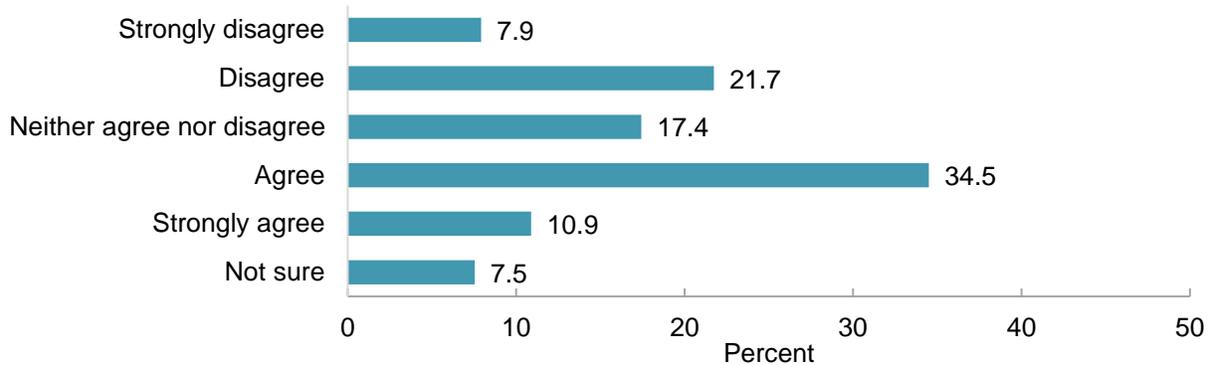
The next two questions assessed respondents' level of agreement with two different approaches to a majority system: ranked ballots and a second round of voting. The results are as follows:

- 59.5% of respondents agreed or strongly agreed that *in a system that requires a candidate to receive more than 50% of votes cast, voters should be able to **rank candidates on the ballot** in order to elect a candidate in one round of voting*; 14.9% disagreed or strongly disagreed with that approach (Figure D3); and
- 45.4% of respondents agreed or strongly agreed that *in a system that requires a candidate to receive more than 50% of votes cast, a **second round of voting** should take place between the top two candidates to determine the victor if no candidate obtains more than half the votes cast during a first round*; 29.6% of respondents disagreed or strongly disagreed with that approach (Figure D4).

D3. In a system that requires a candidate to receive more than 50% of votes cast, voters should be able to rank candidates on the ballot in order to elect a candidate in one round of voting.



D4. In a system that requires a candidate to receive more than 50% of votes cast, a second round of voting should take place between the top two candidates to determine the victor if no candidate obtains more than half the votes cast during a first round



Respondents' levels of agreement to statements in questions D3 and D4 were checked for **consistency**. As in D1 and D2, a respondent could disagree or strongly disagree with both options, prefer one option over the other, or remain neutral to, or agree with (i.e., a *soft* agreement) both considering the pros and cons of both options. However, it is logical that a respondent would strongly agree with only one of them. About 94% of the responses were consistent as 5.8% respondents strongly agreed with both options, showing no preference for one option over the other.

E. Proportional representation systems

In a proportional representation system, the distribution of seats is broadly proportional to the distribution of the popular vote among political parties. This section of the survey asked respondents to share their level of agreement with four statements relating to a proportional representation system.

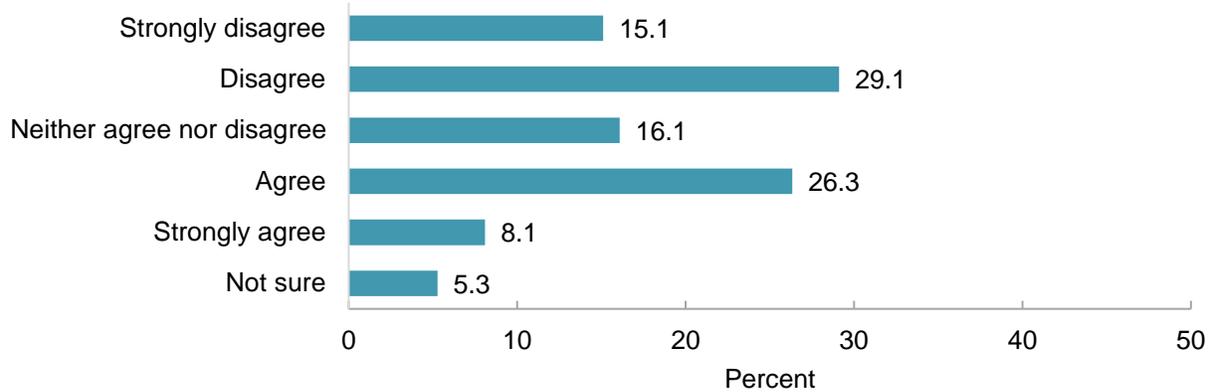
The first question asked respondents to indicate their level of agreement to the statement that **voters should vote for political parties** (*not specific candidates*), and the **seats should be allocated based on the percentage of votes obtained by each political party**. Overall, 34.4% of respondents agreed or strongly agreed, and 44.2% of respondents disagreed or strongly disagreed with this statement (Figure E1).

The next two questions asked respondents to indicate their level of agreement to the statement that when voters vote for political parties, instead of specific candidates, **political parties should determine** which of their candidates get elected from the party's list, or **voters should determine** which candidates get elected. In response —

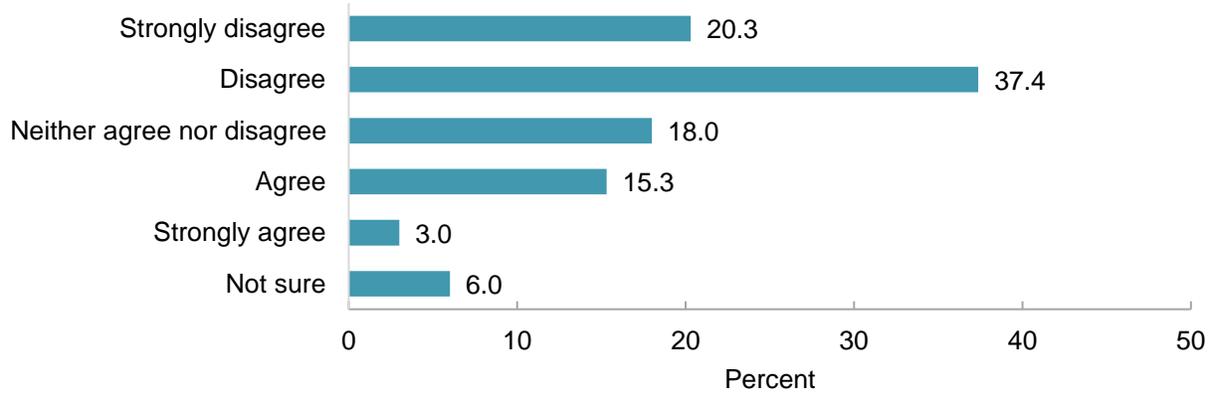
- 18.3% of respondents agreed or strongly agreed that **political parties** should determine which candidates get elected, while 57.7% disagreed or strongly disagreed (Figure E2); and
- 63.2% of respondents agreed or strongly agreed that **voters** should determine which candidates get elected, while 14.3% disagreed or strongly disagreed (Figure E3).

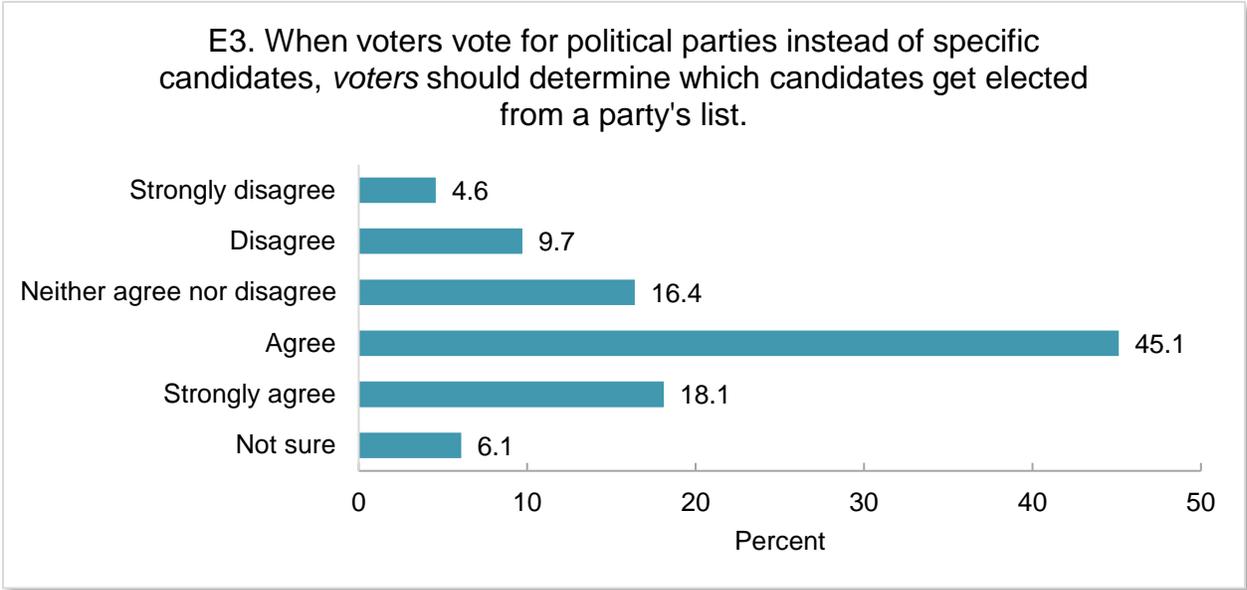
Response consistency was checked for respondents' level of agreement to statements in questions E2 and E3. The statements provided two options for the election of candidates specifically in a proportional representation system. Therefore, a respondent could disagree or strongly disagree with both options, prefer one option over the other, or remain neutral to both options. A respondent could also agree with (i.e., a *soft* agreement) both considering the merits and demerits of both options. However, it is logical that a respondent would strongly agree with only one of them. About 99% of the responses were consistent as only 1.4% respondents strongly agreed with both options.

E1. Voters should vote for political parties (not specific candidates), and the seats should be allocated based on the percentage of votes obtained by each political party.



E2. When voters vote for political parties instead of specific candidates, *political parties* should determine which of their candidates get elected from the party's list.



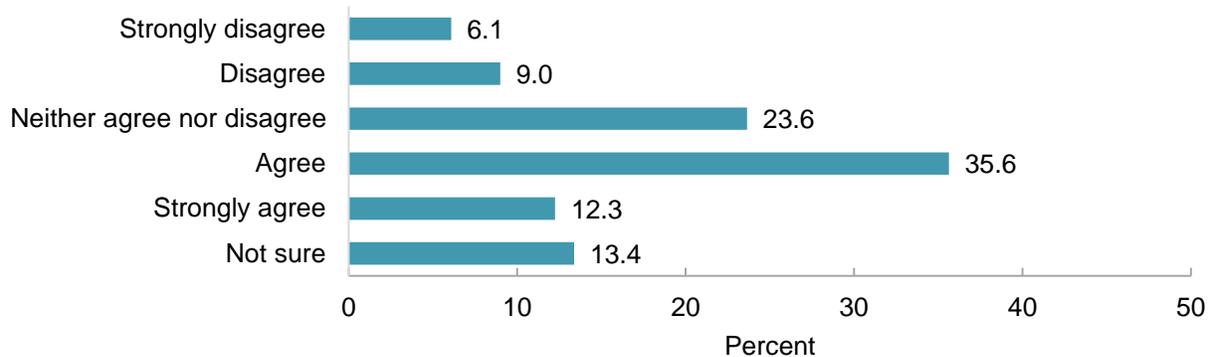


Question E4 asked respondents to indicate their level of agreement to the statement that Yukon’s electoral system should produce a **proportional Legislative Assembly** (where seats roughly match the parties’ vote shares) through the **direct election of local representatives in multi-member ridings**.

The survey questionnaire informed respondents that “a multi-member riding is an electoral district that has more than one member in the Legislative Assembly. Voters in a multi-member riding mark off as many names on their ballots as there are seats to be filled, and candidates with the most votes are declared elected”.

Overall, 47.9% of respondents agreed or strongly agreed with the **multi-member riding** approach, and 15.1% disagreed or strongly disagreed with that approach (Figure E4).

E4. Yukon's electoral system should produce a proportional Legislative Assembly (where seats roughly match the parties' vote shares) through the direct election of local representatives in multi-member ridings.



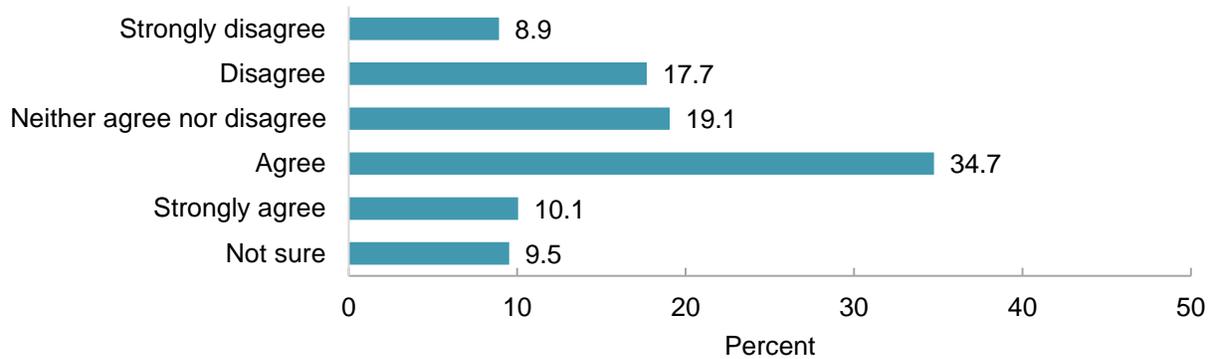
F. Mixed electoral systems

A mixed electoral system blends different voting systems. Members in some ridings are elected directly (the candidate who receives more votes than any other candidate) and members in the remaining ridings are elected from party lists based on each party's vote share.

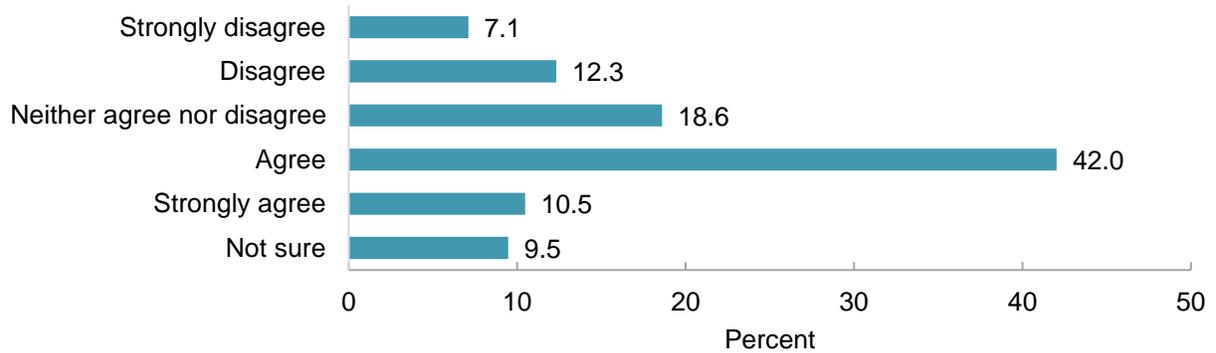
Respondents were asked to share their level of agreement with two statements relating to the mixed electoral system. In response —

- 44.8% of respondents agreed or strongly agreed that **voters should cast two votes on their ballots: one to directly elect a member to serve as their representative, and a second for a party or parties to fill remaining seats in the Legislative Assembly based on each party's vote share**; 26.6% disagreed or strongly disagreed with this option (Figure F1); and
- 52.5% of respondents agreed or strongly agreed that **remaining seats in the Legislative Assembly should be allocated in proportion to the percentage of votes received by each political party**, while 19.4% of respondents disagreed or strongly disagreed (Figure F2).

F1. Voters should cast two votes on their ballots: one to directly elect a member to serve as their representative, and a second for a party or parties to fill remaining seats in the Legislative Assembly based on each party's vote share.



F2. Remaining seats in the Legislative Assembly should be allocated in proportion to the percentage of votes received by each political party.



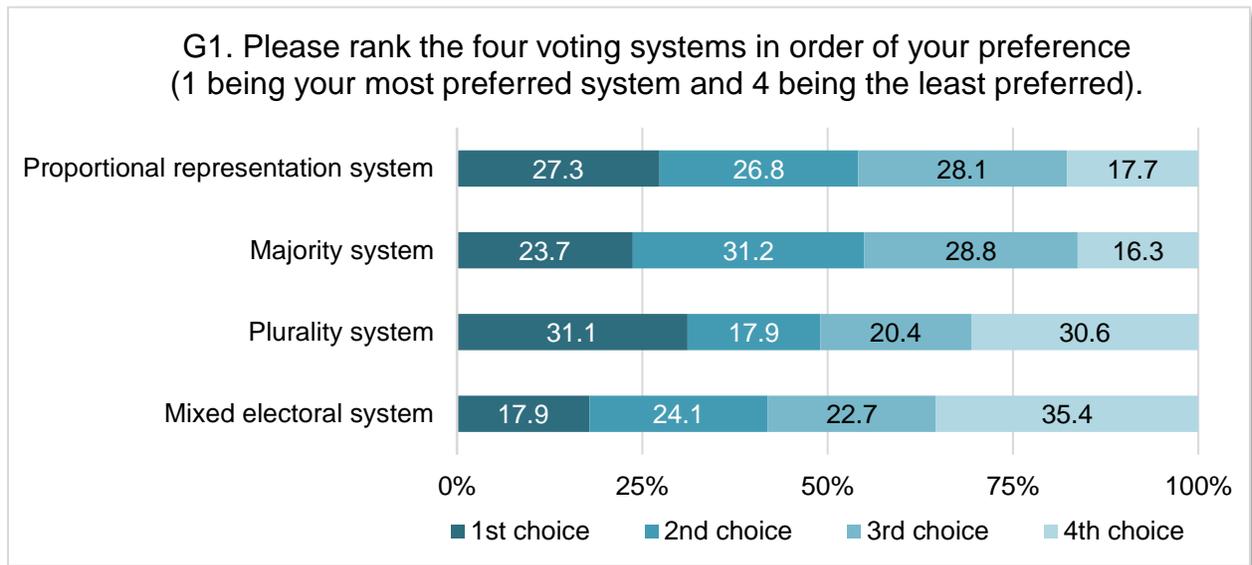
G. Voting system preference

The survey considered four voting systems. In section G, respondents were provided with the following summary of the voting systems, then they were asked to rank the systems in order of their preference.

- In a **plurality system**, the candidate who receives more votes than any other candidate is elected. Our current electoral system is a plurality system.
- In a **majority system**, the party or candidate winning more than 50% of the votes cast in a riding is awarded the contested seat.
- In a **proportional representation system**, the distribution of seats is broadly proportional to the distribution of the popular vote among political parties.

- A **mixed electoral system** blends different voting systems. Members in some ridings are elected directly (the candidate who receives more votes than any other candidate) and members in the remaining ridings are elected from party lists based on each party's vote share.

As the first preference, respondents were slightly more likely to select the current plurality system (31.1%) than the proportional representation system (27.3%), followed by the majority system (23.7%) and the mixed electoral system (17.9%). However, when first and second preferences are combined, 54.9% of respondents preferred the majority system, followed by the proportional representation system (54.1%), the plurality system (49.0%), and the mixed electoral system (42.0%; Figure G1).



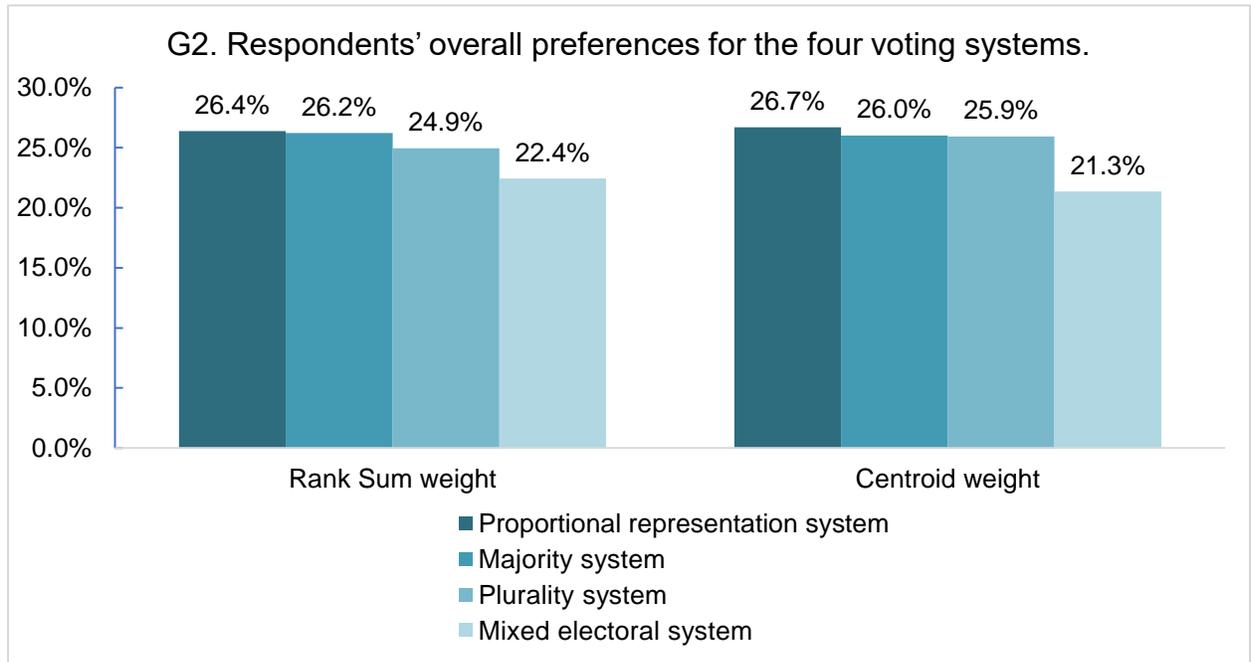
To determine the overall ranks of respondents' preferences, further analysis of the preferences was done using **Rank Sum weighting**¹ and **Centroid weighting**² methods. Rank weights were derived using both methods and applied to respondents' preferences. The order of overall preference of the respondents for each of the options was derived from these weighted preferences.

The order of preference for the four voting system options was consistent between the two weighting methods. In both methods, the **proportional representation** system received the

¹ Ranking question responses are most often interpreted through Rank Sum method of weighting. In this method, a weight is assigned to each preference in a reverse order of the preference. The first preference receives the highest weight, and the last preference receives the lowest with the sum of weights being 1.0. The following Rank Sum weights were calculated and applied to responses to question G1: a weight of 0.4 was applied to respondents' first preference, 0.3 to the second preference, 0.2 to the third preference, and 0.1 to their last preference.

² Another commonly used weighting method is the Centroid method. This method produces weights that minimizes the error of each weight by identifying the centroid of all possible weights and maintaining the rank order of objective importance. The following Centroid weights were calculated and applied to responses to question G1: a weight of 0.52 was applied to respondents' first preference, 0.27 to the second preference, 0.15 to the third preference, and 0.06 to their last preference.

highest score, followed by the majority system, the plurality system, and the mixed electoral system (Figure G2).



H. Size of the legislative assembly

Yukon has 19 Members of the Legislative Assembly (MLAs) for a population of about 43,000 and an area of 482,443 km². In comparison, the Northwest Territories (area 1,346,106 km²) has 19 MLAs for 45,500 population, Nunavut (area 2,093,190 km²) has 22 MLAs for 39,400 population, and Prince Edward Island (area 5,660 km²) has 27 MLAs for 164,300 population.

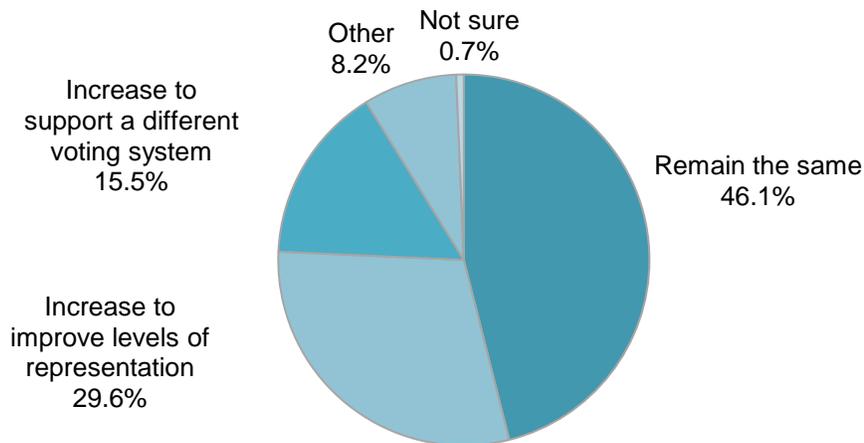
In this section, respondents were asked whether they thought the number of MLAs in the Yukon Legislative Assembly should remain the same, increase to improve levels of representation, increase to support a different voting system, or something else (“Other”).

While 46.1% of respondents said they felt the Yukon Legislative Assembly should remain the same size, 45.1% said they thought it should increase, either to improve levels of representation (29.6%), or to support a different voting system (15.5%; Figure H1).

Two popular “Other” responses included:

- different representation, e.g., First Nations or rural (37.0% of “Other” responses; 3.0% of all responses); and
- the size should decrease (30.6% of “Other” responses; 2.5% of all responses).

H1. Thinking of the size of Yukon Legislative Assembly, the number of MLAs in Yukon Legislative Assembly should:



I. Voting age and residency requirements

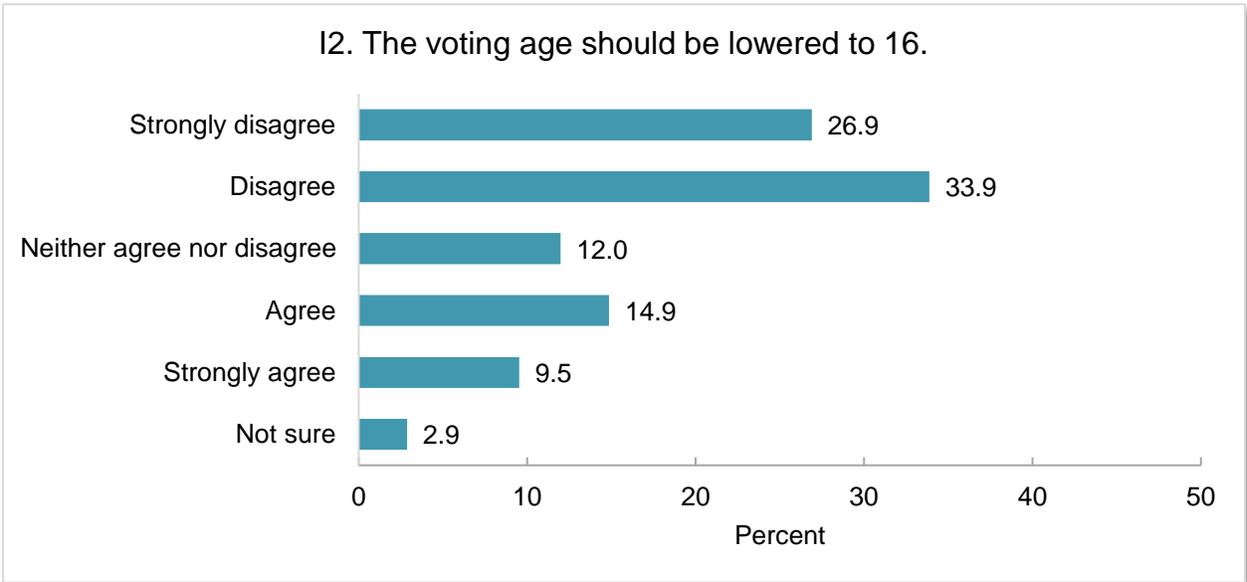
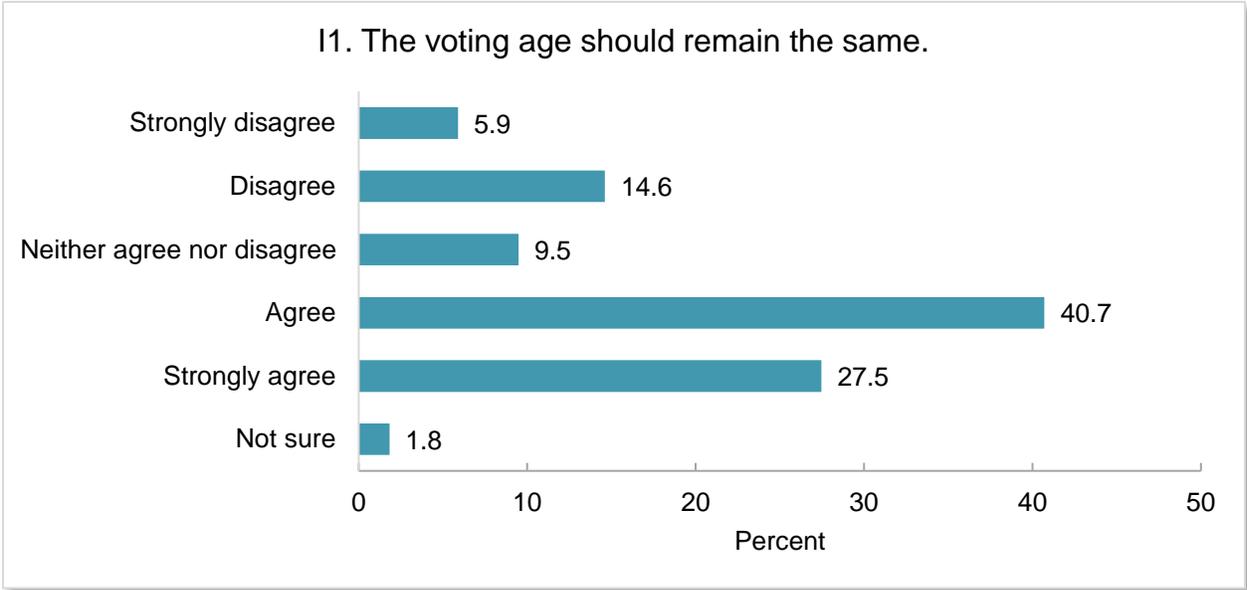
Currently, to vote in Yukon territorial elections, one must be at least 18 years of age, a Canadian citizen, and a resident of Yukon for at least 12 months prior to the polling day.

Questions I1 and I2 asked respondents whether they thought the voting age should remain the same, or whether they thought it should be lowered to 16. In response —

- 68.2% agreed or strongly agreed that the **voting age should remain the same**, while 20.5% disagreed or strongly disagreed (Figure I1); and
- 24.4% agreed or strongly agreed that the **voting age should be lowered to 16**, while 60.8% disagreed or strongly disagreed (Figure I2).

Respondents' levels of agreement with these two statements on voting age were further analyzed for two age groups (Appendix 1, Tables I1_1 and I2_1). The results are as follows:

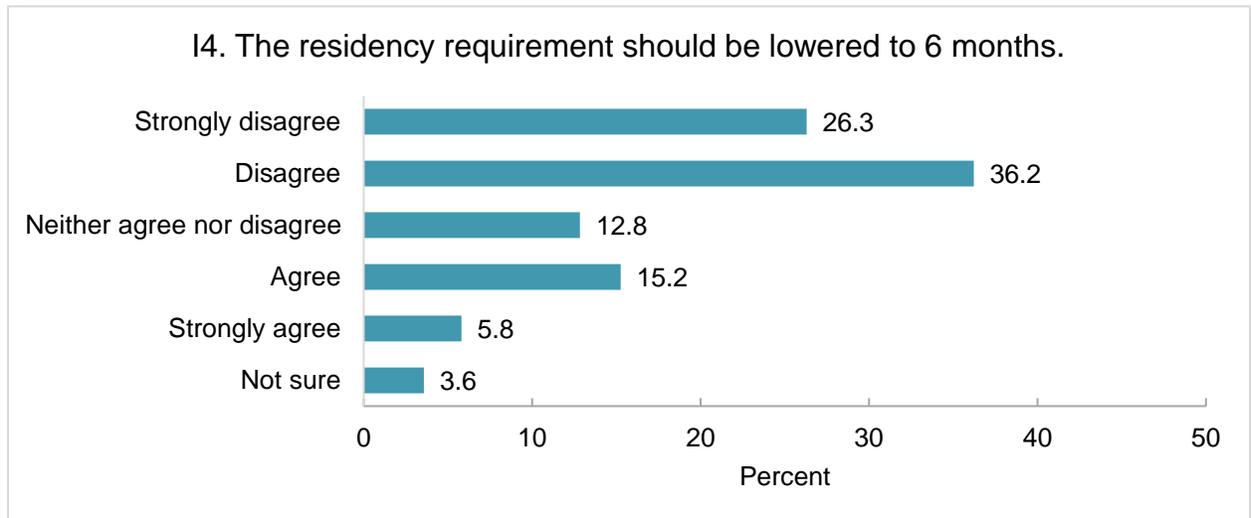
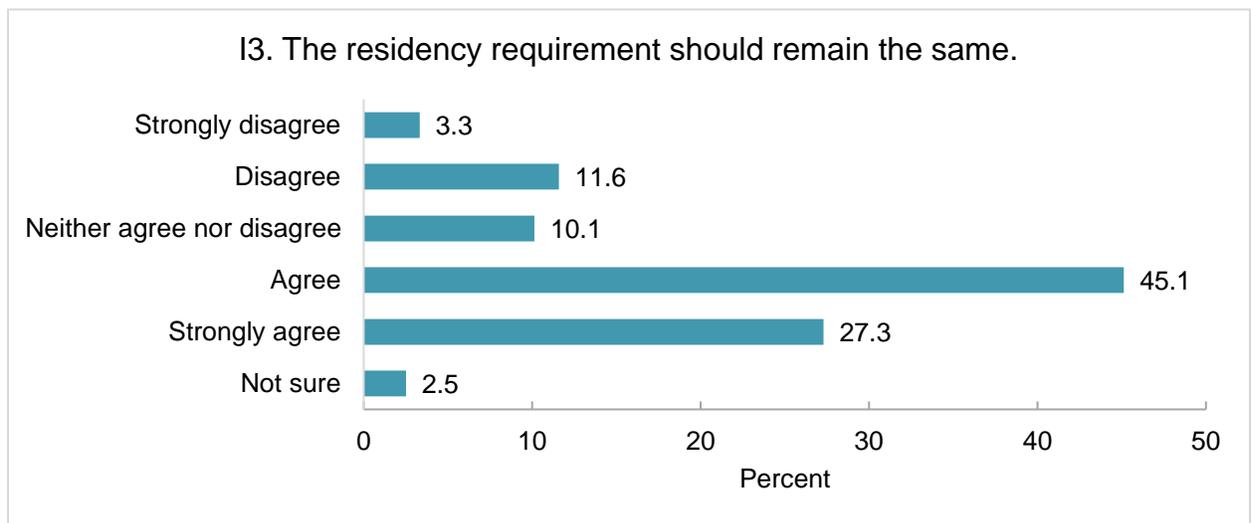
- respondents aged 16–17 years (46.9%) were *less* likely to agree or strongly agree with the statement that the **voting age should remain the same** compared to all other respondents (68.7%); and
- respondents aged 16–17 years (38.9%) were *more* likely to agree or strongly agree with the statement that the **voting age should be lowered to 16** compared to all other respondents (24.0%).



Response consistency was checked for respondents' level of agreement to statements in questions I1 and I2. Since a third option (e.g., raising the voting age) was not provided, a respondent could disagree or strongly disagree with both options. Also, a respondent could prefer one option over the other, or remain neutral to both options. However, it is logical that a respondent would agree or strongly agree with only one of them. An analysis of responses shows that about 98% of the responses to these two questions were consistent as only 1.9% agreed or strongly agreed with both options.

Questions I3 and I4 asked respondents whether they thought the residency requirement should remain the same, or it should be lowered to 6 months. In response —

- 72.4% agreed or strongly agreed that the **residency requirement should remain the same**, while 14.9% disagreed or strongly disagreed (Figure I3); and
- 21.0% agreed or strongly agreed that the **residency requirement should be lowered to 6 months**, while 62.5% disagreed or strongly disagreed (Figure I4).

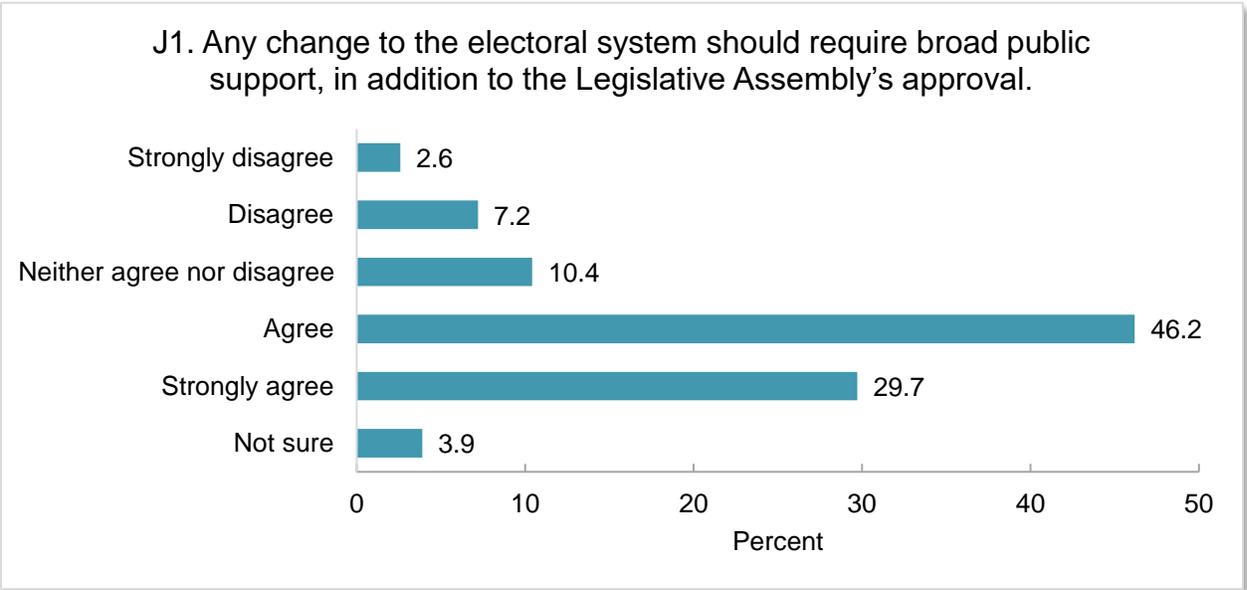


Response consistency was checked for respondents' level of agreement to statements in questions I3 and I4. Similar to the questions on voting age, a third option (e.g., increasing the residency requirement) was not provided. Therefore, a respondent could disagree or strongly disagree with both options, prefer one option over the other, or remain neutral to both options. However, it is logical that a respondent would agree or strongly agree with only one of them. About 96% of the responses to these two questions were consistent as 3.9% agreed or strongly agreed with both options.

J. Moving forward on electoral system reform

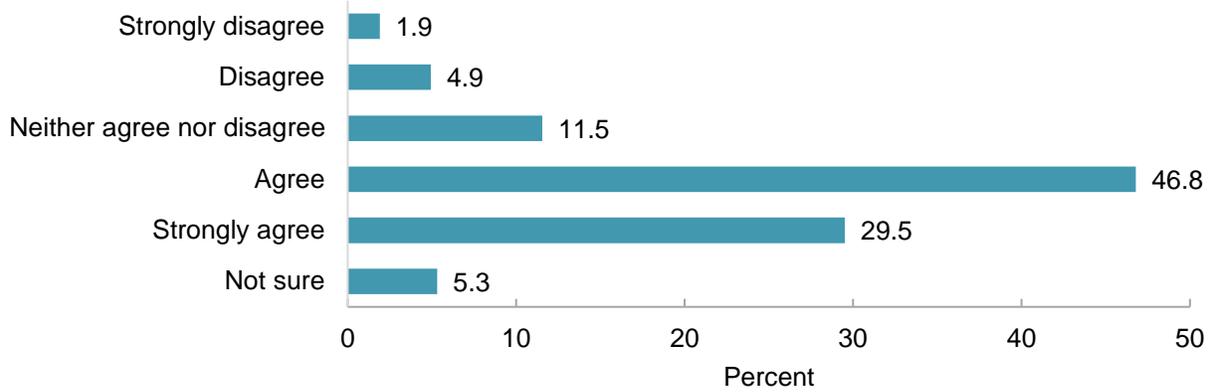
Section J asked respondents to indicate their level of agreement on the requirement of broad public support for any change to the electoral system, and how that level of support should be gauged. The results are as follows:

- 75.9% of respondents agreed or strongly agreed that *any change to the electoral system should **require broad public support**, in addition to the Legislative Assembly’s approval*; 9.8% disagreed or strongly disagreed (Figure J1).
- 76.3% agreed or strongly agreed that *broad public support for changes to the electoral system should be gauged through a **direct vote by Yukoners**, through a plebiscite or referendum*; 6.8% disagreed or strongly disagreed (Figure J2).
- 33.1% agreed or strongly agreed that *broad public support for changes to the electoral system should be gauged through the creation of a **citizen’s assembly***³; 33.7% disagreed or strongly disagreed (Figure J3).

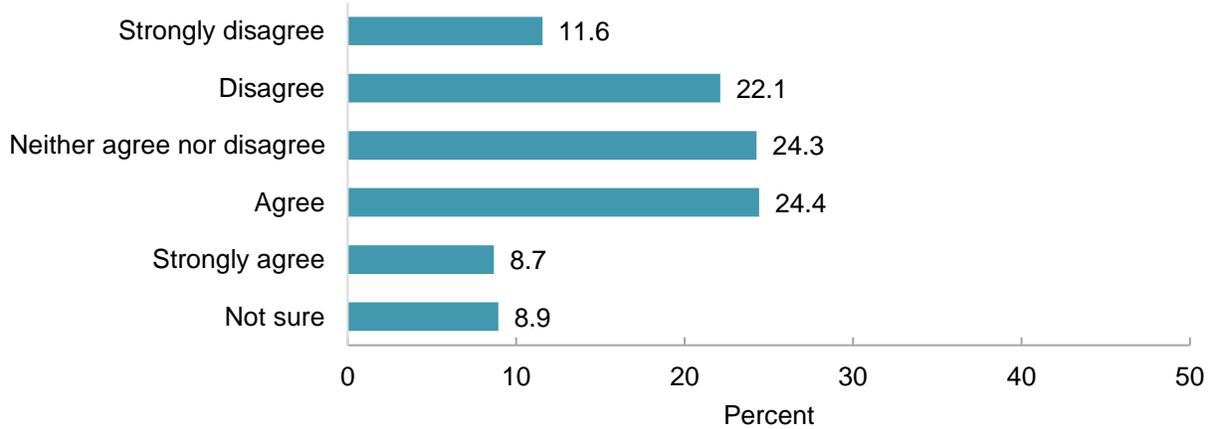


³ A citizens' assembly is a body formed from a cross-section of the public, randomly selected and representative, to study the options available on issues of importance.

J2. Broad public support for changes to the electoral system should be gauged through a direct vote by Yukoners (through a plebiscite or referendum).



J3. Broad public support for changes to the electoral system should be gauged through the creation of a citizens' assembly.



Appendix 1. Data tables

Note: data provided in the “Percent” column may not add up to 100.0 due to rounding.

A. Your vote

A1 Did you vote in the last territorial election (in April 2021)?

	Frequency	Percent
Yes	4694	76.6
No	1435	23.4
Total	6129	100.0

A2 Did you vote in previous territorial elections?

	Frequency	Percent
On every occasion that I have been eligible to vote	4389	71.6
Sometimes	676	11.0
Never	1064	17.4
Total	6129	100.0

A3 When you have not voted in territorial elections, what has been the reason? Check all that apply:

[Skip if A1 = Yes and A2 = On every occasion]

	Frequency	Percent
I was not a Canadian citizen	406	20.6
Lack of time / Other responsibilities	358	18.2
Lack of confidence in candidates and/or parties and/or leaders	324	16.4
I did not meet the residency requirement	309	15.7
Felt that my vote would not count / would not impact the outcome	278	14.1
I was not old enough to vote	272	13.8
Did not support any candidates running in my riding	240	12.2
Not interested	234	11.8
Other reasons	137	6.9
Not aware that it was election day	133	6.7
Unable to access polling station because of distance and/or lack of transportation	111	5.6
Did not know where to vote	91	4.6
Unable to register to vote and/or provide sufficient identification and/or proof of address	63	3.2
Unable to access polling station because of physical barriers	39	2.0
Total	1974	

A4 When you vote in territorial elections, do you feel that your vote “counts”?

[Skip if A1 = No and A2 = Never]

	Frequency	Percent
Yes	2404	46.2
Sometimes	1806	34.7
No	712	13.7
Not sure	278	5.3
Total	5200	100.0

A5 When you have voted in territorial elections, which of the following motivated you to cast your ballot? Check all that apply:

[Skip if A1 = No and A2 =Never]

	Frequency	Percent
Support for a local candidate	3144	60.5
Civic duty	3127	60.1
Support for a party policy/platform	3066	59.0
Opposition to party policy/platform	1827	35.1
Support for a political party	1824	35.1
Opposition to a local candidate	1443	27.8
Opposition to a political party	1423	27.4
Support for a political party leader	1417	27.3
Opposition to a political party leader	1075	20.7
Other reasons	63	1.2
Total	5200	

B. Goals of a voting system

Thinking of Yukon territorial elections, how important is each of the following elements to you?

B1 Local representative

	Frequency	Percent
Not Important	163	2.7
Slightly Important	352	5.8
Moderately Important	806	13.1
Important	1948	31.8
Very Important	2739	44.7
Not sure	121	2.0
Total	6129	100.0

B2 Political party and/or its leader

	Frequency	Percent
Not Important	267	4.4
Slightly Important	433	7.1
Moderately Important	1140	18.6
Important	2183	35.6
Very Important	1957	31.9
Not sure	149	2.4
Total	6129	100.0

B3 Political party platforms

	Frequency	Percent
Not Important	163	2.7
Slightly Important	234	3.8
Moderately Important	692	11.3
Important	1893	30.9
Very Important	2963	48.3
Not sure	184	3.0
Total	6129	100.0

Please indicate your level of agreement or disagreement to each of the following statements:

B4 Yukon's electoral system should favour the following outcome: One political party holds a majority of seats in the Legislative Assembly and is able to implement its campaign platform.

	Frequency	Percent
Strongly disagree	522	8.5
Disagree	1205	19.7
Neither agree nor disagree	1471	24.0
Agree	1878	30.6
Strongly agree	727	11.9
Not sure	327	5.3
Total	6129	100.0

B5 Yukon's electoral system should favour the following outcome: No single political party holds the majority of seats in the Legislative Assembly, thereby increasing the likelihood that political parties will have to work together.

	Frequency	Percent
Strongly disagree	420	6.8
Disagree	1031	16.8
Neither agree nor disagree	1343	21.9
Agree	1924	31.4
Strongly agree	1099	17.9
Not sure	312	5.1
Total	6129	100.0

B6 Yukon's electoral system should ensure that voters elect local candidates to represent them in the Legislative Assembly.

	Frequency	Percent
Strongly disagree	109	1.8
Disagree	183	3.0
Neither agree nor disagree	827	13.5
Agree	2725	44.5
Strongly agree	2079	33.9
Not sure	207	3.4
Total	6129	100.0

B7 Yukon's electoral system should ensure that the number of seats held by a party in the Legislative Assembly reflects the proportion of votes it received across the territory.

	Frequency	Percent
Strongly disagree	220	3.6
Disagree	397	6.5
Neither agree nor disagree	782	12.8
Agree	2342	38.2
Strongly agree	2048	33.4
Not sure	339	5.5
Total	6129	100.0

C. Current electoral system

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

C1 The current electoral system adequately reflects voters' intentions.

	Frequency	Percent
Strongly disagree	692	11.3
Disagree	1848	30.1
Neither agree nor disagree	1315	21.5
Agree	1537	25.1
Strongly agree	270	4.4
Not sure	468	7.6
Total	6129	100.0

C2 If I vote for a candidate in my riding who does not win, my vote is wasted.

	Frequency	Percent
Strongly disagree	636	10.4
Disagree	2321	37.9
Neither agree nor disagree	1158	18.9
Agree	1202	19.6
Strongly agree	588	9.6
Not sure	223	3.6
Total	6129	100.0

C3 The current electoral system should be maintained.

	Frequency	Percent
Strongly disagree	988	16.1
Disagree	1577	25.7
Neither agree nor disagree	1461	23.8
Agree	1165	19.0
Strongly agree	373	6.1
Not sure	565	9.2
Total	6129	100.0

C4 The current electoral system should be changed.

	Frequency	Percent
Strongly disagree	288	4.7
Disagree	723	11.8
Neither agree nor disagree	1489	24.3
Agree	1608	26.2
Strongly agree	1378	22.5
Not sure	643	10.5
Total	6129	100.0

D. Plurality or majority systems

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

D1 A candidate who receives the most votes, even if it is less than 50% of the total votes cast, should be elected to the Legislative Assembly.

	Frequency	Percent
Strongly disagree	400	6.5
Disagree	1449	23.6
Neither agree nor disagree	987	16.1
Agree	2272	37.1
Strongly agree	640	10.4
Not sure	382	6.2
Total	6129	100.0

D2 In order to be elected to the Legislative Assembly, a candidate should have to obtain more than 50% of the votes cast.

	Frequency	Percent
Strongly disagree	291	4.8
Disagree	1549	25.3
Neither agree nor disagree	1170	19.1
Agree	2200	35.9
Strongly agree	559	9.1
Not sure	360	5.9
Total	6129	100.0

D3 In a system that requires a candidate to receive more than 50% of votes cast, voters should be able to rank candidates on the ballot in order to elect a candidate in one round of voting.

	Frequency	Percent
Strongly disagree	262	4.3
Disagree	652	10.6
Neither agree nor disagree	1062	17.3
Agree	2461	40.2
Strongly agree	1184	19.3
Not sure	508	8.3
Total	6129	100.0

D4 In a system that requires a candidate to receive more than 50% of votes cast, a second round of voting should take place between the top two candidates to determine the victor if no candidate obtains more than half the votes cast during a first round of voting.

	Frequency	Percent
Strongly disagree	486	7.9
Disagree	1332	21.7
Neither agree nor disagree	1068	17.4
Agree	2114	34.5
Strongly agree	667	10.9
Not sure	462	7.5
Total	6129	100.0

E. Proportional representation systems

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

E1 Voters should vote for political parties (not specific candidates), and the seats should be allocated based on the percentage of votes obtained by each political party.

	Frequency	Percent
Strongly disagree	926	15.1
Disagree	1784	29.1
Neither agree nor disagree	986	16.1
Agree	1614	26.3
Strongly agree	496	8.1
Not sure	323	5.3
Total	6129	100.0

E2 When voters vote for political parties instead of specific candidates, political parties should determine which of their candidates get elected from the party's list.

	Frequency	Percent
Strongly disagree	1245	20.3
Disagree	2291	37.4
Neither agree nor disagree	1103	18.0
Agree	939	15.3
Strongly agree	184	3.0
Not sure	368	6.0
Total	6129	100.0

E3 When voters vote for political parties instead of specific candidates, voters should determine which candidates get elected from a party's list.

	Frequency	Percent
Strongly disagree	281	4.6
Disagree	596	9.7
Neither agree nor disagree	1005	16.4
Agree	2765	45.1
Strongly agree	1109	18.1
Not sure	373	6.1
Total	6129	100.0

E4 Yukon's electoral system should produce a proportional Legislative Assembly (where seats roughly match the parties' vote shares) through the direct election of local representatives in multi-member ridings.

	Frequency	Percent
Strongly disagree	373	6.1
Disagree	552	9.0
Neither agree nor disagree	1449	23.6
Agree	2184	35.6
Strongly agree	751	12.3
Not sure	820	13.4
Total	6129	100.0

F. Mixed electoral systems

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

F1 Voters should cast two votes on their ballots: one to directly elect a member to serve as their representative, and a second for a party or parties to fill remaining seats in the Legislative Assembly based on each party's vote share.

	Frequency	Percent
Strongly disagree	547	8.9
Disagree	1084	17.7
Neither agree nor disagree	1168	19.1
Agree	2129	34.7
Strongly agree	616	10.1
Not sure	584	9.5
Total	6129	100.0

F2 Remaining seats in the Legislative Assembly should be allocated in proportion to the percentage of votes received by each political party.

	Frequency	Percent
Strongly disagree	435	7.1
Disagree	755	12.3
Neither agree nor disagree	1140	18.6
Agree	2576	42.0
Strongly agree	642	10.5
Not sure	581	9.5
Total	6129	100.0

G. Voting system preference

G1 Please rank the four voting systems in order of your preference (1 being your most preferred system and 4 being the least preferred).

	Rank							
	1		2		3		4	
	Frequency	Percent	Frequency	Percent	Frequency	Percent	Frequency	Percent
Plurality system	1907	31.1	1096	17.9	1249	20.4	1878	30.6
Majority system	1453	23.7	1914	31.2	1765	28.8	997	16.3
Proportional representation system	1674	27.3	1644	26.8	1725	28.1	1086	17.7
Mixed electoral system	1095	17.9	1475	24.1	1391	22.7	2168	35.4
Total	6129	100	6129	100	6129	100	6129	100

	Rank Sum weight		Centroid weight	
	Score	Rank	Score	Rank
Plurality system	1529	3	1589	3
Majority system	1608	2	1595	2
Proportional representation system	1617	1	1637	1
Mixed electoral system	1375	4	1308	4
	6129		6129	

H. Size of the legislative assembly

H1 Thinking of the size of Yukon Legislative Assembly, the number of MLAs in Yukon Legislative Assembly should:

	Frequency	Percent
Remain the same	2823	46.1
Increase to improve levels of representation	1817	29.6
Increase to support a different voting system	949	15.5
Other (please specify)	500	8.2
Not sure	40	0.7
Total	6129	100.0

Other responses:

Decrease	153	30.6
Not informed	96	19.2
Different representation: FN, Old Crow, rural, other	185	37.0
Request to change system to NWT's	10	2.0
Other	56	11.3
Total	500	100.0

I. Voting age and residency requirements

I1 The voting age should remain the same.

	Frequency	Percent
Strongly disagree	361	5.9
Disagree	896	14.6
Neither agree nor disagree	582	9.5
Agree	2495	40.7
Strongly agree	1684	27.5
Not sure	112	1.8
Total	6129	100.0

I1_1 The voting age should remain the same, by age group

	Age 16-17		Age 18+	
	Frequency	Percent	Frequency	Percent
Strongly disagree	22	13.7%	339	5.7%
Disagree	39	24.0%	857	14.4%
Neither agree nor disagree	21	12.8%	561	9.4%
Agree	42	25.7%	2453	41.1%
Strongly agree	34	21.2%	1649	27.6%
Not sure	4	2.6%	108	1.8%
Total	162	100.0%	5967	100.0%

I2 The voting age should be lowered to 16.

	Frequency	Percent
Strongly disagree	1648	26.9
Disagree	2076	33.9
Neither agree nor disagree	734	12.0
Agree	911	14.9
Strongly agree	584	9.5
Not sure	176	2.9
Total	6129	100.0

I2_1 The voting age should be lowered to 16, by age group

	Age 16-17		Age 18+	
	Frequency	Percent	Frequency	Percent
Strongly disagree	45	28.0%	1603	26.9%
Disagree	32	19.7%	2045	34.3%
Neither agree nor disagree	17	10.8%	717	12.0%
Agree	32	19.7%	879	14.7%
Strongly agree	31	19.2%	553	9.3%
Not sure	4	2.6%	171	2.9%
Total	162	100.0%	5967	100.0%

I3 The residency requirement should remain the same.

	Frequency	Percent
Strongly disagree	204	3.3
Disagree	710	11.6
Neither agree nor disagree	621	10.1
Agree	2766	45.1
Strongly agree	1674	27.3
Not sure	154	2.5
Total	6129	100.0

I4 The residency requirement should be lowered to 6 months.

	Frequency	Percent
Strongly disagree	1612	26.3
Disagree	2220	36.2
Neither agree nor disagree	787	12.8
Agree	935	15.2
Strongly agree	356	5.8
Not sure	219	3.6
Total	6129	100.0

J. Moving forward on electoral system reform

Please indicate your level of agreement or disagreement to each of the following statements:

J1 Any change to the electoral system should require broad public support, in addition to the Legislative Assembly's approval.

	Frequency	Percent
Strongly disagree	159	2.6
Disagree	441	7.2
Neither agree nor disagree	639	10.4
Agree	2830	46.2
Strongly agree	1821	29.7
Not sure	239	3.9
Total	6129	100.0

J2 Broad public support for changes to the electoral system should be gauged through a direct vote by Yukoners (through a plebiscite or referendum).

	Frequency	Percent
Strongly disagree	117	1.9
Disagree	303	4.9
Neither agree nor disagree	708	11.5
Agree	2867	46.8
Strongly agree	1809	29.5
Not sure	326	5.3
Total	6129	100.0

J3 Broad public support for changes to the electoral system should be gauged through the creation of a citizens' assembly.

	Frequency	Percent
Strongly disagree	709	11.6
Disagree	1356	22.1
Neither agree nor disagree	1488	24.3
Agree	1497	24.4
Strongly agree	532	8.7
Not sure	548	8.9
Total	6129	100.0

Appendix 2. Yukon Electoral Reform Survey Questionnaire

A. YOUR VOTE

A1. Did you vote in the last territorial election (in April 2021)?

- Yes No

A2. Did you vote in previous territorial elections?

- On every occasion that I have been eligible to vote
 Sometimes
 Never

A3. [Skip if A1 = Yes and A2 = On every occasion] When you have not voted in territorial elections, what has been the reason? Check all that apply:

- Lack of time / Other responsibilities
 Did not know where to vote
 Unable to access polling station because of physical barriers
 Unable to access polling station because of distance and/or lack of transportation
 Not aware that it was election day
 Not interested
 Felt that my vote would not count / would not impact the outcome
 Did not support any candidates running in my riding
 Lack of confidence in candidates and/or parties and/or leaders
 Unable to register to vote and/or provide sufficient identification and/or proof of address
 I did not meet the residency requirement
 I was not a Canadian citizen
 I was not old enough to vote
 Other (please specify): _____

A4. [Skip if A1 = No and A2 =Never] When you vote in territorial elections, do you feel that your vote “counts”?

- Yes No
 Sometimes Not sure

A5. [Skip if A1 = No and A2 =Never] When you have voted in territorial elections, which of the following motivated you to cast your ballot? Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Support for a local candidate | <input type="checkbox"/> Opposition to a political party |
| <input type="checkbox"/> Opposition to a local candidate | <input type="checkbox"/> Support for a political party leader |
| <input type="checkbox"/> Support for a party's policy/platform | <input type="checkbox"/> Opposition to a political party leader |
| <input type="checkbox"/> Opposition to a party's policy/platform | <input type="checkbox"/> Civic duty |
| <input type="checkbox"/> Support for a political party | <input type="checkbox"/> Other (please specify): _____ |

B. GOALS OF A VOTING SYSTEM

Thinking of Yukon territorial elections, how important is each of the following elements to you?

		<i>Not important</i>	<i>Slightly important</i>	<i>Moderately important</i>	<i>Important</i>	<i>Very important</i>	<i>Not sure</i>
B1.	Local representative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B2.	Political party and/or its leader	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B3.	Political party platforms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please indicate your level of agreement or disagreement to each of the following statements:

B4. Yukon's electoral system should favour the following outcome: One political party holds a majority of seats in the Legislative Assembly and is able to implement its campaign platform.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B5. Yukon's electoral system should favour the following outcome: No single political party holds the majority of seats in the Legislative Assembly, thereby increasing the likelihood that political parties will have to work together.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B6. Yukon's electoral system should ensure that voters elect local candidates to represent them in the Legislative Assembly.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B7. Yukon's electoral system should ensure that the number of seats held by a party in the Legislative Assembly reflects the proportion of votes it received across the territory.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. CURRENT ELECTORAL SYSTEM

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

		<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
C1.	The current electoral system adequately reflects voters' intentions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C2.	If I vote for a candidate in my riding who does not win, my vote is wasted.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C3.	The current electoral system should be maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C4.	The current electoral system should be changed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. PLURALITY OR MAJORITY SYSTEMS

In a plurality system (commonly known as first-past-the-post system), the candidate who receives more votes than any other candidate is elected. In a majority system, the party or candidate winning more than 50% of the vote cast in a riding is awarded the contested seat.

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

D1. A candidate who receives the most votes, even if it is less than 50% of the total votes cast, should be elected to the Legislative Assembly.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D2. In order to be elected to the Legislative Assembly, a candidate should have to obtain more than 50% of the votes cast.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D3. In a system that requires a candidate to receive more than 50% of votes cast, voters should be able to rank candidates on the ballot in order to elect a candidate in one round of voting.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D4. In a system that requires a candidate to receive more than 50% of votes cast, a second round of voting should take place between the top two candidates to determine the victor if no candidate obtains more than half the votes cast during a first round of voting.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. PROPORTIONAL REPRESENTATION SYSTEMS

In a proportional representation system, the distribution of seats is broadly proportional to the distribution of the popular vote among political parties.

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

E1. Voters should vote for political parties (not specific candidates), and the seats should be allocated based on the percentage of votes obtained by each political party.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E2. When voters vote for political parties instead of specific candidates, political parties should determine which of their candidates get elected from the party's list.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E3. When voters vote for political parties instead of specific candidates, voters should determine which candidates get elected from a party's list.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E4. Yukon's electoral system should produce a proportional Legislative Assembly (where seats roughly match the parties' vote shares) through the direct election of local representatives in multi-member ridings.

(A *multi-member riding* is an electoral district that has more than one member in the Legislative Assembly. Voters in a *multi-member riding* mark off as many names on their ballots as there are seats to be filled, and candidates with the most votes are declared elected.)

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F. MIXED ELECTORAL SYSTEMS

A mixed electoral system blends different voting systems. Members in some ridings are elected directly (the candidate who receives more votes than any other candidate) and members in the remaining ridings are elected from party lists based on each party's vote share.

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

F1. Voters should cast two votes on their ballots: One to directly elect a member to serve as their representative, and a second for a party or parties to fill remaining seats in the Legislative Assembly based on each party's vote share.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

F2. Remaining seats in the Legislative Assembly should be allocated in proportion to the percentage of votes received by each political party.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. VOTING SYSTEM PREFERENCE

This survey considers four voting systems.

- In a plurality system, the candidate who receives more votes than any other candidate is elected. Our current electoral system is a plurality system.
- In a majority system, the party or candidate winning more than 50% of the votes cast in a riding is awarded the contested seat.
- In a proportional representation system, the distribution of seats is broadly proportional to the distribution of the popular vote among political parties.
- A mixed electoral system blends different voting systems. Members in some ridings are elected directly (the candidate who receives more votes than any other candidate) and members in the remaining ridings are elected from party lists based on each party's vote share.

G1. Please rank the four voting systems in order of your preference (1 being your most preferred system and 4 being the least preferred).

<u>Rank Order</u>	<u>System</u>
<input type="checkbox"/>	Plurality system
<input type="checkbox"/>	Majority system
<input type="checkbox"/>	Proportional representation system
<input type="checkbox"/>	Mixed electoral system

H. SIZE OF THE LEGISLATIVE ASSEMBLY

Yukon has 19 Members of the Legislative Assembly (MLAs) for a population of about 43.0 thousand and an area of 482,443 km².

The Northwest Territories also have 19 MLAs (population 45.5 thousand; area 1,346,106 km²).

Nunavut has 22 MLAs (population 39.4 thousand; area 2,093,190 km²), and

Prince Edward Island has 27 MLAs (population 164.3 thousand; area 5,660 km²).

H1. Thinking of the size of Yukon Legislative Assembly, the number of MLAs in Yukon Legislative Assembly should:

- Remain the same
- Increase to improve levels of representation
- Increase to support a different voting system
- Other (please specify): _____

I. VOTING AGE AND RESIDENCY REQUIREMENTS

Currently, to vote in Yukon territorial elections, one must be at least 18 years of age, a Canadian citizen, and a resident of Yukon for at least 12 months prior to the polling day.

Thinking of Yukon territorial elections, please indicate your level of agreement or disagreement to each of the following statements:

I1. The voting age should remain the same.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I2. The voting age should be lowered to 16.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I3. The residency requirement should remain the same.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I4. The residency requirement should be lowered to 6 months.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

J. MOVING FORWARD ON ELECTORAL SYSTEM REFORM

Please indicate your level of agreement or disagreement to each of the following statements:

J1. Any change to the electoral system should require broad public support, in addition to the Legislative Assembly’s approval.

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

J2. Broad public support for changes to the electoral system should be gauged through a direct vote by Yukoners (through a plebiscite or referendum).

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

J3. Broad public support for changes to the electoral system should be gauged through the creation of a citizens' assembly.

(A *citizens' assembly* is a body formed from a cross-section of the public, randomly selected and representative, to study the options available on issues of importance.)

<i>Strongly disagree</i>	<i>Disagree</i>	<i>Neither agree nor disagree</i>	<i>Agree</i>	<i>Strongly agree</i>	<i>Not sure</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

K. GIFT CARD DRAW – YOUR CONTACT INFORMATION

Thank you for taking part in this survey, your participation is greatly appreciated. To be entered into the draw for one of three \$500 Local Gift Cards, which can be used at any of the participating businesses, please confirm your name and contact information.

Name: _____

Contact information (at least one contact information is required):

Email: _____

Phone 1: _____

Phone 2: _____

Thank you for your participation.

If you have any questions or comments, please contact:
YBS.Operations@yukon.ca or at (866) 527-8266 (Toll Free) and (867) 667-8029 (Local).

Survey Report on the proposal to form a Citizens' Assembly on Electoral Reform

Prepared for the Special Committee on Electoral Reform
of the 35th Yukon Legislative Assembly
by Yukon Bureau of Statistics

March 2023

Table of Contents

- Introduction and Methodology 1
- Results 2
 - Support for the formation of a Citizens' Assembly on Electoral Reform..... 2
 - Size of the Citizens' Assembly 3
 - Other considerations for the makeup of a Citizens' Assembly 4
 - Preferred methods of providing input to a Citizens' Assembly 6
 - Respondents' interest in participating as a member of a Citizens' Assembly 7
- Appendix 1. Data tables 9
- Appendix 2. Survey questionnaire 12

Survey Report on the proposal to form a Citizens' Assembly on Electoral Reform

Introduction and Methodology

The Survey on the proposal to form a Citizens' Assembly on Electoral Reform was conducted by Yukon Bureau of Statistics (YBS) on behalf of the Special Committee on Electoral Reform of the 35th Yukon Legislative Assembly. This survey was a follow-up survey based on the results of the Yukon Electoral Reform Survey and Yukoners' feedback in the hearings and submissions. The survey sought input from Yukoners on the formation of a Citizens' Assembly to assess electoral systems and recommend whether the current system should be retained or another system should be adopted.

The survey was a census of all Yukon residents aged 16 years and over. YBS started sending invitations to all eligible individuals in the Bureau's Household Survey Frame on January 12, 2023, and the process was completed in a week. Each eligible person received either an email invitation with a unique and non-shareable link or a letter invitation with a unique PIN and a simplified URL. Individuals in the 65 years and older age group, whose email addresses were not available in the survey frame, received a letter invitation along with a printed copy of the questionnaire. The initial invitation was followed by reminders, and the survey was closed on March 5, 2023.

Out of 36,288 eligible individuals, 6,354 completed the survey with a response rate of 17.5%. The percentage distribution of responses by stratum (i.e., electoral district, age group, and gender) was compared with that of the eligible population. The difference between the two distributions by stratum ranged from -0.3 to +0.5 percentage points. Calibration factors were derived for each stratum to minimize the distributional differences and to better represent the electoral districts and demographics. The distribution of the calibration factors was compared with the distributions of the population and responses to validate their alignments, and then the calibration factors were applied to responses.

In most surveys of the general population without any non-response follow-up, older adults and women tend to respond in a relatively higher proportion than other demographic groups, and this survey was no exception. Therefore, calibration of responses was necessary to minimize any participation bias and to improve the distributional balance of responses. The results presented in this report reflect the responses of the survey participants without unreasonably under- or over-representing any groups based on geography, age group, or gender. The application of the calibration factors helped reduce the participation bias and improve the survey results. However, the results may not be representative of the eligible population, as those with a particular interest in the survey topic may have been more likely than others to participate in the survey.

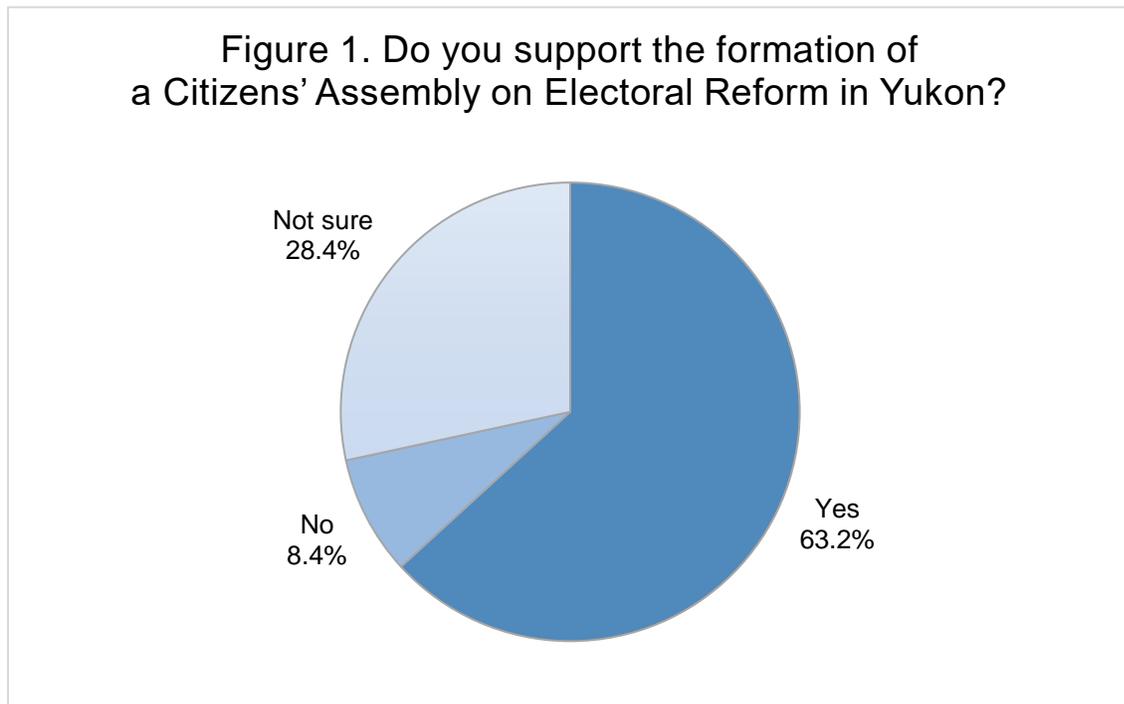
Results

The survey questionnaire contained five questions. The first question asked respondents if they supported the formation of a Citizens' Assembly on Electoral Reform in Yukon. The remaining questions, in order, were about the size of the Citizens' Assembly, other considerations for the makeup of an Assembly, preferred methods for providing input to an Assembly, and respondents' interest in participating as a member of a Citizens' Assembly.

Results of the analysis of responses to each question are presented below.

Support for the formation of a Citizens' Assembly on Electoral Reform

The majority (63.2%) of respondents supported the formation of a Citizens' Assembly on Electoral Reform in Yukon, while 8.2% did not. Slightly over a quarter (28.4%) of respondents said they were not sure (Figure 1).¹

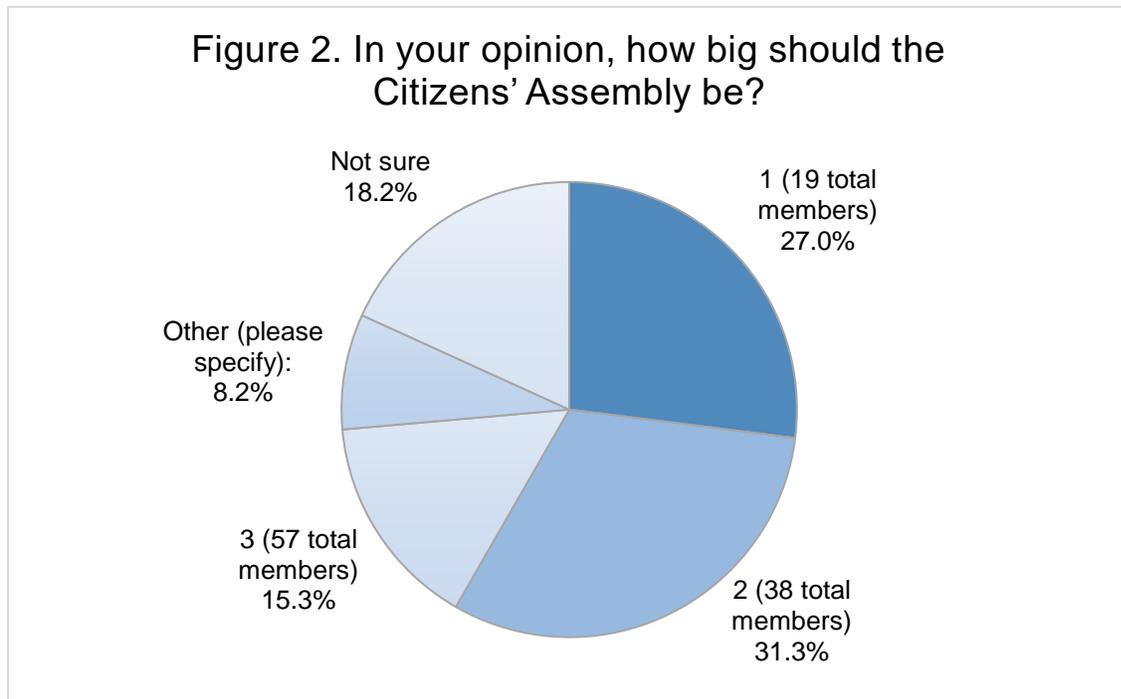


¹ In the Yukon Electoral Reform Survey (2022), 33.1% agreed or strongly agreed that broad public support for changes to the electoral system should be gauged through the creation of a citizen's assembly; 33.7% disagreed or strongly disagreed. It is likely that the concept of a Citizens' Assembly was not clear to the respondents of the Yukon Electoral Reform Survey.

Size of the Citizens' Assembly

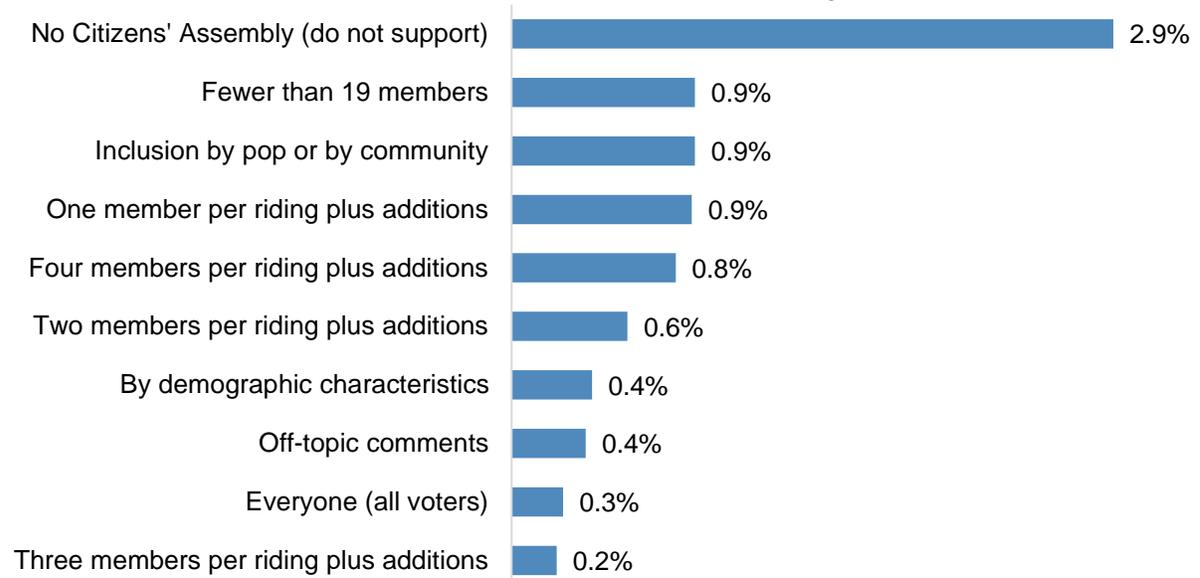
The question presented several response options for the size of the Citizens' Assembly: one, two, or three members per riding, or respondents could select "Other" and type in a comment.

The most popular option was two members per riding (31.3%), followed closely by one member per riding (27.0%). While 15.3% of respondents said they preferred the option for three members per riding, 18.2% said they were not sure, and 8.2% selected "Other" (Figure 2).



Comments provided under "Other" were thematically analyzed, and ten themes emerged from the data (Figure 3). Some respondents who had selected "No" in response to Question 1 used the comment field to reiterate and explain their position on the topic. Their explanations included concerns that the process would be inefficient, costly, or unlikely to be successful. Some said they favoured a referendum instead of a Citizens' Assembly, while others said they wished to see elected officials do the work or they preferred the current electoral system. Other common responses included a desire to see a Citizens' Assembly with fewer than 19 members; selection of members by population or community rather than by riding; and inclusion of additional members to represent specific groups such as Yukon First Nations or youth.

Figure 3. Other considerations specified for the size of a Citizens' Assembly



Other considerations for the makeup of a Citizens' Assembly

About a third (32.5%) of the respondents opined that there should be other considerations for the makeup of a Citizens' Assembly (Figure 4). Their comments were coded into eleven themes (Figure 5). In some cases, a comment fell under several themes. Many respondents wrote about the need for diversity and inclusion amongst the members of the Assembly, while others raised issues such as the need for political neutrality, skills and experience of the members. Some respondents wrote about the need for the Assembly members to be representative of the Yukon's population as a whole.

Figure 4. In your opinion, are there other considerations for the makeup of a Citizens' Assembly?

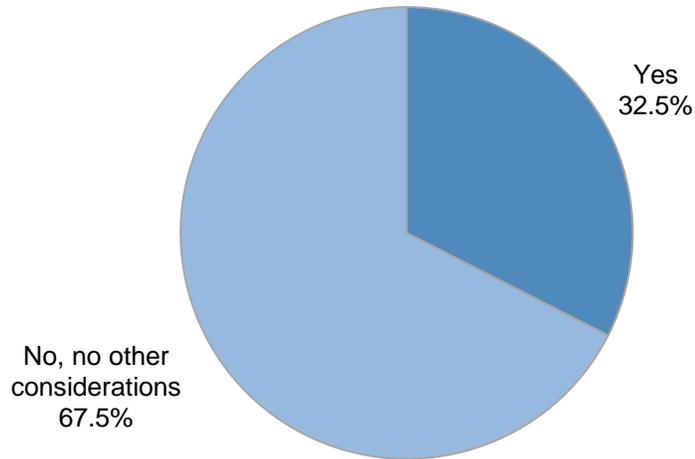
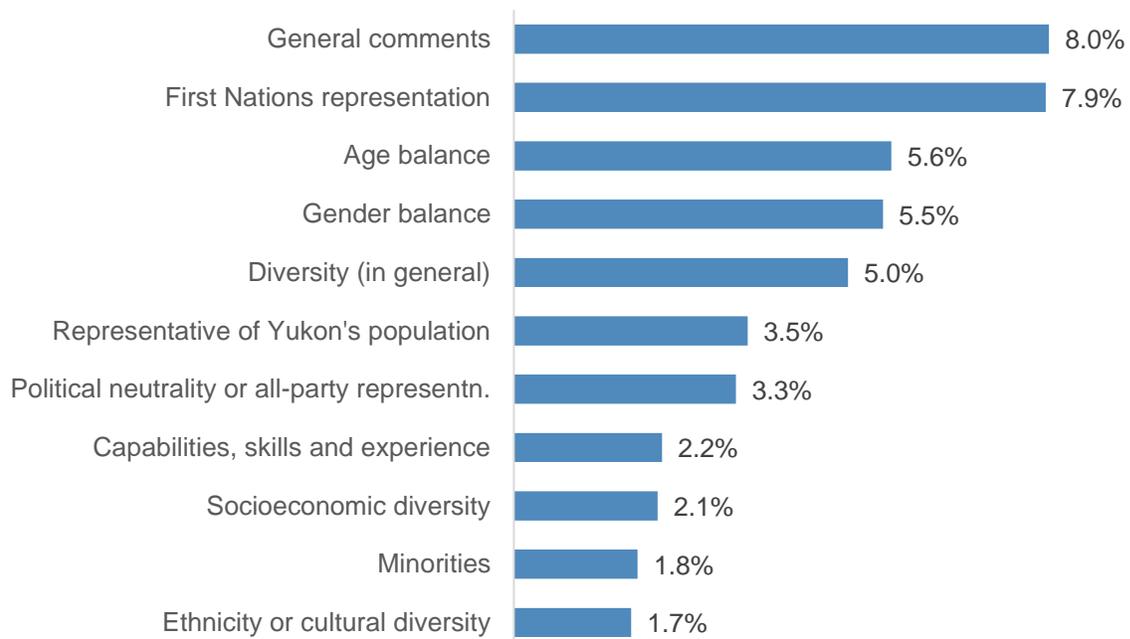


Figure 5. Other considerations specified for the makeup of a Citizens' Assembly



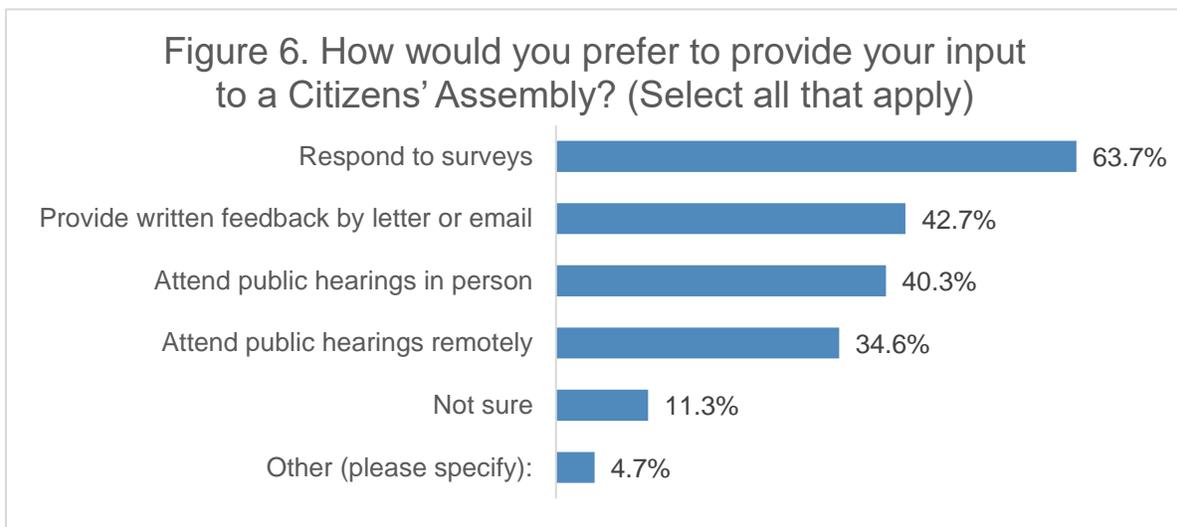
Preferred methods of providing input to a Citizens' Assembly

A Citizens' Assembly could engage with the public to gather feedback on potential options for electoral reform. The question presented several response options for how the public could provide their input to the Assembly; respondents could select as many options as they wished.

Surveys were the most popular option (63.7%)², followed by provisions for written feedback by letter or email (42.7%), attending public hearings in person (40.3%), and attending public hearings by teleconference or video conference (34.6%) (Figure 6). While 4.7% of the respondents provided comments via the "Other" category, many of those comments were general in nature. Some respondents who had selected "No" in response to Question 1 used the comment field to reiterate their position on the topic.

Other suggestions included:

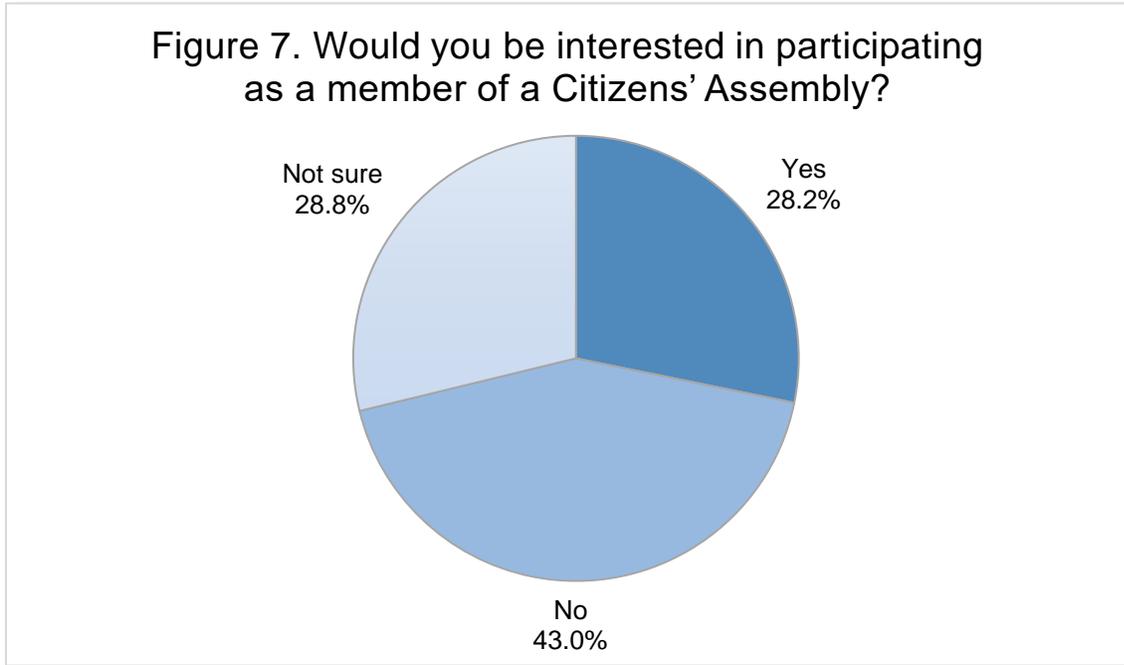
- Online discussion forums and social media engagements;
- Workshops, meetings, focus groups and town hall discussions;
- In-person and online educational sessions;
- Targeted engagement with specific audiences such as First Nation governments and schools;
- Personal outreach (telephone, mail, and door-to-door);
- A referendum; and
- Mock trials of different voting systems to demonstrate how they work.



² This response is not generalizable, as survey respondents are more likely than non-respondents to indicate their preference for surveys.

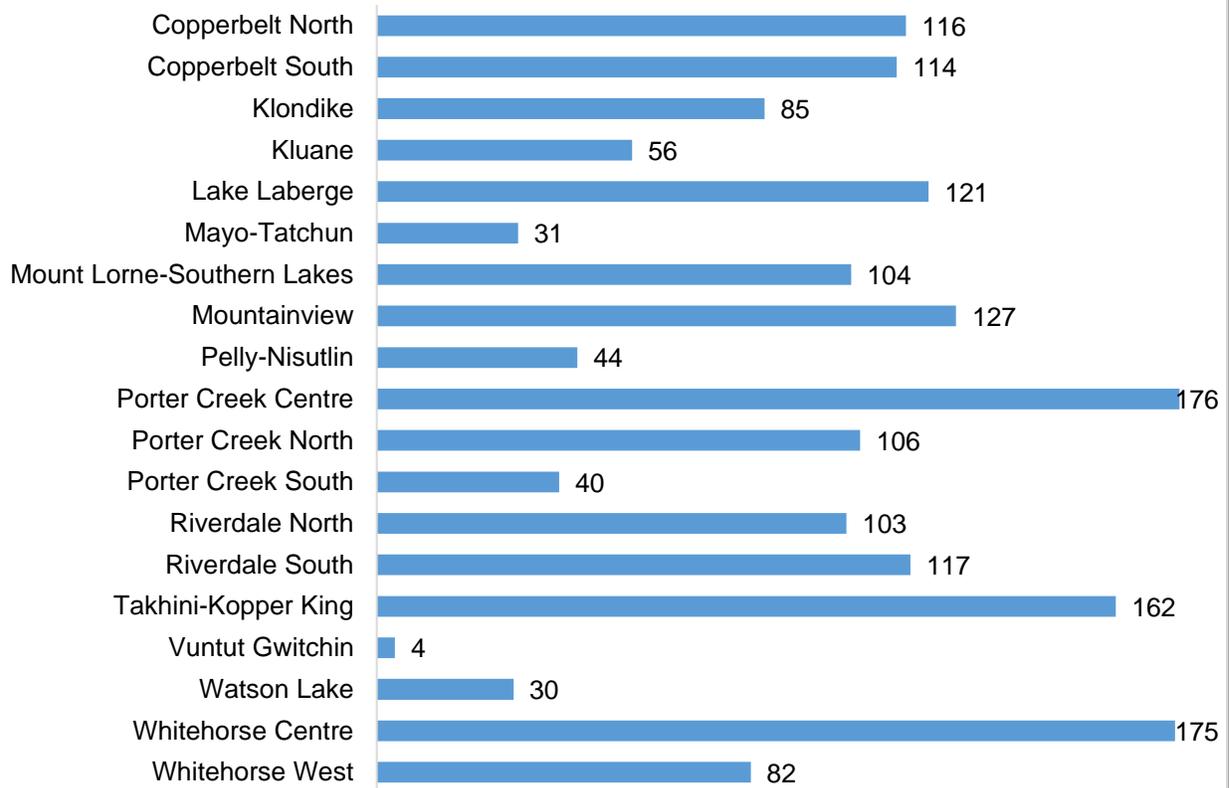
Respondents' interest in participating as a member of a Citizens' Assembly

A total of 1,793 respondents (28.2% of all respondents) said they would be interested in participating as a member of a Citizens' Assembly (Figure 7)³. By electoral district, interest in participating ranged from 4 to 176 (Figure 8).



³ Responses to the question about interest in participating in a Citizens' Assembly are not calibrated.

Figure 8. Number of respondents who expressed an interest in participating as a member of a Citizens' Assembly, by electoral district



Appendix 1. Data tables

Q1. Do you support the formation of a Citizens' Assembly on Electoral Reform in Yukon?

	Frequency	Percent
Yes	4015	63.2
No	533	8.4
Not sure	1806	28.4
Total	6354	100

Q2. In your opinion, how big should the Citizens' Assembly be?

	Frequency	Percent
1 (19 total Citizens' Assembly members)	1714	27.0
2 (38 total Citizens' Assembly members)	1988	31.3
3 (57 total Citizens' Assembly members)	971	15.3
Other (please specify):	522	8.2
Not sure	1159	18.2
Total	6354	100

Q2. Other responses (only one category was applied to each comment):

	Frequency	Percent
No Citizens' Assembly (do not support)	187	2.9
Inclusion by population (not riding) or by community	57	0.9
Fewer than 19 members	57	0.9
One member per riding plus additions (e.g. First Nations, youth)	56	0.9
Four members per riding plus additions	51	0.8
Two members per riding plus additions	36	0.6
By demographic characteristics	25	0.4
Off-topic comments	23	0.4
Everyone (all voters)	16	0.3
Three members per riding plus additions	14	0.2
Total	522	8.2

Q3. In your opinion, are there other considerations for the makeup of a Citizens' Assembly?

	Frequency	Percent
Yes, please specify:	2064	32.5
No, no other considerations	4290	67.5
Total	6354	100

Q3. Other considerations specified (more than one category was applied to some comments):

	Frequency	Percent
General comments	506	8.0
First Nations representation	503	7.9
Age balance (e.g. youth, seniors)	357	5.6
Gender balance	349	5.5
Diversity (in general)	316	5.0
Representative of Yukon's population as a whole	221	3.5
Political neutrality of members, or representation from various political parties	210	3.3
Capabilities, skills and experience of members	140	2.2
Socioeconomic diversity	136	2.1
Minorities (e.g. Francophones, visible minorities, people with disabilities)	117	1.8
Ethnicity or cultural diversity	111	1.7

Q4. How would you prefer to provide your input to a Citizens' Assembly? Select all that apply:

	Frequency	Percent
Attend public hearings in person	2563	40.3
Attend public hearings by teleconference or video conference	2201	34.6
Provide written feedback by letter or email	2716	42.7
Respond to surveys	4044	63.7
Other (please specify):	301	4.7
Not sure	717	11.3

Q4. Other suggestions (only one category was applied to each comment):

	Frequency	Percent
No Citizens' Assembly (do not support)	121	1.9
General comment	51	0.8
Ideas for engagement	129	2.0
Total	301	4.7

Q5. Would you be interested in participating as a member of a Citizens' Assembly?

	Frequency	Percent
Yes	1793	28.2
No	2730	43.0
Not sure	1831	28.8
Total	6354	100

**Q5. Would you be interested in participating as a member of a Citizens' Assembly?
 – by Electoral district
 (Note: results in this table are derived from uncalibrated data)**

Electoral District	Yes	No	Not sure	Total
Copperbelt North	116	221	120	457
Copperbelt South	114	170	126	410
Klondike	85	111	96	292
Kluane	56	91	64	211
Lake Laberge	121	189	104	414
Mayo-Tatchun	31	57	39	127
Mount Lorne-Southern Lakes	104	171	102	377
Mountainview	127	157	123	407
Pelly-Nisutlin	44	57	30	131
Porter Creek Centre	176	277	192	645
Porter Creek North	106	181	145	432
Porter Creek South	40	101	57	198
Riverdale North	103	191	110	404
Riverdale South	117	173	92	382
Takhini-Kopper King	162	183	146	491
Vuntut Gwitchin	4	7	6	17
Watson Lake	30	65	46	141
Whitehorse Centre	175	186	144	505
Whitehorse West	82	142	89	313
Total	1793	2730	1831	6354

Appendix 2. Survey questionnaire

Survey on the proposal to form a Citizens' Assembly on Electoral Reform

On behalf of the Special Committee on Electoral Reform of the 35th Yukon Legislative Assembly, Yukon Bureau of Statistics conducted the Yukon Electoral Reform Survey last winter to collect Yukoners' input on electoral reform. The Committee also held public hearings with expert witnesses and community residents, and received written submissions from organizations and individuals.

This survey is a follow-up survey based on the results of the Yukon Electoral Reform Survey and Yukoners' feedback in the hearings and submissions. The survey is seeking input from Yukoners on the formation of a Citizens' Assembly to assess electoral systems and recommend whether the current system should be retained or another system should be adopted.

Your participation is important to ensure that the information collected in this survey is as comprehensive as possible.

Your response will remain confidential and protected according to the provisions of Yukon's *Statistics Act*. Non-identifiable and aggregated information will be used for reporting results to protect your privacy and data confidentiality.

The survey should take approximately 5 minutes to complete.

Survey on the proposal to form a Citizens' Assembly on Electoral Reform

What is a Citizens' Assembly?

- A Citizens' Assembly (also known as citizens' jury, citizens' panel, or policy jury) is an independent, non-partisan body formed of randomly selected individuals from a pool of interested citizens to deliberate on important issues.
- A Citizens' Assembly on Electoral Reform would assess systems for electing Members of the Yukon Legislative Assembly and recommend a voting system (either the current system or a new system).
- Should the Citizens' Assembly recommend that a new system be adopted, the question of whether or not to adopt the new system would be put to Yukoners, through a referendum or plebiscite.
- [Click here](#) to read how a Citizens' Assembly on Electoral Reform was formed in other provinces.

Q1. Do you support the formation of a Citizens' Assembly on Electoral Reform in Yukon?

- Yes
- No
- Not sure

Q2. In your opinion, how big should the Citizens' Assembly be?

Members of a Citizens' Assembly can be randomly selected from each of the 19 electoral districts (sometimes referred to as ridings or constituencies) to have representation from across the Yukon. Note, if there are not enough individuals interested in becoming a member within an electoral district, a completely uniform representation of all electoral districts may not be possible.

- 1 (19 total Citizens' Assembly members)
- 2 (38 total Citizens' Assembly members)
- 3 (57 total Citizens' Assembly members)
- Other (please specify): _____
- Not sure

Q3. In your opinion, are there other considerations for the makeup of a Citizens' Assembly?

- Yes, please specify: _____
- No, no other considerations

Q4. A Citizens' Assembly could engage with the public to gather feedback on potential options for electoral reform. How would you prefer to provide your input to a Citizens' Assembly? Select all that apply:

- Attend public hearings in person
- Attend public hearings by teleconference or video conference
- Provide written feedback by letter or email
- Respond to surveys
- Other (please specify): _____
- Not sure

Q5. Would you be interested in participating as a member of a Citizens' Assembly?

- Yes
- No
- Not sure

Citizens' Assembly in Canadian Provinces

The British Columbia Citizens' Assembly on Electoral Reform (2003) was formed of 161 randomly selected citizens — one female and one male member from each electoral district; two Indigenous members, and a chair. The selection process considered gender balance, age group representation, and geographical distribution of the population.

- Random invitations were mailed out (200 per riding);
- Those who were interested were entered into a draw;
- Information sessions were held for all those selected in the first draw;
- A final draw was held amongst those who were still interested;
- Two additional representatives from First Nation communities were added.

The Ontario Citizens' Assembly on Electoral Reform (2006) was formed of 103 randomly selected citizens — one from each electoral district of the province — controlling for age distribution of the province. Amongst the members, 52 were female and 51 were male.

- Random invitations were mailed out to a selection of potential candidates from the voter registry, excluding elected officials;
- Those who expressed interest in participating were entered into a draw, and those who were selected were invited to join selection meetings;
- At each selection meeting, candidates decided whether to put their names into a ballot box from which one member and two alternates were selected.

Expert Witnesses

In its study of potential changes to the voting system, the committee sought input from subject matter experts. Given the ongoing COVID-19 pandemic and the short timeline for the committee to complete its work, the Special Committee on Electoral Reform conducted public hearings with expert witnesses by videoconference. Between January 21 and April 22, 2022, the committee held 14 videoconference hearings with subject matter experts.

Keith Archer, Committee Researcher

Dr. Archer appeared as a witness by videoconference on January 21 and 31 2022, to provide an overview of his report on options for Yukon's electoral system and answer questions from committee members.

R. Kenneth Carty, Professor Emeritus of Political Science, University of British Columbia

Dr. Carty also appeared twice before the committee, on January 24, and March 25, 2022, to discuss electoral reform in British Columbia and his experience with citizens' assemblies.

Maxwell Harvey, Chief Electoral Officer, Elections Yukon

On January 25, 2022, Yukon's Chief Electoral Officer spoke to the committee regarding elections in Yukon. Mr. Harvey outlined various electoral reform considerations from the perspective of Elections Yukon.

Joanna Everitt, Professor of Political Science, University of New Brunswick

The topic of Dr. Everitt's presentation on January 25, 2022, was the challenges that governments face when attempting to change voting systems and alternative options for electoral reform.

Donald Desserud, Professor of Political Science, University of Prince Edward Island

Dr. Desserud appeared as a witness on January 26, 2022, to discuss electoral reform in Prince Edward Island.

Peter Loewen, Director, Munk School of Global Affairs and Public Policy, University of Toronto

The current voting system, the first-past-the-post system, and the merits and demerits of electoral reform was the subject of Dr. Loewen's presentation to the committee on January 27, 2022.

Therese Arseneau, Senior Fellow in Political Science, University of Canterbury

On January 27, 2022, Dr. Arseneau appeared by videoconference from New Zealand to speak with the committee about that country's experience with electoral reform.

Paul Howe, Professor of Political Science, University of New Brunswick

Electoral reform in New Brunswick was the focus of Dr. Howe's January 28, 2022, appearance before the committee.

Dennis Pilon, Associate Professor, Department of Politics, York University

Dr. Pilon titled his submission to the committee "How to Understand Voting System Reform and Act on It". His presentation on March 25, 2022, addressed referenda and how the debate on electoral reform is framed.

Graham White, Professor Emeritus of Political Science, University of Toronto

Dr. White addressed the challenges to electoral reform faced by the North, and specifically Yukon, in his testimony on March 25, 2022.

Fair Vote Canada and Fair Vote Yukon

Fair Vote Canada is a non-profit organization that advocates for proportional representation. Fair Vote Canada's Executive Director, Anita Nickerson, appeared with Gisela Ruckert, a Fair Vote Canada Board Member, on January 26, 2022. Ms. Nickerson and Ms. Ruckert presented their organization's perspective on referenda and citizens' assemblies. On April 22, 2022, Linda Leon and Sally Wright addressed the committee as representatives of the Yukon branch of Fair Vote Canada. The presentation from Fair Vote Yukon recommended the creation of a Yukon citizens' assembly on electoral reform.



Yukon Legislative Assembly

Issue 1

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, January 21, 2022 — 3:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Witness: Keith Archer, Committee Researcher

EVIDENCE**Whitehorse, Yukon****Friday, January 21, 2022 — 3:00 p.m.**

Chair (Ms. White): Good afternoon. I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member for the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts. Today, we have with us Dr. Keith Archer. Dr. Archer was a professor of political science at the University of Calgary from 1984 to 2011, when he was appointed Professor Emeritus of Political Science. He was appointed Chief Electoral Officer of British Columbia and served in that role from 2011 until his retirement in 2018. He has also served on the Electoral Boundaries Commission of Alberta and the Electoral Boundaries Commission of British Columbia. Dr. Archer continues to conduct research and writing on matters relating to the administration of elections, and he was hired by the Special Committee on Electoral Reform to prepare a report on options for Yukon's electoral system.

In this videoconference hearing, Dr. Archer will present a summary of his report. We will have Dr. Archer back on Monday, January 31 for another hearing, following a series of expert presentations next week.

We will now proceed with Dr. Archer's presentation.

Mr. Archer: Thanks very much, Ms. White, and I would like to thank the Committee for inviting me to support their work of this Special Committee on Electoral Reform, and I'm happy to be here today to provide some comments on the report that I prepared for the Committee. I think that report is available on the Committee's webpage.

I will be going through a number of slides today. I understand that some people will be listening to this presentation in an audio format rather than the audio and video, so my apologies if I go into some detail with some of the descriptions of electoral systems, but it's the nature of trying to understand the implications of an electoral system that sometimes the details of the way in which they function are very important, and consequently, getting into some of those details is one part of what we have to do in fully understanding these options.

The presentation today will first introduce the idea of an electoral system to make sure that we are all using common language when we are talking about electoral systems and talking about the same things. I then would like to turn to a

review of the way in which the election results have been interpreted by the electoral system in the Yukon from 1978 until the most recent election in 2021. We'll look at those 12 elections and look at the way in which votes have been distributed and also the way that seats have been distributed.

The presentation will then turn to looking at various electoral system options that are available. What we'll suggest is that there are three different families of electoral systems and there are options within those families, so I will be reviewing those in some detail.

Then I'll turn to some of what I refer to as "special considerations" in thinking about electoral system reform. We'll then turn to a discussion of previous attempts at electoral reform in Canada. I think, as the Yukon considers electoral reform, it's useful to reflect on experiences in other jurisdictions, and we'll then close the presentation by talking about some key issues that are useful to consider when thinking about electoral reform in the Yukon.

So firstly, with respect to what we mean when we use the term "electoral system", an electoral system is a set of rules through which the votes in an election produce seats in a legislative assembly. We sometimes get so accustomed to our own electoral system that we can assume that the way we do it is the way that it has to be done and the way it's logical or reasonable to do it. It may be that we use a logical and reasonable approach, but it's also useful to bear in mind that there are different ways that an electoral system can convert votes into seats.

There are three issues that need to be resolved by an electoral system. The first is: How many candidates is a person voting for? One of the issues within that question is: How many seats does my vote play a role in electing? Under our current system, of course, we have single-member constituencies, so my vote in an election in my jurisdiction is really a vote for one seat in the Legislative Assembly. There are other alternative electoral systems in which a person's vote is not focused only on one seat but, in fact, can be focused on many seats.

So, the electoral system has to sort that out: How many candidates is a person's vote being considered in electing people to office? Secondly, how am I able to express my preference about different candidates? It may be that I prefer one candidate a lot, I prefer a second candidate almost as much, and I don't like a third candidate at all. Does the electoral system enable me to express that preference, or does it simply enable me to say, "Well, I like this candidate more than any other candidate"? So, there are different ways in which one can express their preferences in electoral systems.

Then the third question that has to be determined by an electoral system is: What are the rules for winning? In some systems, the rule for winning is the person with the most votes. Let's say we have an electoral system that uses that rule and there are three candidates for office. Then it is certainly conceivable that a person can be elected without winning a majority of votes — that is, 50 percent plus one.

In other electoral systems, one must have a majority of the votes in order to win. So, if there are many candidates and no

candidate initially has the majority of the votes, there has to be a procedure in place to enable a majority vote to be implemented. So, again, there are different ways in which one can get to a majority vote under different electoral system rules.

So, those are the three issues that are decided by electoral systems. Because of that diversity of options that are available, it's not surprising to know that there are a lot of electoral systems that have some subtle differences between them, and it's important to understand what the implications of each of those systems are.

The final point I'll make with respect to introducing this idea of electoral systems is that what is clear about the choice among electoral systems is they have an important impact on the character of the party system that emerges in a jurisdiction, based upon the rules that are agreed upon. So, a party system is shaped by the electoral system, and different electoral systems will produce different configurations of parties and different likelihoods, for example, of having a majority or minority or coalition government. So, that's the nature of the electoral system.

Let me just review very briefly the results of elections in the Yukon in this modern period of Yukon party politics. 1978 is often seen as an important demarcation point in the introduction of political parties into contesting territorial elections. So, it will serve as the point of departure for this discussion. Those who are looking at the PowerPoint presentation will see a table in front of them, and that table includes the election results for six elections from 1978 to 1996. Let me just focus on a couple of those elections to highlight some important features of the way in which our current electoral system — the first-past-the-post electoral system in the Yukon — affects election results.

So, the first election was 1978 that we're looking at, and the political parties that contested that election were the Yukon Liberal Party, the Yukon New Democratic Party, the Yukon Progressive Conservative Party, and then there were a number of independent candidates, as well, who weren't affiliated with political parties.

In terms of the translation of votes into seats, notice that the Yukon Progressive Conservative Party in that election won about 2,800 votes, which was 36.9 percent of the votes, but they won 11 of the 16 seats, which translated into 68.8 percent of the seats. So, the electoral system over-rewarded that party in that election, but it over-rewarded other parties in other elections. Notice, in 1989, for example, the Yukon New Democratic Party received about 45 percent of the votes, but they were rewarded with 56 percent of the legislative seats.

What had been the Yukon Progressive Conservative Party in 1989 received almost the same number of votes as the NDP — 43.9 percent — but their percentage of the votes translated into 43.7 percent of the seats, and so they were both equally rewarded for their seats as they were based upon their votes, but because of the over-rewarding for the NDP, the NDP formed a majority government based upon less than a majority of the votes.

You'll notice, as you look through those six elections, that a number of common trends emerged. Firstly, there was a clear majority four times, with the winning party with 50 percent of the seats once. So, even though no party won a majority of votes in any of those elections, there was only a minority government once in that period. In half of the elections, the winning party had less than 40 percent of the votes; in the other half, the winning party received between 41 and 46 percent of the votes.

So, the winning party during that period of time was typically heavily over-rewarded; the party most penalized typically finished in third place or in second place.

When one looks at the election results from 2000 to 2021, the names of the parties change a bit, but some of the common features are retained. So, if one looks, for example, at the election in 2000, the Yukon Liberal Party in the election won 42.9 percent of the votes, but that vote percentage gave that party 58.8 percent of the legislative seats and a majority government.

Again, without going through all the detail of those six elections, we can focus on some of the common trends that occurred. In six elections, three were won by the Liberals and three were won by the Yukon Party. Five of the elections returned a majority government, whereas none of the elections had any party receiving a majority of the votes. So, the votes for the party winning the most votes ranged from about 39 percent to about 43 percent. The party with the most votes won the most seats in all elections, except 2021, when the Liberal and Yukon parties each won eight seats, but the Liberal Party won their eight seats on the basis of 32 percent of the votes and the Yukon Party won its eight seats on the basis of 39 percent of the votes.

Overall, during this period, the Yukon Party was over-rewarded three times — significantly over-rewarded. The Liberal Party was significantly over-rewarded three times, and the NDP was under-rewarded two times.

So, how does one evaluate the success or failure of the first-past-the-post electoral system in the Yukon? Well, 75 percent of the elections translated minority votes into majority governments, so, that's just an observation; it's just a fact. Whether that fact is a strength or a weakness of the electoral system probably says a lot about whether a person believes that the system should be changed or not. For those who think that translating a minority of votes into a majority government is a good thing, they would likely suggest that changing the electoral system is problematic. For those who think translating a minority vote into a majority government is a bad thing, they may be more interested in seeing the system changed.

One of the questions I think is useful to ask is: What impacts the under-rewarding of the electoral system in the Yukon? Is it a party's relative performance or is it a party's character? That is to say, are some ideological parties more likely to be helped or hindered by the electoral system, or does the electoral system mostly have its impact based upon the party's relative performance? When one looks at the data that we have just looked at, it seems to me that the party's relative

performance seems to be the stronger factor associated with whether it's being over- or under-rewarded.

Independent and minor parties, however, have not done very well with the first-past-the-post electoral system. If one went back and looked at those tables in a bit more detail, you would see that in the early period that we were looking at, especially the first elections after 1978, there were a few more independent candidates elected and the Yukon had gone through a system of not basing electoral competition on party politics. So, there was a lot of familiarity with working with independent candidates at that time. Once parties really became established within the political environment, that seemed to dissipate. So, currently, it does seem to be that the current electoral system is a bit disadvantageous for independent candidates and for minor parties. One might want to reflect on whether that is a desirable or an undesirable characteristic.

I would like to talk very briefly about some of the features that have arisen in Yukon electoral politics over the past several generations and reflect a little bit on whether these features have implications for the electoral system and whether the electoral system is made more or less compelling because of these features.

The first has to do with voter turnout. In some jurisdictions, a decline in voter turnout has been the feature that has led to some demands for change in the electoral system or the sense that, if voter turnout is going down precipitously, perhaps people are unhappy with either the electoral system itself or the results of that electoral system.

The data from the Yukon are not clear cut in that regard, at least with respect to the suggestion that there has been a decline in voter turnout. In fact, in a general sense, there has been a decline in voter turnout across many democracies in the period that we're looking at, whether we're looking at democracies such as Canadian federal politics or elections in many jurisdictions in Canada. One of the striking things about the Yukon elections, however, is how strong voter turnout has remained.

In the early period that is under review, from 1978 onward, voter turnout tended to be in the mid- to high-70s — in 1982, for example, about 79 percent of the registered voters turned out; in 1985, it was about 78 percent. The more recent elections have seen not too much change in that. In 2011, about 74 percent of the electorate turned out; in 2016, about 76 percent. I don't have data from 2021 in this table because I haven't yet seen the report of the Chief Electoral Officer from the 2021 election in which those official data would be presented.

But based upon the data from the period that we have in front of us, there has not been a dramatic change in voter turnout, so overall turnout has remained relatively strong in the Yukon. If lower turnout rates indicate a dissatisfaction with the electoral system or the politics, we're not seeing that in the turnout statistics.

One of the factors that also is often pointed at when people are evaluating different electoral systems is: Does the electoral system advantage or disadvantage certain groups? A couple of

the groups that are often looked at in this regard are women and people from minority communities. So, are women more or less likely to be elected under the first-past-the-post electoral system in the Yukon than they would be under other electoral systems, and are minority members more or less likely to be elected in this system than in other systems?

Well, we don't have data from what it would look like with other systems, although we can conjecture that once we have a look at those systems in a few moments, but we certainly have data with respect to the election of women in the Yukon under the first-past-the-post system.

The slide that we're referring to is up on the screen, and the final column of that table shows the percentage of MLAs elected in a general election who were female. Notice that there is a significant increase over time. So, for example, in 1978, two of 16 MLAs were women — that's 12.5 percent — whereas, in 2021, eight of 19 MLAs were female, which is 42.1 percent. So, there certainly has been an increase in the percentage of females elected under the first-past-the-post electoral system.

It may be useful, both in looking at those absolute percentages but also comparing the percentage of female candidates to the percentage of female MLAs elected in an election — so, for example, if there's a relatively small percentage of female candidates being elected, one of the reasons that may be the case is there's a relatively small percentage of female candidates overall. The table that's in front of us does support the idea that, as the number of female candidates increases, the number of females elected to the Legislative Assembly increases as well.

I won't go through the description of those data in detail, but simply comparing them with the data in front of you shows that there's a fairly strong and consistent connection between the percentage of females running for office and the percentage of females elected to office.

So, there has been growth in the number of women candidates during the period of 2000 to 2021, and the proportion of women elected generally rises with the proportion of candidates. Currently, compared to many other jurisdictions, there's a fairly high percentage of female MLAs elected in the Yukon.

I made a reference to minority members in my comments a couple of moments ago, and the minority members who are probably of most significance in the Yukon have to do with indigenous members. The table on screen shows the number and percentage of members elected to the Legislative Assembly who are First Nation persons. The number of First Nation persons elected to the Legislative Assembly ranges from a low of 10.5 percent — two of the 19 MLAs in 2011 — to a high of 25 percent in a couple of the elections, but generally, the percentage of MLAs who are First Nation is somewhere between 15 percent and the low 20-percentage points of the MLAs overall.

How does one evaluate the success of First Nation and indigenous people being elected? Well, 23 percent of the population in the Yukon is indigenous, and 19 percent are

single-identity First Nation. In 10 of the 12 elections that we're reviewing, the number of First Nation members elected was either equal to their population or was under by one seat. That is to say, if one additional First Nation individual was elected, then there would be symmetry between their proportion in the electorate and their proportion among MLAs.

So, it raises the questions: Does the current electoral system provide appropriate representation for First Nation people, and should there be guaranteed First Nation seats as there are, for example, in some jurisdictions?

The next issue I'd like to review very briefly is urban and rural representation. This is an important factor in many jurisdictions as to what proportion of the electorate live in rural areas and what proportion of the legislators live in rural areas. What I can say with respect to this issue — and I'll try to keep this commentary brief — is that a constituency-based electoral system enables rural and urban representation to be factored into the representational conversations, whereas other electoral systems that are not constituency based — and we'll look at some, such as the proportional representation systems that are not constituency based — then this discussion of urban and rural representation — it's very difficult to have that conversation, because there's no guaranteed seats for urban and rural members. In the current environment, the Electoral Boundaries Commissions in the Yukon have played a role in ensuring that rural representation is somewhat over-represented in the Yukon Legislative Assembly.

Let me turn now to a discussion and description of the three families of electoral systems. So, the three families are plurality and majority, proportional representation systems, and mixed electoral systems. So, if one is trying to decide whether the current electoral system should be retained or rejected in favour of some alternative, it's this grouping that alternative will come from.

By the way, I should just note that we'll be reviewing nine different individual electoral systems in this discussion. There are four associated with the plurality and majority systems, three from proportional representation, and two from mixed.

With respect to the plurality and majority systems, the four options are: first-past-the-post, alternative vote, block vote, and two-round systems. The first-past-the-post is the one that everyone will be most familiar with. They are single-member districts and the winner is the candidate with the most votes. With a two-party system, the winner will have the majority of the votes, but with multi-parties, as we have seen, the winner may have less than the majority of the votes. Furthermore, when all the seats are added together, the winning party can obtain the majority of seats with the minority of votes. Again, that has been very common in Yukon elections.

This is the system that's used throughout Canada at national elections, at provincial elections, and in territorial elections.

Let me just use a simple illustration to show how this electoral system works. Assume that there are 1,000 votes being cast in a constituency that's electing one MLA; assume that there are three candidates: the first candidate from party

A receives 250 votes, the second candidate from party B receives 400 votes, and the third candidate from party C receives 350 votes; one simply looks at who has the most votes. Candidate 2 from party B, with 400 votes, has the most votes; therefore, they win.

Just before going on, it's useful to pause and reflect on the fact that the person who won, won with 400 votes, but 600 voters voted for a losing candidate. So, one of the kind of paradoxes of this system is that you can often have more people voting for losing candidates than for winning candidates, and then once you compile all of the individual constituency elections together, you can have a distortion in the seat totals in the Legislative Assembly.

That's the nature of the first-past-the-post system. Its advantages are pretty straightforward. There's a direct connection between members of the legislature and citizens in their constituency. The system is easy to understand; it's easy to see who has won; it has a tendency toward a majority government. Its disadvantages are that, in many instances where there's a multi-party system, most voters are voting for losing candidates. So, it can be really distorting between votes and seats. It's hard for new parties, except those that are regionally concentrated, to win seats, and some have argued that there are barriers to entry for women and minority candidates in first-past-the-post. Whether that is the case in the Yukon, I think, is open for further discussion, based upon what we have already said in this regard.

In terms of whether first-past-the-post should be retained in the Yukon, part of the work of the Committee is to understand: Is there a consensus that it should be replaced? Are there perceived negative impacts of first-past-the-post, and have those changed over time? Is this a time that they are particularly problematic? So, I guess the issue for the Committee is: Is this now the time to change the first-past-the-post system?

The second system within the plurality and majority system is the alternative vote. Sometimes it's called "preferential voting". Alternative vote uses a single-member constituency, just like first-past-the-post, but the winning candidate has to have a majority, and in order to get a majority, voters rank the candidates according to their order of preference. So, a candidate is only elected when they get a majority. I have included a table that is very similar to the table that we just reviewed for first-past-the-post to understand the alternative vote.

Notice that it's the same vote distribution that we saw under first-past-the-post, but after the first preferences are counted and no candidate has a majority, then the candidate with the fewest votes is eliminated and their second-preference votes are distributed to the other candidates. So, in this example, among candidate 1 of party A's 250 votes, of those votes, 50 of the voters preferred candidate 2 in party B, but 200 of them preferred candidate 3 in party C, so that candidate ended up with 550 votes, which is a majority, and they won. So, this example illustrates that you can see a change in voting

outcome based upon taking those second preferences into account under the alternative votes system.

Among its advantages, the winning candidate is guaranteed to have majority support. It's pretty simple to understand — a bit more complicated to cast your ballot, because you're casting it for all the candidates. It encourages parties to cooperate, and voters are able to indicate a fuller range of their preferences, but it has some disadvantages. Some of these include: Other than ensuring a majority for the winner, it actually shares many of the shortcomings of first-past-the-post. It can be equally distorting in translating votes across the entire jurisdiction to seats in the Legislative Assembly. Furthermore, the preferences, other than the first preference, don't always produce much change. So, where this is used in elections to the House of Representatives in Australia, only about six percent of candidates in the most recent election who were elected were not leading on the first preference. So, it's conceivable that the preference changes, but where it's used, that's often, in fact, not the case. This system doesn't really provide much of a correction on disproportionality, and if that's the major concern of first-past-the-post, this doesn't offer a compelling alternative.

A third model is the block vote. The block vote is similar to first-past-the-post, except using multi-member districts. So, in this instance, voters can vote for as many candidates as there are positions being filled, but voters aren't ranking the candidates; they're just indicating who they support with an X. Then, of course, candidates are running against every other candidate, including candidates from their own party.

I have included an illustration of how this might work, assuming that there is only one constituency. It's for the Yukon as a whole, so it's a multi-member district, and one just lines up all of the candidates, people vote for — again, in this case, you could have 19 votes and you vote for your 19 most preferred candidates and the 19 candidates with the highest votes are elected; the candidate with the 20th highest vote is not elected and subsequently are not.

So, this is an electoral system that's kind of common within municipalities where there are not party politics. In jurisdictions in which there are parties, it is a less compelling alternative, in my view. So, its advantages are that it's easy to understand; the ballots are counted at the polling station; again, there is a direct connection between the elected members and the constituency they represent, and there can be several parties from a constituency. But it has a number of disadvantages. Again, there can be relatively high distortion; there's a larger number of parties in the legislature; there's a lower barrier to entry; and there can be intra-party competition, so candidates from the same party are often competing against one another. It can be a very confusing ballot, especially if there are one or two districts with a very large number of candidates to elect.

The fourth option within this majority and plurality system is the two-round system, sometimes called the "run-off election" system. If no candidate receives a majority on the first election, then there's a second election — a run-off election — that is held. Typically, it's between the top two candidates,

although it could be a run-off between candidates achieving some pre-established threshold. An example of this is presented in the next table. In this instance, we're assuming that there are 2,000 voters; there are four candidates in a constituency and candidate 1 from one party and candidate 4 from the second party had the highest vote totals. Therefore, they are eligible for the run-off, and the other two candidates are eliminated. Then there's a whole second election, and that election could be a week later or two weeks later. In that election, because there are only two candidates, someone is guaranteed to win a majority.

So, it's used in some jurisdictions. One of the advantages of this system is that voters can vote their true preferences on the first round, not vote strategically. It also encourages interests to coalesce around a preferred candidate; it encourages alliance-building; it minimizes penalties for vote-splitting.

Its disadvantage is that it can be really challenging for election administration, especially in a large territory with a sometimes harsh climate like the Yukon, to conduct two separate elections over a very short period of time. It's a challenge to voters and to candidates as well. This system can be highly disproportionate in translating votes into seats. Again, if that's the major concern one has with first-past-the-post, then this is not a very helpful solution.

Let me just pause for a minute and do a quick assessment of these four options, the plurality and majority systems. So, first-past-the-post is the status quo. I think it's the alternative against which all the others are assessed. The biggest criticism of this system, in my view, is that it can distort the vote and seat percentages. Both the alternative vote and the two-round systems are at least as problematic in this regard. Neither of those are correcting that problem with first-past-the-post, and to the extent that's the case, they don't really correct for the perceived deficiency of the first-past-the-post and I believe could be eliminated from future consideration.

Block voting also is problematic. It's probably more suitable where there are no political parties, and my view is that the Committee may wish to limit its consideration, when looking at plurality and majority systems, to first-past-the-post.

Let me turn now to proportional representation systems, of which there are three that I would like to review: list PR, single transferable vote, and single non-transferable vote. For the list PR, this is by far the most common of the proportional systems that are in use. In a list PR system, the parties rank-order the candidates. So, each of the parties would list its candidates in such a way that, if a party won three seats, the party candidates it listed as first, second, and third would be given those seats, and the candidate in fourth on the party's list would not because they only won three seats. So, the parties present the rank-order list of candidates, voters are voting for a party, not for a candidate, and the candidates are elected in multi-member districts. The parties receive seats based upon the proportion of votes that they obtain.

Let me illustrate how this system would work. Let me use data from the 2016 Yukon election to do this. First, as a reference point, recall what happened in the 2016 Yukon election under first-past-the-post. The Liberal Party won

39 percent of the votes but 57.9 percent of the seats; the Yukon Party won 33 percent of the votes and about 32 percent of the seats; and the NDP won 26 percent of the votes but only 10.5 percent of the seats.

So, the Yukon Party's vote/seat ratio was pretty accurate; the Liberals were over-rewarded; the NDP was under-rewarded under first-past-the-post. So, under a list PR system, the seat results are given below, and you can see that the NDP would have won five of the 19 seats, which is 26.3 percent of the seats, based upon 26.2 percent of the votes. The Liberals would win eight seats, and the Yukon Party would win six seats. So, the Liberals, instead of having a pretty strong majority government, would be in a situation within which they have 42 percent of the seats, so they would be in a minority government situation and would need the support of either the NDP or the Yukon Party in order to govern effectively.

The next table — which I'm not going to go into in any detail — simply presents how those numbers were calculated and allows you to see why the parties were assigned the number of seats that they were.

The advantages of list PR: There's a high proportionality between votes and seat percentages; it encourages the formation of many political parties; it's easier for parties to get elected; there's a lower barrier to entry; it can facilitate the representation of women and minority candidates as long as the parties rank women and minority candidates relatively high on their list — and that's a real key: where the candidates are placed on the party's list.

What are the disadvantages of this system? Well, first, a majority government is really highly unlikely, and especially it's highly unlikely given the distribution that we see in Yukon elections. Of course, those distributions could change if the electoral system changes, but under the current distribution of support, a majority government would be highly unlikely.

When a majority government is highly unlikely, the power given to the party that's supporting the government can be disproportionately high if the government is relying on the support of a relatively small party to stay in power. Consequently, one of the challenges of this system is whether one wants to make the barrier to entry a little bit higher for parties. It can be difficult to vote a party out of power because if no party wins a majority, government is often determined by discussions that take place among party leaders after the election. So, the election kind of sets up the opportunity to have negotiations to see who is going to form a government. There also is no direct constituency tie between voters and representatives under this system.

In thinking about this system, an obvious question is: How important is proportionality? If it's the most important value — this is a fairly compelling system — its ability to deliver on proportionality increases as the number of seats increase. So, one way of thinking about that is, if there's only one district in the whole of the Yukon, then the list PR system is going to be most proportional, but that also brings up risks in terms of balancing urban and rural interests, so it becomes a bit more complicated of a conversation.

The second option under proportional representation is single transferable vote. In this system, it uses a multi-member district and can include a party list of candidates, but like the alternative vote, voters can also rank-order the candidates. It's a pretty popular system among experts, and I know there is plenty of presentation about this through the Committee. One of the challenges with this system is it's quite a complicated method for counting preferences. I have included an example here which indicates some of the complexity of determining who wins in a single transferable vote election.

The example here is one in which there are three seats, there are 4,000 votes, and there are seven candidates. If one were to apply this to the Yukon, it would be quite a bit more complicated than what is being presented here, but this visual allows one to understand the process of counting. One has to determine first what the electoral quotient is that one needs to establish. How many votes does one need to have in order to win a seat? The formula for that is given as the number of votes divided by the number of seats plus one, and into that is added the number 1. Suffice to say that, when that is applied in this scenario, one needs 1,001 votes in order to win.

So, under the first count in this scenario, one candidate, Dell, received 1,050, so that person exceeded the election quotient number and therefore they are elected, but because they exceeded it, they actually have some extra votes that they can distribute to other candidates. Because they exceeded it by 49 votes, those additional 49 votes are distributed to a subsequent candidate. In this example, they are distributed to Elliott. After those votes are distributed, there is no additional candidate who achieves the 1,001 margin and therefore the candidate with the lowest vote total is eliminated. In this example, that is Gallant. Gallant's votes are then distributed, based upon their second preferences, to other candidates, Fortney and Abbott. That enables Fortney to be elected because she has now achieved more than 1,001 votes. In fact, she has exceeded that by nine votes, and so those votes are subsequently allocated. After that fourth count, there is no additional candidate who has achieved the threshold, and therefore, the next lowest candidate is eliminated — in this case, it's Clarke — and when Clarke's votes are distributed, Brock is elected.

You can see that it's a pretty complicated allocation of additional seats. Some of the advantages of single transferable vote is that it does have higher proportionality than first-past-the-post but not as high as list PR. There's a lower barrier to entry for parties, and the parties themselves have less of an iron grip on the selection of candidates compared to the list PR system. It's a very complicated method for calculating winners, however, and voters may be choosing from among a very large number of candidates, depending on how many are elected per district.

Although it's a widely endorsed method among political science experts, it's not very widely used, and partly this has to do with this complicated counting process, in my view. So, if this is adopted in the Yukon, there would have to be a lot of public education to assist with that.

The single non-transferable vote option — in the interest of time, members, I'm going to skip over the single non-transferable vote option. It is an option that I think does not provide very many advantages in the Yukon and that will allow me to have at least a brief discussion in the minutes remaining of the two options under the mixed electoral system: the parallel system and mixed member proportional.

Both of these systems that are mixed use two separate electoral systems to elect members. Under the parallel system, it simply means that these two systems run in tandem with each other — they're not related to each other — and under the mixed member system, there are also two systems, but the second system, which is typically based upon proportional representation, is used to compensate for distortion under the first system.

Very briefly, the parallel systems — if one were to apply this to the election in 2021, there really wouldn't be an appreciable difference in election outcomes under a parallel system versus what we saw in a first-past-the-post system. There would be marginal tweaking of the parties' seats, but the net result would be very similar to what we saw under the first-past-the-post system, all of which leads me to suggest that the parallel system does not bring enough advantages to the Yukon to be a method of consideration.

Under mixed member proportional, however, the compensation is quite significant. Without going into a lot of the details that are presented in the summary — it may be useful for people to turn to that summary, however — what we find is, using the mixed member proportional system with the election results in the Yukon in 2021, the results turn out to be much more proportional to the vote total. So, under the constituency seats, under the first-past-the-post system, you'll recall that the Yukon Party won eight, the Liberals won eight, and the NDP won three, but because the computation of seats that one is eligible for provided the NDP with eight, the Liberals with 10, and the Yukon Party with four, then the NDP get a higher compensation. They end up being compensated with five of the list PR seats, the Liberals with two, and the Yukon Party with four, and the end result is that the proportion of seats under this system reflects almost exactly the proportion of votes that the parties received.

All of this would lead me to a couple of conclusions, and I guess I would end here, because I know we have exhausted our time. Of the nine systems that we have reviewed, it seems to me that the compelling alternatives for further discussion in the Yukon are the status quo — first-past-the-post, mixed member proportional, and single transferable vote.

With that, Madam Chair, I will turn the mic back to you.

Chair: Thank you, Dr. Archer. I had just sent you a note saying that if you wanted to take additional time, you could, but I think we appreciate just how well you captured everything together.

Just a note for folks who may have listened to this, or anyone who may be joining, Dr. Archer's presentation is available online to see. So, you can see the parts that we sped over a little bit in the interest of time.

With that, looking at both Mr. Streicker and Mr. Cathers, does anyone have any questions for Dr. Archer?

Hon. Mr. Streicker: Thank you for the presentation. I think I would reserve most of my questions for when we bring Dr. Archer back and when we talk about all of this. I will just say that one of the ways I will try to pose questions, when we get there, is about the size of the Yukon compared to other places and also, in previous conversations with you, Dr. Archer, but trying to get that same conversation out to the public, is a discussion about how jurisdictions have sought to consider electoral reform and why they sometimes don't result in change. Maybe that's because they don't wish to change, but also it may be that there is a barrier to that.

Those are the type of questions, and I'll just note them today, Madam Chair. I think we're going to have a fuller conversation next week, so I will just flag them for today.

Mr. Cathers: Thank you, Dr. Archer, for all your work so far. One thing I would just note, not so much a question but considering how important — I think we all agree — public participation is in the process, I did note that, today, we only have three members of the general public and one returning officer listening outside of those listening in offices, and I just wanted to note that I think we can give consideration to what that means, including whether we should do more to advertise this in the future.

In the interest of time, Dr. Archer, I will note that I appreciate the comparisons you have made so far and would appreciate your future and additional thoughts on your perspective about what an eventual electoral system change could mean in a jurisdiction like Yukon, and with that, I will just close my comments.

Chair: I'll just take this opportunity to say right now that we will be similar to TV cooking shows, where we have Dr. Archer today giving us the synopsis of his report. Next week, we have a whole series of public hearings with experts, where we will be learning about their own experiences in their own jurisdictions with their thoughts to looking at the Yukon context. So, we will have lots of questions for Dr. Archer next week.

For anyone who is listening now, it is important to note that there will be a survey coming out that will be available both electronically and by mail, and there will be an opportunity for public hearings in the territory where, if you are really passionate about electoral reform, we look forward to learning from you.

With that, today, Dr. Archer, I will thank you for your report. I note that it's available online for anyone who wants to take a look at it, and we will see you in just over a week, when we have learned more things and have more questions.

I will call this meeting adjourned. Thank you so much for attending today.

The Committee adjourned at 4:03 p.m.



Yukon Legislative Assembly

Issue 2

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Monday, January 24, 2022 — 11:00 a.m.

Chair: Kate White

SPECIAL COMMITTEE ON ELECTORAL REFORM

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

R. Kenneth Carty, Professor Emeritus of Political Science,
University of British Columbia

EVIDENCE**Whitehorse, Yukon****Monday, January 24, 2022 — 11:00 a.m.**

Chair (Ms. White): Good morning. I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker, Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to voting systems, the Committee is seeking input from subject matter experts. Today, we have with us R. Kenneth Carty. Dr. Carty is Professor Emeritus of Political Science at the University of British Columbia, where he was also Director of the Centre for the Study of Democratic Institutions and the McLean Professor of Canadian Studies.

A past President of the Canadian Political Science Association, Dr. Carty has served as a consultant to both Elections Canada and Elections BC, to provincial and national commissions of inquiry, as well as director of, and advisor to, several provincial and international citizens' assemblies. He was appointed by the Speaker of the House of Commons to the 2002 and 2022 commissions charged with redrawing BC's federal electoral districts.

We have asked Dr. Carty to speak to us about British Columbia's experience with electoral reform, including the BC citizens' assembly's recommendation for a single transferable vote system. We will start with a short presentation by Dr. Carty and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Carty's presentation.

Mr. Carty: Thank you very much, Ms. White, and thank you very much for the invitation to speak to the Committee today. It's a pleasure. The danger, of course, is that professors can go on a bit, so I hope the members will feel quite free to interrupt at any point with questions.

As you indicated, I have had a lot of years of experience in talking about these kinds of things, both with Royal Commissions of Inquiry at the provincial and national level and in a number of reform exercises both in this country and internationally. My challenge this morning is really to tell you a little bit about the British Columbia experience, the core of which occurred between about 2002 and 2004 when it was most active. In that exercise, I was the senior staff person really responsible for supporting and directing the work of the assembly.

It's important to think a little bit about the context of that exercise. It took place at a time when five provinces had begun to engage in very serious discussions of electoral reform. All of

them were initiated by governments, by both Conservative and Liberal governments supported by the Bloc Québécois, Parti Québécois, and NDP party, so there didn't seem to be a heavy partisan concern. It was a time of anxiety about the so-called "democratic deficit" in the country. Mr. Martin was coming to the leadership of the country on a campaign that talked a lot about democratic deficit. Voter turnout was falling and so on, and so electoral reform was put on the agenda by five premiers quite deliberately. Each of those provinces engaged in, at the same time, a very serious debate about electoral reform. They identified why they were concerned in their particular province and they set up different processes for investigating it. Some had committees like yours; others had put it off to a series of outside experts, so-called "committees of the great and the good", and others engaged in citizens' assemblies, which were more elaborate exercises.

All of them came to the conclusion that the system that was being used in the provinces at the time, the traditional first-past-the-post system, wasn't what they wanted. They all made proposals for change. What was striking was that none of the proposals were identical. The five provinces produced five very different proposals for change that would have produced very different looking kinds of electoral systems, but despite the fact that these had been initiated by governments and had taken a lot of time and energy, none of the reforms ever came into being. So, nothing came to fruition.

It's worth remembering, of course, that electoral reform is not a new subject in this country. The Liberal government promised that, in 1919, if the convention had chosen Mackenzie King, they would put proportionality on their agenda. We know that it was also on the agenda in 2015, when we were told that 2015 would be the last election with first-past-the-post. But it has a kind of enduring quality.

It has been a recurring feature of British Columbia debate. Ever since I've lived in this province, there have been episodes about electoral reform and the need for it. The exercise in 2002, the most aggressive exercise and the most comprehensive one, was driven by a government that had been newly elected and elected on a pledge to reform the system. The roots of that pledge go back to the previous election when the Liberal Party had won the most votes but the New Democrats had won the most seats. This is what political scientists sometimes call a "wrong winner" situation. It can happen in first-past-the-post when the party that gets the most votes doesn't win.

We have had several prime ministers in this country elected in that way, and virtually every province — I think every province at least but one — has experienced at one time or another a wrong winner situation, but the Liberals, having been defeated at the election despite winning the most votes, were convinced that really maybe the time had come for electoral reform.

Just after the turn of the century, politicians were sort of exhausted. We had a decade of constitutional reform that really hadn't gone anywhere. There was a kind of disillusionment with politicians sitting in rooms trying to rewrite constitutions and institutional arrangements, so they were, at one level, a bit reluctant to take it up.

The premier at the time, the newly elected premier, Gordon Campbell, took the position that politicians were in a kind of conflict of interest about the electoral system. It was, after all, the system that organized the rules by which they lived or died in some fundamental sense, and so therefore, all politicians had a conflict of interest and would have an interest in devising the rule that would favour them and maybe make it harder for their opponents.

So, he said that politicians ought not to be engaged in the whole discussion of electoral reform; it was the business of citizens. So, he asked a very prominent outside public figure in British Columbia, a man named Gordon Gibson, to advise on what kind of a process might be adopted. The result that Mr. Gibson came up with was a plan for a citizens' assembly, an idea that had kind of been in the ether during the whole constitutional debate when the premiers weren't able to get anywhere. His suggestion was that you would have a random collection of ordinary citizens who would meet for some time to learn about electoral systems, to deliberate and debate and decide whether we needed electoral reform and, if so, what electoral reform should be put in place. It was the idea that ordinary, randomly selected citizens would be able to, in some sense, represent the electorate as a whole and that a "no politicians allowed" process might actually produce a system that people could agree to.

The premier accepted Mr. Gordon Gibson's proposal, but he gave the assembly, which was to have 160 members, a very specific mandate. It was to assess the working of first-past-the-post in British Columbia, and if it decided some changes should be made, they couldn't just say that they needed a better system or a proportional system or a different system; they had to come up with a fairly detailed plan as to what the new system would look like. So, they were charged with writing a whole new system if they wanted a change.

The second thing that was striking was that the premier said that if you propose a change, we're not going to let the politicians decide if it's a good thing or not; we're going to let the citizens — any recommendation will go directly to a public referendum, and again, that had been part of Mr. Gibson's proposal.

In doing this, though, the premier, with the support of the provincial legislature, adopted very high referendum hurdles. The government said that, if there was a proposal for a change and it went to referendum, it would be acceptable only if 60 percent of the population voted for it. That's quite a lot more than the normal idea that 50 percent plus one is enough. He said that, no, we had to have a larger than minimum majority, but he also said that there should be a second hurdle as well; it should get at least half the vote in more than 60 percent of the electoral districts. Now, why this two-hurdle process was put in place was never fully explained. I think it's widely regarded that there were probably two reasons. One is that Mr. Campbell, who had a new caucus of newly elected people, who thought: "Gosh, if they change the rules, I've just been elected; maybe I'll lose my seat" — and so there was a kind of anxious caucus. He wanted to give them some reassurance that they weren't going to rush into any kind of perfidious change.

The second idea of making sure that it passed in more than half the districts was really to give some confidence to rural members that somehow the urban parts of the province wouldn't kind of overrun and overrule the rural ones. So, we had this double-referendum hurdle out there as part of the process.

The citizens' assembly was selected. One hundred and sixty members were chosen from the general electoral list, they were brought together, and they went through a long and extensive process that took most of a year. First of all, they had to learn about electoral systems. No two countries use the same electoral system, and so they needed to know what the alternatives were and how they worked and what they were like.

It turns out that most people don't go to bed at night dreaming about electoral systems. They are kind of fairly abstract institutions, and so there was a kind of series of weekend meetings where the members came together on alternate weekends to learn about alternative electoral systems, then to debate and deliberate about the merits and demerits of different systems. Then they engaged in a public hearing process around the province. They had issued a kind of preliminary report saying what they thought and they wanted to know how people responded. They had about 20 public hearings, as I recall, and then they came back and had a series of meetings in which they debated and deliberated and discussed, and the result was that they changed their mind a couple of times through the process, and in the end, they recommended that first-past-the-post be abandoned and a very different electoral system be put in its place.

They did this basically on the basis of having had a debate about what they thought were the important values that ought to be incorporated in an electoral system. They thought that proportionality or the idea of proportional representation was a value that was important, but they also thought that local representation was a value that was quite important and that local representation and proportionality often were at odds with one another in most electoral systems. But they also wanted a system that gave more choice to ordinary voters so it took the choice out of the backroom party operators and so on.

So, what they came up with was a system that they thought traded off or balanced those three values that they accepted were in some sense in competition with one another. So, an electoral system in the end was a kind of combination of competing values. They recommended something called the "single transferable vote", which is a system that uses electoral districts in which more than one member is elected and which is a preferential ballot, so voters can indicate their first, second, and third choices, and which, through the counting process, can often produce proportional or near proportional results.

It's a system that is not widely used in the world, but it's used in the Australian Senate; it's used in the Irish parliament and the Maltese Parliament. It's rarely recommended because it's more of a voter-friendly system than it is a politician-friendly system, to put it crudely. It's a system that strengthens the choice and the capacity of ordinary voters over those of the party bosses.

So, this was their recommendation, and it went to a public referendum at the time of the next provincial election, and that referendum saw the proposal defeated. I say “defeated” in a kind of hesitant way, because it was only sort of defeated. It passed one of the two hurdles — remember, there were two hurdles. It had to get over 60 percent of the electorate supporting it, and it got only 58 percent, so it failed on that basis, but it was still well over 50 percent, but it was also supposed to pass in more than 60 percent of the districts. Well, it passed in all but one or two districts of the almost 80 districts in the province at the time.

So, here was a proposal that had widespread support all across the province — it passed in most districts — but had failed to meet this 60-percent threshold, which had been a bit of an arbitrary choice. That was a result that no one had anticipated. I think the general view was that it was either going to win big or lose big, but to fall in this intermediate category — 58-percent support all across the province — was something that no one had ever anticipated.

The survey results suggested that this result could be put down to the fact that a large number of voters didn’t know much about the proposal. They came into the booth on election day and discovered there was a referendum, as well as a general election. Politicians had largely ignored it during the campaign because, of course, they had promised to not be engaged.

We do know from survey research that those people who knew about the referendum, about the details that were being proposed, or about the citizens’ assembly that had proposed it strongly voted yes. People who voted no were people who typically didn’t know anything about this — “Well, what is this? I don’t know anything about this” — and were happy to vote no.

So, we had this situation, and the government was really then kind of put in a difficult position, because they had sponsored this, they had supported it, they had financed it, and it had produced a proposal that had pretty widespread support, but it had failed to meet the target.

So, the premier kind of equivocated for a number of months, and then he finally said, “Well, it sort of passed, but it didn’t really, so let’s do it again”. So, they were going to have another referendum at the next election four years later. Well, four years later, of course, people had largely forgotten about the proposal. The referendum came, there had been no preparation for it, there was no discussion about it, and it was relatively heavily defeated.

At the same time, the success of this process had been widely emulated. The Ontario premier had thought it was such a good process that they had replicated it. They had a citizens’ assembly, and it had produced a judgment that first-past-the-post ought to be abolished in Ontario, but they recommended something completely different, something very much unlike the British Columbia recommendation.

At the same time, in the Netherlands, where electoral reform was on the agenda, they also adopted the BC model, and again, they largely copied the processes of the BC citizens’ assembly. Then the assembly basically, after someone said, “You know, we kind of like our system; we don’t think we need

really any change. We might have a little fiddling here or there, but basically, we should stay with what we have,” and so they did.

So, there was nothing in the process that preordained that the recommendation for single transferable vote would come out or even a recommendation for change would come out.

The issue does not go away in British Columbia. We had the 2017 election here, and the result was a coalition between the NDP and the Green Party, and one of the agreed policy proposals was for electoral reform and another referendum on electoral reform.

Like the previous exercise, there was no agreement among politicians as to what the reform ought to be. There was very little leadership on it, so we had a kind of complicated two-stage referendum. There was basically a mail-in ballot — people were mailed a ballot; they got to fill it out and mail it back. They were asked two questions: (1) Do you want to change from a first-past-the-post to a proportional system? And (2) If you want a proportional system, which of the following three would you like? Interestingly, none of the recommendations of the citizens’ assembly was one of those three. In the end, the first-past-the-post defeated proportionality and so we continued to have that here.

In all cases, there was a clear lack of political leadership for electoral reform, and without any ability to generate support in that way, it’s very difficult to pass such an important institutional change. In some ways, BC used a process that removed politicians, yet politicians are at the core. They are, after all, those who have to live within the constraints and the rules set by electoral reform. Most people don’t think about electoral systems, how they operate, or what their ongoing impacts are between elections on the politicians and the legislatures that they generate.

So, in the Irish example that followed the BC one, when they came to discuss electoral reform, they built a citizens’ assembly that combined both political figures and random citizens to try to mitigate that dissonance. The process to produce a proposal really started with a clear definition and recognition of what the problem was. In all five of the Canadian provinces, the reform exercise started by trying to define what their problem was. In British Columbia, it came down to this wrong winner problem. In Québec, there has been a long-standing problem with what they sometimes call “linguistic gerrymandering”, which has to do with the distribution of English and French voters across the province, which can produce wrong winners.

In the provinces in Atlantic Canada, the problems have often been that the legislatures are so small that they often produce one-sided legislatures. New Brunswick had a case where there were no opposition members elected. Prince Edward Island, which is constantly talking about electoral reform, has a small legislature — I think it’s about 32 — in which the opposition is, again, very small. The problem with that — if you have overwhelming victories in first-past-the-post — is that, with no opposition, the system doesn’t work very well. It’s based upon the premise that there should be a strong opposition challenging a government.

So, what the problem is kind of leads you then to decide: What is it that we need in a different kind of electoral system? If wrong winners are the problem, then what you need may be different than if no opposition is the problem. So, the different provinces went about this by trying to define their problem, what they thought it might be, and then said that, okay, if this is the problem, what are the values that we hold highest that need to be embodied in a system that will deal with that problem?

Chair: Dr. Carty, I think that is a perfect spot for us to jump in, because you have laid out the situation so beautifully, and you are asking yourself a question that we here in the Yukon are asking, which is: What are we aiming for?

The Committee came up with four questions that we'll be asking each of our panel experts, and what I'll do is I'll ask Mr. Cathers to start. So, we have these four questions, and there will be follow-ups, and I'm sure there will be a lot of questions. We'll start with Mr. Cathers.

Mr. Cathers: Thank you, Dr. Carty, for your comments. The first question we have on our list, I think you have largely answered, which was how the electoral reform process rolled out in your jurisdiction. So, unless you have any additional comments on that, I would pass it over to Mr. Streicker for his questions.

Hon. Mr. Streicker: Thank you for the presentation, Dr. Carty. What we wanted to try to get to, and I think where you were starting to lead to, is what you feel the lessons are. You were talking about identifying the problems and the values, but it does seem that this process is undertaken many times in jurisdictions across the country and it hasn't yielded a change in Canada so far. So, if you could give us your sense of the lessons. I think you started off with the one where maybe it's best to blend both the political and the citizens' perspective, but if there are others, we would love to hear them.

Mr. Carty: No, I think, as I was saying — some clear appreciation of what the problems are, if there is a real problem. I'm a bit of a "If there's not a problem, let's not try and fix it" sort of person. The systems we have in this country have served us pretty well, but the problems that a place like the Yukon has are probably different from a province like Ontario or Québec. In Québec, as I say, there is the so-called "linguistic gerrymander", which about every 20 years produces a wrong winner, the same phenomenon, and so they have tried to wrestle with that.

Prince Edward Island — they're talking about having yet another referendum, and they seem preoccupied with it, but I think that has to do with the scale of their political system. I think really deciding why we're talking about this is absolutely critical. I don't know enough about the internal dynamics of Yukon politics to know if there is widely agreed to be a problem. Is there a wrong winner problem? Is it a so-called "lack of majority government" problem or whatever? And of course, that leads to, you know, a problem helps to identify values.

It's also pretty clear that you don't get reform unless there's pretty widespread agreement in the legislature or the parliament. I think there is also a widespread sense that this is

not the sort of thing that one party should ram down the throats of other parties. We're talking about pretty fundamental institutional changes to the rules of the game. If we're watching a hockey game, we don't think one team should be able to change the rules partway through. There's a kind of conception on important, constitutional-like issues that one party ought not to be able to change the rules. That's not coherent with democracy.

So, with something that engages a wide spectrum of partisan or social or economic interests, some kind of process needs to be involved, but we also know that this is a subject that really puts most people to sleep. I have to tell you, as a political scientist, that despite the fact that I thought people always want to talk about electoral systems and how exciting it can be, it's not true. Most people don't go to sleep thinking about this stuff.

So, you need to have political leadership mobilizing support for change on a wide basis, and that, I think, really does mean involving the political class, the political leaders, broadly. In retrospect, I think Mr. Campbell's failures in British Columbia, which were offered in good faith — he said, "Look, people don't like me; a lot of people out there don't like me; I get that. It's a very polarized province. So, we're going to stand back and let the citizens decide what they want." But then, when an election came along, the parties weren't talking about electoral reform; they were talking about the kind of things that divided them, and so people didn't pay any attention to it. They weren't given any kind of guidance or leadership from any of the parties, and so there was no intelligent or even broad debate on the subject, and I think, without leadership, you can't get change.

The lessons in Ontario, New Brunswick, and Québec were all, at the end of the day, lessons in which there was widespread support from the reform process for a different system, but after five different processes producing five different suggestions — first of all, suggested it — people thought of different problems, and so they had different solutions, but none of them came into being.

Never have we had five governments launch a major reform exercise in a particular policy area, and at least one of them would have succeeded, but none of them succeeded, and I think it's because, in all cases, the political leadership really stood back from this, for different reasons in different places, and so it was unsuccessful. I think, if there's to be any kind of reform, it would behoove a committee like yours to provide leadership to your colleagues and your legislature, to your colleagues and supporters in your parties, and to the voters of the Yukon as to what you were doing and why you were doing it, because I think, if you don't, that's not going to go anywhere.

Chair: I just have a follow-up question to the one that Mr. Streicker just asked.

One of the things in your presentation that you talked about was that there were the two standards of the referendum, there was the 60 percent of voters and then 60 percent of jurisdictions, but even that 58 percent and then the overwhelming amount in the second — that's a pretty good indication.

My question is: What kind of education happened for the province? How were the two systems communicated so that when people did go to the polls — because you were saying that politicians were talking about the issue, but it wasn't a referendum question — what education happened? How were people informed about the proposed changes?

Mr. Carty: Basically, they weren't very well. The citizens' assembly had been very exclusively covered by the dominant newspaper in the province, the *Vancouver Sun*, and the *Vancouver Sun* made a deal with the citizens' assembly that if they kept their final report to under, I think it was, 6,000 or 7,000 words, they would print it word for word, the whole thing. So, the major paper of the province had produced a full copy of the report, gave it a lot of attention, but the politicians didn't talk about it. They were talking about the issues that they thought were important in the election.

Once the citizens' assembly was finished, it dissolved. It had no resources; it had no capacity to publicize the referendum and the terms of it. A number of the members of the assembly formed a bit of a lobby group and went out on their own with their own resources to campaign for it, but basically, there was almost no campaign for or against it. That's why I say that we did a fair amount of survey research after and it suggested that people who knew about it, knew something about the proposal, or knew something about the citizens' assembly in effect said, "Well, those are people like me who are recommending this, and I kind of trust them, so I'm prepared to follow their lead" — they voted yes.

But a large number of people had never even heard about it before they were handed the referendum ballot at the election. That's where I say that, without some kind of leadership, whether you're for or against it, at least engaging the public and engaging debate, you can't get any kind of response. So, there really was no campaign, and four years later, there was even less. The people who had been involved were long gone; people had forgotten about it, so they were prepared to say no even more so.

Chair: Thank you, Dr. Carty. Mr. Streicker or Mr. Cathers, any follow-up to those recent discussions?

No? All right.

Again, just so I can recognize for Hansard, if there can be some kind of visual cue so I know where to go — Mr. Cathers, the next question from the Committee.

Mr. Cathers: Thank you, Dr. Carty, could you elaborate a little bit on your perspective of how a potential electoral system change, including but not limited to the one that was considered in British Columbia, might apply in a jurisdiction with a small population, like the Yukon — noting the fact that all of the provinces that have considered electoral reform changes do have larger populations than the Yukon does?

Mr. Carty: I think that's a very important question, because the questions of scale are important, and it's partly the size of the electorate, but it's also partly the size of the legislature. The Yukon Legislature, as I understand it, is fairly divided, with both a strong and vocal opposition and government side, but very often in first-past-the-post systems with small legislatures, you can get the kind of results that have

bedeviled Prince Edward Island and New Brunswick, which come a little bit closer. I mean, PEI is still 30 members, so it's a fair amount bigger, but if you get an election in which there's a bit of a swing in population, first-past-the-post can almost obliterate an opposition. The reality is that our systems are based on the principle that there needs to be a strong opposition to hold the governments to account, and if there's no strong opposition, then our kind of legislative-responsible government really doesn't work very well.

So, one important question is: What does the record for the legislature look like? First-past-the-post is more likely to produce the kind of very unbalanced outcomes than other kinds of systems. So, if you want a guarantee that there be a stronger opposition or at least some opposition, then you want a system that maybe is somewhat more proportional. That's where the islanders keep getting stuck trying to figure this out, and they have been at it a little bit longer than the other provinces. They started before the other provinces, and they apparently are still at it, trying to work at that problem.

Different systems have different impacts on political parties and on candidates. One of the reasons that people were very keen on single transferable vote in the BC citizens' assembly is they wanted to strengthen the hand of voters as against party operators. They thought the single transferable vote system was likely to strengthen ordinary voters, say, and weaken the control of party leaders. They were pretty open about that. In a couple of the other provincial recommendations, they were trying to produce a system that might strengthen the hand of the political parties at the expense of local associations or whatever. So, there's always a kind of trade-off between local interest, local impulses, and the more broad-based partisan impulses. So, working out which is more important for you in that context is absolutely critical.

The scale of the population may not be as important as the impact it will have on candidates, the political parties, and the working of the legislature and what that mix will look like. You can increase the size or decrease the size of the legislature and that will also have some kind of impact. That would be a very important political reform. If you doubled the size of the Yukon Legislature, you would undoubtedly change its dynamics under different electoral kinds of systems. Those kinds of changes, as well, are worth thinking about.

There's nothing magic about the number of voters or the number of elected representatives. I actually think that more politicians are a good thing. I don't know that it's the most popular public view, but I actually have enormous respect for people who put themselves forward and engage in public life. So, the idea —

But in Ontario, of course, one of the recommendations was that the Ontario Legislature was going to get a bit bigger, and of course, the journalists and the public thought, "Oooh, more politicians" — they don't like that. After all, they had an act only a decade before called the "Fewer Politicians Act", and they shrunk the size of the legislature. So, those are contentious but, boy, very important. So, if you had a legislature, say, the size of Prince Edward Island with 32, it would work pretty

differently under first-past-the-post and certainly very differently under some kind of proportional system.

Chair: Dr. Carty, if I may, you referenced the single transferable vote that the BC citizens' assembly landed on. Just because we're in the process right now of not only educating ourselves but also offering up ideas and suggestions to citizens in the territory, can you walk us through the single transferable vote again and why BC landed there — the citizens' assembly — and how that might be an alternative or something that we should consider in the Yukon?

Mr. Carty: Okay. The single transferable vote is a system that uses local electoral districts, but each district elects more than one member — in Ireland, for instance, where it's used for its national parliament, as few as three and as many five, although they have had even more in previous terms.

Let's say you had a system in the Yukon where you had a legislature of 20; you could have five districts of four members each or four districts of five members each. Each party would nominate as many candidates as they wanted for those districts, and voters would come into a ballot, and let's say, in your district, Ms. White, the NDP might nominate — let's say it was a four-member district — might nominate two candidates and the Liberals might nominate three and the Yukon Party might nominate three and there might be a couple of independents. So, voters would have a ballot with a list of candidates on it, and voters would say, "Okay, I like Ms. White best, so I'm going to give her number 1, but you know, I really like that guy running for the Yukon Party, so I'm going to give him my number two, and there's an independent here who I like, so I'll give him my three and the next three people — my 4, 5, and 6 — I'm going to give to the Liberals, because I kind of think they're okay" — or they might only vote for one or two, depending on how many they want. They wouldn't have to vote for more.

So, when it came to count them, you would decide, okay, if you're going to have four members elected, you would figure out the number of votes they would require — something called the "quota" — in the first-past-the-post, it's 50 percent plus one or more than someone else, and there's the kind of equivalent formula. Let's say you need 1,000 votes to get elected, and they count up all the number ones. Let's say you got 990, so you're 10 votes short, but nobody got 1,000 votes, so they take the person who had the fewest and drop them off and look at their second choices and take their second choices and allocate them to the remaining candidates.

The way we drop off candidates in leadership conventions, you take the bottom person and you let them transfer their votes and you go through a series of counts like that. What you're going to end up with probably in a district like that — you might have one or two New Democrats, maybe a Yukon Party and a Liberal Party all elected, so you have some from each party. It's a system that gives voters a lot of say, because they can decide which candidates they like irrespective of party, and if they want to mix and match parties and candidates, they're quite free to do that. So, the parties have an incentive to put up a slate of candidates that looks pretty representative, or attractive, across the board.

The results are more likely to be proportional, because a party with 25 or 30 percent of the votes is likely to get one of the four or five seats. So, you get some kind of proportionality; you get a fair amount of voter choice in that process, and the members are going to be very much tied to their constituency, because they know they have to win local votes not only as first preferences, but there's also some incentive to be as attractive as possible, because they can't get elected on enough first preferences, but if someone else will give you their second or third preference, you can build that kind of coalition.

That was the idea in British Columbia, and that's sort of how the system works.

To be honest, elected politicians or party bosses don't like the system so much, because it gives voters more say. The politicians can't come in and say, "Okay, this is our district; we want to have so-and-so elected" and they can impose a candidate or they can control the nomination process. In a multi-member district, the parties can say, "Well, our preferred candidate is really Kate White", but if the voters decide on Peter White and give him the first preference, then Peter is going to beat Kate. So, it's a system in which the voters have much more say. It's almost analogous to transferring the nomination process of the entire electorate, but it also means that people can vote for more than one party if they see something attractive in that, in terms of their priorities.

It has never been a system which party leaders are keen on because it really reduces their control and the members who get elected know that they're elected on the basis of their support in their local district and how much voters like them. So, it's a little bit harder sometimes for party leaders to discipline them. They can say, "Well look, that's not going to wash in my district, so therefore, I'm sorry; this is the way I'm going to vote."

But it does produce relatively proportional systems; it does produce stable government where it's being used. So, that's kind of what the system is like. I think, in British Columbia, there was a strong anti-party feeling among many citizens, and they thought this process might weaken a little bit the strong party discipline that accentuates the polarization of the province; they liked that. They certainly liked the idea that they would have more say, that they could actually go one, two, three. People say, "Well, they don't know enough", but it's not that complicated. If you go into an ice cream shop, you can choose between vanilla, chocolate, and strawberry, and basically, it's your first, second, and third preferences that are probably going to count.

So, that's basically how the system works.

Chair: Thank you for that. Mr. Streicker and Mr. Cathers, any follow-up questions on that?

Hon. Mr. Streicker: Thank you, Madam Chair, and I know that Mr. Cathers has one as well.

Dr. Carty, the Yukon — as you know or as you have mentioned, we have 19 ridings here and our population is small, but there's also a feature to the Yukon where we have one community, Whitehorse, which has roughly three-quarters of the population. Currently, we have a blend of 11 of the ridings representing the City of Whitehorse and eight of the ridings

representing rural Yukon. Just thinking about that set-up — and I want to take you back to your explanation about single transferable vote and other advantages and disadvantages. Early on in your presentation, you talked about the tension between local representation and proportionality. What would happen with those smaller ridings — for example, we have some ridings that are very small, and they have very small communities in them. What are the relative advantages and disadvantages on that local representation piece with STV or other proportional systems, and how might it play out in a place like the Yukon?

Mr. Carty: It seems to me the problem is really: Do you want to treat all votes equally? If all votes are to be treated equally, there's a big problem that 80 percent of them are in one place and the other 20 percent are kind of spread as diversely as they are. The way that first-past-the-post fudges this — and we certainly fudge it in Canada for the House of Commons — is simply by giving more seats to the rural areas, and so their votes count for more.

In the House of Commons in Ottawa, Prince Edward Islanders' votes count four or five times more than British Columbians', and that's because we just decided that we're going to favour those rural areas by giving PEI way more seats than any kind of fair representation of the population would provide for. So, at the heart of it is the business of: Should all votes count exactly the same? First-past-the-post actually makes it a little bit easier to fudge that, because we would say all districts are the same, even though we know they're not; some have 1,000 voters and some have 2,000 voters, so that means that the voters in the 2,000-voter district have half the electoral power.

Under proportional systems, it depends on whether you use multi-member districts, the whole territory, or sub-regional areas or whatever — the way you can deal with that is, again, in that problem. The first-past-the-post essentially makes it a little bit easier to fiddle that problem. It sounds like you have found a way to do that in the Yukon. You have eight to 11 districts, but you have 75- to 25-percent population — you can see right there that one is engaged in that, and it has been a long tradition.

It's a big problem for electoral re-districting in Canada. I'm on the British Columbia boundaries revision process right now. BC is going to get another seat or two, but we're never going to catch up to Prince Edward Island, because Prince Edward Island and New Brunswick are guaranteed, under the so-called "Senate rule", that they're going to have more electoral power than British Columbia or Ontario.

So, we fiddle that nationally by making the House of Commons bigger and bigger. The House of Commons has 100 more members in it than when I started at UBC. It just grows every decade, because that's how we're trying to fix that, but we don't fix it because we don't really want to fix it.

The problem is — you put it very well, I think, but I think that answer would be that first-past-the-post gives you much more maneuvering room just to make a decision where we think that it's important to protect those rural areas and those voices and we're going to do that. There's going to be some cost to

that. Rural voters are going to have more say, and we don't hear much about Prince Edward Island and New Brunswick now anyway, but we hear a lot less, and there would be a lot less money pouring into that part of the country if they didn't have as many Cabinet ministers and MPs as they do.

Chair: Thank you for that answer, Dr. Carty. Mr. Cathers, did you have a question?

Mr. Cathers: Yes, thank you. Dr. Carty, I do appreciate, with multi-member models like the single transferable vote system, that there's always that trade-off that, in doing that, you basically have the option of either increasing the size of the Legislative Assembly and the number of politicians or reducing that local community representation for those who may feel that having a local representative from their community or broader community is valuable. But I would like to just ask you to talk about some other systems. You mentioned that some of the other alternatives tend to strengthen the power of the party and that this was a concern in British Columbia, and I think it's fair to say that it could be here as well. Could you just talk for a few minutes about some of the other alternative electoral models that were considered in BC and which ones, in your view, increased the power of the party through those systems?

Mr. Carty: I think that's an important question, because probably the most popular alternative to first-past-the-post that's out there and often talked about is something called a "mixed member proportional" system. The mixed member proportional tries to have its cake and eat it too. It says to have maybe half or 40 percent or 60 percent of the districts as they are now — local, single-member districts with a local representative. But because we know that won't produce proportionality, the other part of the members will be elected on a party list vote, maybe province-wide, territory-wide, or maybe on a regional basis. What that would mean is that voters would probably have two votes: one vote for their local representative and one for the party they prefer. So, the local representative would be chosen, but there would still be half the members to be chosen from the party vote system. The party vote system usually means that the party produces a list of candidates and says, "These are the 15 people we're running as our party candidates to be elected by the party vote, and if you vote for them, we'll take people off that list", usually from the top working down. So, a party might produce a list of 15 candidates that they hope would get elected by the party vote. Let's say that, on a proportional basis, they were entitled to seven of the 15, so they would take the first seven off the list, and they would automatically be elected.

So, the question is: How do you get on the list to start with? Who controls the making of the list? We know that in the real world of party politics, it tends to be the people running the party, the party organizers. And not only do you need to get on the list, but there's no sense being on the list if you're ranked number 15; you want to be in the top five or six to guarantee that you'll be one of those to be elected. Again, political reality suggests that the people near the top of the list are part of the leader's entourage, to put it crudely.

So, systems that have party lists tend to allow the party leadership to kind of build a team of their own supporters and

get them elected, but of course, what that does is produce very powerful incentives for people to be loyal to the leader or to be part of the team rather than maybe being controversial or difficult.

Party systems have the capacity to allow the party leaders to put who they want on the list. Now, some parties might decide, “Well, what we really want is to have more gender equity, so we’re going to have on the list one man, one woman, one man, one woman up and down the list” — it’s called “zippering” — but they might decide, no, we want to have everyone from a certain part of the party, a certain ideological perspective, or we might want to have people from a certain part of the region or whatever. So, party list systems tend to strengthen the hand of the leadership, however it’s organized, whether it’s an individual leader or whether it’s the party secretary or the bureaucracy of the party, depending on what kind of party organization they have.

Mixed member systems are the most common alternative, because they try to compromise local representation and party lists. Other proportional systems go much further down to the party-list end of the spectrum, which again gives the parties much more control over who their candidates are and not only who the candidates are, but the likelihood of those candidates getting elected. Certainly, the Ontario, New Brunswick, Québec, and even the PEI proposals were one version of a mixed member proportional system or another in that first few years of the century, but all of them were quite different.

The New Brunswick one was really quite distinctive, because it would have said that people could only run on one side or the other. You had to be either a local candidate or a party candidate — you couldn’t be both — and that was a system designed to make it very difficult for candidates. But it was aimed at trying to solve an English-French problem in New Brunswick that was regional.

The Québec system was designed to strengthen the hand of party leaders and make it very hard for third parties and independents to get elected to the Québec Legislature. They had a very curious mixed member system. The Ontario system was different yet again. So, there are all kinds — it’s the kind of details, at a granular level, of those kinds of systems that really spell out how they actually work.

In general, party lists are designed, or help, to strengthen the centralizing capacity of a political party, as opposed to the decentralizing or local capacity. So, we try to pretend — the mixed member advocates say you get the best of both worlds. Well, you get the best of both worlds, but you also get the problems of both worlds when you try to build a compromise.

Chair: Thank you for that. It’s a cautionary tale throughout. Just being aware of the time, we have almost reached our end. Dr. Carty, is there any point you would like to leave us with, any final remark, or anything you would like to share with us?

Mr. Carty: I guess, going back to what I said earlier, just really be clear on why you’re engaged in this, what you think the problems are. Is it a problem of local representation? Is it a problem of proportionality? Is it a problem with the way the legislature works? Is there a problem of government formation?

All of those are affected by the electoral system but in different ways. Figuring out what your own distinctive political world issues and problems are is the challenge of moving ahead and saying, “Okay, these are our problems; what is it that we need to try to fix these and then what kind of leadership will be required across the wide spectrum of Yukon public life to try to bring those reforms to fruition?”

It’s a huge challenge; challenging the fundamental rules of the game is difficult and it takes real determination and leadership to accomplish that. I can only wish you well.

Chair: That seems like an excellent point to end. Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank the witness. I would also like to thank Yukoners who are listening to and watching this hearing. Several more hearings with experts from across the country are scheduled for this week. Transcripts and recordings of the Committee’s hearings will be available on the Committee’s webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future. So, Dr. Carty, thank you so much for appearing today. Along with my colleagues, Mr. Streicker and Mr. Cathers, we thank you for attending.

This hearing is now adjourned.

The Committee adjourned at 11:59 a.m.



Yukon Legislative Assembly

Issue 3

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Tuesday, January 25, 2022 — 11:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Elections Yukon
Maxwell Harvey, Chief Electoral Officer of Yukon

EVIDENCE**Whitehorse, Yukon****Tuesday, January 25, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White and I'm the Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Maxwell Harvey, the Chief Electoral Officer. Mr. Harvey has served as the Chief Electoral Officer of Yukon since June 2018. He leads Elections Yukon's mandate for the administration, readiness, and delivery of territorial, school board, and school council elections. His office also provided planning and operational support for the recent Whitehorse municipal election, and currently his office is administering a number of community referendums for school attendance areas.

Mr. Harvey has over 15 years of experience in senior election leadership and administration. Prior to his current position, he oversaw electoral administration in Newfoundland and Labrador.

We will start this hearing with a short presentation by Mr. Harvey and then Committee members will have the opportunity to ask questions.

We will now proceed with Mr. Harvey's presentation.

Mr. Harvey: Thank you very much, Madam Chair and Committee, for the invitation to present to the Special Committee on Electoral Reform. I'll just put my screen up — can you see the screen okay?

Chair: Yes.

Mr. Harvey: Okay, thank you very much. Elections Yukon is an independent and non-partisan office of the Legislative Assembly. As such, I do not advocate — or our office does not advocate — for or hold an opinion regarding the type of electoral system we will deliver to. However, my mandate and statutory provisions allow *Elections Act* recommendations to the Legislative Assembly and to the Members' Services Board.

I will be talking on four themes. One is the context of electoral system reform and electoral system considerations, electoral administration — this is specific to Elections Yukon, what we believe needs to be considered; they're not recommendations; they are considerations — as well, electoral reform consideration if the electoral system changes. So, the first part is more *Elections Act* considerations; the other is for if the electoral reform system came into place.

We do know that election referendums have been held in a number of constituencies across Canada, and we know that there is a considerable interest. So, in the context of Elections Yukon, I just want to set a bit of background for the Committee and for the listeners following this process.

My aim is to provide practical insights into the changes and whatever degree and what kind of support would be required to have that synergy between Elections Yukon and the legislation to support the elections. I want to make sure we can keep pace with and align with the change while doing our own behind-the-scenes work as an electoral management body and our ability to set, meet, and manage the expectations of the public and stakeholders.

Work to prepare and deliver elections is based on a strategic plan that we have developed, and all we do for election readiness is to compare it against our strategic plan. We look at our vision, which is to have a modern, convenient, and efficient electoral delivery. We want to inspire turnout. Our mission is electoral readiness and voter-centric delivery of fair, compliant, and impartial elections. We do this to foster public trust, credibility of the results, and to promote participation.

We are based on four strategic pillars, those of integrity, of access, of modernization, and readiness. Integrity is to make sure we give a ballot to an elector who is entitled to receive the ballot, which is kept secret and the results are counted as they were intended. Access for electors is not only physical barriers but psychological barriers, ensuring we have enough venues, we have enough options to vote so people can participate and are aware.

Modernization is technology, of course. It's systems; it's also processes and alternate options to vote; and readiness, which takes a large part of our work, is making sure our teams, our materials, our plans are in place so that when an election is called we are ready to deliver to that mandate.

I will say that one of the most common questions I get is: What do you do between elections? What we do between elections is to prepare for elections. In the next five years, we have forecast up to 16 different electoral events. Each electoral event has an electoral cycle. Territorial elections take three to four years to prepare for, so it is quite complex. With that number of elections, we also have many overlapping electoral cycles. For example, in the next number of months, we will have more referendums which are ongoing now; we have school councils to get ready for; we also have potential school boards to get ready for all of this year. Many of those electoral cycles are overlapping, and each one has specific people, specific materials, and specific plans to pull it into place.

Obviously, we have a large territory here, with dispersed populations and small communities. During a territorial election, for example, we hire — we had to find — a challenge — to engage and train 600 workers. We had materials and processes for all the different election types, over a hundred manuals and forms, and we have to make sure that they all align, develop the processes, design, and for the months, make sure they are rolled out and that people understand — not only the workers, but also the electors and political entities who will use them. We have about 100 polling divisions and 68 locations

for the territorial elections. Add COVID, add a minority government, which has a higher degree of readiness, and it all adds to the mix of what we do here.

We have three permanent staff; until recently, it was two. I would like to acknowledge the support of the government to provide us with the additional worker. We're very appreciative of that support and the recognition of the work that we do. Notwithstanding, there are still gaps in processes that need to be resolved. We are still gap-filling; we are establishing processes to transform Elections Yukon into a more robust electoral management body, and we are looking forward so we can meet our mission of being voter-centric about electoral, fair, compliant elections. We are always trying to be proactive, make things better, and fix what needs to be fixed.

In a typical period, we follow our mandate, which is quite demanding. Change is ongoing all the time. Here we have operational demands; we deal with the public; we work with many stakeholders from all of the different electoral themes, as well as administratively throughout government: the political parties, with different community groups, First Nations, partners, and municipalities. I will just say that it is consuming. It takes time, talent, and coordination. They say that electoral administration is the most complex operation a jurisdiction can deliver, so it's quite an operation that needs many hands to make it happen, and we're very grateful for those many hands who are part of our Elections Yukon team across the territory.

I will say that, in our review of the electoral system reform, from our view, there are no showstoppers to delivering the change to transition to a different electoral system, if we were called upon to do so. This acknowledges that additional support, structure, appropriate lead times, and capacity would be required to get it all done.

The question of electoral reform is for the actual system. As I say, we have no opinion on it. We did research on the case for and against, because that helps inform us on what some of the areas that need attention are and things that we should be looking at, because it may affect how systems are implemented. I think there have been a number of referendums held in provinces over the past 20 years on electoral reform; others are still under consideration. It has been a topic of interest here in the Yukon.

The electoral systems — the Committee will have expert information on this from their other presenters. I'm not going to discuss those, but these are the six types of electoral systems that I looked at in coming up with some of the considerations of how it could affect Elections Yukon and how we deliver the vote. They were: first-past-the-post, which is a plurality system; an alternate vote, which was majoritarian; and four proportional systems: proportional representation, mixed member proportional, single transferable vote, dual member proportional. This is not a recommended list; it's just some of the more common, and they serve as good models, when you're looking at considerations.

When we look at electoral systems — when I went through my process to speak to the Committee today, there were many different factors that we considered. Certainly, the principles — there are many principles. One of the models that we look to

has nine principles: legitimacy, voter choice, and participation are key elements to those, as well as fairness and effective parliaments. Principles were something that I will turn to, just like my strategic plan, to make sure that whatever we do aligns with electoral system principles.

Characteristics of an electoral system is very key, and it impacts the administration considerably. The ballot type — as a rank, as multiple candidates — the number of candidates per district, the number of districts, and the procedure to determine winners and, if required, any thresholds are components of some of the different proportional systems.

Administrative impacts — overall, I would propose that there are no major impacts for a plurality for the administration. I think we would be fairly comfortable with the *Elections Act* changes that come and go, as approved by legislation. A majority type of system — obviously different kind of ballot types, different procedures to determine winners, vote calculation may be more complex, and some delays, but no major impacts in delivering that system.

Proportional representation would be a major transformation of electoral systems. In all of those categories, the ballot type, candidates, procedures, threshold — so it would have major changes and impacts which would be expected, and this is what we would work to if that was required. That was a very brief background on Elections Yukon and some of the things that we do.

Now what I will do is go into the final two themes of this presentation. One is electoral reform considerations, which I will call “small ‘e’ electoral reform considerations”, which basically are electoral reform under this first-past-the-post, single-member plurality system. There are bullet points. I'm not going to spend a long time on each one. I'll just give a highlight of some of the things that we would ask be considered. These are not recommendations; this is input into the electoral reform small “e” version.

Typically, the *Elections Act*, as we know, requires long lead times to find out the requirements, to go through the approval process, to get it to the point of legislation — which can be relatively long and complex — and then time to implement, provide awareness to put the changes into effect. Typically, once legislation is passed, it may be a six-month window before that new process is implemented, which means that you would have two processes — preparing for two processes — because if an election was called before those were implemented, then of course, you would use the previous system.

The reduced elector residency requirements — right now, it is one year in the Yukon. Nova Scotia and the Northwest Territories, it is six months; Northwest Territories reduced from one year to six months; Nunavut was a one-year residency required before you were an eligible elector; Nunavut ended that requirement. I believe Nova Scotia and Northwest Territories are the only two that have residency required.

Based on some of the Bureau of Statistics data, there could be a thousand or so additional electors on our register. Our register now has about 29,000 registered electors. So, it would increase the electors and increase the participation. It also

would look at — if somebody moved into the Yukon 11 months before an election, they could be up to almost five years before they would be able to vote for the next territorial election.

Residential proof of address — this is an ongoing challenge for Elections Yukon. The legislation allows mailing addresses to be used as proof of address. We have some declarations to work around that to get the correct address. We have an ongoing process through the Members' Services Board for elector identification, which will also address some of the proof of address, the point being, what do we want to put into legislation, as opposed to reviews of the identification requirements after each election. That's just to tighten up residential proof of address, because obviously you don't live in your mailbox, and many people have mailboxes and mailing addresses outside of their electoral district.

Temporary resident — the definition, for some clarity — obviously, we count students who are in an educational institution. They have the option of voting where they normally reside when they're not in school, and they're quite often with their parents or in the district where the school or educational institution is located. That provision in the act also allows workers who are working in their normal course of duty in a district when an election is called to have the option to vote, just like students, at their home address or where they are working. We would like to tighten that up, obviously, with expanded special ballot applications. A worker who is on assignment in a different electoral district in the normal course of duty can vote by special ballot. We would like to tighten that up and give a bit more integrity to that process.

Election officer eligibility — right now, 16- and 17-year-olds — and there are about 900 of them in the territory — can work in one position in the election process as an election officer, and that is as a poll attendant. They're giving people directions; they're keeping the doors; they're checking on things; they're picking up voter information cards; they're assisting electors. One for consideration is to expand their role, as they do in a number of other jurisdictions where a 16- and 17-year-old can fill a greater number of election positions. We see the 16- and 17-year-olds' talents — their reliability, their energy, their bilingual capabilities — as an asset to the election team, and we would like to expand that, or we would like that to be considered.

There's also, to be an election officer worker — except for those 16- and 17-year-olds currently — you must be an eligible elector. Somebody moves in, may be in the Yukon 10 months or five months before an election — even though they can't vote, what would really preclude them from being able to work, even though they can't vote? So, if they, like the 16- and 17-year-olds, meet all the other conditions except for age, otherwise eligible Yukoners who, except for the residency requirement, may have an option of being an election officer to support the elections. I will note that the Chief Electoral Officer and the Assistant Chief Electoral Officer are not allowed to vote in elections. That would be similar to a Yukoner who doesn't meet the residency requirement.

From an Elections Yukon perspective, election workers are a constant challenge. With COVID, for example, some of the

traditional workers decided not to participate, and challenges were present. Obviously, increasing the pool is something that we would like to do, from an electoral operations perspective. We do believe that, for consideration, it may have other purposes.

“Vote anywhere” is a system we would like to have considered, and this is to allow — it's a bit like the New Brunswick model where they have like a bank-teller sort of process when they vote. For our purposes, we're looking at advance polls, and this would allow any elector from any polling division to go to any advance poll and vote. No matter where you live and were eligible, you could go and vote. This is based on the new technology that we have, it's based on the permanent register that we have, and it's based on the systems to allow that to happen, because it happens in a number of other jurisdictions as well, and it's something that we're looking at to trial. It is a bit more training, a bit more tech-savvy election workers that we'll require, but it is something that voters would find more convenient and speed up their vote and hopefully, as part of our mission and mandate, to increase access so the turnout can be supported.

Elections Yukon does not have a referendum mandate. It is not part of the *Elections Act*. Obviously, we have some experience now running the First Nation school board referendum vote, and we're quite comfortable that putting it in the *Elections Act* would support our readiness, our preparation, and the capacity that we needed and the plans to make sure that we could provide that service and align it with the other work that we do.

Ballot design is a bit of a fun one. I put it there for consideration. It is to include a candidate picture. In a number of jurisdictions — specifically Northwest Territories and Québec — include on the ballot where you go to vote the person's name and party and a small picture. I found in my work with those jurisdictions that many electors appreciate that. If someone came to their door, they may be familiar with a face but may not remember a name or party they belong to. Those are some, and there are more.

Tie after a recount — right now, we draw lots to make that happen. Just for consideration, instead of drawing lots, as they do in a number of jurisdictions, we could have a new election. This would be the same sort of thinking as when a candidate dies — God bless — after the close of nominations in a territorial election; that election would be stopped and there would be a call for another election in that elector district, and it would go through the whole nomination process and such again as basically a by-election. It would not necessarily prevent contested elections after a recount, but it would make it less likely, because the outcome of a court proceeding would either be a draw, vote stands, or a new election is required.

Boundaries commission appointments — currently, a boundaries commission requires, typically after two elections, six years between and six years between elections. As such, right now, no boundaries commission could be established under the current act until May 2023, which would be the six years after the previous EDBC was commissioned. So, we just look to that — one other element beyond the appointment dates

and times is the direction provided to the boundaries commission on what to look at. Right now, the boundaries commission has the task of determining what they will do to make the recommendations. Some other guidance may be a consideration, and this is done in other jurisdictions to give more direction.

One of the considerations is Internet voting for the Yukon for a territorial election. We would look at it as a consideration for the option to cast special ballots by Internet if that was your choice. Just another option; special ballot would still exist in the traditional forum. The Northwest Territories did that in the last territorial election. They used it for their absentee ballot program. There are hundreds of municipalities throughout the country that use this. PEI is considering it, so it has a lot of options. We are looking to introduce Internet voting for school board elections, and that's something that we have some knowledge of, and we have the equipment, the computers, and the mindset to make that happen.

Expanded election financing requirements — basically, we're looking at some limits and additional reporting requirements. I know this has been a long-standing interest. Right now, there are limited provisions. We do appreciate that there is a small pool of contributors in the territory, not like some of the large provinces where there are many people who can contribute. The cost to run a campaign is high. I looked at the survey from the last electoral reform. Some elements of fairness, transparency, and accountability came through and from the election financing requirements, potentially contribution spending limits, transparency for disclosure, internal and public, and accountability that would speak to compliance and enforcement. That would be part of a separate submission from Elections Yukon here to the Legislative Assembly, if it is something that we will pursue.

The *Elections Act* right now is under the responsibility of the Minister responsible for the Executive Council Office. The other House officers are under the Legislative Assembly and the Speaker. What this does for us is it makes any *Elections Act* changes that we wish to introduce a bit more complicated for the process. The Members' Services Board can say no, and then it doesn't happen. Even if the Members' Services Board says yes, it doesn't mean that we'll get any further consideration, and there is no champion to support Elections Yukon in the administrative process of those recommendations.

A final one is a repeal and replacement of the *Elections Act*. It's well over 20 years old; it requires updating. It has had five or six different updates along the period, but it is a bit of a patchwork. There are some disconnects; it requires a major update to take into account some of the dramatic technology and process changes over the past 20 years and to make it into plain language and easier to understand. I appreciate this is a long process of many years, and obviously none of these considerations are to say we need them or they should be considered right now. We understand minority government, and *Elections Act* changes are more difficult and are typically limited to very high priority kind of items. So, these considerations are in the context of looking to the further horizon. Some may be easy and could be done earlier, but there

is no time associated with any of those considerations. These are generic considerations.

I'll just move to the big "e" considerations, and these would be if the government moved to a different system of electoral delivery. The number of electoral districts obviously could change, and we did look at the possibility from the Electoral District Boundaries Commission if seat numbers were changed. Yes, there are impacts, but they would be more or less incremental, depending on the number of seats. If an electoral district boundary changed and you added one, obviously two or three districts would actually change their boundaries. That makes a complicated process, because you have to realign electors; the returning officers would have to be reassigned and reappointed, so there could be a recruiting issue there as well, but typically, beyond capacity, that is just an incremental change.

The electoral district boundaries, as I mentioned slightly, would be work, obviously. The boundaries would all need updating; polling divisions would have to be realigned; elector balance and maps would have to be recreated; street keys; the returning officers would need to be reappointed, tasked, trained, and managed to do all of the work that's required before an election. So, there is work with boundary changes. Obviously, some of the systems would have very transformational boundary changes as opposed to adjustments to various scales. Obviously, if you have two candidates, or two MLAs, in a district, that would have a dramatic impact on the boundaries if the number of MLAs remained the same.

Electoral district quotients and variances — this is something that needs to be considered. Electoral districts are typically based on the number of electors. If all the districts have the same number of electors, you would have equal vote in all of those districts. In the Yukon right now, if all the districts were the same size, we would have about 1,532 electors in each of the districts.

Beyond equal vote, there's also a concept of effective vote, which has been supported by Supreme Courts, which allows a variance of the number within a district. Lots of reasons why elector populations within a district change. Typically, 25 percent under or over the quotient is generally acceptable, which for us would be between 1,100 and 1,865 electors. What you would do is, if a district looked like it was growing, then when you set up that electoral boundary — which could last 10 years or so — you would say, "That's growing, therefore, I will overrepresent it. I'll make that district of a size that I could add several hundred more electors and still remain in the variance." So, you would basically overrepresent them, which would be fewer electors than the average, and as they grew, they would get closer to a zero variance.

This is just an electoral district boundaries commission, but it is a major element in electoral delivery and balanced, fair, compliant, impartial elections.

Statutory provisions — this is the *Elections Act* things that we see, things to be considered — obviously, especially with electoral reform in the systems, major changes to processes, rules, result calculations, and materials to make it all happen — very complex. Obviously, the *Elections Act* would need to have

great clarity and be easy to understand, especially considering that it's new.

Also, if the *Elections Act* did change substantially, there would need to be consideration of a planned re-look to make any *Elections Act* adjustments as a second phase to find where there were gaps, or misalignments, so that they could be corrected.

The nomination process — typically, some of the systems have different kinds of lists from appointed candidates and nominated candidates, so that the nomination processes could be different — that's something to consider, because that is a major aspect and, when we close nominations, allowing who gets to be on the lists or who is being voted for.

Identification — with a new electoral system, districts could be larger, more options, and one of the aspects right now in Elections Yukon territorial elections is you are not required to produce ID when you go to vote if you are registered and nothing has changed. This is a different process from Yukon municipality and Yukon federal where you must provide proof of identify and residence. Maybe something to move toward is that we would align with the federal and municipality elections regarding identification.

The boundaries commission I mentioned earlier — obviously, it's a complex process as a key element of what census do you use, the outreach of the timelines, and the guidance of some of those aspects.

Fixed election date — right now, it's in the *Elections Act*, as November 2025. Obviously, if an election is called prior to that, 2025 would be a four-and-one-half-year term. An election in 2025 is still in the act, so a minor tweak would be required there.

Also for consideration, a number of jurisdictions look at weekend voting on Saturdays or during the week on Thursday, which may be less disruptive. I would say that a weekend, from an Elections Yukon perspective, on a weekend election date, schools are empty and people are more available, and it may be more convenient for electors.

Election periods — with proportional representation, especially with some of the bigger EDs and some of the time needed to travel around for potentially a number of candidates within a district, it may require additional time for the election period, considering that if it is two districts in one, you would have double the electorate to campaign to.

Urban/rural — this is a modification of one of the systems. You may have different quotients or different electoral systems for those areas. For example — and it's used in other jurisdictions — some of the rural — if it's a 1,500 quotient for the urban areas, it may have a 1,000-elector quotient for the rural districts. So, there could be differences there. You could also, in the systems, guarantee a number of seats for the rural districts.

Referendum — again, if it is a role, that it would be established for that provision — some statutory work there.

Elections Yukon is the machine to deliver to whatever electoral system is determined. So, this is an important aspect from our perspective. Obviously, the mandate — I would propose that it's relatively complex and full now with the

expanded requirements, the technology, the services, shorter time between territorial elections — it was five years; now it's four years with the fixed election dates — and we have a minority government, which may not be the standard — all to say that, for the readiness and all those things that we do, the organizational structure will need to be revisited. This is ongoing, by the way, and I thank the various committees that I work with for that support.

Capacity — as I mentioned, we have three staff. We just got the third person in the last year or so full time, so we're looking at some gaps. We're doing some transformations. As I say, in the next five years, we'll have 16 events, all with their cycle. So, capacity and time and talent are a huge issues for Elections Yukon. It's not only our team here; it's also for the field teams that we support and they deliver on our behalf.

Change management transition — I have a background in change management. Change is difficult. There's resistance; it takes a long time; there are many steps along the way to implement it after project management is completed. So, it's a huge concept to deal with. If there is transformational change, how do we manage the change within Elections Yukon, within our teams, and within the electorate and the political entities? It's an interesting process.

The readiness workload — we have 100 forms and manuals. We have all the stakeholders we deal with; we have all these multiple elections. This isn't to say anything more than that time to do things in an office of three is considerable. Dealing with one client, one elector, may be several hours. Working with meetings with school boards, with school stakeholders, or public bodies for register management or Bureau of Statistics — it just takes time. To produce a new manual and to review all the processes and all the forms, what everybody has to do, takes months and months of time. It's just to say that it is a considerable demand on the electoral team to do all this readiness work.

The potential for administering two electoral systems — obviously, there are electoral systems there that use a first-past-the-post or alternate vote system as well as a system of proportional representation. So, you would have one set of manuals and training for one type of election, during the same election, and maybe a proportional representation election, which may have different processes and counts and people and the kind of expertise required. That's something that is a consideration for that.

Obviously, in the transition period before a new electoral system came into place, you would still have to honour the existing one until — in the case of a by-election or in case of an earlier election or whatever reason — before the new system came into place, so you would have to have that in mind and have to do all that work.

Timelines to implement — lead times. It's a large amount of work for Elections Yukon; it also would be for political entities and there would be a lot of elector awareness needed for that to happen to work out the bugs and gaps and have them corrected before you actually implemented them.

The Elections Yukon office — we are an office in the Legislative Assembly. Just with transformation, we would

require more space and likely a changed location to support the organization structure, warehousing, and meeting requirements of the office.

Chair: Mr. Harvey?

Mr. Harvey: Yes.

Chair: If I may, just in the desire to make sure that we have time for questions, are there any pertinent points that you want to make on the last two points of your final slide?

Mr. Harvey: No, that's good. Thank you very much.

Chair: I thank you so much for that presentation. Now I'm looking toward the Committee members. Mr. Streicker, do you have a question?

Hon. Mr. Streicker: Sure, I'll start, Madam Chair. Thank you very much, Mr. Harvey. We really appreciate it. Early on in the presentation, you were talking about some of the values of the work that Elections Yukon does, and you stated that it's explicitly not your role to recommend a type of voting system, but I'm wondering if you have any thoughts — for example, you talked about the importance of voter turnout. So, there are things that you work toward, or you support overall, and I'm just wondering if you have any comments about the various types of voting systems for those values that you do try to promote and uphold as an office.

Mr. Harvey: Thank you very much. I would just say that, in our look at the system, we are agnostic on for or against. There is a pretty detailed argument on both sides for different reasons. I would say that on which system is better, I have no opinion. I wouldn't say I even know enough. I would say that, from our point of view, the two compelling sides are — one is, that the system is broken and can't be fixed, to move to it; and the other one is, yes, there may be some flaws, but it's proven, and this is how we can improve and make it better. Otherwise, we'll go wherever we're told to go.

Chair: Thank you, Mr. Harvey. Mr. Streicker, do you have a follow-up?

Hon. Mr. Streicker: Yes, I appreciate that, Mr. Harvey. I recognize that you're within the role of your office, but while we have you here, while we're trying to think about electoral reform, are there other values? You mentioned voter turnout as being one of those, and access, and I'm just wondering if there are any other values that you think are important. One of the things that we're trying to think about is: What are the critical values as we think about the electoral system?

So, without you trying to suggest what electoral system works better or not, if you have other values from your experience that you would like to share with us, I would appreciate hearing those.

Mr. Harvey: Obviously, the voter choice is important to us and voter representation. One of the things is turnout. Many groups, electors, will not vote, because they think their vote doesn't count or it doesn't matter. Obviously, that's an important element for turnout. Yukon is typically a very good turnout, and I think, in 2016, it was 76 percent, although it was based on an electorate of about 25,000, because that's how many they had registered. It was about 65 or so percent during COVID, when we added 5,000 electors to the roll.

So, turnout in the Yukon is generally good anyways, but anything to encourage turnout, to encourage representation, to encourage legitimacy. Obviously, one value is simple and practical, from an Elections Yukon perspective — that it's easy to understand. The voter knows exactly how their vote counts, which is a very key element. It's also key for the workers as well. It's one thing they have to administer, what they're doing. The systems need to be clear, so that's a challenge for major change.

Chair: Thank you, Mr. Harvey. Mr. Cathers, did you have a question?

Mr. Cathers: Thank you, and I would just ask Mr. Harvey, since there has been some discussion with Mr. Streicker's question and your response about voter turnout, are you able to provide us with any comparisons — particularly of people who are listening to this — on how the Yukon's voter turnout numbers compare with other parts of Canada and national numbers?

Mr. Harvey: I would say that we're comparable to other electoral districts. In 2016, we were the second highest in the country for turnout, but that recognizes that the vote, because we didn't have all the electors in the register — so, 4,000 or 5,000, we estimated, weren't part of the register — it made the turnout percentage higher. So, when we added a number of electors through the different systems and such, obviously, there was a higher threshold to get to additional votes.

I would say typically we are maybe slightly better than the average district or jurisdiction and getting better. I will say that, during COVID, there has been a reduced turnout in all of the jurisdictions across the country. What conclusion we draw is based on — yes, there's lots of energy. I think we have a good system, we provided good access, and we have a good turnout.

Chair: Thank you, Mr. Harvey. Mr. Cathers, do you have a follow-up?

Mr. Cathers: No, I don't have a follow-up question; thank you for that answer.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Thanks again, Madam Chair, and thanks, Mr. Harvey. As we think about this possibility of electoral reform, I think one of the things that we have discussed as a Committee is about a referendum. In other words, the ability for the Yukon to make that choice rather than it being by a committee.

Earlier, you were talking about the difference between the Yukon *Elections Act* and I think there's a plebiscite act. I would like to ask you a couple of questions about if we were to get to referendum. The sorts of things I'm interested in are: Would you expect, as Elections Yukon, to be the likely body that would carry it out once a referendum or plebiscite was set up? Also, from your perspective, do you think it would make a difference whether that happened at the time of an election or in between elections, et cetera? Just your thoughts around that, given your experience in your role as Chief Electoral Officer.

Mr. Harvey: Thank you. Obviously, the referendum — we believe that we would be the logical authority to do a referendum, and that's based on the technology. First of all, it would be: What process are you going to use? To my mind, if

you're going to use Internet voting, if you're going to use a mail-out ballot kind of process, that may have limited — or may or may not have in-person voting for a referendum — British Columbia, for example, did all mail-out voting. That was the way that it was done. So, depending on the process, we obviously have the focus and the knowledge, and we know the Yukon. I would also say another element is that we have the list of electors. So, I wouldn't — giving that to — but for a referendum, it would be in accordance with the list of electors, and we would run it typically as an electoral event — obviously very different — and if you weren't on the list of electors, you would register and we would put you on the list of electors and we would administer that.

We have all the systems, and we can count. Technology — we have scanners; we have the electoral management system that could give results. I do think we would be the logical body. I'm not saying we're the only one, but we would have some advantages.

Chair: Thank you, Mr. Harvey. Mr. Streicker?

Hon. Mr. Streicker: Thank you, Madam Chair. Just following up on the other side of that, from your perspective, in your role as the Chief Electoral Officer, would it make sense that a referendum would happen alongside an election, like a regularly scheduled territorial election, or would you think better in between? What are the pros and cons, from your perspective?

Mr. Harvey: Obviously, stand-alone. It has to fit in a referendum period. If it's a mail-in vote, that could be a month or five weeks long, and that's a big chunk of time with a huge territorial focus and interest, so it would be kind of overlapping with other activities. It can be done; it just has to be properly managed, but that's one of the big considerations of another major event when we have all these other ones on the go.

There is nothing that would preclude an election and a referendum at the same time. Other jurisdictions have done it. It would potentially mean either two ballots or a single ballot that had two different blocks on it — one for the candidate vote, in the current system, and a candidate one for the referendum question — but either option could be done. It would be more convenient; there would be a synergy, a scale of economy to do it during an election period, but if it was something to — to my mind, when I look at referendums and plebiscites, it is typically — not always, but typically — a referendum is binding, and a plebiscite is a survey or is not binding. So, if you had a referendum at the same time, that would potentially be something that the government would have to look at when they came in.

Chair: Thank you, Mr. Harvey. Those are important considerations.

Mr. Cathers, maybe one or two final questions?

Mr. Cathers: Thank you, Madam Chair. The next question I have is: Are you in a position at this point to outline what additional resources you might require if there was a decision to hold a referendum on potential changes to the system?

Mr. Harvey: Right now, I'll give you an estimate. It's not something that we scoped out, but depending on the process

you were going to use — if it was an Internet vote and a mail-out only — those were the two options — when I say “mail-out”, they could apply online and then mail it to them, whatever was required, but we wouldn't have in-person voting — that would be a relatively — I won't say small; it would be a huge project for us, but for the actual planning, you could have — it could probably be done with a surge capacity of five or six people to administer, if it was for that period and a couple of months before.

Chair: Thank you, Mr. Harvey. And just checking with the panelists, is there a final question?

No? Okay, seeing no final questions, I'll just take this opportunity —

Before I adjourn today's meeting, I'd like to say a few words on behalf of the Committee. First, I would like to thank the witness, Mr. Harvey. I would also like to thank the Yukoners who were listening to and watching this hearing. Several more hearings, with experts from across the country, are scheduled for this week. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned. Thank you very much.

The Committee adjourned at 11:59 a.m.



Yukon Legislative Assembly

Issue 4

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Tuesday, January 25, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Joanna Everitt, Professor of Political Science, University of New Brunswick

EVIDENCE**Whitehorse, Yukon****Tuesday, January 25, 2022 — 1:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform.

Allow me to introduce the members of the Committee. I am Kate White, chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is vice-chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today, we have with us Joanna Everitt. Dr. Everitt is a professor of Political Science at the University of New Brunswick in Saint John and the past president of the Canadian Political Science Association. She is currently a senior visiting fellow with the Electoral Integrity Project, run out of Queen's University and the University of East Anglia. She specializes in Canadian politics, electoral politics, gender and identity politics, and voting behaviour in Canada.

She is the author and co-editor of six books and has published over 50 articles in national and international journals and edited collections. She has been a consultant to Elections Canada, Elections New Brunswick, and the federal Leaders' Debates Commission and has presented recommendations regarding electoral reform to the New Brunswick Commission on Electoral Reform in 2017, the Canadian Parliamentary Special Committee on Electoral Reform in 2016, and the New Brunswick Commission on Legislative Democracy in 2005.

We have asked Dr. Everitt to speak to us about the challenges that governments face in enacting electoral changes and other opportunities for achieving these goals. We will start with a short presentation by Dr. Everitt and then Committee members will have the opportunity to ask questions. We will now proceed with Dr. Everitt's presentation.

Ms. Everitt: Thank you very much for having me today. It gives me great pleasure to come to speak to you about electoral reform. You have a lot of really great people talking to this Committee over the next few days and so I am going to try not to duplicate what they will be speaking to you about. I imagine, you know, that you have a good background already for the most part in terms of what electoral reform means and the value and the purpose of our electoral system in transferring votes into seats.

I want to highlight — so that we all remember that there are two key aspects of this. One is selecting the parties who govern and the second is selecting the individuals who represent us.

Now, most electoral reform is driven by those who have concerns that there is often a disconnect between the percentage

of votes received by winning parties and the percentage of seats that they win. So, our system — a single-member plurality system or first-past-the-post system, as we teach in our Canadian politics classes all the time, or any political science classes — tends to reward large parties and punish small parties. The larger parties get more seats than the votes that they actually win and the small parties, whose support is distributed across a number of different ridings, don't get as many seats. The system also tends to reward parties whose support is regionally concentrated. As a result, it is typically the smaller parties — or those who have been penalized by our system, who advocate for more proportional options and more electoral reform — that would see a more balanced distribution of votes and seats. But it is also promoted by those who see proportional representation systems, or mixed-member systems — proportional systems — as being better at ensuring the election of diverse groups of individuals — so, women, indigenous peoples, and racialized minorities. So, a lot of the push for electoral reform has come from groups representing these identities because often our legislative assemblies really lack those voices within them.

Part of the reason why electoral reform is seen as something that is valuable for these groups is that it is often more difficult for a party to argue that all of their top candidates, when they have to present a list in a PR system or a list in a mixed-member system — it is difficult to argue that all the top candidates are men, whereas in a single-member plurality system, the decision as to who the party runs as a candidate is chosen within each of those ridings, and the best candidate wins and it is possible — not really reasonable but possible — that all 70 percent or 80 percent of the best candidates are men.

So, it is this last factor that is of most interest to me, in terms of electoral reform, because I have always been interested in questions of identity and it was this that drove me in my earlier days of looking at electoral reform to advocate during the discussions in New Brunswick in the mid-2000s, switching to a mixed-member electoral system.

However, I have actually become a little disillusioned with the opportunities for success for electoral reform. I have observed the challenges that various jurisdictions have faced over time in achieving electoral reform, and so I have begun to take a slightly different approach. Yes, if you ask me which system might be best in terms of addressing some of our concerns, I would argue that a mixed-member system might be the most appropriate and most effective way to achieve more proportionate votes, seat balances, and to encourage parties to nominate more women, indigenous, and racialized candidates.

However, what I am going to talk about today are some of the challenges that our legislatures in provinces or territories face in actually succeeding with electoral reform. There are significant obstacles to achieving this reform and I am now, as a result, prepared to think about other ways to potentially tinker with our system to achieve the same results.

So, as I noted, you have lots of other experts to talk about options for reform. Let me spend a little bit of time speaking about what the challenges are and what alternative options we might consider. Then I am happy to go back to the electoral

reform during the questions and answers, but for now, this is what I think that I can contribute to the conversation.

First, what are some of the obstacles to actually reforming our system? Well, the first, I would argue, is government commitment. Governing parties often campaign on electoral reform, but they win with their single-member plurality system and, in fact, it is not really in their interest to switch to a different system. They tend to be the ones who have been big winners and therefore it is to their advantage. So, sometimes it is difficult to ensure that a government continues to move forward on this and there are lots of examples of governments who campaign on it and then drop it when they realize the difficulty of achieving it.

Second — and I think that this is really one of the challenges — even if the government is committed, the public is often very confused about what it means. Past experiences show that ad campaigns and referenda campaigns have not really been able to fully bring the public onside with regard to electoral reform. They are familiar with our single-member plurality system, first-past-the-post system, and not with mixed-member systems or PR systems or alternate vote systems or whatever options reform commissions tend to put forward. As a result, they don't always support it and that is the most difficult aspect of it, I think.

Third, this shows up through the fact that we now seem to have a political convention that, if you are going to go so far as to actually reform the system, you might actually need to have a referendum on reform. We have seen this in many different places where provinces commit to having a referendum and these referenda typically fail — or if they do achieve a certain level of support, the levels are too low for the governments to feel comfortable moving forward. So, that is a really significant burden on achieving electoral reform that I think governments need to be aware of.

Fourth, I would argue that the Canadian political culture is not as compatible to a proportional representation system, or an MMP system, as other countries. Yes, other countries have reformed and moved to these systems, but there is something about the Canadian political culture, I think, that makes this very, very challenging. First, our voters, I think, have a greater attachment to their MP or their MLA than in other places. Part of this has to do with the fact that we are such a big country — that regionalism, territorial representation, is very important to Canada. Our identity is based on where we live and so we tend to give high priority to territorial representation, rather than to ideological representation or gender representation or other sorts of representation.

Our constituencies in Canada are much larger than elsewhere. So, you know, in Britain you would have these constituencies that would be really quite small, but here — I mean, I am speaking to people in the Yukon — you know how big your constituencies are. Even in New Brunswick, it is very hard for someone like me, living in Saint John, to imagine that someone from Fredericton could be representing me — this might be the case in the PR system — or in Miramichi. New Brunswick, as a whole, is smaller than some of the ridings that you have in the Yukon. So, this is going to be a real challenge,

I think. If you want to get your population to support this, how willing will they be to say: “Okay, I am prepared to have people who are not from my area representing me”? — which is often the case in a PR system and even in a mixed-member system, which I would argue, you would probably need to have more seats than you have right now to make it work successfully.

Parties are different in Canada. There are differences between them, but those differences are not as ideologically distinct as they are in Europe or elsewhere, and so people are not driven in the same way by ideology in terms of how they vote here. So, the idea that someone who has a particular idea is representing me, as opposed to someone who is coming from where I am from is representing me, is a lot harder to bridge here in Canada than it might be. So, that political culture that we have is something that, I think, is going to be a challenge.

And so, I would argue that proportional systems don't really address voters' identification with their representatives. This could change, but it would be a major cultural shift, in my mind.

So, given these factors, if electoral reform is not going to succeed, are there other ways to achieve the goals of better representation within our current institutional structures? I would argue that, yes, there are. Lots of change can be made through simple legislative reforms that don't require major system overhaul or the potential failure in territorial referendum.

I want to get you to think about these as alternatives, not to stop you from moving legislation forward on electoral reform, but to think also about if that is not where you're going, how you can actually achieve these goals.

First off, you need to identify what the goals are that you want to achieve. Why is it that electoral reform is actually on the table? Is it because you want to have a greater diversity of voices and that you have small parties that are not getting represented? Well, one of the ways that we have done this in the past to try to encourage this greater diversity of voices is ensuring that those parties have resources to participate in the election. So, electoral financing legislation, spending limits, public funding, rebates, and per-vote subsidies are all ways that you could actually change the current election financing legislation to make it possible for smaller voices to have a better chance of being successful. Things like fixed-date elections so that parties and candidates can plan and make their decisions to get their candidates lined up to be ready and prepared, as opposed to being in a situation where decisions about elections are solely at the hands of the governing party.

If the goal is better translation of votes to seats, are there ways that this can be done without sort of a full-fledged overhaul of the electoral system? I would argue that actually ranked ballots is something to consider. It is not perfect, but it is better than our current system. I don't actually think that a ranked ballot system requires a major public referendum to approve. I think that it is something that is a tweak to our legislation. It is simply changing the ballot information, not changing the system. Others may disagree with me, but this is my position on it.

It is kind of similar to like when we started putting party labels or if you were to put candidates' photos on ballots. You could just instead change your ballots as to who is your first choice, second choice, and that then — when you don't have a winning candidate with 50 percent of the vote — could allow someone to drop off and their second-choice votes would be distributed to others so that you have a better chance of having people's choices represented.

This is likely to result in a more diverse legislative assembly in terms of parties but also potentially in terms of individuals and in terms of better representation of diverse identities. One of things, I think, and I am really, really proud of my province of New Brunswick for doing, is that they have now built incentives into their public financing legislation to incentivize parties to run diverse candidates in winnable ridings. We have always had per-vote subsidies — well, not always, but since the late 1970s, this has been part of what has happened. Each party, based on the number of votes they received, got a certain subsidy from the provincial government. It was never very much; I think that the total bucket of money that is available for this is \$700,000 in each election campaign, but it helps to support parties between one election and another. It covered the cost of maintaining the ongoing activities of parties, which can be a real challenge, particularly for smaller ones, as I noted earlier.

So, when I was talking to the last Commission on Electoral Reform in 2016-17, here in New Brunswick, I was encouraging them to think about these subsidies as a way of incentivizing parties to look at more diverse candidates. That is actually one of the recommendations that they made and the Liberal government of Brian Gallant at the time went: "This is great. We don't have to do a major overhaul; we can just tweak our current legislation." So, right now, New Brunswick is the only jurisdiction in Canada to have this — one of the few in the world that has it in this particular form. And so, each vote that a woman candidate gets equals 1.5 of what a male candidate gets. The benefit of this is that it incentivizes parties to run women and other candidates, depending on how it is set up, in winnable ridings, in ridings where they are going to get more votes. A lot of parties will nominate women, but they will nominate them in sort of swing ridings or in ridings which they are not as likely to win in, and this then incentivizes them to choose candidates in those ridings where they are more likely to get votes. It is not a lot of money and after the 2018 election, it really didn't make much difference in terms of the monies that the different parties got because they all, actually, did a better job in terms of running candidates. But, in the 2020 election, it is quite interesting. The Liberals and the NDP did not run as many women candidates in that election. The Conservatives actually ran more, and so the Conservatives ended up getting more money as a result of these incentives — this per-vote subsidy — than the Liberals and the NDP.

It basically doesn't require parties to behave in a particular way; it incentivizes them. It still gives them the ability to decide who they want as their candidate, but it gives them incentives to think a little bit more widely as to who those individuals might be. If you take a look at our seats in the Legislative

Assembly in New Brunswick, it has created a more diverse Legislative Assembly.

I would also argue that there is a lot that could be done in terms of creating more family-friendly legislatures. Now, this is not electoral reform, but if part of the goal is to have more diverse individuals in your Assembly, creating ways to make it easier for people to look at this as a career that they could actually get involved in is really important. So, being very clear and creating clear guidelines about what is acceptable and unprofessional behaviour — that is misogynistic, homophobic, racist, ableist, or other harmful or belittling ways — is really something that could be done, rather than who is involved. Develop a legislative policy on maternity, paternity, parental, adoption, or caring leaves.

As I said in a presentation I made to the New Brunswick legislature last spring, this pandemic is putting a lot of pressure on people and we have learned, through the need to have virtual hearings or meetings, that it is possible to run our governments in slightly different ways — in ways that make it possible for people to have kids at home or deal with aging or ill family members — and so, we could be a little bit more creative in how we create our structures to make it more accessible to people. Providing childcare resources for MLAs with young children and introducing greater predictability in the scheduling of legislative assemblies — there is lots that can be done. I really encourage you to think about those sorts of things as possible ways of potentially broadening the appeal of the job of an MLA to more people.

So, I guess what I would say is that there are a lot of things that you can be doing that are legislative tweaks that may achieve the goals that you may want to be addressing with electoral reform. They may not go as far as you want, but given the hurdles and the challenges that electoral reforms often face and the fact that we have been attempting to reform our electoral systems since the early 2000s across the country in different provinces and at the national level and none of these attempts have been successful — as I said, I have become a little bit more institutionalist and now look at ways that we can tweak our current institutions to get the same results without having to go for a full-fledged system overhaul.

I am going to leave it at that and answer any questions that you might have about what I have had to say or about how electoral reform was actually dealt with in New Brunswick.

Chair: Thank you so much, Dr. Everitt. I speak for myself when I say that I feel like you have blown my hair back and so I do appreciate that very much. The Committee came up together with four questions. Some will be more relevant, I think, than others and I will leave it up to my colleagues to decide whether or not they choose to ask that, but with that, I will give Mr. Streicker the first opportunity.

Hon. Mr. Streicker: Thank you, Madam Chair, and I really appreciated the presentation.

I have a whole bunch of questions that I want to follow up with, based on your suggestions about how to create other ways to improve the system, but I will start with the questions that we had prepped.

In New Brunswick's case, can you just give us a sense of how that process rolled out, what the challenges were? You have noted that across the country, it had challenges, but just from your perspective, how did that process evolve? And any lessons — even toward the suggestions that you made, if you can draw those same conclusions, that would be fine.

Ms. Everitt: Let me begin by saying that the first round of discussions was in the early 2000s, when Bernard Lord, the Conservative leader at the time, our premier at the time, set up a legislative democracy commission to take a look at democracy in New Brunswick. Part of it was electoral reform, but there were other aspects — change — that were being looked at. They went full out. It was a royal commission. He had a bunch of academics from across the country — some of whom you are listening to today or this week — who made presentations, looked at different aspects of democracy in New Brunswick, and made recommendations as to how it could be improved. There is a series of books that came out — sorry, a book that was produced — looking at it with a number of chapters based on these academic responses, and the government took those recommendations, the commission identified things that they wanted to do, they made the recommendations, and then, oh, there was an election. The Conservatives lost and the Liberals came in. They then had to choose what they wanted to do. They picked and chose; they said that they were going to do some stuff. A few things got done; fixed dates were introduced, but that was about it.

Then, okay, 10 years later, you now have the Liberals back in office again — Gallant. We had the federal Liberals who were pushing for electoral reform and provincial Liberals sort of riding on their coattails saying that: “Okay, electoral reform — we are going to do that”, and they tried to set up a commission. The Conservatives weren't that interested in participating, but we ended up with a committee that was set up. It was not a legislative committee; it was a committee of representatives from all parties in other areas that held hearings in the month of January 2017. They heard from people like myself — from Paul Howe, who will be speaking to you. They made their recommendations and that went to the government. The government said: “We have a year and a half before another election. What can we do in that year and a half? Oh, we'll go with the incentives because it is easy and it's quick and we can say we have done something.”

I am not sort of knocking them at all for doing that, but it is hard; it is really hard. That is why I think it is very difficult to make change. So, not much else got done in terms of electoral reform, despite those two different rounds of hearings over the two different decades, in terms of making change. Fixed dates — and unfortunately, our premiers have not paid attention to those fixed dates — and the incentives, which we have now gone through two elections with.

Chair: Thank you, Dr. Everitt. Just to remind everyone on today's webinar, in order to make this easier for Hansard, if you could give me an opportunity to identify the next speaker so that they are also able to record that.

Mr. Cathers, have you got a question?

Mr. Cathers: I think that you already answered one that we had on the list here, but the next one I would just ask is: What is your perspective on how a potential electoral system change might apply to a jurisdiction with a small population, like the Yukon? I guess just, in light of your presentation, could you elaborate on how some of the other alternatives that you identified might potentially apply here as well?

Ms. Everitt: Sorry for the last time, jumping in.

I think that one of the biggest challenges that the Yukon faces is that you do have a small Legislative Assembly — 19 members. So, if you were to be thinking about a mixed-member system, it would be kind of difficult. I could envision it being, okay, down to 10 constituencies perhaps, which have territorial space to them — so 10 members being selected from a constituency and then another nine or others that would be identified proportionately as top-up seats or something like that, but I would imagine that it would — you know, you are talking about very large constituencies, in terms of geographic spaces, not in terms of numbers but very large — because the idea behind a mixed-member system is that some of the seats are territorially based — you know, ridings that we have like now — and then, based on what the popular vote is, you would top up those seats. Say, for example, you had 10 ridings that were territorially based and in those 10 ridings, the Liberals got six of those seats and the Conservatives got four of those seats and the NDP got one of those — that's not right — three and one. But the Conservatives actually got more votes than should have warranted the three seats, and then those other nine seats would be used to sort of top up the Conservatives seats, such that they were based on more proportional numbers than the NDP seats. But that becomes difficult because who do those other seats represent? Who did they represent? They represent the whole territory, not specific geographic areas, which goes back to my point that we like to have geographic areas that represent us, someone we can go to and say: “You're my MLA and I have this issue. Please deal with it.”

So, I see that as being a real challenge and you may need to think carefully about the number of seats that would be appropriate in the Yukon, if you went to a mixed system.

If you went straight-out proportional, where the whole territory — all the votes come together and you don't worry about seats anymore and each party then says: “Okay, here is my list of 19 candidates.” The Conservatives get, you know, 40 percent or 50 percent of the vote and then 50 percent of the top eight or nine candidates on their list get elected. The NDP get 30 percent of the vote — the top five people on their list get elected. Then you don't have that territorial sort of link. Then, it is just a list created by the central parties. Again, from my perspective, that could be a real issue for Canadians who like to have someone they can point to — “This is my MLA”.

Those are things that I think you need to think about, that pose real challenges, particularly when you are talking about a legislative assembly the size of the Yukon. If you had — in New Brunswick, we have 48 seats or something like that; I think it's 48 — it's easier. You could say, “Well, there are 30 seats that are territorially based and then the other 18 are top-up seats.” You could potentially do it regionally and it becomes

kind of complicated, but I think that would be the real challenge that you would face going into a mixed-member system or proportional system. If you were to go to an alternate vote, ranked-ballot system that I suggested, where you have: This is my top candidate, this is my second-choice candidate, and this is my third-choice candidate — if the person who got the most votes in that constituency didn't get 50 percent, the person with fewer votes could drop off and then those votes get redistributed, you would still have your local constituencies and that would be an easier thing to do with the number of seats that you had. Does that make sense?

Chair: It does; it does. The great news is that folks can watch these videos online and go back and re-listen, if required, but it has been very helpful. I think that, at this point — so, Dr. Everitt, the questions that we had come up with were more based on when people were talking about their own systems, but because today you have broadened our conversation to include opportunities, I think that what I will do is invite members to start thinking about that.

Mr. Streicker, do you want to start with that?

Hon. Mr. Streicker: Yes, thank you, and I will build on Mr. Cathers' question and try to build it across, Dr. Everitt, to what you were discussing in terms of those other types of initiatives to improve the system.

So, in the Yukon, we are a large geography with these 19 ridings, but we also have a unique situation where roughly three-quarters of the population lives in one city and one-quarter of the population, more or less, lives outside. Then the ridings get even larger again and then local representation becomes another issue.

Could you sort of talk back about that in terms of both electoral reform but also with respect to your suggestions? For example, where you talked about financing incentives, about how that would play out, given our realities here, and the other ideas that you had around family-friendly supports, things like that. How might that play out? I will also ask, as you are thinking about that, sort of that notion of inclusion for us. We also have here — it is the traditional territory of 14 predominantly self-governing First Nations and how that might play into some of your thinking.

Ms. Everitt: Typically, as I make my cases, it is about electoral reform and diversity. It is to places where you actually don't have a good match between the portions of the population and the number of members. The Yukon, actually, is quite good in terms of the number of women whom you have elected and the number of indigenous candidates you have elected. There is a relatively proportionate representation that you have there, but that is not to say that it is always going to be the case. These incentives that I have talked about are really, really relevant in places like New Brunswick where we are still way behind everybody else in the country, or close behind everybody else in the country, in terms of the number of women in our Legislative Assembly and way off in terms of other sorts of representation.

But I think that the point you initially raised about the imbalance between the rural and the urban voters in the Yukon is a really challenging one to grapple with. Past courts have

ruled that the right to be represented, you know, that one vote equals — should be the same across the country — have basically come down and said that: Yes, but there is also that need to have that territorial representation that is there. There is some fudge room around that, but within a reasonable difference, the ridings can be within a reasonable difference. Nationally, I can't remember what it was, but I have a feeling that it was like 15 percent to 20 percent — that variation from one riding to another at the national level. So, each time that we have a regional distribution — a boundary distribution — there is sort of: How big are the ridings? How small can they be? — and there are certain things that mean some places could be very small, but what you are facing is: What is that balance? What is that philosophical value that you, in the Yukon, place on the difference between a geographic representation and the diversity that may come in a huge, huge riding versus the one vote that equals one vote everywhere across the region, which would mean that your urban centre would have almost all the seats and there would be very few outward.

I think that is a really important discussion and I know that there was recently a boundaries commission that was raising this and did some research. I think that it is something that only the legislative body can actually decide upon. I think that is something that your legislature needs to have a really good discussion about what your values are. You can make some proposals about that and use that to move forward and then allow the balancing act afterward to be in the hands of boundary redistribution commissions, because those are usually selected individuals who have some real expertise and are arm's length from political parties who are making these — based on the best assessments they can and who try to get input from others — but that decision about: What is the difference between what you would accept in one riding — is it 12,000 people? Is it a 10,000-vote difference from one riding to another? Is it at 50 percent? Is it at 25 percent? In New Brunswick, they legislated that it was a five-percent variance several years ago that you could have, which has made it really difficult as some ridings have grown and as the rural ridings have lost voters. So then, you have this real tension between the urban and rural, like you have, but nowhere near as challenging.

I think that is the key thing. In terms of the incentives, in terms of the diversity of the populations that you have, that is a real challenge. I don't really have solution to it and all I might say is that what you want to have are as diverse voices around your table — around your Legislative Assembly — as you can because everyone brings a different perspective. And as you are making decisions about what is best for the territory, you want to make sure that you have those different perspectives there because better policy comes out with diversity because there is a better sense of what people are experiencing and how those policies impact different groups of different populations. I could never speak to the impact a policy might have on someone who is in a very rural area because I have never lived in a rural area. I only understand what a policy might have in terms of my own experiences in an urban centre. I might sympathize, but to really understand the differences, I won't know. So, having someone who is from that background, from

that area, will make it a better policy that reflects the general public, as opposed to a small group of people.

So, let's find that philosophical balance — I don't have an answer for you.

Chair: Thank you, Dr. Everitt. It would be fascinating if you were able just to give us the exact answer of what we were looking for. I think that you hit the nail on the head when you talked about the difference in either philosophies or priorities, but in comparison to the Yukon with the 19 ridings, in some cases, our ridings far exceed what would be considered the acceptable bend, but we have prioritized that representation because even though a small portion of the territory lives outside of the City of Whitehorse boundaries, their experiences are drastically different and trying not to lump them all together has been important.

Mr. Streicker and Mr. Cathers, I am just going to ask a question, if I may, before I pass it over.

Dr. Everitt, one of things you talked about was legislative changes that could incentivize either that diversity or that opportunity. So, you are right, right now, Yukon's Legislative Assembly is pretty representative, but it is not guaranteed that it be that way, right? Each party recruits candidates in a different way, prioritizes people and puts them in ridings.

So, can you talk about how some of those changes that were made in New Brunswick actually caused some of those switches? You talked about the per-vote subsidy, but are there other changes that happened that led to some of those changes that you saw in the New Brunswick situation?

Ms. Everitt: I think that the jury is still out on the impact of those incentives. I think that they have made a slight difference, but because of the nature of the last couple of elections, it is kind of hard to tell. When the legislation was passed in spring 2017, it then took effect in the 2018 election, but by the time the legislation was passed, parties had already identified a lot of their candidates and so it didn't have quite as much impact as we might have thought. Some parties did a little bit better and others did not. In fact, I remember having a conversation with someone here in my own riding who is responsible for identifying and recruiting candidates for one of the parties and he actually didn't realize that was there. This was half a year before the election and so, I am like — okay, he was an MLA, and it was voted upon, but I don't think that everyone fully knew that was what was taking place or how it would be used.

Then in the 2020 election, it occurred in the fall of 2020 — we had anticipated an election in the spring, but with COVID coming, everything got pushed back. The government was working together with the opposition. People were not anticipating an election and then an election was called in the summer. The Higgs government saw an opportunity; even though it was supposed to be a fixed election date, he went for it at a period where it looked as if we might be good. New Brunswick was in a good situation; it might be safe to hold an election, and so we did. But the Liberals and the NDP were not prepared; they were still scrambling for candidates come election time and so they were not able to use this to their advantage, and so the Conservatives actually gained about

\$10,000 as a result of that election because they had their candidates signed up, they nominated more women, and those women were successful, while the Liberals and the NDP lost some of the money that they would have otherwise had in past years because they were not as successful in recruiting candidates.

So, I think that might have been an election which made the parties go: "Oh, this can be used in this way" or "Oh, we better start thinking about this in this way to make sure that we don't lose in the future." So, I think that it will be the next one that really tells us how much of an impact that legislation has.

The problem in New Brunswick is that the bucket of money is not very much. As I said, it is about \$700,000. That is a fair bit of money, but at the same point in time, it is not a lot of money when you talk about what could be used by parties in between election campaigns and how much money they need to run offices and things like that. So, really, you need to have a little bit more; in New Brunswick, we would need to have more than that to make it a real incentive, as opposed to something which they just need to be aware about.

I think that the key beauty of the incentive legislative is that it leaves it in the parties' hands. The parties still have a choice as to who they want to run. They get to choose their candidate; they get to recruit their candidate. They can be a little more careful about who they recruit or target with this incentive, but they don't have to. So, if the Conservatives, who have traditionally not been as good about recruiting women as the other parties, don't want to, that is perfectly fine. If they want to, which they did in the last election, and they get elected, they are benefiting from that. The party that actually has been benefiting the most has been the Green Party in New Brunswick because they have traditionally been more likely to nominate women candidates. The NDP, in 2018 did, but in 2020, they were not as well-organized and they were not as successful. It does leave a certain degree of decision-making in the parties' hands, but it can be a useful incentive. It was based on per-vote subsidies that had been part of the political culture in New Brunswick since the late 1970s, so it wasn't a big change, but even per-vote subsidies are an important part. It allows parties to benefit in ways that they might not have. In others, it allows a diversity of voices.

Even if you are not thinking about diversity of the candidates themselves, trying to encourage and support a diversity of parties — when we introduced election finance legislation in Canada in the 1970s, it really made a big difference. It gave the small parties an opportunity to actually fundraise in a way that was different because they could get tax credits for it. It gave them rebates for the monies that they were spending for election campaigns and then, in some places, it gave them the per-vote subsidies that allowed them to have this money seeing them between one election and another. I think that is a really important thing to think about, as well, as a way of diversifying the voices that are out there.

Chair: Thank you, Dr. Everitt.

Mr. Streicker, I interjected there, but do you have a follow-up question?

Hon. Mr. Streicker: Thank you, Madam Chair.

On the incentives, I just want to explore it a little bit more. You have used the example from New Brunswick, where you talked about a differential incentive based on women candidates. Are there other ways that can be used to promote diversity or inclusion? Like maybe in New Brunswick, because I know that you have this linguistic duality and maybe that was something. Again, any suggestions that you could have for us in our jurisdiction. I am also curious how it works if you are independent as a candidate and what difference that makes, because it does seem like the voting system has an impact on whether independents have a shot or not.

Ms. Everitt: The per-vote subsidy is linked to votes and it is important to note that — I'm sorry, did you want to introduce me?

Chair: I am working on this, Dr. Everitt, but it is such a good conversation that I don't want to interrupt, but I just have — Dr. Everitt, if you will.

Ms. Everitt: My apologies, once again.

The per-vote subsidy — it is important to note that it is linked to votes and not to candidates, because there are a lot of places that will say: "Oh, you have run so many candidates, you will get a higher rebate or higher subsidy or whatever." But it is easy for parties to run these candidates — women or indigenous candidates or other underrepresented individuals' identities — in ridings where they are not going to win. So, again, you end up with the white men getting elected. There is nothing wrong with white men, but it shouldn't only be white men who get elected.

Whereas when you link it to the votes, then the parties have incentive to run those candidates in ridings where they are going to get more votes because they will get more money for more votes. So, that is where, I think, the New Brunswick situation is actually quite unique — unique in Canada. I think that there is only one other country in the world that has linked it in that way. There are a lot of other places that have got some of this government-funded/public funding — gender-based public financing rules — but this one, I think, has the potential to make some difference. But it could be used for other groups; it could be linked to indigenous candidates, if that was an issue. It could be linked to racialized candidates as well if you wanted to make sure that you had a better representation.

In New Brunswick, you mentioned the French-English division. One of the advantages that the francophone population, the Acadian population, in New Brunswick has is that it is kind of territorially based and so it is very hard for an anglophone to get elected in northern New Brunswick because northern New Brunswick is predominantly French, and that is where most of the Acadian MLAs are coming from. They are represented in proportion to the percentage of the population of New Brunswick in the same way that, in Québec, most of the people who are being elected are Québécois, francophone.

So, when you have an identity that is territorially based — and the indigenous population in the Yukon may be part of that — but when you have an identity that is territorially based, it is easy for it to be represented. When you have an identity that is spread across the region equally, as with the case for women, it

becomes more difficult. You can't just say that only women are going to be elected — running in this particular riding.

Chair: Thank you, Dr. Everitt.

Mr. Cathers, do you have a question?

Mr. Cathers: You have been talking a fair bit, Dr. Everitt, about the per-vote-subsidy type of model. Could you just clarify for those of us who aren't intimately familiar with the New Brunswick system: Is that calculated just based on those candidates who were successful in getting elected, or is that calculated on total candidates across the province?

Ms. Everitt: All candidates. Basically, if I am correct, what happens is that Elections New Brunswick says: "Okay, here are all the candidates; here are the votes that they got. For each candidate — over all, we have this amount of money divided by X votes — X number of dollars per vote. Oh, okay, those votes that are going to women count 1.5 more than those votes that go to men." So, it is the winning and losing candidates; it is not just those who have won who are benefiting their party; it is all candidates who are running. It goes back to Mr. Streicker's point earlier about the independent candidates. Unfortunately, this is for parties and sustaining parties from one election to another, and so independent candidates don't benefit from the per-vote subsidy. They would still get their rebates and things like that if they got a certain portion of the vote through public funding, but in terms of the subsidies, it is designed to support parties between election campaigns.

Chair: Before I hand it back to Mr. Cathers, for perspective, what is the population currently of New Brunswick?

Ms. Everitt: Around 750,000 is what we usually target it at.

Chair: Thank you. Mr. Cathers, do you have a follow-up?

Mr. Cathers: Thank you, Madam Chair, and thank you, Dr. Everitt. I do appreciate also that you mentioned just comparing the respective size of New Brunswick and the population and the potential challenge that creates for some of the alternative models, as it comes down to issues like whether it means, if you are trying to have the system more reflective of the party balance, potentially a reduction in local representation or puts you in a situation of increasing the size of the Assembly.

I would ask if you had any additional thoughts on that challenge and what the pros of change are versus the downsides to changing to a different system.

Ms. Everitt: I think that we have — we have been moving in recent years to thinking that smaller assemblies are better, but I don't necessarily think that is the case. I don't have a big issue with the idea of increasing the size of a legislative assembly. I think that there are some real weaknesses with small assemblies. First off, one person can make a big difference in terms of the numbers. If you are on the government side — if I'm not mistaken — all the government members are in Cabinet because there are so many responsibilities that need to be taken. So, who on the government side is in the back benches? Who is there to say: "Wait a second. Do we really want to be doing this? Is this smart for us?" Everybody on the government side — and I am

not talking about one party or another — everybody on the government side is conscious of the fact that they can have the perks that come with the office of a Cabinet minister as long as they are toeing the party lines. Small legislative assemblies make for even stronger party discipline. That means perhaps less diversity and ideas within those parties.

In Canada, at the national level, we have 338 seats, and even that can mean that there is a pretty good chance that a government back-bencher can get into Cabinet or into a parliamentary secretary's position. So, are they really going to speak out against some of the things that their party is doing that might reflect their constituency better? Probably not. They are going to be more inclined to toe the party line, and so one of the reasons why we have such strong party discipline in Canada has to do with the size of the legislative assemblies.

In Britain — now, admittedly Britain has a much, much larger population — but they have about 200 more seats in their Legislative Assembly. There are hundreds of back-bench MLAs on the government side who knew they were never going to get to Cabinet, so they could do whatever they want. Their vote is still important, but they can say: “No, no, no — don't do that. I disagree.” Can you really do that if you are on the government side in the Yukon because of the size of your Legislative Assembly? I think we have a tendency to think that: “Oh — we are saving money. We are doing a better job; we are smaller because we have a smaller Legislative Assembly because we only have X number of people that are representing.”

But I think you need to think about that because there is a real trade-off. I am not opposed to increasing the size and that might actually be one of the ways you deal with that urban/rural split. You continue to have the ridings representing the rural components of the province but add a few more of those urban seats in order to have a balance. I don't know. Nineteen is small. I think 48 in New Brunswick is small — it becomes very difficult.

Kudos to all of you for all of the work that you have to do, because even if you are small, you still have all the tasks that a larger assembly would have to do to look after the interests of your public. That is all I will say on that one.

Chair: We appreciate that. I am aware of the time. Mr. Streicker, do you have a final question?

Hon. Mr. Streicker: Sure, and I really appreciate all of this. It is interesting to consider it in the context of here.

By the way, if we went for the population representation, if we compared to New Brunswick, we would have two and a half seats.

Ms. Everitt: Yes, I know.

Hon. Mr. Streicker: My question, Dr. Everitt — earlier you mentioned the ranked ballot. You said that this may be a way to get there. One of my thoughts around the ranked ballot is that, in a typical three-party system on a spectrum, it might advantage the party in the middle of the spectrum, and so that is one of the reasons that I wasn't sure that it did everything. It has some upsides, but I am wondering if you can talk about the downsides, from your perspective, of something like a ranked ballot.

Ms. Everitt: I think that is one of the downsides, but that is not to assume — you shouldn't just assume that the Liberals, who we often assume are the party in the middle, will get the votes from the NDP or get the second choice from the Conservatives. They often do, but often the votes go back and forth across those lines, and you might want to talk to — I know that you have Peter Loewen coming later in the week. He has been doing a lot of work around voting and voting behaviour, but it is not a guarantee that the middle party is going to get the other votes, because there are differences — I think similarities in some of the ideological bases of the parties to the left and parties to the right have to do with ideas of community and responsibility that are not always linked to economic values. Someone could vote typically NDP and then have their second choice as the Conservatives, but I do think that there is something to be said about the middle party benefiting slightly more, which might have been why the Liberals, federally, were interested in that as an option, as opposed to the other parties who would prefer to see a different type of system. That is one of the challenges.

Chair: Just before we wrap up, is there a final word of advice or caution or encouragement that you would like to offer us here in the Yukon?

Ms. Everitt: Yes, all the best. Again, in an ideal situation, electoral reform would work and there are systems that are better than ours, but ours is not bad in comparison to other systems around the world. The fact that we have multi-parties in a single-member plurality system is pretty amazing because most systems only have two, like the Americans or even in Britain to some extent. The fact that we have the representation that we do, under the system that we have, is actually pretty good. I mean, we are not high in comparison to other places that have mixed-member or proportional systems, but we are much higher than other places that have single-member plurality systems.

So, in Canada, we have managed to make it work to some extent, but it is very difficult, I would say, to achieve electoral reform. If that is the route that you want to go, recognize those challenges, but also keep in mind how some of the goals that you want to achieve with this electoral reform might be achieved in other ways.

As I have said, I have become somewhat cynical about electoral reform being successful and so I have started looking at these other ways of doing it, which are tinkering around the edges but moving, in my mind, in the right direction.

Chair: Thank you so much, Dr. Everitt.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank the witness, Dr. Everitt, and I would also like to thank the Yukoners who are listening and watching this hearing. Several more hearings with experts from across the country are scheduled for this week. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at www.yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public and the

Committee also intends to hear from Yukoners at public hearings in the future.

With that, this hearing is adjourned.

The Committee adjourned at 2:00 p.m.



Yukon Legislative Assembly

Issue 5

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Wednesday, January 26, 2022 — 11:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Donald Desserud, Professor of Political Science, University of Prince Edward Island

EVIDENCE**Whitehorse, Yukon****Wednesday, January 26, 2022 — 10:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Don Desserud.

Dr. Desserud currently teaches political science — including courses on elections and electoral systems — at the University of Prince Edward Island. His research interests include parliaments and legislative assemblies, and he frequently comments on political issues on local and national media. Aside from being a professor, Dr. Desserud is a freelance columnist, creative writer, broadcaster, political analyst, and consultant. He has been published in journals such as the *Canadian Political Science Review*, the *Journal of Parliamentary and Political Law*, and the *International Journal of Canadian Studies*.

We have asked Dr. Desserud to speak to us from Prince Edward Island about their experience with electoral reform. We will start with a short presentation by Dr. Desserud, and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Desserud's presentation.

Dr. Desserud.

Mr. Desserud: Thank you very much, and thanks so much for having me here. I'm quite pleased to be able to meet with you and speak to you on this subject, which I find very interesting. Just give me a second here while I share my screen.

I want to talk about electoral reform on Prince Edward Island. I'll give you a little bit of a context, first of all.

So, this is the current standings that we have here on Prince Edward Island. Prince Edward Island is a small province, as you know, and we have 27 ridings. Currently, the Progressive Conservative Party is the governing party, and they have 15 ridings. They had 13 at the last election, but they gained two in subsequent by-elections. The Green Party is our Official Opposition, and they have eight seats, and the Liberal Party, which was the incumbent and governing party back in 2019, have been reduced down to four seats.

What I'm showing you is a map of Prince Edward Island, just to give you a sense of the electoral distribution, and if you can't see it, the Progressive Conservative Party's strength is in rural Prince Edward Island, and most of their seats — in fact, none of their seats in the last election were in one of either of our two cities, Charlottetown or Summerside, and most of their

seats were therefore distributed across what we call the rural part of the island.

The Liberals had pockets of support in west Prince Edward Island and also in Charlottetown and in Cornwall — where I live, in fact — which is a suburb of Charlottetown, and the Green Party was focused, primarily its strength, in Charlottetown and in Summerside and in ridings nearby. But by-elections, as I said, have changed that a little bit, and now the Liberal Party has been pushed out to west Prince Edward Island; the Green Party is all on in their own, but the PC party now has representation in Charlottetown as well.

Another thing I want to point out, because it's an important part of the context of why electoral reform initiatives perhaps did not succeed, is our voter turnout. Our voter turnout in Prince Edward Island is historically very high. The first year that we adopted the single-member riding system was 1996, so I'm using those numbers as the beginning of it. Our voting turnout since 1996 has hovered around 85 percent, which is very good, when you look at Canadian averages.

There were some dips. In 2011, it did dip down to 77 percent, and then in 2019, the last election, it looks like it dipped down — it went down to 77.6 percent — but, in fact, we had a population increase between 2015 and 2019 of about 20,000 people, and so, in actual fact, in 2019, we had more people voting than we did in 2015, but the percentage was reduced, because there were more people on the roll, and new Islanders were not voting, and that is something that should be looked at, but that was responsible for that turnout.

We have had three major initiatives on electoral reform, going back in the past 20 years. We had more — as I mentioned, in 1996, we adopted single-member ridings. That was a change, as well, but the ones, looking at the electoral system, moving away from the first-past-the-post system — three initiatives in the last 20 years, the first one starting in 2003, when we had a commission of one, a retired Chief Justice by the name of Norman Carruthers, who wrote a report on electoral reform at the behest of the government of the day. He recommended that Prince Edward Island adopt a mixed member proportional system.

Two years later, that was put to a vote, a plebiscite, with a simple question: Should Prince Edward Island change to the mixed member proportional system, as presented by the Commission on Prince Edward Island's Electoral Future? The no vote won quite handily, almost double the number of votes for no — that we would not change the system — than people had voted yes. When you divide it up over the 27 districts, only two districts in Prince Edward Island supported the initiative, and 25 said no, but the voting turnout was only 33 percent, so this became an issue. Why was the voting turnout so low in a province where we have such high voting turnout? There has been lots of controversy about what exactly happened in that plebiscite.

I'll just give you a couple of examples. The traditional polling stations that people know very well, where you always go to vote, were changed, so you had to find new ones. There were far fewer polls per electoral district than people were used to before, and both parties at the time — the Liberals and the

PCs were the dominant parties — they stayed out of the campaign, but they made it pretty clear that they were not supportive of the initiative. So, there was no support from the two major parties. That suggested that this might not be an accurate indication of Islanders' interest in voting reform.

I'm going to jump ahead now to 2015. The Liberals now had been in power for a while, and as it is in provinces like Prince Edward Island, you get sort of a normal turnover, where governments stay in power for a couple of terms and then it's another party's turn in power. For all of our history, it has been either the Liberals or the PCs. The Liberals looked like their shelf life was coming up, but they came with a new leader, Wade MacLauchlan, who had been the president of the University of Prince Edward Island, and he became the new Liberal leader and launched a campaign for the 2015 election where he promised electoral reform as one of his major platform items.

What he said was, if the Liberals were returned, he would set forth a committee to look at electoral reform and then come up with a proposal on what we should do about that. Sure enough, that's what happened. There was white paper on democratic renewal that came out in July of 2015, and it recommended that a vote be held to look at a choice between five different options. The five different options — and I won't go into them in great detail here, since I only have a certain amount of time — and two of them, by the way, are hard to explain, even for a political scientist — were dual member proportional; first-past-the-post; first-past-the-post plus leaders; mixed member proportional; and preferential voting were the options that were put forward, and they were put forward on a preferential ballot. The idea was that it would be a rank ballot, and voters could rank them on which choice they wanted, and then the calculation would be made to see which one would win.

I'm just going to skip over the different options here, because I'm not sure that's important and I can come back to it in the question period, but more to the point, the plebiscite on the preferential ballot did not give a constituency threshold; it did not say that it had to be supported by a certain number of ridings in the province or that there was a certain margin of vote — like a 60-percent margin — in order to pass. It simply said that whatever option won would be the one that was adopted, with 50 percent, but through a preferential ballot.

The government, by the way, did not say that it would be bound by the result. It did not promise, even though it was asked many times. They said that it was a vote; they were trying to find out what the people thought. There was a pretty aggressive campaign to educate the island about what these options were. A lot of our students at UPEI were hired to go out in the summer and set up booths in shopping malls and places like that to explain to people what the different options were and how they would work, even how the rank ballot itself would work in order to choose those options; there's always some confusion when we have these different voting systems.

The other thing that was interesting was that they said that 16-year-olds would be allowed to vote in this referendum, 18 being the voting age. So, that was kind of interesting, and it

helped get the high schools involved and the high school students with an idea that, if you got students involved in something like this at a younger age, they would be more interested in politics when they got to 18, the legal age for a general election.

The voting was spread out over 10 days. You could vote anytime in that 10 days. You could vote online; you could vote by telephone; you could vote in person. In other words, they made it as easy as possible for people to come forward and cast their vote, but it was not clear, right up until the votes were counted, which side would win. The polls were suggesting, getting right up to the voting time, that people were pretty well divided on whether electoral reform was even needed.

One poll, a CRA poll, reported that 46 percent said that the current voting system should continue, and only 39 percent thought that there should be a change, and 14 percent had no opinion at all, so it didn't look that good for those who were advocating for electoral reform, quite frankly.

The other thing was that the politicians — the parties — decided that they would not play a role, and that's interesting, and you can understand why. There's no real win for a political party to be involved in a referendum or plebiscite of this sort when the issues are not directly connected to anything on their own platform. They risk alienating their supporters, and it would be rare if they were able to get new supporters as a consequence of being a part of it. They kind of stayed out of it altogether, including the Green Party, by the way, which had been advocating for electoral reform as part of its platform right from the beginning, when they first became a presence here on Prince Edward Island.

But, lo and behold, when it was finally calculated, the mixed member proportional option won, and it went through four ballots as options were dropped off, but nevertheless, it was the one that was voted on in favour, with a 52.42-percent vote, so therefore, everybody thought that was incredible. So, Prince Edward Island has now voted in favour of changing the electoral system to a mixed member proportional.

Mixed member proportional, by the way, would have said that we would keep 17 seats of the 27 as regular constituency seats, so, redivide the province into 17, rather than 27, but add an additional 10, which would be allocated to the provinces, according to the proportion of votes that a party received, on a list that would be part of the ballot itself. So, you would vote for the people you wanted to be in those 10 seats.

We think of those 10 members as members at large, if you like, which is not unusual, for example, on some city councils. So, that was the option that won, but here you go again: 36.46-percent voting turnout, and that was after, as I said, a lot of effort to get the vote out and to make sure that people had every opportunity to vote.

So, the government of the day — I'm sorry, something else I thought you might find interesting. When Elections PEI started breaking down the vote by age, what they found out was that support for first-past-the-post, the current status quo system that we have, not surprisingly, goes up, depending on how old you are. So, the older you are, the more likely you are to support the status quo system.

The younger you are, the more likely you are to be open to looking at reform, and that was something that was probably predictable but also rather interesting. There was no real pattern or at least none that I could find. For those of you who can't see my graph, I'm showing a map of Prince Edward Island broken down by which option did well and which option did not do well, and basically, I don't see a particular pattern: rural versus urban, west versus east — it didn't seem to matter. It was mixed results right across the province.

Anyway, the consequence of that low voting turnout, and perhaps other factors, led Premier MacLauchlan to say that he would not respect the results of the vote, and he said that he did not think that the plebiscite reflected the will of the people; the voting turnout was just too low. He said that, with a voting turnout that low, that's not enough of a mandate to make such a change that would be required to alter the entire electoral system in the province, so he said he would not respect the results.

That did not go over well. People were pretty upset. It was interesting that people were upset not simply — this is my analysis — because they were pining for electoral reform; they didn't like the fact that we had a government that was not respecting the results of a vote that was a long, complicated process and which we had been hearing about for some time. The protests became quite strident and quite strong, and there was a lot of anger there. It seemed to tie into something else, by the way, which was basically what happens to parties in power, when they have been in there for a while, where the public starts to wonder whether the party has lost touch with the public; have they become too aloof? This was almost like a flash point, as opposed to an issue itself. There were other things that had taken place subsequent to this and before this that said that — well, the public saw it as the Premier and his government not listening to the people. This was kind of like more of an example of that, as opposed to a crucial issue, but it was something that people took very seriously.

So, polls that came out right after that, not asking: "Do you support electoral reform?" but "Should the plebiscite results be honoured?" — 56 percent in this poll said that absolutely, it should be, and only 30 percent said no. So, you see the sort of swing in support, as I said, not so much for electoral reform itself but for the fact that, if you're going to have a plebiscite, follow through on it and respect those results.

So, what the government did is said, "Well, if turnout is the problem, and we have excellent turnout for our provincial elections, how about we tie another referendum on electoral reform to the next provincial election and we ask that question? The last plebiscite said we would support mixed member proportional. Let's vote on that: yes or no, do we want mixed member proportional? And we'll tie that to the next election, because we'll be guaranteed of having a strong voting turnout" — and that's basically what they did.

They said it was going to be a binding referendum, but you know, it's not simple. We don't have referendums or plebiscites in our constitution. It's binding to the extent that the government accepts the result; it's not binding in the sense that they would be forced to accept the results, and they had to sort

of back-track on that quite quickly, but they did make some conditions this time, and they set a threshold. They said that 17 districts — so, 60 percent of the 27 districts — would have to vote in favour and there would have to be an overall majority of votes cast, 50 percent plus one, before they would consider it binding and follow through. They were assuming, of course, that they would win the election, which they did not.

As I said, they did back off on saying that it was legally binding, but they did promise that they would follow it. Interestingly enough, in the candidates' debate, the leaders' debate, in that 2019 election — so, we had the Liberal leader, the Green leader, the PC leader, and the NDP leader — all but the Liberal leader said in the debate that they would accept the results of the vote, they would consider it binding, and the PC leader, Dennis King, said that he had voted in favour of electoral reform, so people were pretty optimistic that the results of that election would bring something positive in that respect.

So, anyway, we went into the 2019 election, and lo and behold, the Liberals lost. The PCs won; they ended up with 13 seats — 12 seats on election night, and one election was deferred. The Greens took their eight seats, and the Liberals, at that point, had six. So, now we had a new regime and a new government, but the results of the referendum, which were very simple — on whether Prince Edward Island should change its voting system to mixed member proportional — yes or no — it did not succeed. So, with a threshold of 17 districts — in other words, 60 percent — the no side won 13 districts, and the yes side won 14, but they didn't win 17. The overall vote, in any case — the no side was at 52 percent and the yes side was at 48 percent.

Basically, the question failed.

Again, now when we look at the pattern of where that support is, it's a little more interesting, because what happens is the centre part of Prince Edward Island — so basically Queens County where Charlottetown is and some of the ridings around that city — they all voted in favour of proportional representation, and Summerside, the only other city on the island, also voted in favour of this mixed member proportional representation, but the rest of the island voted against it, which may have some significance. It's one of those things that you like to dig in and see exactly what happened.

I couldn't find any relationship, by the way, with the parties' support and the support for mixed member proportional, and that's not surprising, because the parties didn't play a role in that part of the debate. In fact, they weren't allowed to, under the legislation, but the leaders made it clear that they were in favour of it. Only the Liberals were not aggressively saying the same thing, that they were in favour of it.

So, that was the end of that, but it's not the end of electoral reform. Just last fall, the PEI Legislature voted unanimously to form a citizens' assembly on proportional representation. So, we're going to go through another process now of — this is loosely based on the BC model, which I'm sure some of you are familiar with. We'll have a citizens' assembly with people chosen from across the province, apparently at random, to form

an assembly and then to discuss electoral reform, but particularly looking at proportional representation.

So, that is my very short presentation on electoral reform on Prince Edward Island.

Chair: Thank you very much, Dr. Desserud. That was fantastic, and you are correct; we heard from Dr. Carty out of British Columbia about the citizens' assembly there already, so folks have had a chance.

The Committee has come up with four questions that I believe, in some cases, you have touched on, and I'll allow the members to make that decision. Mr. Streicker, would you like to go first today?

Hon. Mr. Streicker: Thank you, Madam Chair, and thank you very much, Dr. Desserud. I really appreciate it. I have a whole bunch of very specific questions, but I'll start with the more general question. You've talked already about how this has evolved on Prince Edward Island, but is the feeling from the province that there is still a question to be had? Like, what's the feeling like right now, after that sort of roller coaster of close votes and then not? I would also be curious whether the last referendum during the election is considered more important, because it did get a higher voter turnout. So, just if you could fill in some of that story for us a bit.

Mr. Desserud: I'll start with your last question, which is that, yes, that was seen as far more definitive because of the high voting turnout. It wasn't identical, by the way, so some people voted and did not choose to cast a ballot on the referendum, but it was pretty close. It definitely is, but as a consequence, it is overall a no, so therefore, if it's definitive, there's no sense if there's this great wave of support for it.

The main reason behind the fact that it's still going on, I would suggest, is that there is significant support for it, probably not a majority of the population right now, but significant support in one party, the Green Party, which is quite aggressively in favour of it, and certain members of the PC party, including the Premier himself.

So, that seems to be a lot of where the initiative comes from. The vote on forming the citizens' assembly was moved by the Green Party, but it was unanimously supported, by the way. It got unanimous support, but it was seconded by a member — I think the Premier himself — of the PC party.

The bigger question you're asking: What is the mood? This is kind of a cop-out, but under the pandemic, there's not much move to do anything right now that looks like change. People are just hunkering down and just hoping that this gets over. So, I do not have a sense of any kind of excitement being built here, but that could be, and probably is, because of the unusual circumstances that we're in right now.

Chair: Thank you, Dr. Desserud. Mr. Streicker, do you have a follow-up question?

Hon. Mr. Streicker: Yes, thank you, Madam Chair. Can I ask — one of the things — in a little bit, we'll ask questions about the Yukon, but Prince Edward Island is the closest to us in terms of the size of the legislature in these hearings that we're holding. One of the things that you talked about when the MMP system was being considered was these 17 seats out of the original 27, with 10 going to the list. Can

you just describe a bit how those 17 were chosen? And in particular, I'm interested in kind of the urban-rural divide, because I could see, on the last vote, that Charlottetown and Summerside were basically there saying: "Yes, we're for this," and the more rural areas were maybe less supportive.

Was what the boundaries would look like already decided? What was the thinking about that rural-urban interface?

Mr. Desserud: Sure, so the 17 seats would be a reapportionment of the ridings on Prince Edward Island to divide it into 17 rather than 27. So, we would redraw the boundaries so we would only have 17 constituencies on Prince Edward Island. Elections PEI did come up with some proposals on what that would look like. So, there were maps out there that they gave to people to get a sense of what that would be.

The 10 seats would be at-large seats, so if you're elected to one of those seats, you would theoretically be representing the entire province. As I said, there are city councils — Saint John, where I used to live, does that, where they have members-at-large, plus members in wards. It's not so unusual, but people did have a hard time getting their head around that, by the way, and in the campaign that ran parallel to the election campaign, the no side was pretty aggressive about talking about how confusing this new system would be and who was going to get those 10 seats and even suggesting things that were frankly not true, which was the fact that the party would get to decide who would go in those seats after the fact — you know, pick people who had maybe lost, didn't win their seat, and put them into that seat; that's not what the proposal was at all. It would have been a list system, where you would rank the people that you thought would be in those 10 seats, and that's what they would be chosen from.

That aside, the urban-rural thing on Prince Edward Island is a bit tricky, and maybe in Yukon you would get it better than my colleagues in Ontario do. What we call "urban" is Charlottetown, with a population of 40,000. Summerside, the second city, has 10,000 people. So, these are really small centres and wouldn't be considered really urban in most other ones.

So, the divide is not nearly as striking as you would see, but there are some consequences to that. So, a lot of rural Prince Edward Island is still unincorporated, so the idea of having local government is not something that people are that familiar with, but as a consequence of that, their constituency MLA is hugely important to them, because that's their one point of contact with government. The idea of expanding that — our ridings are roughly 4,000 voters per riding, and that's pretty small, when you look across Canada, but as a consequence — you make jokes about how everyone knows everybody, but everybody does know everybody. Again, I'm guessing you can appreciate this.

So, when an MLA says that he or she knows everyone in their riding, they know everyone in their riding, and people fear losing that connection; they're afraid of losing that connection. Their MLA is the person they go to for things that probably have nothing to do with their provincial responsibilities, but it doesn't matter. I think that has a lot to do with the rural concern about electoral reform.

How am I going to contact this person who's elected at large — what does that even mean? Why is my riding now a lot larger, there are a lot more people in it, and will I have the same contact? I suspect that has a lot to do with what their concerns were.

Chair: Thank you, Dr. Desserud. Mr. Cathers, do you have a question?

Mr. Cathers: Sure, thank you, Madam Chair, and thank you, Dr. Desserud, for sharing your thoughts this morning, or this afternoon, in PEI.

I'm interested in what you could tell us in terms of — are there any particular lessons that you think could be learned from PEI's experience that might be applicable here in the Yukon as the Committee and the territory consider whether or not to proceed with electoral reform?

Mr. Desserud: Thank you for that question. I don't want to be presumptuous, because I don't want to pretend that I know the Yukon, so take this with a grain of salt. This is my perspective here in Prince Edward Island on what I think we did wrong.

The first one is: Don't over-complicate the questions. That's always an issue. That was the problem with the referendum, the plebiscite, that preceded the one we had tied to our election. Five options, two of which were incomprehensible, didn't make a whole lot of sense. The preferential ballot, even to pick those, is not that difficult to understand, but people misunderstood it. They thought that when you were eliminating options and moving to people's second choices, that everyone's second choice, even the people who had picked the first-past-the-post and were ahead on that first round, that their second choices were being tabulated; they weren't. The only people whose options were lost was gone because it was the lowest option — only their second choices and so forth, as a preferential ballot operates. But it wasn't understood as that, and I think there was sometimes disingenuous information being put out there that convinced people of that. So, keep it simple.

The second thing is to ask yourself the question that my public policy professor, when I was undergraduate, used to bang into our heads in every class: What is the problem for which this is the solution? Make it really clear that you know exactly why you want to do this, and make that obvious. I think that was always problematic here in Prince Edward Island. Because it's so small, when you say things like, "Well, the smaller parties are not getting a fair shake," and they're not — I would argue that they do not, under our system — the public does not always see it that way. They see it as: "Well, these are folks we know; they run; we vote for them. What's the problem?" So, make sure that you have a very clear understanding of exactly what you're trying to accomplish with this and not simply doing something because it will get some attention, and I think this was happening here.

The final one is — and I think this is the Wade MacLauchlan lesson, which I think tripped up his government — follow through on whatever happens, because my sense of the public's reaction against the MacLauchlan Liberals was not so much about the fact that they weren't doing a good job — in

fact, they were doing an excellent job of governing. Our economy, at that point, was the hottest in the country, but because the public started saying: "Wait a second; you're saying you're going to do this, and then you're not doing it." There were other things that were going on, like a big program to rationalize rural schools and close down rural schools and concentrate the resources — very unpopular. People were really upset about it, but after going through all the trauma of the hearings and so forth and then coming out with the recommendations and then having the government say that they wouldn't do that after all, people were upset because they had gone through a process with no results. I think that was more disturbing to them than whether electoral reform was adopted.

Chair: Thank you, Dr. Desserud. Mr. Cathers, do you have a follow-up question?

Mr. Cathers: Thank you for your thoughts on that, and I do have a follow-up question, Madam Chair. Would it also be fair to say, based on your description, that if the Committee were to recommend electoral reform and if it proceeds to referendum, that it's important to be clear about what the thresholds are? Is that a fair characterization? I'm not trying to put words in your mouth; I'm just taking off what I thought you were indicating earlier.

Mr. Desserud: That's actually an interesting question, because there is a lot of controversy, and a lot of literature, on whether or not having pre-published thresholds helps or hurts the process, where people say that the threshold is too high so they are not going to bother to vote. I think overall that, yes, it should be clear.

The 2005 one — no thresholds were discussed. After the fact, even though the no vote was overwhelming, the government said, "Oh, by the way, this is the threshold we had in mind." People found that disingenuous.

So, a clear threshold — but an explanation of why that threshold matters. The idea of having a threshold, where you say you're going to have a certain percentage of the ridings, plus an overall vote, makes sense if you say that Prince Edward Island still has a considerable amount of its population in the rural part of the province, even though it's shifting and more than 50 percent are now living in incorporated areas, and we want to make sure that they are adequately recognized in this process, and therefore, this is why we have that threshold. You can debate that, but at least it's clear that's what you're doing.

So, yes, I think having thresholds before and making those clear is important, but don't make them insurmountable, obviously, but make them something so that people can understand why they're doing it. If you do have that, then you can campaign toward the threshold. People will understand that this is what they have to accomplish.

Chair: Thank you, Dr. Desserud. I have a question. You had the one slide up and it had the campaign signs for the election at the time, but it also had the sign against no, against the mixed member proportional. What organization or who was behind that campaign? Was it clear, as it was happening, who was campaigning on the no side?

Mr. Desserud: Yes, and that's a wonderful question, and we could do a whole other presentation on that alone.

So, here's what happened. It's not unusual for a plebiscite to have political parties step aside. As I said, there's usually nothing to gain. Quite often, the reason why governments have plebiscites in the first place is because they don't have a stake in this; they just want to know what's going on. So, that's not unusual.

And it's not unusual in Canada to have plebiscite legislation in which political parties are supposed to stay out of it, although it's controversial and it has gone to court cases, as a consequence of that. What happened here was a bit odd, because the legislation they passed was quite restrictive. They invited people to form organizations and to put forward a proposal to be the official no side or the official yes side, and then they were chosen. A commissioner was chosen to oversee that process. Once those were chosen, those were the only people who were allowed to campaign on the no side or campaign on the yes side, and the political parties were forbidden from being involved in either the no or the yes campaign.

Why that is significant is because the Green Party — one of the major planks in their platform was electoral reform, so now they're running in a provincial election where they have taken one of the major planks of their platform out and they can't use it. It was bizarre, but that's what ended up happening. So, yes, who was behind it was transparent, although I suspect not transparent enough, because the no side seemed to be a lot better funded and a lot better organized than the yes side, which really struggled.

It was supposed to be seen as separate from the election itself, and the parties kept hands-off.

Chair: Thank you. That is actually really fascinating. I guess it's important that it had that transparency, but it is still — plenty of questions.

Mr. Streicker, do you have any questions?

Hon. Mr. Streicker: Yes, Madam Chair, and before I move on to our questions which pertain more to us as a territory, could I just ask one more follow-up?

Dr. Desserud, early on, when you were talking about some of the voter turnout history, I think it was, on one of your early slides, you said something like, in the 90s, you started with a single member system. I didn't know that you had changed your system. What was the system before, and what led to that change?

Mr. Desserud: How much time do we have?

Hon. Mr. Streicker: Oh, I'm sorry, if it's too long, I can go and —

Mr. Desserud: I can give you a very short version. Like other British North American colonies on this side of the country, in the 19th century, we had a bicameral assembly — a legislative assembly and an executive assembly. When Confederation took place, New Brunswick eventually got rid of their upper house, Nova Scotia eventually got rid of their upper house, and Prince Edward Island, before it even joined the Confederation, merged the two houses together and made them both elected. So, we had, up until 1996, two members representing each riding, but one was called an “assembly

man”, and one was called a “councillor”, and they were both elected.

It was an odd hybrid system. It functioned like a dual member system, but there were actually two separate elections for two separate offices, each representing the same riding.

What happened was that, as the province's population shifted — we used to allocate our ridings according to the three counties, so Kings, Queens, and Prince — so 10, 10, 10 for 30 — but as the population shifted, it became obvious that the variance was pretty extreme. So, court cases emerged where people said, “This is totally unfair; my riding has way more than double what that one was,” and those court cases were successful. The province was ordered to come up with some process to reallocate riding boundaries that were equitable.

To do that in a dual member system was really complicated, so it was much simpler to simply go to a single member system, and that's why we ended up with that.

Chair: Thank you, Dr. Desserud. Mr. Streicker?

Hon. Mr. Streicker: Thank you very much for that. Dr. Desserud, of course, we're doing this for the Yukon, and you have already mentioned that you're not an expert on the Yukon, but there are some things that we would like, that we're thinking about, and one of them has to do with the fact that we have 19 ridings, and I will also just mention that we have one large city, even more pronounced than on Prince Edward Island. For example, Whitehorse, our capital, has roughly three-quarters of the population, and we have roughly one-quarter in rural Yukon, in our smaller communities, and similar sizes — I'm sure we were all smiling when you talked about the size of Charlottetown and Summerside.

We also have a balance in our Legislature with 11 ridings representing Whitehorse and eight ridings representing rural Yukon. Just with that in mind, because you're saying how PEI is different from other provinces, but it's similar to us in that sense. I'm just wondering about your perspectives on, if we were to have any form of electoral change, or even to look at a referendum to consider it, what that might mean for a place with an even smaller population than Prince Edward Island.

Mr. Desserud: So, are you looking for a model or just what —

Hon. Mr. Streicker: No — well sure, I'm happy if you have a model —

Mr. Desserud: I don't.

Hon. Mr. Streicker: I'm more about what you think the issues are that we need to be watching for.

Mr. Desserud: Yes, okay. Well, I mentioned one already. In small jurisdictions like we have, the relationship between the MLA and the constituent is vastly different from what it is in large centres; it's very personal. Everyone knows who that person is. The ability to contact them is considered to be an absolute right. They're the person you see at the grocery store, the person you see at the market, and people expect that, want that, and cherish that. Anything that takes that away, I think, would result in pushback, but I also think it would diminish the robust nature of the politics of our respective province and territory.

The other one, though, is that when you're small, like we are, you can make these changes, I think, more easily. It's easier to make these changes than it might be in a very large place, because you're not making a huge number of changes. We were thinking of 17 plus 10 for a 27-seat legislature, but it could have been five seats at large, and even a small number makes a big difference. You don't have to do a whole lot to increase the dynamic nature of the legislative process. You already have an interesting distribution of seats in the Yukon now.

We, up until very recently, were strictly a PC-Liberal legislature, and that was part of the incentive and motivation to change that, because it was understood that there were other voices out there that were not being heard, but under the current system, we now have the Green Party as the Official Opposition, which interestingly enough, got pretty well close to the same number of seats that they had in terms of their proportion of the popular vote.

People will say, "Yeah, it's kind of working. I guess it's not as bad as we thought it was going to be." But you can make a small change, and it just seemed to take that little bit. Getting the leader of the Green Party, Peter Bevan-Baker, elected in 2015 and then getting Hannah Bell elected in the by-election two years later, which put two members of the Green Party in the Legislature, and things took off. It doesn't take much to change the culture. So, in a small place, you can make a small change and have huge consequences.

Chair: Thank you, Dr. Desserud. Mr. Cathers?

Mr. Cathers: Thanks, I appreciate that. I'm just trying to find my place and which question we're on here. I think the next one was what the advantages and disadvantages of a potential electoral system change might be for a jurisdiction like the Yukon, from your perspective.

Mr. Desserud: I think I've talked about the advantages. The disadvantage is that political engagement — the decreasing interest of people to be political engaged is a problem in modern electoral systems across the globe but in Canada as well. If what happened as a result of change gets people more engaged, more involved, more interested, if they start thinking that their voices are being respected and represented and that they have more of a say now, that's an advantage, but if it looks to be going in the other direction, if people say that they don't understand anymore and that it doesn't make sense, that they've lost contact with their representatives, that's a disadvantage.

You have to find the balance between those two, because it's not simply that all reforms will make things better. You're going to change things, and you need to ask yourself exactly what those changes are. We all know that political parties dominate the electoral system; that doesn't seem to be a profound statement, but we still have a system where we each go with the fiction that we're electing people and not parties, and if you move to a system in which parties are the dominant force, then you have conceded something, and that may be a good thing, but it also is a different thing and people will react to that as a consequence.

Chair: Thank you, Dr. Desserud. I actually am going to interject with a question or two of my own.

So, I appreciate that PEI has just decided to create a citizens' assembly, but what we were told about British Columbia — so it was a long, engaged process, it was resource- and energy-intensive for those who participated, and didn't come up with a result in a way that necessarily would want to be mirrored across.

We learned about other citizens' assemblies. Why do you think that PEI has decided to go toward a citizens' assembly as a next step?

Mr. Desserud: Well, I'm not sure, because it came as a surprise. I didn't see it coming, and when it was proposed, it was clear to me that they hadn't actually consulted with British Columbia. In fact, I did contact Ken — he's an old friend of mind — and said, "Do you know what's going on here, and would you like to be involved?" And he said, "Absolutely, please have them call me." I passed his name along, and don't think he has been.

So, I'm a little concerned that this was basically a gesture without a lot of substance behind it. The citizens' assembly in British Columbia was very clear that they were going to have gender balance, they were going to have special places for First Nation people and so forth, and they were going to have this — and did have — a very comprehensive education program that went with it, and it was going to be a long process.

Right now, all we have is this proposal to pick one person per riding, and it had that constitute an assembly without any infrastructure attached to it.

I'll wait and see and I'll keep my fingers crossed that something will happen to it, but I think it's at least an indication that people are still interested in it, but I don't know that we have thought this through and made this realistic. Again, it just could be something that speaks to our time right now.

Chair: Thank you for that, and it is, again, about those lessons learned.

So, we did have a presentation from Dr. Everitt from the University of New Brunswick, and one of her cautionary tales was that the process had been taken; people have targeted this process multiple times in Canada, and it has failed, and so she said that maybe it was about looking at the small changes that could make the big impacts.

What is your sense on that? Should a system aim for the big, you know, electoral system reform, or should we consider the smaller incremental steps?

Mr. Desserud: So, I can answer without you introducing me again? I worked with Dr. Everitt on the New Brunswick thing sometime ago, so I know what she's talking about. We were part of an electoral reform commission in New Brunswick back in the early 2000s. My role on that one was to look at fixed date election legislation, by the way, not changing the electoral reform system, but I did recommend that they not go ahead with the proposal that they had, which was incredibly complicated. So, it was a mixed member proportional, but they would divide the province into four super districts, as well as the regular constituencies, and that the seats in those super districts would be allocated through a D'Hondt formula — that I cannot explain to you without looking back at my notes because it is so complicated — as a way of allocating votes.

When it went forward to the Legislature, no one understood it, and it was basically put on the shelf and nothing came out of it.

So, yes, small changes leading up to it — I still think a preferential ballot is a really interesting idea, and I don't know why we don't use preferential ballots more often than we do, even to elect MLAs.

When we had the public hearings on electoral reform, those in favour of the proportional representation system were arguing against using a rank ballot as electoral reform, because they said, quite rightly, that it still favours the mainline parties. And that's true, because people's second choices — if you're supportive of a smaller party like the NDP here in Prince Edward Island, your second choice is probably one of the mainline parties.

That's fair, but nevertheless, it gives people a different sense of how their voice is going to be heard, because the results show a stronger support for a party that you would not have known, because under our current system, maybe the second choice is the only one that you have, because you're so afraid of someone else's first choice being elected.

Things like that generally don't solve the problem overnight, but they give better voice to people who have other interests than the mainline parties, and it also gives them a sense that, okay, things could be different, but it doesn't always have to be the exact same way. I think — you know, this is still a small-c conservative province, and change is not something people jump on, and they're suspicious of it and sometimes — most times — reluctant to embrace it.

So, little things like that — you could do it at the municipal level, for example, and get people to start differently about the way in which choices are made; it can, in the end, lead to really interesting results.

Chair: Thank you, Dr. Desserud. We have two final questions. Mr. Cathers?

Mr. Cathers: Thank you, Madam Chair, and Dr. Desserud. My question is — you made reference to legal action that had led to a change in the system back in the 1990s. I was just wondering what the current maximum population variance is above and below the standard in PEI. We do also have a situation where there is a significant difference between the smallest riding of Vuntut Gwitchin and the largest riding and the number of voters in those two. There hasn't been any legal action in the Yukon related to it, but I'm just wondering about the PEI experience of that and what was the problem that prompted the court case and what was the end result, in terms of the maximum population variance above and below the standard.

Mr. Desserud: The problem was that the variance, in some cases, was 50 or 60 percent, so quite huge. I don't know the exact number of what the variance is now, but overall, it's in the five to 10 percent range, but there are some ridings that could be as high as 25 percent, but it's much lower than it was before.

Chair: Thank you, Dr. Desserud. Mr. Streicker, do you have a final question today?

Hon. Mr. Streicker: Dr. Desserud, earlier you said that, in the referendum process, you had 16-year-olds participating,

and I'm just wondering what the experience was with that and whether there was ever any thought to whether the voting age might be one of those things that you considered adjusting.

Mr. Desserud: Yes, first of all, the voting turnout was very, very low for 16-year-olds, which was really disappointing, because the people who were assigned — like I said, they were university students, my students, in fact — went out to the schools and worked really hard to get people involved. It's not the same thing. Voting on a question is not the same thing as voting in an election, but still, it at least got the conversation going. There is a Green Party proposal to lower the voting age to 16 that is currently in the process, right now. It comes and goes. It doesn't seem to go anywhere anytime soon, but it's persistent.

So, the Green Party has been saying that we should consider lowering the voting age to 16, and there is interesting debate about that in the House. No one wants to come out and say, you know, that they're against it, because you risk alienating people who are going to be voters someday pretty soon, but it's the question of whether it's necessary or whether this is the time for it and things like that.

So, there's not a lot of momentum behind it, but nevertheless, it is there, it has been raised in the Legislature, and I expect it will be raised again.

Chair: Thank you, Dr. Desserud. Just before we wrap up, do you have any final thoughts that you would like to share with us here in the Yukon?

Mr. Desserud: No, just to say good luck with the process. It's really interesting, and the public engagement aspect of it is the best part. You already know this, but you'll be surprised how passionate people are about the electoral process and what it means to them. That was really interesting, to see people responding about what matters to them and why they're voting, when we did it here on the island.

Chair: Thank you very much for that.

Before I adjourn this hearing, I'd like to say a few words on behalf of the Committee. First, I would like to thank the witness, Dr. Desserud. I would also like to thank the Yukoners who are listening to and watching this hearing or who will listen to and watch this hearing in the future.

Several more hearings with experts from across the country are scheduled for this week. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 11:00 a.m.



Yukon Legislative Assembly

Issue 6

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Wednesday, January 26, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Witnesses: **Fair Vote Canada**
Anita Nickerson, Executive Director, Fair Vote Canada
Gisela Ruckert, Board Member, Fair Vote Canada

EVIDENCE**Whitehorse, Yukon****Wednesday, January 26, 2022 — 1:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White and I am the Chair of the Committee and Member of the Yukon Legislative Assembly for Takhini-Kopper King, Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts. Today, we have with us representatives from Fair Vote Canada, a non-profit organization that advocates for proportional representation.

Anita Nickerson has been involved with Fair Vote Canada since 2008 and has been its executive director since 2017. Prior to joining the voting reform movement, Anita was an addictions counsellor and mental health worker. Ms. Nickerson lives in Kitchener, Ontario.

Gisela Ruckert is a Fair Vote Canada board member and a long-time grassroots organizer living in Kamloops, British Columbia. She works with various non-profits at a local, provincial, and national level.

We will start this hearing with a short presentation from Fair Vote Canada and then Committee members will have the opportunity to ask questions. We will now proceed with the presentation.

Ms. Nickerson: Thank you very much for inviting us to present to Yukon's Special Committee on Electoral Reform. We are really thrilled to be here. I have a presentation and I am just going to bring it up here. I am assuming that everybody can see this presentation.

I just want to start by saying that I am in Kitchener, Ontario, which is the traditional territory of the Haudenosaunee, Anishinaabe, and Neutral peoples.

So, what we decided to focus on today is the process to get to electoral reform. We realize that there are a lot of other things that we could have focused on — models, details of systems, all that exciting stuff that people associate with Fair Vote Canada, but honestly, if the process doesn't work, it will end the same way that almost every electoral reform effort in Canada has ended, which is in failure.

So, it is very important for us that the process is the most evidenced-based and inclusive one possible. That is what we are spending our presentation time on today.

I am going to be taking a closer look at referendums and the evidence for citizens' assemblies and we will end with some recommendations. The second part of this presentation on citizens' assemblies is going to be done by Gisela.

The first thing to understand is that most OECD countries do use proportional systems. Canada, the UK, Australia, and really the US are outliers in terms of that. Of the modern democracies, the OECD countries that use proportional systems, most did not adopt them by way of a referendum. That is really sort of an odd route to adopt electoral reform and really it only happened in Switzerland in 1918 and New Zealand back in 1992, which I know you will hear more about.

During the federal Special Committee on Electoral Reform, they heard from hundreds of experts and we followed that process very, very closely. This was a quote that really struck me, from Yasmin Dawood, who said that "a referendum is not necessarily a politically neutral choice", which is sort of a diplomatic way of explaining the situation.

So, a lot of the work that I am going to be talking about today was done by Professor Lawrence Leduc, who is a professor emeritus at the University of Toronto and an expert on citizens' assemblies, referendums, and electoral reform. Professor Leduc says that while the democratic values may say that the voters are always right, it appears to increasingly be the case that the institutions that are intended to provide solutions can just as easily act to block them. The playing field in referendum campaigns is far from level. The no side possesses a powerful advantage, while the yes forces tend to face an uphill struggle. I am going to be talking more about that in detail.

Just so that you are clear that it is not just: "Well, this is Fair Vote Canada. Of course, we want to win, so we don't want a referendum." There has been a lot of research done around the world by people who have no skin in this game in Canada related to electoral reform on referendums.

Here you are looking at a chart that was done by Lawrence Leduc, looking at referendums around the world and what happens to support for the change side or the yes campaign in the month before people go to vote. So, the general gist of it is, you can be heading into a campaign on the yes side with a huge advantage, a lot of generalized public support, and in those last few weeks and last few days, it is almost always the case that support for the change side plummets, often dramatically. This was also shown by Alan Renwick, who is the director of the UK's Constitution Unit, who expanded on Lawrence Leduc's work and looked at some more referendums and some more countries and found exactly the same thing. It is quite common for there to be a 20-point drop when people actually go to vote on something that is new.

Now, of course, there are exceptions to that. In Fair Vote Canada, people talk a lot about New Zealand because it is the one that changed their system. How did they do it? I think that we want to be clear that what happened in New Zealand isn't a model for how to get electoral reform in the rest of the world. Leduc outlines specific situations where the yes campaign is likely to be able to overcome the tremendous hurdles, and those situations rarely apply to electoral reform referendums in Canada.

About a year or two years ago, we had Frank Graves, who is the president of EKOS Research, come and talk to us at our annual general meeting and he said the same thing. He said that someone asked him about referendums and he said that, in a

referendum, if you don't leave the gate with at least 70 percent or 80 percent support, you are unlikely to be successful because whatever you put forward will be put under criticism from all the other players and it will inevitably lose steam.

During the federal ERE, they invited a bunch of experts, including Arthur Lupia, who is from the United States' University of Michigan. I think that he is the vice-director of the National Science Institute now. He has spent his lifetime studying voter engagement, how voters make decisions, and things like ballot initiatives and referendums, and he says that he has a statistic that he uses to show just how skewed this is and that in California there is a whole industry devoted to helping organizations campaign in referendums. He says that they won't even touch it unless you are polling over 70 percent a year out. If you actually dig into that, it is more than that. They are saying that if you don't have at least 55 percent strong support for the exact thing that is going to be on that question, they basically say to not waste your money.

So, when we look at where the yes campaign for proportional representation would be starting from, would it have a reasonable chance of success in a referendum? Polls have been done on support for proportional representation in Canada for 20 years and the support for the general principle usually ranges somewhere between what you are looking at here — about 57 percent, which was six months ahead of the last vote in British Columbia, and up to the mid-70s, sometimes 75 to 76 percent. But you are talking about support for a principle, support for fairness, support for the idea that everyone's vote should count and that seats should match votes, which is very different from asking people to vote on a specific proposal after being subjected to months of relentless counterproductive campaigning.

So, why does the no side have such a big advantage? Why isn't it more fair? So, Arthur Lupia says that the no side has a huge advantage regardless of the legislation. That is something else that I want the Committee to take note of. Regardless of the system, regardless of the design of the ballot — we have been through this — the 21 years that Fair Vote has been around. It is true throughout the world that you are running against change and people don't know what life is going to be like under the change. A typical no campaign is when you think about the worst-case scenario and then you make the whole campaign about that. Whereas the yes campaign has to try to describe some new world that people have never lived in and ask them to take a leap of faith.

What Lawrence Leduc and others have shown is that referendum campaigns very often become about something that is not actually on the ballot. The vote becomes driven by a lot of factors other than the proposal, the merits — the fact-based merits — of the proposal in front of people.

So, after I read a whole bunch of his research and others, I sort of put together a little chart. I am just going to explain very briefly what this is. A lot of people don't realize that between Canada and the UK, we have had seven or eight referendums now on electoral reform. We have learned a lot and we have experienced it first-hand and have seen it come to life with different campaigners, different types of ballots, different types

of systems, and these same factors that Leduc and others talked about have come into play in almost every single referendum. It should be fairly obvious what they are at the top. I am just going to clarify the top one on this chart — Second Order Effects — this is just sort of an academic way of saying that things that aren't on the ballot, other political issues, end up driving people's decision-making.

I am not going to talk about media bias today, for the sake of time, even though it is hugely important in referendum campaigns, but in the slides that you will see — there are a bunch of slides referring to that you can read later.

So, this is from the “no to alternative vote” campaign in the UK. The UK had a referendum on electoral reform on AV in 2011; not many people realize that. The fellow who led the no campaign actually went on to lead the leave campaign for Brexit. In a podcast I listened to recently with him, he was saying how he looked at this no referendum campaign for electoral reform as a practise run for that and tried out some of the very successful tactics. In this no campaign, the no side was basically focusing on a small party that people, you know — if they were a small party, they have a small percentage of the vote, which means that most people are ambivalent or don't like them — and basically focused on, if you vote yes, you are going to get more of this guy, more of all these things that he is pushing, and he is going to hold the balance of power. This was used very successfully by the no campaign in the last BC referendum.

Again, here is another winner from the “no to AV” campaign in the UK. In this one, this was the precursor to the: We're going to send all this money to the EU — around Brexit — the ad on the bus. This isn't about the voting system anymore; it is not about counting ballots. It is all about: Do we really want to spend money — it was an entirely made-up number, by the way — on these voting machines?

This speaks to the second-order issues, which are around process and I really want to emphasize this. It doesn't matter what system you come up with; if people don't trust the process, they will not support it. If they think that it is being driven by partisan interests, if they think that it is to benefit one party, or if they think a bunch of partisans and political hacks have cooked it up in the back room, it doesn't matter what you come up with, you are going to be facing an uphill battle. This is what we saw in BC, where a millionaire took out the front page of all the newspapers in BC before the official campaign even started — not attacking proportional representation or the system; he didn't have to. They spent a year ahead of time telling people that what the government had come up with was being driven by partisan interests, that it was secretive and you can't trust the process and if you can't trust the process, you better vote no.

Research out of California has shown that partisanship is the strongest predictor of voting in referendums on governance-related questions. So, on these kinds of issues, voters will take shortcuts. They don't sit and read the whole manual. They take shortcuts and they figure out what is in their party's best interest. The party is usually fairly clear, one way or the other, which way it is, and they use those shortcuts to make decisions.

We saw this in the BC referendum where 82 percent of the BC Liberal voters, which is their centre-right party, voted no and in the UK referendum where 83 percent of the Conservative voters voted no. This is very much also tied into the media, so you might want to take a look at that after.

The other thing that really influences electoral reform referendums, and all referendums really or many of them, is misinformation campaigns. Because there are no laws around truth in advertising, there is no way to regulate that. Opponents, as Lupia said, are free to come up with whatever they want and still stay within the campaign rules. We saw a lot of that in BC, where people were basically — there was a lot of talk about Nazis and all these kinds of, you know, scary, dangerous people who were going to supposedly get elected if we adopted PR.

The misinformation campaigns that I would probably expect to see in the Yukon would be along these lines that we also saw in BC. “So, it is time to say farewell to your local MLA.” The urban area would have all the power and the rural areas would be shut out. This was completely — 100 percent — false — 100 percent. Dishonest information ran in whole-page newspapers. These kinds of social media ads ran, and it didn’t matter that the government was saying that there was an iron-clad guarantee that no region was going to lose a single seat, but that didn’t matter. These things were hugely effective.

A few years ago, MIT did a huge study on the effect of false information on social media, and they showed that false information reaches many more people than true information does. It is way more likely to be re-tweeted, it takes off six times faster, and they found that this effect of how quickly it spreads into social networks was so much more pronounced for political posts.

After the last BC referendum, there was an exit poll done and they went through a bunch of the different talking points of the no campaign, which ranged from “outright dishonest” to “severely misleading”. They found that all of these talking points affected people’s decisions a little or a lot. These are just a few examples. “MLAs might be appointed from party lists” — completely false information. “Voters from rural areas might lose representation” — 45 percent of people who voted no said: “That affected my decision a little or a lot,” and it was completely false.

Again, I am drawing your attention to the process. The government might have rigged the process for partisan gain.

So, heading back to 2005 — and I know that you are going to hear from an expert from PEI. Leonard Russell, who chaired the Commission on PEI’s Electoral Future, going back almost 20 years ago, testified for the electoral reform committee. It was sort of humorous because he said that he was going to say something that he had never told anybody, that he had only said to his coffee cup. He just basically talked about how the government had said that they wanted this and they had put this process together and then the people found out that they were being undermined by the very parties that had put this in place and that representatives from the parties were in church basements saying that this wasn’t very good. Part of that was just all about a threat to power that comes up when you are looking at changing the voting system.

So, Uninformed and Confused Voters — actually, I want to go back one, if I can. I don’t know if I can; let’s see. I want to talk to the last little bit for a minute about the parties divided. I skipped over that and it is really important. In every electoral reform referendum we found, parties are divided between themselves and internally on this issue. That is really hard for voters. So, you may have a party that says: “We are all for this,” but actually, half of your caucus isn’t really all for it, so you end up with a bunch of them who are working with the no campaign to undermine it. Then sometimes you have other parties that are saying: “This is a life or death issue; we are going to kill this.” Then you have parties that are like: “Oh, we are neutral; we don’t really have any opinion”, but they are not neutral. Even by the act of being neutral, they are communicating to their voters that this doesn’t really matter or that they don’t really want it or that they are not really behind it. When parties are divided, it makes it even harder for people to get past that.

Uninformed and Confused Voters — I am sure that you will hear from many academics on this point. In every electoral reform referendum, no matter what you do, you are going to have uninformed and confused voters. I think that it was Ken Carty who said to you this week that, you know, voters “don’t go to sleep thinking about” electoral systems. As someone who is passionate about that myself, I can just tell you that it is true. In the AV referendum, one of the problems was that the commission — the electoral commission — has to be neutral. Of course, that is so important; they have to be neutral. What they end up producing is something like a manual of how to disassemble the back of your refrigerator. When people get this, it makes something that is pretty simple sound really complicated. It also doesn’t talk about the values; it doesn’t say why anybody should care — why should people vote for this? — so that people look at this thing and it just can’t compete with seeing marching Nazis on TV.

Here we have Anna Keenan from PEI, flipping through the booklet that people got in PEI’s referendum, and their electoral commissioner said pretty bluntly that “sometimes it takes more words than people care to deal with.” Again, Lawrence Leduc saying that, for 2007, Ontario’s MMP referendum, the most persuasive argument of the no side was the lack of sufficient information — the public’s frustration at a lack of information would bedevil opponents of MMP right through voting day. Just not understanding what they were voting on is enough for many people just to say no. One of Canada’s top experts, Dennis Pilon, has basically said that research on the use of referendums at voting systems has found chronically low levels of public knowledge, excessive partisanship in the debate, and that when people say no, they are not usually saying no to proportional representation; they are saying: “No, I don’t know enough about this thing and I am confused about some things I have heard, so I vote no.”

The Australian Human Rights Commission did an interesting study on referendums in Australia. Australia has had 44 referendums on constitutional issues, which is as close as I could come in terms of an analogy to electoral reform, and the first thing you will notice is that, out of 44 referendums,

82 percent of them ended in a no vote, but what was it then about the 18 percent that succeeded?

Just to summarize what I have been talking about in these slides, Nelson Wiseman, who is a Canadian Studies expert and professor at the University of Toronto, who testified at the ERE, said: “I would not put the issue of an alternative voting system to a referendum. It’s unnecessary; it’s a waste of money; and it will almost certainly fail. You may as well recommend not changing the system and save Canadians the cost.” He is quite a blunt fellow, if you want to check out his testimony on the ERE.

So, what would be fairer conditions? If there is a built-in status quo advantage for the no side, combined with an issue that is rather complex and a little bit dry, where voters take cues from partisan campaigns, what would be fairer conditions for referendums to succeed?

So, the Australian Human Rights Commission wrote a little paper on what made the difference in those 18 percent that succeeded. Well, number one, there was strong support — and no, I am not saying neutrality — strong support for their proposal by all the major political parties. So, they were basically just asking people: “Hey, we’re all behind this. Will you, the population, get behind this too?” There is a sense of ownership of the referendum issued by citizens, so it wasn’t seen as: “Oh, this is an issue owned by a few politicians, elites, or voting system geeks.” The whole problem and the solution were felt to be owned by the population and an education campaign that ensures that citizens understand the issue.

So, honestly, this is an ideal scenario. If you had all these things, that would be incredible, but I have yet to see an electoral reform process or referendum in Canada that has all these things, and I am not sure that it is even possible anywhere in the world to have conditions like this to give the yes side a fair chance.

Now I am going to turn it over to my colleague, Gisela, to share her screen and talk about citizens’ assemblies.

Ms. Ruckert: Thank you, Anita. I am just going to shift my screen now.

I am hoping that by now Anita has made you aware of the pitfalls with referendums and I am hoping that you are questioning whether you would want to go that route, given their lack of utility in this context, really. I get the fun job of giving you the good news and assuring you that there are actually very good alternatives for getting citizen input on complex policy choices like electoral reform.

In the next few slides, I am going to be describing a process that taps into the wisdom of the crowd. I think that it is a process that has value because it draws on the common sense of common people. It is a process that is also recommended by the Organization for Economic Cooperation and Development, the OECD Citizens’ Assembly. The citizens’ assembly is exactly what it sounds like. It is a representative body of ordinary citizens, average people, gathered to deliberate on an important policy issue, and they are based on the evidence which shows that when people are given the knowledge, the resources, and the time, they can find solutions to complex and controversial

issues, including the ones that are often a stumbling block for politicians themselves.

So, who is in a citizens’ assembly? It is a mini-public — so, a mini-version of the Yukon is what you would end up with. Citizens are selected by sortition, so basically a civic lottery, like a jury, but once you have that pool of people chosen by sortition, you then make sure that the participants in the assembly are actually demographically representative of the population in terms of age, gender, political viewpoints, and everything that is relevant, so that, in effect, you create a microcosm of society. Since participation on citizens’ assemblies is voluntary and willing and will invariably involve hours away from home, possibly from work, it is important that the process covers those expenses — providing daycare, if it is needed, and compensating people for their time. The point is to remove the obstacles that would prevent certain groups from participating or from being represented.

There are loads of examples around the world and within Canada and this is one of the more recent ones — the Scottish Climate Assembly. You will notice at the bottom there that it says that citizens were representative of Scotland by age, gender, household income, ethnicity, geography, morality, disability, and attitudes toward climate change. By doing this, we are negating the influence of those who have a disproportionate amount of what Anita called “skin in the game” — special interest groups and the like. So, we are ensuring that the group is truly representative of folk in the real world.

The participants moved through the following stages. First, there is a period of learning where they familiarize themselves with the topics from experts and they look at the evidence. Then they consult the public. They hear from stakeholders and then, and this is the part of the process — they discuss the evidence and they carefully weigh the options. So, that is what we call the “deliberation phase”. After that, they come to a consensus recommendation. It doesn’t necessarily end up being unanimous, but it is a very large percentage of agreement that allows the groups to come forward with a recommendation.

It is important that the citizens’ assembly isn’t run by the government, but the government needs to fully fund and publicize the assembly so that the public knows what is happening — that they know that it is made up of people “just like me” and that they can engage in the consultations and follow the assembly’s work closely, if they choose. Ensuring that the public is aware of the process also makes it more likely that the recommendations will actually be acted on because you have the ideal conditions of public support and you have created that expectation for action.

In Canada, most processes are run by a company called MASS LBP, which has run hundreds of processes for governments in Canada. On a federal level, they ran the Citizens’ Reference Panel on Pharmacare in 2017, which you might be familiar with.

Again, it is important to fully fund the assembly and to publicize it so that the public knows what is happening and that they can choose to follow along if they like.

Citizens' assemblies are spreading around the world. There are many examples here on the page. I am not going to go through each one of them, but you can perhaps check out some of those later, if you are interested. This is a really neat little animation that shows how they have been popping up from — I think it starts in 1970 up to 2019, and you can see that they are starting a few here and there, and as you go through the time lapse, they really take off, and that is where we are right now.

As I said, what is being called the “deliberative wave” by the OECD has been building since the 1980s. You can see that the number of citizen-driven consultative processes are going up every year in the OECD countries.

This is a report that I would highly recommend that you check out. The *Catching the Deliberative Wave* report from the OECD is an extremely thorough look at these deliberative processes from around the world and there is an executive summary there. It is a very long report, but the executive summary will give you the highlights and it will inform your understanding of what is involved in these processes far more than I can do in the short time that we have.

So, in terms of benefits, we tend to get better policy outcomes when we create the space for deep learning and deliberation. Access to good information and time and skills facilitation both lead to the development of detailed and rigorous practical recommendations, which take into account the inevitable trade-offs that come up when you are making these policy choices.

Secondly, public officials and policymakers have greater legitimacy to make hard choices because the public is already on board and especially in situations where there is a political deadlock and you have to weigh these difficult trade-offs. This explains why climate assemblies tend to produce far more ambitious recommendations than what politicians themselves would actually have been able to bring forward because it gives them that greater legitimacy from across the public.

Thirdly, these processes tend to enhance public trust in government, rather than further erode it, which is often the result of a process like a referendum. People trust folks who are like them to act on their behalf more than they trust politicians or so-called “experts”.

Moving on, it is also important to note that these citizens' assemblies ensure that those with money and with power don't have an undue influence on a public decision. The participants in the process arrive without an agenda and they can focus on the common good. That is their job and they do it. There is a diversity of views that is represented. Research has shown that as far as developing successful ideas, when you have more cognitive diversity, it is actually more important to have that than the average ability of the group.

Finally, evidence-based processes counteract polarization and misinformation, which is, again, the exact opposite of what happens during referendums. There are three times when the OECD suggests that deliberative processes are the appropriate path to choose when making decisions, and these are the three: values-driven dilemmas — for example, the debate in Ireland on reproductive rights and abortion would certainly be an example of that; complex problems that require trade-offs — I

think that it is fair to say that electoral reform is one of those; and also, longer term issues that go beyond short-term incentives of electoral cycles. I think that electoral reform ticks all of those boxes and sets out a process that would be appropriate.

Fair Vote Canada actually commissioned a national poll two years ago — almost two years ago now — by Leger and it found high support for the concept of citizens' assemblies across the board. I found this particularly interesting: The support was very high across voters of all parties.

Last fall, PEI's legislature voted to go ahead with the citizens' assembly, and because they had already done a lot of consultations on electoral reform and people understand the concept of proportional representation, they chose to limit the citizens' assembly mandate to look at just forms of proportional representation, and it is widely expected to take a less partisan, more evidence-based approach to designing a new voting system for PEI.

So, CAs — the citizens' assemblies, which I am calling “CAs” — have been ongoing in Canada on a number of topics for many years and here is an example of one that has been going on for the last three years.

So, summarizing the differences between referendums and citizens' assemblies — I won't go through all of these — but this is a very strong argument for looking at the strong points and weak points of both potential models for making a decision. Basically, it is a stronger process because citizens are able to look at the facts and think about them deeply, rather than make a decision based on someone's opinion or misinformation.

Governments tend to see proposals for institutional change as threats to their position or as opportunities to advance a partisan agenda. Proposals put forward by organizations are easily ignored, and when governments do decide to act, they often do so from a perspective of gaining a political advantage over their opponents. This is exactly that partisan bit that citizens' assemblies remove from the equation.

Finally, you have heard a lot from other experts saying that electoral reform is hard, and we acknowledge that. It is not easy, but we encourage you to also acknowledge that progress is possible and we have drawn up these three recommendations which we feel will lead to a successful reform process.

First, we need to recognize that the process actually matters a lot. There is research on best practices, which we encourage you to consider when considering the path that you are recommending going forward. Again, we recommend that you avoid choosing a path that leads to a referendum. They are not appropriate tools for making complex policy decisions and it is becoming increasingly clear that their use reveals a preference for maintaining the status quo and the fact that you would like to, as Anita said, save the money.

Finally, number three, make sure that you establish an arm's-length, sortition-based process to create a legitimate representative mini-Yukon to learn about the options and to deliberate and find consensus on reforms to be implemented.

So, those are our three recommendations on the process which we have chosen to focus on for this presentation. We also want to draw your attention to our more comprehensive written

submission, which provides in-depth guidance on systems and models, which we didn't have time for in our presentation today. I will stop sharing and leave it there.

Chair: I would like to thank you both very much for your presentation and it is correct. So, the written submission from Fair Vote Canada is available on the Committee's website, which I will cite at the end, but what I would like to do right now is to give Committee members an opportunity to ask questions.

Mr. Cathers: I appreciate the presentation, but I do have some questions and concerns about the suggested approach to establishing a citizens' assembly. My question would be: Where is the opportunity for the democratic process, including for the average citizen to decide whether they even think there is a problem with the current system?

Chair: We will start with Anita and then, Gisela, we will follow up with you.

Ms. Nickerson: I think I will just answer that to say that the idea of a citizens' assembly is to tap into the opinion of the average citizen. Ken Carty and Jonathan Rose and one other person, whose name escapes me, wrote a whole book on this — on the three assemblies on electoral reform that happened about 20 years ago, and they showed how truly representative the people were. These were folks who were coming in who had no idea about electoral reform. They had no preconceived opinions. They knew very little about it and they reflected the average population. So, the idea of the citizens' assembly — this is what citizens would think if they were fully engaged and able to take that time to hear each other, listen to each other, learn what each other's experiences and thoughts are, so they are like a mini-public.

The second thing that I would emphasize is what Gisela talked about a lot in her presentation, which is providing the funding and means for the citizens in the citizens' assembly to reach out to the population. If you look at — there are a couple of citizens' assemblies on climate in the UK and in France. The one in the UK, almost nobody knew about it. The government treated it like a very quiet advisory committee. The one in France, the government seriously put effort and money to promote this as a legitimate process and, by the end, 70 percent of the people in France knew that the citizens' assembly was taking place. So, I would say that is what makes those links.

Oh, one more point — sorry. The other thing that we probably didn't touch on is that the citizens' assembly should be free to consider all options, including keeping the status quo. It should not be limited to options that Fair Vote Canada likes; it should start with a blank slate. Including keeping the status quo. So, it should not be limited to options that Fair Vote Canada likes; it should start with a blank slate and that also gives it credibility in the eyes of all voters.

Chair: Thank you, Anita. Gisela, did you want to add something to that?

Ms. Ruckert: It was actually Anita's final point — that they would actually have a mandate to consider the status quo as one of the options, as well as non-proportional systems as other voting systems that they could look at. They would not be

excluded or limited from considering a recommendation of making no change.

Hon. Mr. Streicker: Thank you very much for the presentations. Just to begin with, I have got to say that "sortition" is a new word for me, so I was quite excited about that. Say that there was a citizens' assembly. What is your recommendation or thought around — because if you empower the citizens' assembly to go where it wants to go, maybe it goes toward a referendum, even though there may be things that — they look at it and they consider it for all the reasons that they might because they are a mini-Yukon, in our case, or a mini-democracy. I also am curious to ask you what your thoughts are around — if it wasn't to go to a referendum, would it be that — are you recommending that if we set up a citizens' assembly, it would be — that the recommendations that come out are binding, or are they recommendations to be considered by the government or by the legislature of the day?

Ms. Ruckert: The first question was: What if the citizens' assembly decides a referendum is necessary? Absolutely valid — if that is what they choose, that is what they choose. We would recommend that they look at the evidence and we feel confident that, on the basis of the evidence available on best processes, they would recommend against a referendum. It is totally up to them though. It should be within their mandate to recommend a process that they feel comfortable with, and if that includes referendums, so be it.

The second part of your question was about what happens after they make their recommendation. So, this is another piece where they might have a role to play and I think that this is another thing that your Committee will also have to consider. One option, I suppose, is making it binding, but I think that a better way would be to have a back and forth after the recommendations are out, so that the politicians can have a look at those recommendations and maybe there will be some tweaking or developing that goes forward. I think I will stop. I don't know if Anita would like to add to that.

Ms. Nickerson: The question you are asking, John, is really important because one of the problems, obviously, is if the citizens' assembly, based on what they want in the evidence, ends up wanting something that the politicians don't want — I mean, that is like the catch-22 of electoral reform. I hate to use that cliché, but there is no easy answer to that and that is something that this Committee needs to talk about. But I completely agree with Gisela that the ideal scenario for me is that the citizens' assembly is not binding. You can't legally bind politicians to act on a citizens' assembly. This is your job — you are elected and you are responsible for that, but some back — first of all, they provide something that continues the conversation — that gives politicians somewhere concrete to start from.

Another option is to have the politicians respond, have this Assembly reconvene. We are seeing that in Scotland, where the government responded to all 81 recommendations of the climate assembly one by one, and now the citizens' assembly is reconvening to consider the government's response. This is sort of innovative and we will see what happens out of that. The other option that I would encourage you to consider is a little

bit outside what we would usually recommend or say, but in Ireland — Ireland really kicked off the whole citizens' assemblies around the world thing back about five years ago, when they had their hugely successful Irish citizens' assembly — the first one. But the precursor to that was something called their "constitutional convention" where they were trying out this idea of citizens' assemblies. What they did is that they had 66 randomly selected representative citizens sit with 34 of their MPs. They have a different word for it, but we will just call it "MPs", and they all went through that deliberative process together on electoral reform and came to a consensus.

That was a model that hasn't been used since. It really showed the politicians that citizens can be trusted and this works, but on this topic, I think that it is really important to find a way to build politicians' input into the process because the last thing a citizens' assembly wants is to spend all this time and then find out that the politicians are not going to back any of this because it is too much for them. So, you need to find a way to marry those two approaches so that it builds confidence in the government and it also builds confidence in citizens' assemblies.

Chair: Thank you for that. I am just going to take this opportunity — we did learn from Dr. Carty earlier this week and today we had a conversation with Dr. Desserud about, actually, citizens' assemblies. So, if we were to hold the example in British Columbia up as best practice in Canada — you know, we just had the conversation about the new citizens' assembly that has been called in PEI, and I have to say that there are lots of concerns there because none of those parameters that have been set out to make sure that it is a mini-Prince Edward Island, for example, has been set. I think that, in the Yukon, the closest comparison that I would make that we have had similarly would almost be planning commissions for areas here. I guess that one of the things I was surprised about — I might have, before today, been like: "Well, we need to go to a referendum because we need to hear from people," and you have done a very good job of arguing the opposite.

If, for example, we were to go toward the citizens' assembly, I guess one of the challenges becomes: How does a jurisdiction that hasn't ever done something to that scale — what is the first step toward that?

Ms. Nickerson: I'll take a shot at this. It is not something that I have an answer off the top of my head. I guess I would first start by reframing what you said. We do need to hear from people — absolutely, 100 percent. It is just: How do we hear from them and how do we ensure that we are hearing from the equivalent of everybody, not just the most motivated people and the most motivated campaigns that can push their voters out to the polls? We want to hear from everybody, including indigenous, including people who don't even vote — people who are disengaged from the process — because in a way, a lot of that is what this is for. It is to improve democracy for everyone.

In terms of what would be a next step in planning this, I would encourage you to talk with the organization in Canada that does most of these processes. Ask MASS LBP because they have done hundreds of these for government at different

scales. I also wouldn't be quite so overwhelmed about how huge it has to be. A population the size of the Yukon — I mean, previous electoral reform assemblies have been 100-160 people — the population of the Yukon — I am just guessing — I would think they might recommend closer to 50 people and it doesn't need to take a whole year. The assemblies in Scotland, for instance, the more recent ones, and the climate assembly in France took about six months. They had about six or eight full weekends, so take it one step at a time and have somebody knows what they're — who does this for a living walk you through it.

Chair: Gisela, have you got anything to add to that?

I am just aware of our time — Mr. Streicker, do you have another question?

Hon. Mr. Streicker: Thank you, Madam Chair.

Another question that I wanted to pose was — one of the things that we had presented to us yesterday from Dr. Everitt in New Brunswick was — okay, let's say that we move down the path of electoral reform and it is not successful or it does not change the electoral system. She discussed other ways, other things that could be changed. I haven't had the opportunity yet to go through your submission — and thank you very much for that; I will — but if there were other things — and they could come through a citizens' assembly as well, of course — but are there other things that you would identify that would be good to have under the broader umbrella of electoral reform, rather than just purely the system itself?

Ms. Ruckert: Anita probably has something to add as well. In terms of other ways to enhance your electoral system, there are things you can do. I listened to Dr. Everitt's presentation yesterday, and I agree with much of what she said in terms of campaign finance, per-vote subsidy incentives for having minority — underrepresented — groups represented. She herself said though that those are tweaks and her primary recommendation — really, she said that, if you have the option, go for proportional representation — or not — go for proportional representation.

So, yes, there are other things that you can do and they might have an impact. She said they are still figuring out whether the things that they have done have actually had an impact. They are hoping for data after the next election, but I feel that if you want to do — I guess I would just encourage you to be courageous and ambitious and then scale it down from there. Start off going bold because this is an opportunity to change the democratic process for the people of Yukon for the better.

Ms. Nickerson: Yes, you are going to hear from so many experts who will tell you that it's hard. Do you know how many times I have heard that it is hard? It really gets tiresome. It is hard, but it is possible. It is hard, but over 80 percent of the OECD use systems that really count every voter's voice. So, it is hard, but it is possible, and I think that it was Ken Carty who said to you that it will take leadership and it takes faith in people. I really believe that you can do that or we wouldn't be spending our time doing this for the last 20 years.

In terms of other improvements, one way you could look at a citizens' assembly is that instead of limiting it to just

electoral systems, you could consider having a citizens' assembly on democratic renewal in the Yukon and include electoral reform as one of the key pieces, but also include other things that the assembly itself might identify, or the all-party committee that sets up a mandate for the assembly might identify, and in that way, you could have a broader range of issues looked at and you might get a broader range of recommendations, rather than a complete succeed/fail scenario.

Again, I would go back to encouraging you to think about, when you focus on electoral reform, how you can bring citizens and politicians into the process in a way that it's going to succeed, rather than just thinking that you're going to end up with a citizens' assembly that's going to recommend some tiny tweak or that's the only thing the politicians are willing to do.

Chair: Thank you. Mr. Cathers, do you have a question?

Mr. Cathers: Thank you. I do appreciate you providing your perspective on this and advocating for why you think the system should be changed. I just do want to note, though, that from my perspective, I think it's important that we determine what Yukoners want, not just what anyone from a theoretical perspective, or from an advocate perspective, would want. I think we need to understand, through this process, whether Yukoners think that there is a problem with the current system and, if so, what those problems are and how you solve them, because changing to any model, whether it's a proportional model or something else, does itself — no system is perfect, as we have heard from other presenters, such as from the professor from PEI when he spoke to the Committee. There is also the question of the play, for some people, at least — of the connection to a person who is an elected representative, which may, for some people, be more important than a party.

I just would ask then, specifically from a question perspective — you indicated your view that the problem with doing a referendum is that there's a preference for the status quo, but there have also been cases where referendums have succeeded, including in the case of Brexit. That was a pretty notable departure from the status quo, and I would just ask if you would clarify why situations like that aren't an indication that perhaps people change from the status quo when they have decided that there's a problem and they actually want that change.

Chair: Okay, we'll start with Gisela.

Ms. Ruckert: I'll respond to the first part; I'll let Anita respond to the Brexit question. First, I want to say that I think we're in 100-percent agreement that we want citizens' input, that we want to know what the people of Yukon want, if they want their electoral system reformed or not.

I think what we're trying to suggest is the process for getting an accurate answer for that, a representative answer to that question of: "What do Yukoners want?" — because that's exactly the right question. The way to get that is via a citizens' assembly; that is the best process for getting a good answer to that very important question.

I also just want to quickly address the confusion about the local representatives. When I looked into some of the presentations earlier this week, and last week, there seemed to be this perception that — and you'll notice we haven't

advocated for PR today; we're talking about process issues. But just because you brought it up, I want to say that proportional representation does not mean that people lose local representatives. In fact, Fair Vote Canada no longer supports models that actually remove the local representative.

If we had more time, I would love to go into that more deeply, but all of the systems that we're talking about maintain local representation. So, I'll just bring it over to Anita now, if you would like to discuss Brexit.

Ms. Nickerson: Thanks for sending me that one, Gisela. I'll try not to get into Brexit here. I'm sure there's a range of opinions on this panel about that, but in terms of the status quo, yes. Brexit, in one way, looks like, if you see the huge graph of electoral reform failures for the change side that's in our submission that puts it all together, Brexit would look like a sort of outlier.

I was reading something by Arthur Lupia — one of the experts I quoted recently — on Brexit, and he basically said that he even sees the status quo bias in there in terms of how people voted, because the younger people had only ever been part of the European Union; the older people had a different sort of status quo. I don't know which — there are two status quos competing in that outcome, as well as a lot of misinformation that numerous fact checkers were completely unable to deal with.

In terms of the — I have one minute or something — in terms of electoral reform referendums that succeeded here in Canada, there were two that supposedly succeeded, even though we don't still have any electoral reform. You'll note that there were some commonalities. There was no "yes and no" funded campaigns; there was no opponent campaigns in those ones that succeeded. The people who were interested in participating were either happy with the citizens' assembly and trusted that or they were deeply into the issue and looked at what was actually on the ballot, and that doesn't tend to be the case in terms of what happened.

Finally, these issues of local representation, of the power party bosses, all these things I've heard come up in the Committee should really be the subject of their own session, and we had to pick and choose what we were able to discuss today.

Chair: I do appreciate the restraints of time. I would like to mention to our witnesses today, and also to anyone who is listening today live or in the future, that we are accepting submissions from the public on any topic related to electoral reform, and we encourage you to submit, because it sounds like — especially the two of you today — you have additional things to say, so I welcome that.

Before I adjourn this hearing, I'd like to say a few words on behalf of the Committee. First, I would like to thank the witnesses, Anita Nickerson and Gisela Ruckert. I would also like to thank the Yukoners who are listening to and watching this hearing, either live today or into the future.

More hearings with experts from across the country are scheduled for this week, and transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public. The Committee also intends to hear from Yukoners at public hearings in the future.

Thank you very much. This hearing is now adjourned.

The Committee adjourned at 2:00 p.m.



Yukon Legislative Assembly

Issue 7

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Thursday, January 27, 2022 — 11:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Witness: Peter Loewen, Director, Munk School of Global Affairs and Public Policy,
University of Toronto

EVIDENCE**Whitehorse, Yukon****Thursday, January 27, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee: I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Peter Loewen. Dr. Loewen teaches in the Department of Political Science in the Munk School of Global Affairs and Public Policy at the University of Toronto. He is the director of PEARL — so Policy, Elections and Representation Lab — associate director of the Schwartz Reisman Institute, a Senior Fellow at Massey College, and a fellow with the Public Policy Forum. For 2020-2022, he is a distinguished visitor at the Institute for Advanced Study at Tel Aviv University.

Dr. Loewen's work has been published in several academic journals; he has edited four books and is a regular contributor to the media. We have asked Dr. Loewen to speak to us about the single-member plurality, or first-past-the-post, electoral system. We will start with a short presentation by Dr. Loewen, and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Loewen's presentation.

Mr. Loewen: Thank you very much for the opportunity to meet with your special committee today. The work you're doing is important, and even fundamental, so I appreciate your willingness to engage with subject matter experts in this debate. I think we have an important role to play alongside you, and alongside citizens, so thank you very much for including me.

Let me make a quick introduction of myself by saying three things. First, I am a professor with an established expertise in electoral systems and in voter behaviour. This includes published work but also engagement as an expert witness in a variety of different legal cases and challenges to various aspects of electoral systems and electoral law. Second, I think I'm one of the few Canadian scholars who is on record as firmly opposed to the federal government and other parties' proposal to change Canada's federal electoral system after the 2015 federal election. I was happy to be among the few people holding that view, and I believe that the federal government's decision to not proceed was the right one. Third, I would let you know that personally, when I lived in British Columbia in 2009, I voted for electoral reform there for a single transferable vote system, and had I lived in Ontario in 2007, I would have voted

for the mixed-member proportional system that was on offer then.

So, I say all of this in hopes that you'll appreciate that I can bring to you an interesting perspective on the matter that you're considering.

I want to raise for you four points for your consideration and then to talk to you and take your questions about our first-past-the-post systems that we have in Canada. The first is the most important point, and it's the one that weighs most heavily in the choice between a first-past-the-post majoritarian system and other systems, and it is that electoral systems generate a fit between votes and seats, but also between votes and governments.

That fit is never perfect, and you have to decide whose voices you want to overweight and whose voices you want to underweight in that fit between votes and power. Let me just use two examples to illustrate this. I'll use one that's close to home for you. I won't use the 2021 election in Yukon, because it had a very unique outcome, but in the 2016 Yukon election, the Yukon Liberal Party won four in 10 votes, or 40 percent, and for this it received 11 of 19 seats, or roughly 60 percent of seats. So, 40 percent of votes translated into 60 percent of seats, which translated into 100 percent of Cabinet portfolios, so the ratio of seats to votes was 1.5 and of Cabinet power to votes was 2.5.

That's one way of thinking about disproportionality. How much more power did one party get versus the share of votes that it got?

Disproportionality runs the other way as well. The Yukon Party received one in three votes and for this was rewarded with approximately one in three seats, so the fit there was actually pretty good, but despite getting one in three votes, they received zero Cabinet portfolios. One in three votes got no representation in government. For the Yukon NDP, the numbers are more stark: One in four votes translated into one in nine seats and zero power.

So, what did the electoral system do? Especially in terms of power, it rewarded most the party that had the most but not the majority of votes. That's the nature of disproportionality in a first-past-the-post system, and advocates of our current electoral systems — like I might be — can't ignore the fact that some party ends up with a disproportionate amount of power, given the share of votes it received in the population.

What would have happened in 2016 under an alternative electoral system? It's actually quite hard to say, but for simplicity, let's just assume that a relatively pure PR system was being used, where the fit of votes and seats is very tight, or very close, and nothing about voters' preferences change, so let's assume that the vote shares were the same. Leaving them the same, we can re-allocate those seats, whereas the Yukon Liberal Party received 11 seats after 2016, it would have received eight. We would leave the Yukon Party at six seats, and we would allocate the remainder of seats — five — to the NDP.

So, now we've gone from a breakdown of 11, six, and two to eight, six, and five, a much more even split of seats that maps much more closely to vote shares in the population, but what

government would result? Well, let's assume that a coalition government emerged between the Liberal Party and the NDP. That's perfectly normal, perfectly acceptable in a parliamentary democracy; it happens in many other countries, and the fact that it hasn't happened with a few exceptions in Canada doesn't mean that it's not democratic.

Let's assume that a coalition emerges, with a Cabinet of 10 seats, and those seats are allocated between the two parties according to the relative vote shares. The Liberals would receive six seats, and the NDP would receive four seats. So, here's the rub now: There's still disproportionality. The Liberals are receiving 60 percent of power for 40 percent of the vote — less than 100 percent for 40 percent, as under first-past-the-post, but still a disproportionality. The second party in Cabinet is now receiving 40 percent of the power for one-quarter of the vote.

So, the disproportionality here is to the advantage of the party with the fewest votes. Broadly speaking, this trade-off will be present with any system that is more proportional, overweighting the votes of smaller parties within coalitions. So, PR simply does not solve completely the problem of disproportionality; it mostly just pushes it somewhere else, and that is largely the choice that I think you are wrestling with.

Let me make three more points very quickly, and then we can talk about the other relative merits and demerits of a first-past-the-post system.

First, you're not the first legislature to consider this, and you won't be the last. All recent efforts have failed — two in BC, two in PEI, one in Ontario, one failure to launch in New Brunswick, and multiple aborted attempts in Québec. Those efforts just show that this is hard to do and to achieve success. But do you know what they also show? That the sky didn't fall despite people trying to reform the electoral system, so don't shy away because this has failed elsewhere. If you want to try changing the electoral system, then you should go ahead and do it in just the way you're doing it now, through deliberation with citizens and experts.

Second, this is not the only democratic experiment you can engage in or reform you can pursue, so I encourage you to be very clear about what problem you're trying to solve. Electoral reform should not be the solution you look to for solving other problems. If you want more diversity in representation, if you want more women, more indigenous members, there are other solutions. If this is about a more fair or even allocation of ridings based on population, there are other solutions there, too. Electoral reform is a huge undertaking, changing a fundamental institution, and there may well be easier ways to go about getting some of the other outcomes that you might care about.

Third, in my own view, the ultimate choice should reside with voters or with citizens. There's a debate in Canada about whether we have reached the point of a convention, where those who want to change electoral systems should seek out permission through a referendum. I don't know that we've gone to that point yet. I'm skeptical that we have, but I do think that, nonetheless, you should not be setting the rules of your own game.

So, whatever major reforms you might propose, you should put it to citizens to have the final say. It will make reform harder, for sure, but it should be hard to change fundamental democratic institutions.

I want to thank you very much for your time and attention today. I look forward to your questions, and I'm happy to dive deep into the merits and demerits of a first-past-the-post system.

Thanks very much.

Chair: Thank you, Dr. Loewen. There are so many questions that I have. Mr. Streicker, as I can see you — would you like to start?

Hon. Mr. Streicker: I'm sure we're all going to have opportunities to ask a lot of questions. First of all, thank you very much, Dr. Loewen. I really appreciate your presentation and the directness of it.

One of the things that we've heard from a lot of people is, you know: What's the problem that we're trying to solve and also what are the values that we're trying to deal with? You made a statement right at the beginning of your words to us, talking about how there's never a perfect system, that the way in which we translate votes into seats or into governments — I think you said — will not be perfect.

I think that one of the things that we think about — and I don't want to speak for others on the Committee, but it really is about what is the best way in which to translate that interest of the public into a representative government. The way in which people vote seems to be pretty complicated. It's not just — there are a lot of different ways in which people vote. It isn't always just for an individual or a party or a leader or a platform or against other choices.

So, I think, as an exercise, we're taking it on because I think it's important to take it on as an exercise, whether or not it comes to something.

So, first of all, let me just start and ask you if you can go a little further into if our value, or the problem we're trying to solve, is the best way in which to represent those votes. Can you talk a little bit further about the pros and the cons of the system that is used in Canada, the first-past-the-post system, versus some of the other ones and what the trade-offs are that might make a difference? And if I could ask just one more thing, Madam Chair.

We are always trying to think of the context of the Yukon, which is a fairly significant geography with a pretty small population, where a lot of that population is concentrated in one urban area and less distributed across the territory. So, we know, as a legislature of 19 seats, that we're different from other provincial legislatures, and we're different from other territorial legislatures because we're the one that is partisan.

So, when you're giving us your thoughts around first-past-the-post and what values are held, as we choose one system or another, if you could think about us as well, that would be terrific.

Thank you, Madam Chair.

Chair: Thank you, Mr. Streicker. Dr. Loewen?

Mr. Loewen: Thank you very much, Mr. Streicker, for those questions and particularly for the invitation to root it in

the unique circumstances of Yukon, which do set it apart, not only from provinces, as you know, but from the other two territories.

Let me give you a framework in which to think about these trade-offs. What I really want to do is to try to be as even-handed as I can in giving you a sense of how experts think about what the trade-offs are here. One common view of the trade-off between a proportional system and a more majoritarian or plurality-style system is the following — and this trade-off really comes down to: Is there more than one party in government, or is there just one party in government? Because that's really the empirical effect of having a PR system versus not.

There's a very good set of arguments by a scholar named G. Bingham Powell, and he basically says that there's a proportional and a majoritarian view of democracy. The proportional view is the following: That at the level of input, we should make sure that there is as much proportionality as possible between what the variety of views is in a population and the variety of views that end up in government.

That's a very legitimate view. When you think about what we're doing during an election, we have a lot of people with different priorities, and they see those priorities reflected in one party more than another. So, if 30 percent of people have a view, even if they're not the majority, why shouldn't they have a view represented in parliament? The proportional vision, I think, is rooted in the idea that we want to give as much equal weight as possible in the composition of legislatures, and then governments, to the variety of views that exist in a population. And that's a legitimate view, and that's a value that you can want to prioritize. I think of that principally as a value on the input side, right on the side of, when we get to the process of forming a Cabinet, do we want to have a proportional representation of views in there or not?

The argument for — and this is what makes it difficult, Mr. Streicker — the argument for a majoritarian system doesn't say that it doesn't matter; the argument for a majoritarian system says that we should be prioritizing something else and what we should prioritize is a mix of a few things: clarity of responsibility, effectiveness, and accountability, and accountability is really related to clarity of responsibility, so let's just talk about accountability and effectiveness. The argument then for a majoritarian or a first-past-the-post system is that you get one big party in power, and they may not have at the Cabinet table all the views that are represented in the population, but they have more room to manoeuvre in responding to public opinion, and there's more clarity of responsibility, so accountability is easier come time of an election, because if voters don't like what a government has done, they don't have to figure out which party is responsible. They can simply look and say that there is only one party in power and that party is responsible. That party, when in power, has more, in theory, room to manoeuvre in terms of the policies that it pursues because it is not in a constant negotiation with the other party that is in the Cabinet with them.

So, those are a couple of the competing sets of values that political scientists will sometimes think about when thinking

about the choice between a PR system and a more single-member system or a majoritarian system — the trade-off between proportionality of views and representation of policy interests versus manoeuvrability, effectiveness, and accountability.

Now, how true those views are empirically is actually hard to sort out, I have to tell you. I think that the even-handed answer is that we can find instances in which, from the majoritarian perspective, there are single-party majority governments which move to follow public opinion in a very respectable way, which try to do what the population wants and are responsive to it. And we can find examples of single-party governments that just don't care what the majority of population wants because they can keep winning with the same 40 percent of the vote. So, we can find different examples in our own country, and we can find different examples cross-nationally, and we can find examples of PR systems that have worked and have not worked, or worked well or less well, on that dimension of the representation of interests.

I think that the challenge in this debate — I will just say this and then turn it back to you — goes back to what you kind of asked me to reflect on at the end of this, which is that the Yukon is different from other places, and in some ways — I mean, maybe I subscribe to the *Anna Karenina* view of politics. *Anna Karenina* started with: Every happy family is happy in the same way, but every unhappy family is unhappy in its own way. The idea here is that really every quality is different, and Yukon has its own considerations. What has happened over time in Yukon is the same as what has happened in every other democracy, in our provinces and in other countries, which is that you have an electoral system, and it does a lot of the work of representation, but other practices emerge, other conventions emerge, and they do a lot of work to also do the work of representation, accountability, and effectiveness. So, can you change a system and can a professor come in here and tell you that if you change a system to this, here is how the outcomes will change? It is very hard to say that, because you don't know what other things are going to change at the same time. But as your committee thinks about the big contours of this debate, it really is about, effectively, whether you want to have a system that is going to tend toward one party with more power than maybe it earned but is accountable for decisions versus a bit more power-sharing but maybe some less accountability or clarity of responsibility. In broad terms, I think that is a fair characterization of the choice that you are making.

Mr. Cathers: Thank you, Madam Chair and Dr. Loewen. I appreciated your presentation this morning. I think it is also notable, as you touched on and as we have heard from some of the other presenters, that when you change the system, the outcome will not necessarily be the same; it does affect how and why people may be casting their ballots. It may change, depending on the electoral model that you are using. Some of the questions — what you can change — that strike me are whether there is widespread agreement that there is a problem and, if so, what the solution would be.

One of the questions that I would just ask you is if you could elaborate a bit more on your thoughts on what occurs if

you look at changes to the system in terms of whether you have a change in how people are casting their ballots and whether — for example, in our current system, there is an argument from some that there is a tendency for a lot of people to vote, especially in rural areas, in large part for the person versus the party. I would just appreciate it if you could elaborate on your thoughts about how changing different systems may lead to different considerations by voters on what they are primarily basing their vote on.

Mr. Loewen: I would say this. I think that you are right in your intuitions about what to think about in terms of how things would change. So, the cardinal feature at this point of the first-past-the-post electoral systems in Canada is that, although they are local elections, they really lead to a big battle between parties. At the federal level, the vast majority of votes for a party are not decisively determined by the local candidate. The local candidate at a federal level matters decisively in perhaps 10 percent of cases. Now, that doesn't mean that members don't behave as though the local vote matters, because it may be that 50 percent of them think that they are in that 10 percent. But individuals are becoming less important and parties are becoming more important in our single-member district systems federally. Of course, that can't be the case in places where there are much fewer people living in a constituency where people are more likely to know someone personally, where they are probably making judgments — and kudos to the three of you for being elected, because people made judgments about your character and whether you were suitable to be their representative.

That is a point in favour of a first-past-the-post system — that we have localized elections where people are likely to vote for candidates who they know, and there is nothing wrong with that at all; I actually think that it is a great feature of smaller places. But to be fair to PR systems, you could adopt PR systems that do give prioritization to some local considerations. You could adopt a mixed-member proportional system, which would be a mix between local constituencies plus people who are elected off of a list where the seats are allocated proportionally to even out the disparity between seats and votes. You have a state where some people are elected into a constituency and others are elected from a list. You could adopt a single transfer of a vote system, like BC advocated and twice considered, which has multiple member ridings where people are voting for multiple individual candidates.

So, there are PR systems that will allow you to still have that element of local representation. Those are newer innovations in electoral systems, but they are used in serious countries that we would otherwise recognize as democratic. New Zealand and Germany both use MMP; Ireland uses single transferable vote. So, there are options there, but I think that what you will find is that, as you consider those, the limiting factor for how effective those systems will be at generating proportional outcomes is the fact that you have a small legislature. When you have just 19 members, your ability to have that mix of different types of members is constrained. If you go to a mixed-member system, you won't have 19 constituencies plus people off a list unless you add a substantial

number of seats to the Legislature. If you want to keep the same number of seats and have a mixed system, you are going to have to reduce the number of constituencies down to some number — maybe it is half of that number — and as you will all know, it is not easy to travel around the territory to represent people in big constituencies in summer and let alone in winter; it is costly. There is a trade-off there. There are ways around it, but that would be a practical limit on a mixed-member system in the territory.

Chair: I have a question. You mentioned that you lived in British Columbia in 2009 when there was that first referendum vote and you would have voted for the proposed change, and then you talked about Ontario and you would have voted as well. So, what has changed for you? Because not only are you a doctor of political science among other things, but as an individual, you had quite a path if you were willing to vote for it then but are now championing the first-past-the-post. Can you explain to us why your mindset has changed?

Mr. Loewen: I appreciate the question very much. The answer is that I am not sure that I would oppose a change to the electoral system in Ontario today, for example. The reason why I opposed the change at the federal level was because I think that Canada — with all due respect to each individual province and territory — is more complicated and complex than any of its constituent parts. My sense was just that we have a very unsteady balance in Canada. We are a place that has a lot of different regional economies. Obviously, we have different language groups in different places. We are becoming a very diverse country. We have very strong regions where people have very strong regional identities. My own sense was that, at the federal level, despite all of that, things have really worked for us as a country. It is among the best countries in the world, and when you think about how much conflict we could have had in Canada over time, given these baseline differences and the fact that we haven't had the kind of democratic fits and starts that a place like Italy had, despite the fact that we are actually as diverse at our core and fractious at our core as those other countries are — I thought that the electoral system probably had something to do with that, and so I thought that changing it was reckless, and I didn't know what problem it was trying to solve.

At the provincial levels, though, we have examples of provinces that have changed our electoral systems and gone back. Alberta had a single transferable vote system, or alternative vote system, for a period of time and changed back. The sky didn't fall. We have lots of provinces that had multi-member districts within a first-past-the-post system for a period of time.

So, I think that there is capacity for — I don't want to call it “experimentation”, because you are not experimenting and you are making big decisions. But there is capacity for trying different things within the provinces, and the stakes are lower. So, I think that, in those cases, it may have been worth trying.

The other thing that I would say is that, in Ontario and in British Columbia, something important preceded those proposals to change the electoral system, which is that in both provinces they constituted a citizens' assembly where they

asked everyday British Columbians and everyday Ontarians — that is a polite way of saying “non-politicians” — to consider different electoral systems and to learn about them. So, for people who are listening to this, this stuff is not simple; it can be confusing. Maybe it is not even interesting all the time. It is interesting to me, as a political scientist, but to learn it and to internalize the lessons of the trade-offs and to make a decision takes some effort. So, in both British Columbia and Ontario, they constituted citizens’ assemblies at which they gathered together regular citizens who, for a period of time over about a year in each case, spent time gathering together learning about electoral systems and then making a recommendation about what they thought would be best for the province — not best for any particular political party or best for any policy outcome that they wanted, because they are not politicians and they don’t have to worry about that. There is nothing wrong with worrying about that, but it wasn’t their job to worry about it. They made recommendations, and I just think that those recommendations are worth looking hard at because they are coming from citizens who are disinterested in what the political outcomes are but care about the system.

Politicians, of course, can come up with — it is not all self-interest. You can come up with a system that you think is better for the province; you can all agree on it, and that would probably recommend it more to citizens than one in which there was disagreement. But to me, the fact that those politicians relied on citizens to recommend the electoral system to them gave it a bit more credence. I guess, Madam Chair, it was just the combination of the fact that I thought that the way we were doing it at the federal level was kind of reckless, and I didn’t think it had that citizen input at the start to create the kind of legitimacy that you would need for that big of a change on that big of a scale.

Chair: Thank you, Dr. Loewen, and I do appreciate you making the difference between both the federal and the provincial levels, and that does make sense.

Hon. Mr. Streicker: Thank you, Madam Chair, and thanks, Dr. Loewen. I have to tell you that I bet you that every person in Madam Chair’s riding knows who she is, that every person in the Vice-Chair’s riding knows who he is, and that probably everyone in my riding knows who I am; it is that way in the Yukon.

I just want to follow up on the notion of the citizens’ assembly. Say that we were to do that here and thus to pull it away from sort of our elected person’s bias — our partisan bias — and move it to more of a citizens’ group, one that is going to get informed about this. I heard a term yesterday: “sortician”. It is a term to mean that we would try to make sure that it is representative of the territory.

One of the things that I was trying to figure out from that type of process is: What happens then? Let’s imagine that there is a citizens’ assembly; let’s imagine that they work for a period of time and, in all fairness, come up with suggestions. Do you suggest that it would then go to a referendum that would go straight to a legislature to try to introduce? How binding — what is your sense? If it were to go to a referendum, how important are the terms of the referendum to understand — is it

just like a majority? BC had a complicated system about even how a referendum would lead to a change.

Mr. Loewen: Those are great questions. Let me answer them in turn, just in terms of what I would recommend.

If you constitute a citizens’ assembly, I would give them the power to recommend a system that the Legislature would promise to bring to a referendum. You can, of course, choose not to do it. If you had an all-party consensus that the system that was proposed was somehow unworkable, then you could kill it and you could all wear that, but I would give them the responsibility at the front end of saying that this is a serious thing that we are asking you to do and if you bring us a proposed reform, we will put it to the people. That is one thing.

Irrespective of whether you defer to a citizens’ assembly or not, I think that you should put the decision to voters because I think that they should have a say. It’s not because politicians are particularly untrustworthy — quite the contrary — but I just think that it is such an important thing — it is like a fundamental institution — that we should have more people having a say in it than just politicians. But I don’t think that the referendum and the citizens’ assembly have to be necessarily linked. I think that you have to have both, but if you don’t have a citizens’ assembly, you should still have a referendum.

As to the question, there are different ways of doing this. There is the question of whether you require a super majority or not. Do you require 60 percent or 65 percent? I am really not sure about this. In British Columbia, the first time there was nearly a super majority, but it didn’t come through. I am inclined to say that what I would want to see is a majority of voters and a majority of voters in a majority of constituencies. So, you want to have more than 50 percent overall, and you want to make sure that it is 50 percent in a majority of constituencies so it’s not one part of the territory seen to be foisting the change on other parts of the territory. If you constitute a citizens’ assembly and you let them know that those are going to be the end terms of it, they will step up to the plate in terms of coming up with a system that will be acceptable to people, irrespective of whether they live in Whitehorse or somewhere else.

Then there is the question of the ballot. I will tell you — because I wrote an expert opinion against it — that the ballot that was designed last time in British Columbia, just for what it’s worth, was completely unacceptable. They created a ballot that had two stages. The first one was: Do you want to get rid of first-past-the-post, yes or no? And then, if we get rid of it, which of these following systems do you like? I think that was the equivalent of telling people: Let’s have a choice between cake and ice cream for dessert. Do you want cake or ice cream? So, they want ice cream, and you say that the three flavours are chocolate, vanilla, and onion. No one would choose onion ice cream over cake. The easier thing would have been to just simply ask people to rank these four systems. We have the existing system and we have three others. What is your ranking of them? There is a simple way to count up these votes to determine which is preferred by the majority. So, what I would say is the following, in conclusion: Starting with the ballot, however you design that ballot, allow for the fact that people

may like some proportional systems but they may not like other ones, and don't assume that the thing they care about most is just PR or not PR, first-past-the-post or not first-past-the-post. If you are going to put up multiple — more than two — systems, let people rank them. Secondly, you should have a referendum, and 50 percent is probably fine, but make sure that it is 50 percent across the province. Third, I would encourage you to constitute a citizens' assembly.

Mr. Cathers: Dr. Loewen, I do appreciate hearing your thoughts on the ballot structure and the importance of having a referendum. That is one thing in this process that we have been clear about our views on — the importance of having a referendum, in part because it strikes me that one of the challenges with a citizens' assembly is that there is a natural bias to who ends up on it in that, whether you open it up to applications or send people invitations, people who aren't interested in the topic aren't as likely to participate.

I would appreciate hearing your thoughts on — if, as part of the process, there were to be a recommendation to form a citizens' assembly as one stage in the process, how would you suggest best approaching the issue of selecting people for that in a way that is most representative of the public and whether there is an ability to in any way deal with the challenge that the people who are most likely to participate are the ones who are interested in the topic?

Mr. Loewen: That, of course, is a concern. I think that you can imagine two very significant barriers to people getting involved in a citizens' assembly if invited. One is interest in the topic or interest in politics generally, and the other is just resources. Some people may look at this and say, "Well, it sounds like it is a lot of work for me to travel to Whitehorse or to travel somewhere else." Citizens' assemblies can meet all over the territory — so go to Old Crow as well. But they may say, "It is a challenge for me to get to a place, so I can't imagine doing that. And anyway, I don't know anything about politics. It's not for me." So, those are both big barriers to people psychologically for accepting the invitation, if asked.

I think the way you get around that is the following: First, you invite people; you don't let people identify themselves. You have a voters roll that has the name of every voter in the territory on it. You can randomly select people from that roll. That is basically the idea of sortition. Let's randomly assemble a group, and once you invite them, do everything you can to make it clear that this is something where, even if they don't know anything and even if they have trouble reading or feel like this isn't for them — there are ways to bring people into a process and to make it as accessible to them as possible. Then just make sure that you aren't penny-wise and pound-foolish here. If you want to do this thing, recognize that it is going to cost a bit of money to get people to different parts of the territory for the five, six, or seven weekends that you might do it. But it's really important because you are deciding what the future of your democratic institutions are going to look like, and that's worth the cost of doing it. You are still going to have selection into this. You are still going to have people who, despite your best efforts, are going to say, "No, thank you. This

is not for me." You are going to end up with people who are, it turns out, more interested in politics or whatever.

But what I will just say in defence of citizens' assemblies is — and the research on this is pretty clear, actually — that people change their views during these things. In their listening to other people and their listening to experts, they do change their views in terms of what kind of system you want to have, what the contours of that system are in terms of the balance between parties and representatives, and there are lots of options in front of them. So, I think that they can be up to the task of making a recommendation that reflects not only their own interest and engagement in the issue but also broader considerations about what is good for their territory. It takes some work, but I think the evidence is pretty clear that these citizens' assemblies can do the hard work of coming up with a system that people think is not only good maybe for the outcomes that they want, but good for democracy.

Chair: When you talk about how citizens can assemble and they can learn and change their points of view, I can say that, prior to yesterday's presentation from Fair Vote Canada, I thought a referendum was the only answer, but in yesterday's presentation, there was compelling evidence that said that, in referendum questions, the status quo wins.

In other presentations from other witnesses, we have heard both — so, in British Columbia, there was no campaigning for or against; it was information out and that was it. But then we had a conversation with Dr. Desserud in PEI, and there was a recognized group there for and against — obviously two groups could do it — and how one was very well-resourced compared to the other, and that was a disproportionate thing. Is there any cautionary tale about a referendum or things to be aware of if we choose to go that way?

Mr. Loewen: That is a very good question, Madam Chair. What we are asking in the question, really, is: How much do you want to resource the different sides of the issue to campaign for or against it? I think you can argue it both ways. I will tell you that I did a very extensive study in 2007 in Ontario, and there was very little evidence in the multiple ways that I looked at it that, really, knowledge was what was predicting why MMP lost in Ontario. People didn't like the system, so they didn't vote for it, and I know that it is always hard for Fair Vote to accept that — that they keep losing these referendums. They keep blaming someone else for it, but it may just be that people don't want change.

You can call that a status quo bias, but I think that it is actually a reasonable position. It is a reasonable position that — without being uncharitable about it — if someone comes to your house, knocks on the door, and says, "I want to talk to you about the heating system that you have in your house." You say, "Well, I don't know how it works; my house stays warm." They say, "But you don't understand. This is a really antiquated system and they have better ones in Germany. If you knew what you were talking about, you would want a new system." You would say, "Hold on a second. First of all, my house stays warm, and secondly, I think you have an interest in telling me about this, don't you? I mean, you just didn't show up on my

doorstep randomly. You are trying to sell me something, aren't you?"

A status quo bias is not an irrational thing for people to have. If people think something is working, a rational psychological response is to say, "This is fine. I don't want to hear any more."

I think the story that sometimes underlies what Fair Vote and other people will say is that, if these voters weren't so dumb, they would know what is good for them.

Maybe voters kind of know what is good for them and they like the systems that they have. I think that is why a referendum is a really good test. It is really fair to ask everybody. If you think that people are smart enough to vote for you and to engage in a democracy, they are smart enough to choose their electoral system or not. If we don't think that they are sophisticated enough for that, then let's shut the whole thing down. That is kind of my personal view of it. Professionally, I also think it is the case that people can make decisions on this.

Now, to the more technical question — so, leaving aside the characterizations — of: Should you equip people to learn about this? My view is yes. If you have a citizens' assembly and you go to referendum and citizens have gone to all that effort to decide on an electoral system, then stand up some bodies that have the ability to then go to citizens to talk about why they are doing this and why they are not doing it. Talk about it on the radio; put a budget there for some people to go to talk at town halls, or wherever else they want, to express why the citizens' assembly chose to submit its choosing. If groups want to, under the finance regime that you have, raise money to campaign for or against an electoral system, I think that is just fine. Why not have a democratic debate over it? But let's just not start with the assumption that, because electoral reform keeps losing in Canada, somehow people are wrong for choosing that. I am not saying that you are saying that, Madam Chair; Fair Vote says that, and they are wrong about that. There is a reason that they don't like referenda; it's because they don't win them, but I don't think it is necessarily because voters are dumb. In fairness to the PEI case and Professor Desserud, voters in PEI did vote for electoral reform, and the government ignored it. There is a case where they did win a referendum.

Hon. Mr. Streicker: Dr. Loewen, I want to try to pull together a few of the threads that I have heard from you. I liked your description of onion cake. Also, you talked about how the BC referendum question did not seem fair to you or, in your perspective, that it was not correct. I have sort of imagined that if we went to a citizens' assembly, they would make some recommendations that might include first-past-the-post, but they might say: "Here is a system — or here are systems — that we think are worth asking the public about." If they came back and just said: "First-past-the-post", I don't think that we would go to referendum because I think that is what we have, but if they said something else, we would go to a referendum. They might say: "First-past-the-post or this system", or they might say, "First-past-the-post or these other two systems", but I am thinking that if you were going to get a recommendation, it would be for: What should there be? I think that one of the challenges always is what we know versus a whole range of

systems where we are not landing on something specific. I hope that the citizens' assembly — and I'm a big fan of the whole notion of a jury of peers where everybody can be just as educated about a topic in their own way and they will make the best decision and they would look at what the reality of the Yukon is and try to pick something that would make sense for us here with our size, population, and distribution.

I guess I am asking you to say — what would be a good referendum question? It would be to pick from these systems but maybe not as many as PEI put out there. Were you saying that it should be a ranked ballot? I know that these are very specific, but I am trying to think about your perspective around how this all might work. How would this citizens' assembly link to that referendum?

Mr. Loewen: My intuition would be the following, and actually, it is an intuition that makes reform more likely, not less likely. If you choose to have a citizens' assembly, I would task them with recommending a single system and then let voters choose between that single system and the alternative. If they do propose multiple systems, you have to let voters rank them.

When you go to buy a car from a car lot, you don't buy a series of options. You don't say that you want the front of a truck, the back of a car, and the middle of a van. You say that you want this one thing with everything that it has. You have to choose things as they are as a whole. A ranked ballot lets you do that. A system like BC which said, "Are we going to have reform or not?" and then lets you choose between reform ones, just ignored the fact that a very sizable percentage of voters liked some systems but didn't like all of them more than first-past-the-post. Just to make it easier and to focus the debate and make the debate about a real system versus the current system, I would task a citizens' assembly with doing that hard work of choosing that one proportional system or that one alternative system that they want to put up against the existing system. That is more likely, I think, to lead to reform because it is more likely to lead to a reasonable discussion that voters can engage in and that politicians can engage in about one alternative versus the system that is in front of voters.

But should you have a citizens' assembly or a legislative committee that recommends more than one alternative system, I think you have to allow for a straight ranking of those systems by voters and then use a kind of majority run-off system on the ballot to determine what the majority preferred choice is.

Mr. Cathers: Thank you, Dr. Loewen and Madam Chair. I would just ask two things. You touched on the disproportionality of votes. I have a two-part question. The first part is: There is also the issue of disproportionality in the relative power of each person's vote, and we have in the Yukon a situation of a fairly large difference between the number of votes required to win the most populous riding and the least populous and what percentage you think is appropriate for maximum variance above and below the average line between ridings.

The second part of my question is, as it comes to the issue of the balancing of power and policy interests with the trend that has happened across the country — both territorially and

provincially and federally — for more of the major decisions being addressed in regulations. They are approved only by Cabinet instead of being debated in the Legislative Assembly — what your thoughts would be on the issue of the trend in Canadian politics toward that and how that ends up translating into what power of people in casting their vote — what power that their representatives do or don't have over the major policy decisions being made.

Mr. Loewen: I am unfortunately going to punt on both of these questions, but I will tell you why. On the first question about acceptable variations — so really, the question is: How big of a difference can you have in how many people there are in ridings, between different places? I am a boundary commissioner in Ontario right now for federal electoral redistricting. I don't have a professional opinion on how much variation you should have. I want to be careful about saying that.

What I will say is the following: In Canada and federally — and in the case of the Yukon Territory as well — we have much more variation than other countries would consider to be acceptable in terms of variation in population between constituencies. We are abnormally tolerant of very large variances in Canada. Our Supreme Courts' rule at the federal level of plus or minus 25 percent is internationally exceptional. I would say that and I think that it is just important to note that.

I will tell you that I have done research with colleagues in my lab on what the relationship is between how populated a riding is versus other ridings and whether there is better alignment between what the politicians do and the citizens in that riding or where that riding is more likely to choose the majority-preferred candidate. We don't find a lot of relationship, by the way, between the quality of democracy within a riding and how disproportionate its population is compared to other places. So, I think that Canada is exceptional, though I don't know that it actually impedes on the quality of our democracy. That would be my answer.

On the second point, democracies have an information problem. For voters, we can never see everything that is going on, and we only get a chance, in some ways, to make a summary judgment every three or four years on how well a government has done. It is never the case that we can see all of that information, but I do think that we have seen, over time in Canada and in our provinces, a diminution of the extent, depth, and even the quality of debate going on in our legislatures, and I think that this is probably not to the benefit of greater accountability. Government is becoming more complex, so it is looking for ways to do things faster and with less oversight, but I think that, in fairness to the facts, there has been some decline in our capacity of parliaments to hold governments to account on the decisions that they are making. I think that is probably not positive.

Chair: Thank you, Dr. Loewen. We had a presentation earlier from Dr. Everitt who suggested that, instead of looking at a full-scale reform of legislative process or electoral process, we could look at individual tweaks as far as correcting some of those issues. One of the things that I will highlight is, of course, majority governments with far less than the majority of the

votes. You did make a statement about coalitions or the assumption that there would be a coalition, but we are a perfect example where we are not in a coalition based on a decision that one of us in this call has made. Are there any suggestions that you would make as far as tweaks that we could make that would see that proportionality maybe adjusted without going into a full electoral reform process?

Mr. Loewen: Yes — so a couple of things to say about that. You do have a supply agreement. The government is functioning, so I gather that it is working well. The spirit of those, in some sense, is that you figure out the things you can agree on and then you get those done, and then you will disagree on the stuff that you can't agree on. I think that is actually a very healthy way of thinking of what a legislature should do.

Just in terms of smoothing out our politics, what I would say is that — and COVID has actually shown us this a little bit — legislatures and governments can work well when parties are really clear about what they agree on and they empower governments to do the things that they agree on, and then they accentuate the stark disagreements that they have over other issues. That really helps voters to sort stuff out. They can say that you all agree on this, so they are not going to vote on that — all the parties agree — but here are the things that they disagree on, and being able to see where parties disagree and articulating that makes things work better.

The choice of a supply agreement rather than asking for Cabinet seats — I don't know the history of that decision. It would be a different story if you had two parties in Cabinet. I think that you should give it a try sometime and see how well it works, but you can have that in a first-past-the-post system if you want to have it. I mean, you can have it in a PR system if you want to have it. It is a very democratic way of governing, just as supply and service agreements are a democratic way of governing.

What I would encourage you to do is — irrespective of whether you decide to go down the path of electoral reform or not — if there are other things that you think are important, if you want to have more indigenous members of your legislature, if you want to have a greater gender balance in your legislature, if you want to have people from a variety of different backgrounds in your legislature in terms of the professions that they come out of, or the professions that they don't come out of, what I would say is that there are other ways to get at that. There are ways to encourage parties to campaign finance and through pledges between parties to bring more female candidates forward, to bring more indigenous candidates forward. There are things that we can do to make our politics better if there are things that we want to improve without having to go to all the length of changing a whole electoral system if there are other things that we want to have within our system. To the degree that you have all-party or multi-party consent to some of those types of things, why not just do them for the good of doing them? Don't change an electoral system so you can get some second-order benefits; just change your practices or your regulations to encourage you to get those other benefits, like greater participation of women in politics or of

indigenous candidates or whatever else it is that you might be concerned about.

Chair: Mr. Streicker, a very short question.

Hon. Mr. Streicker: Thanks, Madam Chair. Your question was mine, so I will just say that I really appreciated listening to that response and to all of the responses, and so I will defer.

Chair: Dr. Loewen, have you any final statements for us today or thoughts to leave us with?

Mr. Loewen: I will say thank you very much for giving me this time to talk to you, for asking great questions. I would like to commend you on being a committee that obviously knows its brief well and is taking this issue really seriously. I think it is important that citizens see how seriously politicians take issues like this. Thank you very much. I have really appreciated the chance to chat with you, and I admire the weight that all three of you are putting on this issue. Thank you very much for including me.

Chair: Thank you very much, Dr. Loewen.

Before I adjourn this hearing, I would like to say a few words on behalf of the committee. First, I would like to thank the witness, Dr. Loewen, and I would also like to thank the Yukoners who are listening and watching this hearing either live or into the future. More hearings with expert witnesses are scheduled for this week and Monday, and transcripts and recordings of the committee's hearings will be available on the committee's webpage at yukonassembly.ca/scer. The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 11:59 a.m.



Yukon Legislative Assembly

Issue 8

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Thursday, January 27, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Therese Arseneau, Senior Fellow in Political Science, University of Canterbury

EVIDENCE**Whitehorse, Yukon****Thursday, January 27, 2022 — 1:00 p.m.**

Chair (Ms. White): I will call now to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee: I am Kate White, chair of the Committee and Member of the Yukon Legislative Assembly for Takhini-Kopper King, Brad Cathers is the vice-chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its finding and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts and today we have with us Therese Arseneau.

Dr. Arseneau is a political scientist with a particular interest in elections and the electoral systems of New Zealand, Canada, Australia, and the United States. She has lectured in Canadian and New Zealand universities and is currently a senior research fellow in political science at the University of Canterbury in Christchurch, New Zealand. Dr. Arseneau was a member of the New Zealand Electoral Commission's Expert Advisory Panel for the 2011 referendum on the electoral system, assisting the commission in the preparation and delivery of its public education campaign, including the development of an interactive toolkit to help voters choose their preferred voting system. Dr. Arseneau was also an expert advisor to the Commission on its review of the mixed-member proportional system, participating in public consultations and helping to draft the final report. More recently, she has advised the New Zealand commission on its voter participation strategy and Elections BC on its electoral reform public education campaign.

We have asked Dr. Arseneau to speak to us about New Zealand's experience with electoral reform and its mixed-member proportional system. We will start with a short presentation by Dr. Arseneau and then Committee members will have the opportunity to ask questions. We will now proceed to Dr. Arseneau's presentation.

Ms. Arseneau: Thank you everyone — a real treat. Thank you very much for asking me to join you here today. I am going to share my screen with you so that I can give you some sight of the presentation that I am going to give. I recognize that there will be people just listening to the presentation and won't be able to see the slides, but I gather that they will be available on the website. So, hopefully, you can look those up and see them.

I am just doublechecking that my screen is indeed being shared.

Chair: It is not yet.

Ms. Arseneau: One second — we tried this before and it was working, and it is not at this stage. Let me have another go.

Is it being shared now?

Chair: Not yet, no.

Ms. Arseneau: I am going to start from scratch then. Apologies; we did do a trial run and of course it worked when we did the trial run.

Chair: We will not take from your time, so it is okay to get it sorted out.

Dr. Arseneau, have you started with the "share screen" button on the bottom of your panel?

Ms. Arseneau: Yes, I did. One second. Is that working?

Chair: It is not. Dr. Arseneau, I can ask Allison Lloyd, who is the Clerk of our Committee to share it, so it will just take a second for her to find it and she will back you up and share the slides as you go through them.

We thank everyone for their patience as we deal with our technical difficulty.

Hon. Mr. Streicker: Yay.

Ms. Arseneau: Have we got it?

Hon. Mr. Streicker: It's close.

Ms. Arseneau: That looks close.

Chair: We will just give the Clerk an additional second. Okay, I have been told that we are ready to go, so if you want to take it over, Dr. Arseneau, and Allison will support you.

Ms. Arseneau: Great. Thank you very much and apologies — technology.

New Zealand is an interesting case study. In the 1990s, it did something quite extraordinary; it changed its voting system and that is actually exceedingly rare, especially in a well-established and stable democracy like New Zealand. I think that the other extraordinary thing was that it broke with Westminster parliamentary tradition and opted for a proportional representation system and, more specifically, a proportional system — mixed-member proportional — that had never before been used in the Westminster world. I think that the other extraordinary thing about it was that the reform was driven, really, from outside of parliament. It came from a groundswell of public support for electoral reform.

So, what happened was three referendums over a time period of roughly 30 years and, in all three referendums, the public supported a move to MMP. In 1992 and 1993, back-to-back referendums, the decision was to get rid of first-past-the-post and then to adopt MMP, and in 2011, almost roughly 20 years after the first referendum, New Zealanders were given a chance just to reconfirm that they wished to stick with MMP. It is interesting that the percentage of support actually had gone up for MMP.

So, why the extraordinary move to MMP? The only thing that I can describe this as, the circumstances being so unusual, is that it is almost comparable to the planets being aligned. To start with is the constitutional backdrop that we have in New Zealand, which is that we don't have a written or entrenched constitution. We don't have an upper house and it is a unitary system — so, not a federal system. With first-past-the-post, we had single-party majority governments and very strong governments that were very difficult to stop in between elections.

Then what happened through the 1970s, 1980s, and early 1990s was really — the only thing you could describe it as is

more or less a voters' revolt — anger at back-to-back what they saw as stolen elections where the party that won the most votes didn't get to form government and, in fact, the party that got the second-most votes was rewarded with a single-party majority government.

Voters also at times felt betrayed by parties with very unpopular, very substantial policy changes that hadn't been properly signalled in the election. So, what began to develop among the voters was a sense that if changing governments and if elections, which they always saw as the ultimate check on government, were no longer effective at controlling governments, then maybe the voting system itself needed to be changed.

There were also some political miscalculations by parties. In the heat of a televised election debate, the Prime Minister promised a referendum on the voting system, even though, actually, the policy was the exact opposite. Then the following Prime Minister reinforced and made that offer again, to give people the opportunity to vote, and I think probably pretty much expecting that the referendum would not be successful, but, in fact, the referendum was. The people roared and the people voted to change the voting system. But I would say the critical piece in all this that helps to explain why we ended up with a voting system change was a royal commission report. It did an incredible job and if you haven't seen it, it is really worth a look — delivered a really highly respected, neutral, evidence-based review on not just New Zealand's first-past-the-post but various other systems. It systematically identified what their preferred alternative system should be for New Zealand, and what they said was that it would be MMP. That became really important because you will see, when people are talking about electoral reform, it is not enough to just feel dissatisfied with the system that you have; you have to have general consensus around what you want to move to. The royal commission provided electoral reformers a system around which they would rally, and that was MMP.

The royal commission was also important because it went into great detail about what MMP should look like — several of the details of how it would operate, like thresholds and how votes would be counted. Again, that was really helpful in the public education campaign. So, when people were considering what voting system they wanted, they had a really clear picture of what MMP would look like and what the impact of MMP would likely be. Again, that was absolutely critical, I think, to the referendum's results.

So, a brief overview — the nuts and bolts of MMP. I won't go into much detail because Keith Archer's paper on this does a really excellent job. But, basically, the name "mixed-member proportional" pretty much explains what it is. "Mixed-member" being that we have two types of MPs — electorate MPs and list MPs. Voters have two votes: for the political party of their choice and the other vote is for the candidate to represent the electorate in which the voter lives. So, in 2020, for example, our most recent election, there were 72 electorate MPs elected by first-past-the-post. Sixty-five were in general electorates and we also had seven Maori electorate MPs, but it is the party vote that really is the crucial one; it is the party vote

that decides what the overall distribution of seats will be. So, the total number of seats that each party will win in the election is more or less comparable to what the party vote is. In order to win seats, though, a party must clear one of two thresholds — so, either get five percent of the party vote or win one electorate seat. The point is that any party that passes either one of these thresholds is then entitled to a share of all 120 seats in the New Zealand Parliament, reflecting the proportion of the party votes that party receives.

Thresholds are important and it is something that we will come back to because what they do is establish MMP as a moderate form of proportional representation. This was on the recommendation of the royal commission because it was clear to them that New Zealanders wanted greater fairness for small parties, closer to proportionality, but while maintaining effective parliaments and stable governments. So, the thresholds provide that sort of balancing act that we are talking about so that New Zealand's form of proportional representation is best described as "moderate".

So, if the system was moderate, but if you look at the ripple effects of introducing a new voting system, I think that it is fair to say that when you throw a stone into a still pond, the ripple effects can spread quite far. I think that it would be fair to say that there is not a single part of our governing system that hasn't been touched in some way by the move to MMP. I don't have time to go through all of that but would be very happy to discuss that at some other point. But I guess that the crucial question is: Has it delivered on what the voters were expecting? That is what I really want to spend some time on now. What were the voters' expectations of the move to MMP and did they actually achieve it?

The first thing that was very clear and was promised of MMP was that it would lead to a more diverse House. So, the idea was that, with MMP, the House of Representatives would actually look like the society that they were representing — so, greater diversity, descriptive representation, in the House of Representatives. I think it is fair to say that it has had a significant impact and, as expected, the House is far more diverse now than it was under first-past-the-post, starting with greater diversity in terms of the number of women elected. Under first-past-the-post, if you go back one slide, if you look at this, women elected under first-past-the-post — despite New Zealand being the first country in the world with full suffrage and women being eligible to run for parliament for quite some time — it really wasn't until we moved to MMP that you see a really sharp rise in the percentage of women elected to parliament. In fact, currently, New Zealand ranks fifth in the world in terms of representation of women in parliament. The critical thing about this is that the whole boat rises on an incoming tide, so it is not only that there are more women MPs; we see more women in Cabinet. And I guess probably what makes this really clear, the impact, and probably the clearest thing, is to note that under all those years of first-past-the-post, we never had a woman Prime Minister. Jacinda Ardern, our current Prime Minister, is the third woman to hold the role. All three were elected under MMP and, in fact, in the amount of time that New Zealand has elected their Parliament under

MMP, we have spent more time with a woman as a Prime Minister than a man. So, it has led to real change in women's representation in the House.

The next slide shows a really interesting piece and because it is a mixed system, you can actually look at what happens in the first-past-the-post elected electorate seats versus the PR, party list, seats. What is really clear is where and how the women are elected to parliament; the diversity is coming very much from the party lists. So, of the 58 women elected in 2020, 44 percent, roughly, of all electorate MPs were women, while over 54 percent of all list MPs were women.

So, you have to ask yourself: Why is that? What is it about the party lists that are significant? The thing to remember is that diversity comes when those candidates have access to winnable candidacies, and a list is quite effective at being able to achieve that because there is an incentive in New Zealand — the party list is in a nation-wide electorate. These lists are published and it becomes really a strong statement for a political party, when they publish these lists, that they value representation and also because they are also trying to attract women to vote for their party. So, the lists have been a far more effective way of bringing women into parliament than the electorate seats, although you would note that those are improving as well.

The other thing that has happened because of MMP is that smaller parties, and particularly parties of the left, have been really good in terms of bringing in more women, and the spill-on effect of MMP is that these parties have actually done better under MMP than they did under first-past-the-post. So, it is an interesting mix of things that have led to greater diversity and women in parliament under MMP.

Diversity in terms of ethnic share in New Zealand — similar story — greatly increased under MMP, including for our indigenous people, the Maori of New Zealand. The Maori of New Zealand have, since 1867, had at least four representatives in parliament — the four Maori electorate seats — but the reality is that the level of representation of Maori MPs in Parliament has significantly risen under MMP. In the last first-past-the-post election, eight percent of MPs were of Maori descent, and in 2020, that has gone up to over 20 percent — about 20.8 percent — which is actually a near mirror of their population percentage.

Again, though, the interesting thing — this has come through the party lists, predominantly through the party lists. The same thing can be said for MPs of Asian descent and Pacifica descent. Again, more representation in parliament and, again, through the party list. Again, you can see that minorities benefit from the party list because it is like one large electorate, and when you are publishing these lists, you are trying to make sure that the list has a diverse and attractive list of people to try to get a diverse voters voting for you, so it has been very effective.

A second thing that was expected of MMP was that perhaps it would help voter turnout. The reasons for that are that every vote counts, there are wider choices of parties, and elections tend to be closer. All these are things that tend to help raise voter turnout.

The reality, I guess, is a bit more mixed. Voting turnout still remains fairly high in New Zealand. But despite an initial bump in 1996 when it went up, since then, it had been falling fairly consistently, even under MMP. But what is different now — people who can see the slides — in the last three elections, we are seeing a turnaround. In the last three elections, voter turnout is climbing again. Back to back to back, three times now, our voter turnout has increased. If we look at the next slide, what is really interesting about this is where the increase has come. The slide looks at voter turnout by age, and similar to elsewhere, in New Zealand, the younger voters have tended to vote at a lower rate than older voters. But the really interesting thing about what happened in 2014, 2017, and 2020 is that the youngest group of voters — particularly the 18- to 24-year-olds — have very much been on the increase. In 2020, when you look at that, the voting turnout rate for the youngest group, 18 to 24, was actually higher than the voting rates for the 20- to 29-year-olds, the 30- to 34-year-olds, and the 35- to 39-year-olds, which is a really significant turnaround. Now, why is that so important? Well, we know that voting is a habit and we know that it is a habit that is developed young. We know that if voters vote in their first election, they are more likely to vote in their second and their third. So, watch this space. We are really intrigued about this increase in voter turnout in the last three elections.

What explains this change in the last three elections? If we look at the next slide, this slide actually looks at where/what part of the vote actually increased? It has the voting turnout, but what is really interesting is that the growth in the last three elections in New Zealand was really driven by an increase in advance voting. So, what happened in 2011 was there was a change in our rules, in terms of voting, that you didn't need an excuse, you didn't need to have a reason to vote early, simply for convenience sake was enough to vote early. With that change, we have seen exponential growth so that, in the last election, 68 percent of voters voted before the election — that is a ratio of 2:1 voting in advance versus on election day.

The other change that happened was that polling booths were made more available — these advance polling booths were in shopping centres, grocery stores, universities, and so it was very convenient for people to vote. In 2017, we also added another change where, at these advance polling booths, it was one stop — you could enrol and vote at the same time — and that made a huge difference. In 2020, the other change that was brought into place was that you could actually enrol on election day.

I raise this because this is an important thing to remember. It is not electoral reform alone that matters; it was MMP, in combination with some tweaks in terms of how we go about voting that, combined, really had a real impact on the turnaround in terms of voter turnout.

The third thing that people were looking for was more proportionality, greater proportionality, and I think that it is pretty clear that this has come about. When political scientists measure proportionality, perversely, we actually measure disproportionality. So, the slide shows very much that, under first-past-the-post, we had very high disproportionality. What

you see, since the move to MMP, is very high proportionality. Partly, again, it is really interesting — the details matter. So, it is not just that we moved to MMP, and even though we had the thresholds, we used the Sainte-Laguë formula for translating votes into seats, and it is known to be one of the most proportional mechanisms to do that and that was a big reason why the royal commission recommended that one. The result of that is that there are more political parties in parliament. We were very much a two-party system; that is not the case anymore. We regularly have four, five, six, or seven parties elected to parliament. In the current parliament, we have five parties, but what I would say is that New Zealand is settling down into almost a three-tiered party system. We still have the two major parties — Labour and National — and they consistently cross the five-percent threshold and consistently win almost all of the electorate seats. We have currently two medium-sized parties — the Greens and ACT — who cross the five-percent threshold. We have one party — the Maori Party — who is there because they crossed the electorate seat threshold and also have one list MP. So, it is a far more proportional and multi-party system than what we had under first-past-the-post.

The next slide talks very clearly about, if you look at the last nine first-past-the-post elections compared to the nine MMP elections, small parties have done much better on a more accurate translation of their vote into seats than we had under first-past-the-post. But the hold of the two major parties is still pretty strong. If you look at share of party votes overall under the MMP elections, in the first three MMP elections, things got really shook up. We had lots of parties. We were like kids in a candy store, going from two parties to lots of parties, and in the first three elections at least, the smaller parties raised, or increased, their share of the vote. That settled down a bit. It is sort of like one of those snow globes — you know, you shake them and the snow stays up in the air for a bit, but then it settles down. The two major parties are still very strong in New Zealand and this is in keeping with what we see and with experiences elsewhere in the world. Electoral reform tends to lead to a period of flux and then things settle, followed by the major parties re-establishing, I guess, their dominance. But still, we have smaller parties represented in ways that we did not have under first-past-the-post.

So, the last impact that I want to talk about — and it can be kind of a difficult one to sort of visualize — and that is the governing arrangements that have taken place since the move to MMP. We had gone from a very straightforward, very simple two-party system — either Labour or National had majority governments through the modern first-past-the-post era. It is not like that anymore and the interesting thing is — the expectation, I think — looking at Europe with PR systems, was that we would have coalition governments and, in fact, at first, expecting majority coalitions. By “coalition”, we mean specifically that you have more than one party formally in government and sitting around the Cabinet table. In fact, in New Zealand, only the first government that we had, after the first MMP election in 1996, was the classic majority coalition government. The interesting thing was that it was also our

shortest lived governing arrangement; it collapsed after less than two years. The government itself didn't collapse — it carried on through to election time — but since then, New Zealanders — Kiwi ingenuity — have invented, I suppose, different governing arrangements that may look extremely complex, and they certainly look complex compared to what we used to have, but they have been developed because they actually provide stability and certainty but in a way that meets the needs of New Zealand governing arrangements and it suits the New Zealand psyche in terms of our governing arrangements.

If people are just listening to this presentation, this is a slide that would really be worth looking at because what I have tried to do is draw what these governments look like. So, after that initial majority coalition government, we had three terms of a Labour-led government and each one of those did have a coalition, but they were minority coalitions — Labour and the Progressives — and I have put up 2005 as an example of this — but they gained support outside of Cabinet. So, they had a series of support arrangements with other parties, and in 2005, in fact, there were five parties connected in some way to government. You had Labour and the Progressives in a minority coalition with a Progressive minister, and they shared the Cabinet table. You then had two other parties — New Zealand First and United Future — who were more at arm's length from government, but they promised support on confidence and supply to the government in exchange for certain policy arrangements and support for certain policies that they were looking to pass, but more importantly, they also had ministers, but ministers outside of Cabinet. The Leader of New Zealand First was actually New Zealand's foreign minister but technically did not sit around Cabinet. He came to Cabinet meetings when it was on a topic related to his portfolio, but otherwise was at arm's length. United Future similarly had a minister but outside of Cabinet, and they had what was called “selective Cabinet responsibility”. So, in other words, those two parties only promised to stick with the whole Cabinet collective decision-making on particular areas. Outside of those areas, they were able to disagree with the government. The Greens, you will see, have a dotted line because their arrangement was even one step further removed; they agreed to abstain on confidence and supply so they would not defeat the government, ensuring that it would run full term, and in exchange, the Greens got support for certain policies.

So, New Zealand has chosen its own path, and this is what the Labour governments did. We then had three National government terms and they arranged sort of the same but took it one step further. In these three terms — 2008, 2011, and 2014 — National sat as a minority government but had arrangements with three parties. Again, it was three parties where they had ministers but outside of Cabinet, and again, they had made arrangements so that they would always keep the government in power. They would never defeat the government on a confidence or supply vote, and in exchange, they had ministers, but they also had agreement around certain key policies that they wanted to pass.

So, what do we make of these? Well, the current government is probably the most surprising government of all, something that we never expected we would get under MMP. We actually have a single-party majority government in 2020. The current Labour government was the first party to receive over 50 percent of the vote since 1951. So, it does show that, in proportional representation, that if the majority of people want one party to be government, you can get majority government. But it is interesting that, even though they didn't need it, they still actually arranged support with the Greens — a cooperation agreement with the Greens — and the Greens have two ministers but, again, outside of Cabinet.

Now, this obviously is really confusing and National, for example, and Labour, at the moment, have actually brought parties into the relationship that, strictly speaking, they didn't require because they could have had numbers — in Labour's case — on their own. And National, they could have had majority support with just some of those parties, but it has become very common to bring parties into your governing arrangements to not only secure the surety of the government lasting the full distance, but also to set yourself up strategically for future governments, to make sure that — because we know now, under MMP, that single-party majority governments are extremely rare, so you have to count on developing good relationships with other parties in order to hold government.

Is this complex? Yes, it is, but the interesting thing is that it is a unique New Zealand response and they have been stable. None have come even close to losing a confidence vote. Every government has lasted the full term and the other thing to remember is that it is done partly as a way — designed to protect small parties.

The problem with coalition governments, we found in New Zealand — the smaller parties — is that if they are within the cloak of collective Cabinet responsibility and the secrecy of Cabinet and all sticking together on all things — where they are always outnumbered — it can lead to real difficulties for small parties. So, this multi-tiered approach to government — it is not just that we're multi-party; it is multi-tiered. Parties are within Cabinet, at one arm's length away, or sometimes even two arms' lengths away. It allows them to have some impact in terms of key policies, and in exchange, the major party gets a commitment that they will be stable and can get their program through as well. So, it is seen as sort of a win-win for both the major party and the smaller parties. What it also does is that it differentiates between getting policy passed — in other words, having an effective, stable government — without threatening the life of the government.

So, let me finish now with lessons. I think, you know, with the benefit of hindsight and some distance, what are the key lessons from New Zealand's experience with electoral reform? I always see electoral reform — you can go back up to the previous slide. Richard Katz describes electoral reform as being about who you are, where you are, and where you want to go. To me, electoral reform is the ultimate in strategic democratic planning. When I look at New Zealand, I think that New Zealand was pretty clear on where they wanted to go and what they wanted to achieve. Overall, did they get what they

expected? I think so. We also got some things that were unexpected. The governing arrangements probably didn't really turn out the way people were expecting, but they work and it is a pragmatic solution.

In summary, what I would say is that it is neither Nirvana nor Armageddon, is my assessment. Neither the harshest critics of MMP nor its most ardent supporters got it exactly right. Changing a voting system doesn't cure all the ills of what might ail your parliamentary system, and we are still a Westminster parliamentary system, the government versus opposition. There are more parties there. The major parties may not have as tight a hold, but overall, they still get their work program through. I guess that, on balance, so far, is that a lot of the things that people had hoped for have been delivered. Some of the things have been surprising, but overall, it is a system that works.

So, if I were to talk to you in your position, what are the lessons learned — a Kiwi user's guide — to electoral reform? These are sort of tongue in cheek and you can see them there, but I think what I would say to the Committee is that there is no perfect electoral system. Every system has strengths. It's about choosing what your priority is. What is the problem that you are trying to solve and what are your priorities? What is really important to you? The process matters. It is not enough just to be a legal process in terms of electoral reform; it has to be seen as legitimate.

So, technically in New Zealand, the decision could have been made within parliament — 75 percent of MPs together making a decision around the voting system. Very early on that was seen as not likely to be legitimate because the voting system belongs to the people; elections belong to the people. So, it was very clear that, in order to be legitimate, referendums were required.

Take the time to get it right at the very beginning. Get independent, expert, neutral advice early on. The royal commission set up New Zealand really well toward electoral reform. And they established the electoral commission, which also had an education function, which becomes really important, and it allows you to have an authoritative, independent voice and a trustworthy voice so that when people are voting or trying — if they do have a chance to vote in a referendum — they have a source of information that they can trust, and I think that has been really important.

The referendum rules do matter. So, for example, let's not forget that BC's 2005 referendum had a higher percentage of people voting for change than New Zealand's did. The rules around what percentage you would need to have change really does matter.

In New Zealand, the theme for the original electoral reform was: "Let the people decide". That became important not only in terms of the final decision but also important in terms of choosing what the alternate system would be. So, make sure that the public is involved early on and all through the system, not just the final referendum, which can be a blunt instrument to be fair. You could mix it up and have a citizens' assembly at the start to decide, for example, what the alternate system should be. Invest in the highest quality public education campaign available, and give them licence to be brave — that

is key. In New Zealand, the education campaign went beyond just explaining how the system works; it actually talked about what the likely impacts would be so people could picture what the system would look like afterward and even used criteria — democratic criteria — to evaluate those systems.

Remember, electoral reform is not for the faint of heart. It causes a lot of change and it is quite a long journey as well. Remember that, for us, we have been on a decades-long journey with electoral reform. Expect the unexpected and you have to roll with the punches. Blind luck, like the Prime Minister promising — misreading his notes — and promising on national TV to have a referendum on the voting system in New Zealand or plain bad luck, like Canada Post going on strike during the most recent BC electoral mail-in referendum — all these things will play a part, but remember to stay calm and carry on, and good luck.

Chair: Thank you so much for that presentation, Dr. Arseneau. I was delighted when I saw it initially because I said: “There is a sense of humour here and it is going to make this hard topic so much easier to digest.” So, understanding that we had those technical difficulties, I am extending today’s hearing by 15 minutes just to make sure that we have that opportunity to ask questions. As a Committee, we came up with four questions that we thought would be relevant.

Mr. Cathers, do you want to take that first question, please?

Mr. Cathers: Thank you, Madam Chair, and thank you, Dr. Arseneau, for your presentation. I very much appreciated your perspective on that and the process. The first of the prepared questions we have is: What is your perspective on how a potential electoral system change would apply to a jurisdiction with a small population like the Yukon?

Ms. Arseneau: Interesting. So, the royal commission had recommended, when we were looking at electoral reform — at that point, we were a House of 99, and they upped it to 120. To be fair, they argued that they would have recommended that, even if it wasn’t MMP, it wasn’t simply the move to MMP that caused them to recommend that. But certainly, I guess, the question for a smaller House would be specifically: Could you have proportional representation in any size? The mixed-member system — I guess, the beauty of it — it allows you to have that local electorate as well as providing some proportionality, but the point is that you have to have a certain ratio, and in order for the system — political scientists around the world say that basically 75:25 would be the absolute limit in terms of percent. So, 75 percent electorate and 25 percent party list — if we are talking about MMP. Anything past that, you couldn’t guarantee that it would really be considered a proportional system.

The other thing to remember, if you are doing that split, is that if you are really looking to try to get more diversity into your House — in New Zealand the experience very much is that diversity has come through the party lists. If you are doing a split, you want to be able to keep your party list numbers great enough that you can actually bring that diversity in.

I think that, with the smaller system, MMP might bring some challenges in terms of getting that ratio, that split, right. In which case, I would recommend that what you need to do is

step back and ask yourself again that crucial question that Katz asked: Who are we, where are we, and where do we want to go?

When we were doing our review of MMP and I talked about that toolkit that we developed, really, one of the big essential things that you need to decide early on is: Are you looking for proportionality, or are you looking to keep the first-past-the-post or majoritarian systems? Once you make that call, then you decide — for example, you decide it is proportional representation that you want, you may well decide that MMP is not the one, because for a smaller number of MPs, perhaps it is more complicated or difficult to get that ratio right, but there are lots of other versions of PR that you could look at.

What I would suggest is that you make the important decision first — you know, what the outcomes are that you are looking for — and then choose and work and develop the system that works best for you.

Chair: Thank you, Dr. Arseneau. I feel like we’ve been asked a lot or challenged by witnesses to be like: What are we trying to do? What is our end goal? So, I do appreciate that we’re hearing it from you on the other side of the planet as well.

Mr. Streicker, your question.

Hon. Mr. Streicker: I will just try to build on Mr. Cathers’ question.

Dr. Arseneau, in the Yukon, we have a significant feature — not just that we have 19 MLAs, but we also have one community that has a dominant portion of the population. Whitehorse has roughly three-quarters and roughly one-quarter outside. In the boundaries commissions that we have had, there has always been a sense that we need to have slightly more representation — or more representation — by population outside of Whitehorse in order to help provide that representation for our communities outside of Whitehorse.

Can you go through what you think the advantages and disadvantages — however you imagine it — might be with MMP or other proportional representation systems? What might that look like for our reality?

Ms. Arseneau: Interesting. New Zealand, too, in some ways, not to the same extreme — but Auckland would have about one-third of the population of New Zealand, and we have two islands — North Island and South Island — and the South Island is more sparsely populated. So, one of the things in our electoral act — the South Island is guaranteed a certain number of electorate seats. Even though the population growth is up north, the South Island has a fixed number of electorate seats to guarantee that we have the representation we need.

Our boundaries are redrawn by the representation commission that has been around for over a century, and we are only allowed — electorates have to be within five percent of each other, of general population, so plus or minus five percent — so, a very strict rule about the size of electorates.

We also have the Maori electorates as well to ensure that the Maori, our indigenous people and our treaty partnership, is reflected in those electorate seats.

But here is the thing. It is leading to some complications in New Zealand because, in order to guarantee that we keep those electorates in the South Island and then make sure that every other electorate is a similar population, it has meant that with

each census, the number of electorate seats are going up because we have to increase them where the population flow is and the number of list seats is going down. At some point we are going to have to address that because we may well get to the situation that I have just mentioned where we don't have enough list seats to really be proportional.

It is even complicated here in terms of the sort of question that you are asking. What you can do — there are mechanisms. You could fix a number of seats the way we have done in the South Island. The other thing to ask yourself in this day and age is: Is geographic or physical the only thing — is it the primary basis for representation? The thing about what we have seen in New Zealand through the party list is that people now have multiple identities and where they physically live is not necessarily the same sort of importance that it once was. In particular, people engage and meet people as we see here. I am meeting people in the Yukon, sitting on Friday morning in New Zealand.

I don't have a simple answer for you, but you could find ways to do what they call "malapportionment" where you allow the rural seats to be slightly smaller than the urban seats or you find other mechanisms. I think, hopefully, that theme has come through in my presentation. You don't just fixate on the voting system itself. There are other things — the details matter. There are things that you can do in the details that actually can be used to address some of these things as well.

Chair: I am just going to focus on that last point that you referenced. You said that at one point in time that mixed-member proportional needs to be done in combination with other actions for the people's ability to cast votes. You had really interesting information about how, when the polling stations were expanded, people's ability to vote early was expanded, and it went on like that. I imagine that Yukon's Chief Electoral Officer is excited to hear you say those things because he has been working hard to make that expansion.

Do you think that, when those changes — you will continue to see those changes as the future goes on. Do you think that the way people vote in New Zealand has changed since the ease of voting has been addressed a bit?

Ms. Arseneau: How they vote — do you mean in terms of where they vote?

Chair: Or that they do vote. I guess I misspoke there a bit. Do you think that people are more apt to vote now that those barriers have been removed?

Ms. Arseneau: Definitely. I think that it is no coincidence that we see the three latest elections, since the rules have been eased, in terms of why and where you can vote in advance — and in fact there is a real clear connection if you look at the graph of the rise in advance voting, it really does. It has very much powered the increase in voting. The thing in electoral systems is that it is never just one thing, but certainly the ease of access — and it is not just the advance vote; the crucial thing also was the fact that you could enrol and vote at the same time.

So, in New Zealand, we have high voter turnout, but the level of enrolment can go up and down. By setting up these booths in places where people are, like grocery stores, and they

come to vote and it turns out that they are not enrolled — it used to be — even at first, in 2011 — you would have to take the enrolment form and go off and do it. Now, because we have the technology, you can do things now that you couldn't do in the past, and you were far more — and you can do it securely. That is what it is partly about. You want to make sure that there is absolute full trust that the system is being run well. It used to be that we were really highly dependent on printed rolls, but there is other technology that you can use now to check somebody off on a roll. The fact that you could enrol and vote in one stop made a huge difference because, for the people who were trying to get to vote, if they walk away with a form, there is a real big chance that it is not going to get filled in, but if you have them there and they are interested, they enrol and they vote. We even saw that being able to enrol on election day made a difference this time. It has absolutely had an impact.

Hon. Mr. Streicker: I am just going to follow up on that a bit more. With all of your time here in Canada, Dr. Arseneau, you may have come across a group called "Apathy is Boring". They formed out of — someone from the Yukon — and it was really about creating a culture of engagement from a young age. When we had — I guess it would be a couple of days ago now — we spoke with Dr. Everitt, I think from New Brunswick; I may be mixing up names — but one of the things that was talked about there was — okay, you can look at electoral reform, but there are other things that you could do as well. You have just started to talk about those in terms of accessibility and in terms of voter lists. Are there other things you would suggest that help to create a culture of higher voter turnout and higher engagement that could also accompany a review of the electoral system itself?

Ms. Arseneau: I suspect that you have probably had someone talk about this. When you look at who is not voting, the younger voter is disproportionately among the non-voters. In New Zealand, there is some talk about whether the voting age should be looked at, whether we would actually consider lowering the voting age to 16, and that is certainly something that is talked about elsewhere.

It is interesting though that when we look in New Zealand at when our voting turnout started to drop, it was when we lowered the voting age from 21 down to 18. So, I can understand that, if you are trying to get young people to vote in the first instance and then carry on with the voting habit, getting them there at the very first election becomes very important. Some people argue that 18 is probably not the best age to do that because it is perhaps when they have left school and they are far more independent and perhaps isolated and it is not on their radar screen. Actually, one of the things that people are talking about here — and there is a real movement — they question whether the voting age is set at the right place. There are arguments, I think, on both sides of that.

I think that the other thing is that if you are really after — if it is the young people who aren't voting — when I look at diversity in the New Zealand Parliament — and it really has changed a great deal — the age demographic in parliament, though, — we still don't have the number of younger people in

parliament that maybe we would be looking for, but again, I guess the point is that with a list you have that opportunity.

Another example of the details matter: The royal commission recommended a closed list. In some places, people have open lists where you can mix things around, but the idea of a closed list is that it gives the parties the opportunity to really get the mix on the list that is important. We have seen that happen in terms of women and ethnic minorities. There is a real opportunity to do that in terms of an age demographic as well, which then can have — you create a virtuous circle. It might be more engaging for you to vote in an election where you can see people like you who are thinking about issues that are important to you actually on the list and wanting to seek representation.

Chair: Personally, I think that is a fascinating conversation. When I was first elected, I was 34 and now I am 44 and I was the youngest, at 34, in my party, and now I am the oldest at 44, so it changed drastically. So, that is a very interesting point.

Mr. Cathers: I appreciated that in your presentation you were noting both some of the strengths of the system and the fact that no system is perfect. Two of the criticisms that I have heard of the mixed-member proportional model — and I just appreciate hearing your thoughts on the validity of those criticisms — is, one, accountability, and the second is the issue about power to the party. Just to elaborate, the argument on the accountability question is that, in a system where coalitions are more likely to be required, there is the increased risk of parties in an election promising action to voters that may not be acceptable to the partners post-election and not being able to deliver. The “power to party” criticism is that we heard from people, including one of the previous presenters, an indication that under an MMP system, at least with a list in the way that it is used there, it can put more power in the hands of the party to prioritize its candidates based on the preference of the party.

Ms. Arseneau: Good questions. Accountability — I think that it is important to think of accountability, as it is a multi-faceted thing, isn't it? There are many different ways and different points at which you have accountability. So, I think that what you are talking about — in New Zealand, we call this “the tail wagging the dog” — your first point was that the smaller parties have a disproportionate influence in government and they prevent things from happening. Again, I think that the important thing to remember — and again, I said that there is no one perfect voting system.

The other thing I would say is that a voting system is not a set thing, that when you put it on — you might be old enough to remember those overhead projections. If you put a voting system on top of a — put it into a country — it tends to pick up the things that are already in that country's voting system or the tendencies of that system. Coming at it from a New Zealand perspective, we were very much coming from a perspective where we had governments that we were calling — single-party majority governments — “elective dictatorships” with no ability to stop a government between elections. The executive in particular, Cabinet, as far as people were concerned, had just become too powerful, and so we were actually looking for ways

to slow down. It was also called “unbridled power”. One of our Prime Minister's wrote a book and he talked about us being the fastest lawmakers in the West. In New Zealand, you could — one Prime Minister bragged that he could wake up in the morning, have an idea while he was shaving, and it would be law by nighttime. We were actually looking for an opportunity to slow government down and to actually make it slightly more difficult to make policy, and in between elections, to hold governments to account.

The interesting thing is — and there is a lot of talk here even about the small parties, the tail wagging the dog, but the reality I would say, on balance, is that government, especially the major party in government, has tended to get its program through, and that is because they have done deals. “We will pass this thing for you, small party, and you agree to our general program and you agree to maintain the government and its confidence through the whole term.” Deals can be done in a way that helps both parties — it can be a win-win. The small parties can get the really crucial things that they want, but at the same time, the larger parties can as well.

I think that if you look at the record of New Zealand, we may have slowed down a bit — the amount of legislation that goes through — but we are still a prolific legislation machine in New Zealand.

The other issue around accountability is — and it is something that came up in the review of MMP — this notion that the party has too much say by having a list that you can't rearrange, for example, but the reality is that even in places where you can rearrange the list, if you look at it, it tends to not have a huge impact, was what the royal commission, and then the electoral commission, as well, reviewed. Overall, the closed list gave people certainty about who it would be coming in and without having it reordered.

But the other thing in New Zealand that people talked about is this accountability — that they could defeat their electorate MP and they would still come in on the party list, which, again, they call them “zombie MPs”, where they have died but then lived through the list to fight another day. Again, if you actually looked at the evidence, those MPs who have held an electorate seat are defeated but still come in on the party list, they don't tend to have the same lifecycle. When the review was done, it was almost a solution looking for a problem in the sense that they tended to move on much more quickly. The safe seats tend to be the electorate seats. The electorate MPs have a much longer lifecycle in parliament than the list MPs.

Hopefully, that has answered your question.

Chair: Thank you, Dr. Arseneau. That was really a fascinating way to wrap that up. I have let my colleagues know that we have an opportunity for them each to ask you one last, quick question, so we will start with Mr. Streicker.

Hon. Mr. Streicker: Dr. Arseneau, are there examples in New Zealand of regional governments that use a PR system? You don't need to give us a big description, but if you point us in a direction, we would be happy to see, because we are trying to think how this might or might not work for a jurisdiction of our population. I appreciate that New Zealand not a huge country, but it is still much bigger than we are.

Ms. Arseneau: In New Zealand, we have the central government and then we have local government, so basically localities. And there are some localities that use STV, and so they would be worth having a look at.

Chair: Thank you, Dr. Arseneau, and our final question today, Mr. Cathers.

Mr. Cathers: Dr. Arseneau, you indicated that, in your view, in order for the process to be legitimate, a referendum is required. The question on that is that we heard a number of views on the issue of how that ballot question looks and I would just ask if you could — I have a number of questions, but I will simplify it down to the most important one, in light of time, which is just: How would you view that the ballot question on any proposed change should be presented to voters in a way that is clear, understandable, and ensures that the ultimate outcome reflects all the voters?

Ms. Arseneau: Again, it would be really worth it — if you haven't looked at it already — to look at the royal commission, because it was the one that said that they believed that the ultimate decision had to be made by the public, and at that stage — now that was 1986 and they probably hadn't even considered citizens' assemblies — but referendum was the way that they felt was needed to legitimize the change.

Again, how you do it is really important, and in New Zealand, there was a real tendency for the politicians to make sure that the whole process was being run in a way that was seen to be independent and neutral and for the politicians not to try — to use a New Zealand rugby term — not to “screw the scrum” in regard to this. The question is absolutely vital and it was decided and had been recommended to New Zealand to have a two-step referendum process and it was critical that the first — and you can see the questions on the referendum — very straightforward. The question should be simple and clear and neutral. There are examples where questions are loaded. In New Zealand, that would not have been seen as a legitimate way. So, the first step was a two-part referendum: Do you wish to keep first-past-the-post or switch to another system? On the bottom part was: Irrespective of how you voted up above, if we were considering to switch, what would be your preferred alternative?

What then came was a runoff between first-past-the-post, which was the current system at the time, and the most preferred system from the second part of the ballot, which was MMP. It was a straight runoff question: Which system would you prefer? By doing it in two steps, it meant that people were really clear what the alternate system would be.

Again, I think that the important thing to learn from New Zealand is that the process is important, that you set it up so that it is handled independently, and that education — the quality of the debate that you will have, the quality of the engagement that you will have will, I think, be directly a result of the quality of the public education campaign that you have.

New Zealand is one of the rare places, according to a study done in London, where, because we have a history with referendums and money is put in to have a public education campaign and the electoral commission here was also given the right, in the follow-up referendum, to actively go into the public

and deal with misinformation or disinformation — in the world of social media — everyone has, rightly, an opportunity to say what they think about the system — it is important that people have an authoritative and trusted source of information to go back to. So, those things have to be hand in hand.

Chair: Thank you, Dr. Arseneau. If I would have asked you to wrap it up for us, I believe that you would have said something similar to what you just said, so I will end the hearing there.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank the witness, Dr. Arseneau, for taking time today to join us. I would also like to thank the Yukoners who are listening and watching us here, either live or in the future. More hearings with expert witnesses are scheduled for tomorrow and Monday and transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at www.yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public and the Committee also intends to hear from Yukoners at public hearings in the future.

I thank everyone so much for their time today and this hearing is now adjourned.

The Committee adjourned at 2:20 p.m.



Yukon Legislative Assembly

Issue 9

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, January 28, 2022 — 11:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Witness: Paul Howe, Professor of Political Science, University of New Brunswick

EVIDENCE**Whitehorse, Yukon****Friday, January 28, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Paul Howe. Dr. Howe is a professor of political science at the University of New Brunswick in Fredericton, where he has taught since 2001. Prior to joining UNB, he was a research director at the Montreal-based Institute for Research on Public Policy for three years.

Canadian democracy has been a key focus of Dr. Howe's research. Among other topics, he has written about declining political participation and civic literacy among younger Canadians, political finance reform, and electoral reform in New Brunswick. His book, *Citizens Adrift: The Democratic Disengagement of Young Canadians*, was awarded the 2011 Donald Smiley Prize by the Canadian Political Science Association for the best English-language book on Canadian politics and government.

We have asked Dr. Howe to speak to us about New Brunswick's experience with electoral reform. We will start with a short presentation by Dr. Howe, and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Howe's presentation.

Mr. Howe: Thank you very much for that introduction. I will just share my screen and bring up my presentation.

As you mentioned, I do have these pretty broad interests in Canadian democracy and democracy in New Brunswick, including questions around citizen engagement and participation, as well as aspects of the democratic system, so the electoral system has always been something that has been an interest of mine.

Today I wanted to talk to you about four distinct topics. Some of this is, then, specific to New Brunswick, but I also did want to expand things a bit to talk more broadly about the Canadian experience. The four topics are: electoral reform and voter turnout, one issue that is often raised in this context; then say some things about what has happened in New Brunswick, the experience with electoral reform —

Chair: Sorry, Dr. Howe. Sorry to interrupt. We actually can't see your screen.

Mr. Howe: Okay, let me go back.

Chair: It worked seconds ago.

Perfect. We can now see it. Thank you.

Mr. Howe: Yes, as I was saying — voter turnout; the New Brunswick experience with electoral reform where I will say a few things about both the substance of what has been proposed in terms of electoral systems but also about the process that has been used to try to make decisions and deliberate and move things forward; then a bit about the Canadian experience with electoral reform and now with a particular focus on those process issues, because I do think that they are important; and then, finally, just wrap up with some suggestions about process issues, given what I have said previously.

In terms of voter turnout, there are a couple of different ways of trying to analyze and assess what might happen with respect to voter turnout with a new electoral system, whether or not, for example, proportional representation, which certainly tends to be the most commonly suggested alternative — would that increase voter turnout? That is certainly a thought that is out there, and so one of the ways that it has been analyzed and researched is to just look at other jurisdictions around the world — different countries, primarily — and just see whether or not those that use a proportional system have higher turnout than those that use more of what we would call a majoritarian system, with first-past-the-post being the most common of those systems.

So, I have simply taken some of this excerpt off the Fair Vote Canada website, which does highlight some of the relevant studies that have been done that have been based on that type of approach to answering the question. As you see, there seems to be a bit of a consensus that there is a somewhat higher turnout in PR countries and probably in the high single digits. These would be studies that would take into account a lot of other factors that could influence voter turnout — but that take those into account and then try to isolate how much of an effect they think that PR might have.

Then there is also a last note on this set of studies from the IIDEA, which notes that, among youth, there seems to be maybe a slightly stronger impact in terms of a higher turnout rate. I will return to that point in a moment.

Next, I just want to show you a slide that suggested a slightly different way of thinking about what might happen with a PR system in terms of voter participation, and that is to look at places where they have actually made the switch from first-past-the-post to a PR model. In some ways, that might be a more relevant type of information to consider. Of course, one well-known case is New Zealand, which changed its electoral system from first-past-the-post to a mixed PR system, mixed member proportional, and they made that change in 1996; that was the first election in which that change took effect. So, when we see this graphic of voter turnout over time in New Zealand, it seems immediately pretty clear that PR did not lead to a higher voter turnout. Now, in the first election in 1996, there was a slight increase from what it had been in the previous election, but subsequent to that, there was a decline and then, more recently, there has been some upward movement. But overall, the picture is that, under this PR system, the turnout has actually been somewhat lower.

Now, I would say, however, that it's very important to recognize and understand that this is taking place against a backdrop where, in many countries — including Canada, Britain, and a lot of European countries — there was this same kind of pattern at this particular point in time. That is to say that, in the 1990s and in the early 2000s, there was a decline in voter turnout taking place in a lot of countries. It is well-known in Canada the way in which the turnout declined to hit a record low in the 2008 federal election where it fell below 60 percent, having been about 75 percent before that. It is also the case in Canada, again, that the turnout actually has improved in the last 10 years or so. It has bumped somewhat up.

I guess what I would say, then, in terms of the New Zealand experience is that it does actually seem to mirror what has been happening in other places. It doesn't appear that the PR system had any kind of strong impact on voter participation. The studies that I cited before on the previous slide suggest that perhaps there could be a bit of an increase, but overall, I guess I don't see electoral system change as being perhaps a major factor with respect to the question of voter turnout.

However, perhaps one exception to this that I might make comes back to the question of youth voter turnout. I gathered some data on this slide, and it was particularly on the left — which is something that I was actually not, to be honest, aware of before getting ready for my presentation — but I thought I would just have a look at the New Zealand experience with turnout by age group, and I was quite surprised to see just how strong the turnout rate is among young New Zealanders. It is on this graph that you see for the youngest age group, over 75 percent, and the differences between younger and older New Zealanders are really pretty small. In an international context, the differences are less than 10 percent. In many countries, including Canada as a whole, the differences are much more substantial between younger and older voters.

Over on the right, I perhaps here could have put the Canada-wide figures showing the voter turnout rate in the 2015 and 2019 elections across the different age groups. The numbers on the left of the slide are showing the turnout for 2015, and then, over to the right, you have the 2019 turnout rates. So, for Canada as a whole, there was a gap of something in the order of about 25 percentage points between the youngest voters and the oldest. Also, it was kind of a steady decrease as you moved toward younger age groups.

In the Yukon — and those are the numbers that I actually have here — you certainly do see a lower turnout among young Canadians, and this is, as I said, in the federal elections of 2015 and 2019, but it does seem to be a problem a bit more focused on the very youngest voters — those under age 25. It seems that, once you get to the 25-to-34 category, at least in these elections, the turnout did jump to not far off the turnout of the older age groups.

In any event, I do think that this is an intriguing difference, the fact that, under New Zealand's PR system, even if it may not have had a huge impact in terms of overall turnout, it does appear as if young New Zealanders are turning out at pretty high rates compared to older New Zealanders. That does confirm, as I said back on that earlier slide from the IIDEA, the

idea that the impact of PR on voter turnout may be greater for the youngest voters.

That is the first issue that I wanted to share with you and a few findings from the research.

The second point that I wanted to turn to is to talk a bit about electoral reform in the province where I live, in New Brunswick, and there were two distinct phases that I will talk about. Just to give you a brief overview of what happened here, in 2004, the Premier, Bernard Lord, a Conservative Premier, formed a body called the New Brunswick Commission on Legislative Democracy, which had a pretty broad mandate to examine different issues relating to democracy in the province, including considering the electoral system and whether or not it should be changed. The commission was an eight-person commission. It worked for about a year doing a lot of work in terms of meetings among themselves, but also a lot of consultations around the province. There was also a significant research arm as well. There was a research director appointed, and in turn, they had a number of individuals, both within the province and outside the province, write various research reports to help inform their work.

At the end of the year, the recommendation that came forward as far as the electoral system went was that New Brunswick should consider adopting the mixed member proportional model for New Brunswick. This, of course, is a model where you continue to have individual MPs — or MLAs in this case — who do represent a single riding, and the recommendation was to retain 36 of those MLAs. Then, in order to achieve a more proportional outcome, the idea was then to have some additional MLAs who would be taken from party lists that would be provided. The model for that was to have that process to take place in four different regions where there would be five additional list MLAs elected in each of those regions.

Of course, as people will be aware, what will happen with those list MLAs is that they will, in a sense, compensate the parties that have not gotten their fair share, let's say, through the individual riding votes. They will be the ones who will tend to get more of those list MLAs in order to achieve a more proportional result overall. Of course, under this system as well, voters get two different votes; they get a ballot where they will vote for their local MLA, and they get a second ballot where they will choose the party that they prefer. Those two votes can actually be different in terms of which party someone is selecting with those two votes.

One quick point here that I would add, just observing this system, is that it was a mixed system, and in a number of places where mixed systems have been used, it is a 50/50 split between local MLAs, or representatives, and list representatives. But in New Brunswick, it is more of a two-thirds/one-third split, and there is certainly no reason why these things cannot be tinkered with. I think that this was actually a very good suggestion for New Brunswick, because what it meant was that your local constituencies did not have to become too much larger by retaining a good number of them, in terms of both geography and the number of constituents who would be represented by a single MLA.

The government, following the recommendation, announced a plan to hold a referendum on this system in conjunction with the municipal elections in 2008, but when the Conservative Party lost power in the election of 2006, that did not happen. The Liberal government did not follow through and hold the referendum.

In phase 2 of electoral reform in New Brunswick, the issue was then revived in 2016 when the Liberal government of Brian Gallant formed a body that was called the New Brunswick Commission on Electoral Reform. Now, I felt, as an observer in the province, that there were significant shortcomings with the process that was used this time around. The method by which the commission itself was selected and appointed was really quite an odd mix. In theory, it was open to anyone, and what the government actually did was to put out advertisements and put out a call for any interested New Brunswicker to put their name forward to serve on the New Brunswick electoral commission, but then, in the end, five individuals were selected to be on the commission, and there wasn't really information provided about how those particular five were selected from among those who might have applied, and there wasn't information provided about how many people may have applied. But, in the end, the people chosen were people who looked more like the kind of individuals who might have been chosen if the government had just started and said that they were just going to appoint a commission. For example, there was a former deputy minister selected, and there was also a former MLA who had also been the Speaker of the Legislative Assembly. So, it didn't seem like it was really just, let's say, average New Brunswickers who were chosen to serve on the commission.

The commission itself, in its report, however, called itself a "mini citizens' assembly", and I do find that language a bit misleading, given what I have described about how it was selected. The government, in its mandate to the commission, specifically cited preferential balloting as something that the commission should investigate, and it did not mention other electoral systems. It did have other issues that it was looking at besides electoral systems, but it specifically mentioned preferential balloting. That didn't really seem appropriate, if you are going to have an investigation of possible new electoral systems, that you would really focus and direct attention to one particular system. The time frame was very limited for this commission; it was only about a three-month process. I think that meant that there was maybe not adequate time for the commission members themselves to learn more about electoral systems, because although they had experience with public policy, I don't believe that they were really experts in the subject matter of electoral systems. Also, there was very limited time and very little effort put into public consultation.

The final report was rather brief, without a lot of detailed analysis, certainly in comparison to the previous phase 1 report that I mentioned — the Commission on Legislative Democracy. The commission did recommend that New Brunswick should adopt the preferential balloting system and then also added that perhaps PR could be considered further down the road as another step. This was despite the fact that

members of the public who had provided their views had overwhelmingly favoured proportional representation, and I did write a research paper that looked at the situation and I actually did consult with all of the documents that had been submitted by members of the public. There was a public consultation where people could submit their views. There were about 90 written submissions, and I read through all of those and found that the overwhelming majority were in favour of PR.

Just a final note, I did think, in the end that — despite the commission having talked about the merits of preferential balloting and the way it is a good idea to allow voters to choose from multiple options and then rank those options in terms of elections — for that reason, that it was a bit ironic that, in terms of a possible moving forward, they didn't suggest that perhaps there could be a ranked ballot referendum to choose among electoral systems, in other words, allow people to choose between first-past-the-post, perhaps preferential balloting if that's what the commission thought was best, and then also a PR — maybe one model or maybe even a couple of different PR models. That is an approach that has been used to have a referendum where people get multiple choices and then get to rank them. That was used in Prince Edward Island in 2016. But, as I said, the commission did not venture down that road at all.

The Gallant government, receiving the report, announced that it would hold a referendum on preferential balloting during the 2020 municipal elections, but when the Liberals lost power to the Conservative government under Blaine Higgs, that did not happen. One thing coming out of the New Brunswick experience is that we have had two promised referendums that did not take place when the government switched hands. I feel, in an overall sense, that electoral reform has been a bit of a political football in New Brunswick politics, without the broader commitment that one might hope to see from the different political parties and players.

My third topic — I said I wanted to say a little bit about electoral reform in Canada on a broader scale, focusing on process issues. The process, as I said, in New Brunswick has sometimes been quite frustrating. What I would say in terms of the process is that, when this issue first started to be really debated in Canada in the early 2000s, there emerged a sense that there was kind of a gold standard approach that should be used to try to change an electoral system. That was the idea that you would have a citizens' assembly that would be a randomly selected group of citizens who would deliberate on new electoral systems, and they would really become deeply educated about them, they would meet with one another, and they would deliberate and share views and come up with some kind of a recommendation for a possible new electoral system. That would be the first stage, but then, in order to give greater democratic legitimacy to the process, there would also be a referendum that would be held on whatever the citizens' assembly recommended. That process was used in both BC and Ontario in the mid 2000s. As people will probably know, the citizens' assemblies both did recommend a change in electoral system, but then, in the subsequent referendums, they failed to meet the necessary thresholds established by the government

and therefore electoral reform did not happen. Both of these methods of engaging and consulting with citizens are, I think, good ideas in theory, and I believe that in the early 2000s when these methods were being developed, I would personally have thought that, yes, this makes perfect sense as the best way to go. But in practice now, almost 20 years later, we can see some of the challenges that exist with these methods. I just want to talk a bit about each of those in turn.

As far as citizens' assemblies go, the model is the idea that you take a random selection of the population, choosing perhaps — in the case of BC and Ontario, I believe, it was roughly 100 citizens chosen at random from different parts of the province. But in practice, I feel that they do likely suffer from significant what we would call "self-selection bias", as people themselves decide whether they want to participate in these processes. In BC, for example, when their citizens' assembly was established, they contacted at the outset roughly 26,000 British Columbians through, I believe, the mail as an initial way of seeing if people might be interested in potentially participating in this citizens' assembly. Out of that roughly 26,000, I believe the number was about 1,500 who responded and said, "Yes, I would potentially like to participate in this." I guess the concern that arises is that the individuals choosing to participate in these citizens' assemblies may not necessarily be entirely representative of the population. It is almost certainly the case that they are going to be more informed about issues of democracy, potentially about electoral systems themselves. It's possible too that they will already have a fixed view about electoral systems that causes them to be interested in participating in this kind of an assembly.

This is a challenging problem. There is really not any way around it. You can't mandate and force people to participate. There may be some methods in the selection process that could be used to try to mitigate some of these issues and concerns, and if that is of interest, we could potentially get into that in the question period.

The second concern about citizens' assemblies is that they do not necessarily leave that much of an impression on the general population. I think there is a bit of a sense about some uncertainty about exactly what citizens' assemblies are meant to do. On the one hand, yes, they are clearly meant to propose a potential new system for a jurisdiction in terms of its electoral system, but it's not quite clear the degree to which one thinks that the general population will then, in a sense, take their leave from the citizens' assembly in terms of saying, "Okay, well, if they have decided — this representative group of citizens — that this would be a good idea, then therefore, it must be a good idea and something that I should support." It is not quite clear if that is meant to be part of the process, and, of course, none of this would be mandated; it is just a question of how much of this actually happens in practice. As I said, in practice, it does seem as if the citizens' assemblies did not necessarily impact the general population that much, particularly when it came time to vote in a referendum. Quite a number of people would simply have not been aware of the citizens' assemblies in BC and Ontario. I believe I have seen a number suggesting that perhaps about 60 percent of British Columbians had heard of

the BC citizens' assembly after it took place. The question too is: Just how much have they heard and how much were they aware of the deliberations and recommendation?

The concerns that I have raised here, I will say, are maybe a bit more particular to the ones that I reflect on and think about. I do think that the CA model still does have a significant sense of being a positive and legitimate model for proposing a new electoral system, but I also think that we have to recognize that, even if you do hold a citizens' assembly, it is perhaps not going to have as much impact on the general population as one might think in terms of helping to inform and engage people about the question of a new electoral system. The final note that I would make, though, is that unfortunately a lot of the population could use some guidance, because they really are not deeply informed about electoral systems.

That then brings me to the next slide to do with referendums and to do with some of the challenges there of what is going to put a new electoral system to a referendum. Civic literacy is a major concern and challenge. A lot of Canadians do not know much about electoral systems, but they also don't know much about politics in general. This is part of a larger problem of relatively poor civic literacy in Canada.

Just to give you a quick example, some surveys that have been done around election time have asked people factual questions about Canadian politics, and it has been found, for example, that only about 70 percent of Canadians are actually able to name the premier of their own province, so 30 percent don't know the name of the premier of their province. When you look at those under age 30, the younger citizens, that actually reaches about a 50-percent rate; 50 percent can name the premier, and 50 percent cannot. That just gives you some sense and flavour of the degree to which some people are really not paying close attention to what is happening in politics, and it also speaks to the deeper sense of understanding of how the political system operates some of the mechanics of democracy.

To reach people who are in that situation is really quite difficult. In some of the referendums that have taken place in Canada, there has sometimes been criticism after the fact that not enough was done to educate people about the systems. I think that those criticisms may be a little bit misplaced. I think that there is only so much that can be done. Good information can be put together, it can be provided — of course, these days, it is perhaps more online or there can be mailouts to households — but, in the end, if people obviously don't absorb the information or don't take the time to learn, there is really only so much that can be done. That is really just kind of a deep structural problem that we do face in terms of putting certain questions to referendums.

In terms of referendum turnout, the turnout in standalone referendums that have taken place in Canada has been very low. In PEI in 2005 and then in 2016 — these were both standalone referendums, so they didn't take place at the same time as an election — the turnout was below the 40-percent mark, and I believe in BC in 2018 with the mail-in form of referendum, they achieved just below a 40-percent range. This does then diminish the outcome of those referendums. A lot of people feel, I think, that 50 percent is probably the minimum turnout

that you would like to see to call a referendum result legitimate. So, we have not been able to achieve that in standalone referendums.

The solution, some might say, is that these referendums could take place at the same time as an election, and that has happened in the examples of BC and Ontario and then one of the PEI referendums. Yes, the turnout then is higher, but presumably, we have a lot more people participating who know relatively little about electoral systems. I would think that most people would consider that to be problematic.

Finally, then, in terms of referendum voting, when people don't know much about an issue, the literature on referendums tends to suggest that they will tend to favour the status quo. If they don't know about a proposal that is being presented, then they are more likely to say, "Well, let's just stay with how things are now." So, to hold a referendum at the same time as an election is to, in a sense, create almost a bit of built-in bias toward the status quo. The referendum mechanism for this particular issue is, I think, quite tricky.

The last of my points is to say: Well, should we then consider some new processes? Because we have been at it in Canada in different places, as I said, for almost 20 years and nobody has actually gone ahead and changed an electoral system. I have come to believe that all-party support for a new electoral system is a reasonable way to proceed on this issue. This is a method commonly advocated and used to make changes to various features of electoral democracy. For example, when there is thought about perhaps changing the method of financing that is used for political parties, I think it is commonly thought that it is a good idea not to just have the party in power put forward new legislation; it's a very good idea to have all of the parties on board to agree that these are the rules of democracy and we should all agree on them.

I think that we should probably look at the electoral system in the same light. Yes, it is potentially a very significant change, but at the same time, for whatever reasons, it is not a change that is of sufficient magnitude to really capture the attention of voters at large, which is why the referendum process is hard. Therefore, I think we should look at moving back to these kinds of approaches to making changes.

One could then, if you moved ahead with the change for an electoral system, decide to hold a referendum after a new system has been in place for two or three elections. Of course, in New Zealand, in addition to having referendums at the outset before they made their change to PR, they did actually have a follow-up referendum after the system had been in place for several elections, and voters reaffirmed that they did want to keep the new PR system. If this approach was taken, then voters would be much more familiar with the new model and could cast informed ballots on whether they wanted to keep their new electoral system. That being the case, holding a referendum in conjunction with an election would also make more sense because more voters would be well-informed and could make an informed choice.

As I said, my recommendation or thought with respect to process is that I do think that we may want to change our thinking a little bit and maybe not aim for that full gold standard

that I talked a bit about. Maybe we can treat this as an issue that does not quite need such a special process but one where I think that all-party support probably is sufficient, combined, of course, with public engagement and consultation in order to change an electoral system.

Chair: Thank you, Dr. Howe. Lots of excellent things to think about.

I am going to head over to Committee members to ask questions.

Hon. Mr. Streicker: Thanks, Madam Chair and Dr. Howe.

I find all of these presentations very informative, and I just want to begin by saying that.

You talked about ways in which to mitigate the self-selection bias if we were to go to a citizens' assembly. You talked about how to try to find ways to deal with that. I also would like to lead that across to your notion of civic literacy.

What would you think should come out — if there were a citizens' assembly — of a citizens' assembly that could then help to create more civic literacy? I don't expect, like you also note, that there would be a lot of — that the public is watching every move of the citizens' assembly. In what ways could we help to inform the public if a citizens' assembly were to recommend, for example, a referendum?

Mr. Howe: The first question was the one about how to mitigate those concerns about who ends up in the self-selection component of the citizens' assembly. First of all, I would mention that the citizens' assemblies, when they were selected, did engage in a little bit of what we might call "setting some quotas" in terms of who would end up in the citizens' assembly. So, they did try to ensure equality between men and women. Then also in BC, I do know that they — because their random process did not produce any individuals of indigenous background — did choose two individuals who were of indigenous background. That is the basic idea, then: establishing certain quotas in order to have a body that is reflective of the population.

There are potentially a couple of others. These were not used as quotas in BC, for example, and therefore the assembly ended up not being that representative. One of them was education level. So, the assembly had more people with a university education than there were in the population by quite a significant degree. You could potentially say that we would like to have people with different levels of education in this assembly that reflects a population. Another one was age. Younger people were less represented, and people over the age of 50 were overrepresented. Again, as I said, we can think of this as due to self-selection where a younger person was less likely to say that they wanted to participate. So, you would say to yourself that if 20 percent of the population is under age 30, then we are going to make sure that we have 20 percent of our citizens' assembly be under age 30.

The final one is quite tricky. This is just an idea of mine. There is a final piece here, that you can have this kind of demographic representativeness, but you still have this fundamental question of: Do these people who are participating in this assembly have a certain leaning with respect to electoral

systems already? Perhaps they are almost, in a sense, committed to a certain system or committed to the idea of change. So, the more complicated idea would be that somehow, at your selection stage, rather than just approaching people and asking if they would like to participate, you may just try to organize a survey of the population, and the people who are selected for that survey would actually be your pool of people — they wouldn't necessarily know this at the outset — who could potentially be part of your citizens' assembly. You would then administer this survey and you may ask a few basic questions about electoral systems. Do you feel that you know a lot, a little, or nothing about them? Do you have a view about changing the system? You would then attempt, through your selection process, to actually have your assembly reflect the responses that you saw on your survey. So, let's say, for example, that 30 percent of your population already felt like PR would be a good idea for the territory; you would actually try to select your individuals in order to achieve a 30-percent quota in your assembly.

This is probably a bit of an academic idea, I admit. Maybe it is enough just to try to have a bit of a greater emphasis on demographic representation — demographic quotas to make sure that everybody is there in the proper numbers. But, as I said, for me, in an ideal world, I do have this notion that you may actually like to get the opinion within the territory proportionally represented in an assembly and then have a big deliberation process to see: What do we think would be a possible change of system? That is the first piece.

The second one that you asked: How could a citizens' assembly engage and perhaps help to generate greater civic literacy? If you look at the BC experience — and perhaps Ontario, but I'm not quite as familiar with the Ontario experience — I do believe that the assembly members, at a certain point in their process, actually went back to where they were from — because they had chosen them from different ridings across the province; they had actually chosen two people from each riding. They held public meetings to talk about what their work was, what they were doing. I think that is probably an important stage. It is a good idea to have that kind of public outreach for the citizens' assembly members. It is a slightly tricky area, because you ask yourself: What is that citizens' assembly member meant to do? Are they actually consulting with the public, and are they then supposed to go back and represent the views of the public? Or are they actually meant to be sort of an individual person who is part of an assembly who's allowed to kind of deliberate and think about electoral systems themselves?

The citizens' assembly model is primarily one, I think, that presumes that the assembly members are going to think for themselves, basically. They are going to learn about systems, they are going to deliberate, and they are going to come up with a recommendation. They are not meant to be representatives. It's not like they are MLAs; that is not their role. That is the only tricky piece with them going back to their ridings and talking to people; it is just maintaining the idea that they are not supposed to therefore go back and just represent those views.

In terms of civic literacy, I think that public outreach is important by actual citizens' assembly members. But, yes, you just have to think about what that looks like exactly to keep it clear as to who is doing what and who is representing whom.

I do wonder too — you probably have some questions around smaller jurisdictions and what the differences might be. I do think that perhaps it would be the case that a citizens' assembly might be a bigger deal in a smaller jurisdiction. You know, I think that in BC, when it first happened, there was a certain amount of publicity around it and people did pay some attention. I think in Ontario there wasn't as much public attention to it, and it's a very big province with so many people, and it just fell a little bit by the wayside, I think. I think there's potential that, in the Yukon, a citizens' assembly could be seen as a bit of a bigger deal, and therefore the public might become a little bit more engaged with things. But I guess, in terms of any public education campaign, I would say also that you don't want to leave it just until there's going to be a potential referendum; I think you probably want to get that public education happening in conjunction with the citizens' assembly itself as best as you can.

Chair: Thank you, Dr. Howe. You answered two questions and left us with dozens more.

Mr. Cathers, do you have a question?

Mr. Cathers: Thank you, Madam Chair, and thank you, Dr. Howe, for your presentation. I would just note that, if there's an issue — if reform is — so, the system is being talked about, and in any jurisdiction that's considering it, that there's a problem with the — the broader problem, like the general public not being well-informed on it, that I would contend that is the biggest problem, not the approval process.

I do appreciate your perspective on the problem, but I think that one thing that we're dealing with in the Yukon is that it's not clear to me, at this point, that there's even a broad consensus that people want change. That's part of what, I think, we would determine with this process here. I would actually just ask you to provide your thoughts on the question of — if we're dealing with a situation of, across Canada, the general electorate not being, in some cases, well-informed on the current system, let alone on existing models, is this something that, either through the education system or somewhere else, that there needs to be a better job done of informing people? Because regardless of whether the system changes or not, it seems to me that having the general public understand how their democracy functions is quite important.

Chair: Thank you, Mr. Cathers. Dr. Howe?

Mr. Howe: I would definitely agree that, yes, it would be good to address this broader problem and that, through the school system and through explicit education programs but also more broadly through what young people learn in school, it would be good that they become better engaged and informed about their democratic system. That would then be sort of a long-term approach to addressing the concerns about civic literacy.

It also, these days, is a bit of a challenge in terms of the modern media environment, where, you know, traditionally more people were informed about what was happening by

reading the newspaper or watching the news on television on a fairly regular basis, whereas now, with people get much more of their information through online sources and there being — yes, there's a lot of news information, but there's so much else out there — so many other distractions, in a sense — that also makes it difficult to get people informed as to what's happening politically.

So, yeah, I think those things should definitely happen and need to happen. For my part, I guess, I wouldn't want to say or think that we couldn't entertain changes to our democratic system until that time. It may be, in a sense — to be honest with you, I feel like making possibly a change to the electoral system would itself become a very big civic education process. If that change were made with democratic legitimacy, in terms of elected representatives having looked at the issue and felt a change was warranted, then I think the population, by virtue of then participating in a different system, would certainly become much more understanding and informed about how different electoral systems worked.

Yes, I think that is a possible way to think about it, that working on the democratic system itself may be a way of actually helping to better inform the public about these things.

Chair: Thank you, Dr. Howe.

There was one thing that you said in your presentation, when you were talking about quotas, which I have to say, it seemed to me that it was one of the most basic questions that I never got to ask, which was asking the population if they know a lot, a little, or nothing about electoral systems and how that would give you a baseline. So, that's something, I think, for the three of us to think about as we work on our survey, to be honest.

But one of the things that we have learned in this last number of presentations was the thresholds for referendums. So, for example, you talked about British Columbia, but it was set quite high; it was 60 percent of the population with 60 percent of the ridings. We saw an example, the first one in PEI, I think, where they did hit over 52 percent and then the Premier of the day said that it wasn't enough.

Do you have any thoughts about thresholds if we were to go the way of referendums? For example, we have 19 ridings in the territory, a population of kind of around 45,000 people — do you have any thoughts you can share with us about thresholds for referendum numbers?

Mr. Howe: Well, in terms of the threshold for success in a referendum — in terms of the yes, yes, no vote, let's say — I personally feel it should simply be 50 percent. If 50 percent supported a change, then that should be adequate. I don't accept the argument that because it's such a major change, you have to aim for a higher threshold, like 60 percent.

That's partly because I think that, although it's an important change, I don't actually see it as a really, really major change that requires a higher than 50-percent threshold.

Now, in terms of the turnout question, though, that one's a tricky one. I mean, I think that 50-percent turnout would certainly be desirable — at least 50-percent turnout — though I'm quite hesitant to say that you have to have at least a 50-percent turnout in order to consider it a legitimate outcome. The

reason I'm hesitant is simply — I mean, I know from experience that if you do hold a referendum and it takes place on its own — a stand-alone referendum — you're likely not going to hit 50 percent. And it does feel to me — again, coming back to this question of: What should we do if the population is not engaged, or do we just stay with the status quo? — I sort of feel like, if say only 40 percent of the population cared enough to come out and give their view on electoral systems and participate, then I do feel that should carry the day, but I recognize realistically, from a political standpoint, that it would probably be tricky to say, "Well, let's move ahead", even though we only have, say, 40-percent turnout.

Basically, in terms of threshold, I favour relatively low ones or not setting or saying that you have to hit a certain figure, in terms of the turnout itself. That would be my view on that. Obviously, it has been a hindrance in Canada, where you mentioned PEI — BC, of course, the first referendum held in BC, they got almost 60-percent support in favour of changing the system, but it was below the 60-percent threshold.

Chair: Thank you, Dr. Howe.

Mr. Streicker?

Hon. Mr. Streicker: Thank you, Madam Chair. So, Dr. Howe, when Madam Chair was talking about the Yukon context, I want to try to bring your thoughts toward this now. She mentioned that we are a population of 40,000 to 45,000 people; we have 19 MLAs; we also have an interesting demographic, where roughly three-quarters of the population is in and around one city — our capital, Whitehorse — and then the other quarter is in our more rural areas; we would always say "the communities".

I'm wondering just your thoughts on — and it could be any or all of this, you know, like an electoral system, other elements beyond just the voting system itself, or a citizens' assembly, or a referendum — just if you've given any thought as to how that might work in a place where we have 45,000 people and 19 MLAs.

Mr. Howe: No, I guess I honestly have to say that I haven't given a lot of thought to those kinds of specifics myself. I mean, I guess I would maybe state the obvious point that a good example for you to kind of look at would be Prince Edward Island, where they have looked a lot at the different electoral systems and had these discussions and debates and referendums, and they also have, of course, a relatively small population and one larger city, although, of course, they're not as far flung, in terms of their communities, because it is geographically a smaller place. I think that PEI would be a good model for you to be looking at.

In the final analysis, I do feel that a PR system, which I do favour — that probably was clear — I think it can work in any place. There definitely have been some interesting variants that have been proposed around — for example, sometimes sticking with just an individual elected member for a rural area, if it's a large geography, and just continuing with that type of representation for those areas and then potentially have your list-type MLAs in certain other regions where the population is more concentrated and densely represented.

So, these kinds of variations are worth considering. The question of individual representation by a single member is important to a lot of Canadians, and I would definitely favour the sort of mixed model that allows that to continue, whatever you do, and then just thinking creatively about how, if you're going to have a more proportional outcome, do you achieve that, what is the best way to do that, given your geography and your electoral geography.

Mr. Cathers: One question that we had on our list that I don't think has been asked yet is: Could you elaborate on what your perspective would be on how a potential electoral system change would apply in a jurisdiction with a small population, like the Yukon, and a small legislative assembly?

I guess again I would say that I don't know if things are that fundamentally different, but again, I'm not obviously very familiar with a lot of your particular situation and circumstances in terms of your politics. I mean, I do think a lot of the basic arguments that are made around the potential benefits of proportional representation would certainly apply to a small jurisdiction, that you would obviously have what would be seen as a fairer outcome between votes and seats. You definitely obviously are going to be less likely to have majority governments, and as you move forward, you might more commonly end up with either minority governments or working on a coalition basis.

Maybe one small point on the idea, if you do end up having coalition governments in the future, is that there is a certain literature that suggests that this kind of government will work better in small places, because the individuals who are coming together from different political parties may actually have personal background and connections with one another, when you're talking about a relatively small place. The political class will commonly have some shared personal background, and that makes it easier, then, to work together in that kind of a situation.

I think those points would all apply. I'm just trying to think if there might be anything else I could add that would help you. Are there any perhaps more specific considerations or concerns that I could try to address for you?

Chair: Dr. Howe, if I may, you actually just made a point just now, when you talked about how maybe in a jurisdiction such as ours, where we have that urban and rural difference, that we could look at having — like, sticking with the individual rural MLAs and looking more at, in the urban situation, MLAs plus list MLAs. I think that is actually the very first time in all this time that someone has suggested that the system — a mixed system could be even more mixed by acknowledging that, and so I appreciate that very much.

You referenced that the New Brunswick commission, in 2004, suggested that there be 36 MLAs and 20 list MLAs, and yesterday, from Dr. Arseneau, when she was talking about it, she talked about how you wanted to make sure — she thought that the furthest could be 25 and 75 percent, as far as making that work, but with the suggestion you just made about how you could look at the territory — you know, have specific rural MLAs and then look at doing that urban and switch — currently, with 19 seats, the one thing we've been told pretty

universally by everyone is that it's challenging because there are so few numbers, so if we were to look at moving to a system, with a population such as ours, do you have any suggestions of where we should look as to what those numbers maybe should be?

Mr. Howe: Would you be able to mention how many of your MLAs represent Whitehorse?

Chair: Sure, sorry; I should have said that. Of the 19, there are 11 urban MLAs and eight rural MLAs.

Mr. Howe: Well, thinking on my feet, I suppose I might suggest something to the effect, if one did decide to simply retain all of the rural MLAs as is, that one might perhaps split the urban MLAs in half, so your ridings therefore would become twice as big for the individual representatives, and then there would be scope to have an additional five or six who would be considered list MLAs and who would then come off lists provided by the parties in that way. So, overall, then I guess you would end up with something like a 25 percent/75 percent mix that Therese Arseneau had suggested.

I suppose, also it's possible — I don't know if your rural districts tend to have fewer constituents than your urban districts?

Chair: They do, indeed, yes.

Mr. Howe: Right. So, I suppose, as part of a redistricting sort of approach, one could ask whether there might be slightly fewer rural districts in order to bring that more into — greater closer to equality, so therefore, if you have eight currently, perhaps you would move to six or seven in the rural area and again do a 50-50 split within the urban area between individual and list MLAs.

Chair: Thank you, Dr. Howe, and that is the challenging question that we're faced with.

Both Mr. Streicker and Mr. Cathers have final questions. So, Mr. Cathers, I'll start with you.

Mr. Cathers: Thank you. I would just ask — when it comes down to a potential system, one of the things that we have heard mentioned by a number of presenters is the fact that every system carries problems; it may solve certain problems, or perceived problems, with the status quo, but it also carries some issues of its own. One of those that we've heard from some is the assertion that, under a proportional system or mixed system, such as MMP, that it may increase the power of the party at the expense of the power of the voter. I would just ask what your thoughts are on that, and just also, if you could maybe briefly again touch on how you balance the issue of population variance, of the importance of representing rural areas versus representing the majority opinion.

Chair: Thank you, Mr. Cathers. Dr. Howe, just for perspective on that last one with the variance, we have one riding in the territory that we all recognize is very important, but it has less than 250 eligible voters. So, Dr. Howe, I'll leave it to you.

Mr. Howe: On that second point, then, I do agree that certainly having those variances can be important in order to represent certain traditional historic communities, so perhaps what I was saying earlier about the idea that one might actually

reduce the number of rural MLAs — not being familiar with your circumstances, perhaps that's not a good suggestion.

Now, your first question — sorry, could you just remind me of the first question?

Mr. Cathers: I'm trying to remember exactly how I phrased that first question. Basically, the issue that — I'll be a little shorter this time. We have heard from some of the presenters that there are problems with any system and that changing to a different model may fix some problems but create others. One of those that we have heard from some presenters is the view that, either under a proportional model or a mixed member proportional model, that it may increase the power of the party at the expense of the power of the voter.

Mr. Howe: Yes, that can certainly be a concern. I know that, in the BC citizens' assembly, for example, they grappled with that quite a bit. They didn't want to create a system that gave the parties a lot more power. That's part of what guided them toward a certain system that gave voters a lot of influence and say over which particular candidates would be elected for the different parties. It gets into some of the technicalities particularly around the question of how candidates will be selected by the parties in order to appear on the lists of people who would potentially be elected. So, there's a question of nomination processes, and certainly it's important, in general, that parties have pretty open nomination processes that allow for significant engagement by party members in order to be part of those decisions.

Then there is an additional technical question of, when voters do come to vote and there's potentially — when they're making a vote, with respect to the list MLAs, do they simply choose a party, or are they actually given the ability to select individual candidates from within that party — it's the list of people who are put forward? The first is called a "closed list" — you don't have any choice; you just choose the party — and the second is called an "open-list" model, where a voter can indicate a preference for a particular candidate from among those individuals.

So, if concerns about parties having too great an influence is significant, then you would start to look toward the possibility of more of an open-list approach to your elections. In New Brunswick, with the recommendations put toward in 2004, they recommended a closed-list model, and I do think again, if you choose a closed-list model, then it's very important that the nomination process by the party, as I say, is seen to be a very democratic and open one, where party members are fully involved in choosing who those candidates will be. So, there are some potential tensions there and some details that are very important, in terms of working through those issues.

Chair: Thank you, Dr. Howe, and just being aware of our time, Mr. Streicker, your final question.

Hon. Mr. Streicker: Dr. Howe, the electoral system, of course, is one aspect of electoral reform, but there are other aspects as well. I'm just wondering if you have any thoughts, or your recommendations, around other aspects — for example, voting age or election financing — just if there are other things that you think would enhance the overall electoral system.

Mr. Howe: One I'm certainly in favour of is the idea of lowering the voting age to 16, which has been debated quite a bit. It was actually proposed by our second New Brunswick electoral commission. One of their recommendations was to lower the voting age to 16, in addition to the preferential balloting recommendation.

There is a lot of interesting research on that. It has been done in a few places. A lot of people react to that and think: Why would you want to lower the voting age? If we're having trouble getting 18-, 19-, and 20-year-olds to vote, why would you want to lower it even further? Interesting research: What it tends to show is that a 16- or 17-year-old is actually potentially in a better position to be a first-time voter, because most people of that age are often living at home with their parents still. They're also often in the high school system, and both of those things create opportunity for kind of personal influence, in terms of encouraging people to vote, and also in terms of civic education opportunities through the schools. Those things could be done on an ongoing basis, but at the time of an election, in particular, you could bring those things in, and those can benefit the very youngest voters when they're having their first opportunity to vote.

When the voting age is 18 — and someone's first chance to vote may not come until they're maybe 20 years old — more commonly, at that stage, a young person can be in a more sort of unsettled stage. They're no longer living with their parents; they're not necessarily in the schooling system; you don't have those same possibilities of support. So, therefore, what the literature will show, actually, is that a young person of 16 or 17 is more likely to vote than a young person of 20 for these kinds of reasons. So, I do think it would be a good idea for all jurisdictions in Canada to adopt a voting age of 16.

Chair: Thank you, Dr. Howe. Just before we wrap up, are there any closing thoughts or ideas you would like to share with us?

Mr. Howe: I just wish you good luck in your deliberations, and as someone who has watched this process for the last almost 20 years and been a bit frustrated at times, I hope it's a fruitful one.

Chair: Thank you, Dr. Howe. So, before I adjourn this hearing, I would like to say a few words on behalf of the Committee.

First, I would like to thank the witness, Dr. Howe, for his presentation. I would also like to thank the Yukoners who are listening and watching this hearing now, either live or in the future. We have one more hearing scheduled for Monday, and transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public. The Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 12:05 p.m.



Yukon Legislative Assembly

Issue 10

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Monday, January 31, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Witness: Keith Archer, Committee Researcher

EVIDENCE**Whitehorse, Yukon****Monday, January 31, 2022 — 1:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White and I am the Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is the Vice-Chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts. Last week, we heard from a number of organizations and academics from across the country and around the world.

Today, we are once again joined by Dr. Keith Archer. Dr. Archer, professor emeritus of political science at the University of Calgary and former Chief Electoral Officer of British Columbia, was hired by the Committee to prepare a report on options for Yukon's electoral system. On January 21, Dr. Archer appeared by video conference to present a summary of his report. Transcripts and recordings of that presentation are available on the Committee's webpage.

We now have Dr. Archer back so that the Committee members may ask him questions, both on the information that he has previously presented and on what the Committee has learned from other experts last week. So, welcome to everyone and, Dr. Archer, it is a pleasure to have you back.

Mr. Cathers, do you have a question to get us started?

Mr. Cathers: I actually don't, right off the top of my head, Kate. I was expecting that we might hear from Dr. Archer first, but I will turn it over to you or Minister Streicker or Dr. Archer, and we will have questions shortly.

Chair: That is actually an excellent suggestion. Dr. Archer, before we get started with questions today, do you have anything you would like to share with us after last week's hearings?

Mr. Archer: Thanks, Madam Chair. I don't have any prepared remarks to start off the session today. What I would say from last week's presentation, though, was that I was very impressed with the quality of the presentations and the discussion and commentary that you had with a wide range of experts who have lived through attempts at electoral reform in a vast variety of jurisdictions — from British Columbia, a couple from New Brunswick, Prince Edward Island, and Ontario — all of who provided people's explanations for why an electoral reform process — which, I think in many instances, was kicked off with a fair degree of excitement and anticipation that there would be a change in the electoral system — all of which resulted in the electoral change process not proceeding. And it seemed like there was a different explanation in every

instance. So, getting into those details, I think, was very helpful for the Committee, and in some instances, I was struck by the fact that the Committee was getting contrary advice from some of the presenters. In some instances, you heard some presenters saying that you should adopt a citizens' assembly process to proceed with this. In other instances, people were much more supportive of a referendum.

I did take away the conclusion, in which I think that there was unanimity among the presenters, that some kind of engagement with the public is very important, and I know that is one of the issues that is top of mind for the Committee as well, so there may be an opportunity for us to explore that in some more detail today.

Chair: Thank you, Dr. Archer. From my perspective, I can say that what I thought has definitely been expanded. Some things I didn't know about are now top of mind.

Mr. Streicker, would you like to start us off with questions today?

Hon. Mr. Streicker: Sure, and hi again, Dr. Archer.

I am going to start with this conversation about citizens' assemblies and I would like to get your thoughts around it, both in terms of a process piece and also in terms of how it might lead to next steps. I will have a few follow-up questions about citizens' assemblies and maybe my colleagues will as well, but it is not a conversation that we have had with you yet, and I am just wondering if you can give us your thoughts around this tool as a means of engaging the public.

Mr. Archer: Thanks for the question, Mr. Streicker. Certainly, it was one of those issues, I think, that came up in all of the presentations last week in one form or another.

So, citizens' assemblies are fairly new instruments in Canadian politics, developed largely in the early part of this century and largely around issues of electoral reform, and so maybe it is useful just to take one step back and say: "Why would one think that a citizens' assembly is an important instrument when thinking about electoral reform?" My sense is that the starting point of that conversation is that it is very difficult for people who are involved in political parties and, as elected members of the Legislative Assembly, to come to the question of electoral reform without taking into consideration your own partisan interests.

More than anyone else, people who are running for office are affected by the rules of political contestation, by the rules that determine how votes in elections are going to be translated into legislative seats, and because of that, it is very difficult to get a consensus among parliamentarians, and I think there were even some comments last week about maybe the Committee should think about just having an all-party committee come up with the options for a referendum, for example. One of the challenges in doing that is that, again, it is very difficult for elected members not to understand an electoral system from the interests of how it may affect the distribution of seats for their party and the other parties in the Legislative Assembly. So, the idea behind a citizens' assembly is to create maybe a quasi-institution is how I would think of a citizens' assembly, because it is a short-lived institution in which the people who are

participating don't have that same kind of self-interest involved.

One of the things that has become really clear, as a result of the presentations last week, is how complicated electoral systems are, both in understanding the mechanics of electoral systems and in understanding the implications. What is likely going to be produced by an electoral system oftentimes is predictable, but it takes a fair bit of thinking about that and raising questions about what the values are that you are trying to implement through this electoral system that leads to a necessity for detailed, thoughtful conversations that may take an extended period of time and that probably need to be facilitated by people who have a lot of experience thinking about electoral systems and looking at other jurisdictions.

So, I think that citizens' assemblies develop as a result of a recognition that there may be a way of bringing together a body that has that dispassionate perspective and can give some thoughtful reflection — and go through a detailed learning process. Even the chair mentioned at the outset of today's meeting that last week was educational and was informative — that, as a result of going through these conversations, you might even have different questions or think about the process of it differently.

So, if you are going to have a good conversation among people who are not directly affected by it, what are your options? Well, maybe one conventional option is some kind of a commission. We do that with our electoral boundaries. We have developed a very interesting process in this country of appointing independent commissions that spend a year going through a reflection and oftentimes multiple public consultations in order to come up with recommendations for electoral boundaries that are not affected or influenced by their own self-interest. People who serve on electoral boundaries commissions do so without being affected personally by where the constituency lines are drawn. So, a commission is one way of going about that process of having an extended conversation or having a learning element to it and trying to do it without asking people not to consider their own interest or their own party's interest in coming up with a solution.

Then the other alternative — and it is a bit like a commission, I guess, but it tends to be quite a bit bigger — is a citizens' assembly. The citizens' assemblies that have been created thus far usually take the current electoral system in some form as a starting point. So, in British Columbia, for example, the starting point for the commission was to select a man and a woman from each of the electoral districts. Well, those electoral districts are just part of the current system. There could be other ways of coming up with a group of people who could reflect on this, but the notion of using that as a starting point for a citizens' assembly is that there is a current set of institutions in place, and those institutions should be factored into a conversation about changing the electoral system. Citizens' assemblies have tended to be operated over an extended period of time.

There are various steps in creating and implementing a citizens' assembly, steps that include selection and appointment. If I went back to the case of British Columbia in

the early 2000s, I think that process took three or four months of just selecting the citizens' assembly, because people had a chance to indicate whether they wanted to be considered as a member of that citizens' assembly or not, and then the election agency used the voters list to draw individuals into that process. Then they had to come together, and I think they came together — it must have been for four or five periods of time — and they would often do it for a weekend in Vancouver. Those would often be separated by some period of time — three weeks or four weeks — trying to get everybody's schedule to align. So, there was a learning phase, and then there was a reflective phase and a decision-making phase. By the time it was done, it was a full year of work on the part of the citizens' assembly. So, if you are going that route, just recognize that there is a time factor that has to be considered as part of your overall consideration of the timing of the commission.

Then, once the commission makes its recommendation, I think one has to be pretty clear at the outset about what is the remit of the citizens' assembly. So, are you saying to a citizens' assembly: "What we are looking to you for is to reduce the options to either the current system — the status quo — or a single alternative"? Or are you saying to the citizens' assembly — you could be more ambiguous and say, "We would like to get your recommendations about whether the system should change." Perhaps there wouldn't be a consensus within the citizens' assembly as to what alternatives would be proposed, but having some clarity at the outset about the number of alternatives that you are expecting from the citizens' assembly, if it is struck, would be very helpful. My own sense of that is that, if you are going to have this group do all the work that it would necessarily have to do, then you would likely be looking for them to really narrow the options of change. Again, at the outset, you are kind of recognizing that the discussion is complicated. You are empowering these people to go through that complicated, facilitated process, but you are expecting something at the outcome, and the outcome should be — it seems to me — a real narrowing of the options so that the conversation can be simplified and clarified for the electorate if you do go to that next stage of having public consultation through a referendum.

Chair: I appreciate those. We heard about the PEI situation, which was five examples and how that was thought to be too many. We heard from British Columbia, which narrowed it down to two. So, there are definitely examples that we learned about last week.

Mr. Streicker, do you have a follow-up?

Hon. Mr. Streicker: Yes, but I don't want to make it long. I appreciated all of that, Dr. Archer. In your mind, does the citizens' assembly lead to a potential referendum? Say that they narrowed it down to a choice and you would go to a referendum.

Also, we are always trying to put it in the context of the Yukon — 45,000 people, 19 ridings. Like, if we were to have a citizens' assembly and there were things that we should be thinking about because of being here — if you have any suggestions there, that would be appreciated.

Mr. Archer: One of the questions that arose in one of the presentations last week — I think it was in the Fair Vote presentation — seemed to suggest that the conversation about public consultation should be an either/or discussion — that there should either be a citizens' assembly or there should be a referendum. And maybe to put a finer point on it, they were suggesting that referendums were not helpful and that one should use a citizens' assembly and that a citizens' assembly is the public consultation. My sense is that this is not a common position among people who are thinking about electoral reform. I would just suggest that it may be useful for members of the Committee to imagine having a public meeting in your own constituency and saying to your constituents: "Yes, we are thinking about electoral reform and we are bringing together this group of citizens..." — let's say that you use the BC model and you have two people from every electoral district, so you have 38 or perhaps you increase it by a couple — 38 to 40 people from the Yukon — "... and we are committed to act on the recommendation of those folks if they recommend change, and we are not going to involve the public any further on that, because that is involving the public." I can imagine that some of your constituents would say, "Hold on a minute. That doesn't sound like engaging in a conversation with the public." I understand that it may be a helpful process as maybe part of a multi-step process, but you are the ones who will have to explain that to your constituents. My sense is that it would not be a very easy conversation.

I just found that position to be an unusual one, and it's hard for me to imagine a territory or a province moving forward with electoral reform without consulting the public in a referendum. Clearly, there is nothing legally that requires that, but a lot of the character of our constitution is developed by convention. It strikes me that there is a pretty strong convention in this country that, if you are going to change the fundamental rules of how we operate, people want to have a chance to have their say on that.

Chair: Thank you, Dr. Archer, and we did hear absolutely completely opposing views on a referendum — for and against. It was quite interesting, actually. In the span of less than 24 hours, I think we heard three separate perspectives.

Mr. Cathers, do you have a question?

Mr. Cathers: Yes, I do, and thank you, Dr. Archer. I appreciated your thoughts on that. Certainly, on the issue of a referendum, we have been clear, from our perspectives and since the outset of the discussions about this, that our strong view is that, if there is a change recommended, it needs to go to that test of a referendum. And I think, as we have heard from the presenter from New Zealand — the reminder that, in fact, in New Zealand where there was clearly a groundswell of public opinion in support of changing the system, not only was a change of the system approved in a referendum, but it passed multiple referendums, which I think demonstrates that if there is a public consensus for widespread support, it is quite possible to change the system.

A couple of things that struck me in the presentations that we have heard is that a number of presenters talked about the question of what problem or problems you are trying to solve.

That leads me to think that one of the questions that we should be looking at — and I would appreciate your thoughts on this — is whether there is a public consensus or widespread view in Yukon that there is a problem or problems with the current system and, if so, what the goal of the public would be to see a system changed to better reflect. In saying that, I note that we have certainly heard that there are advocates who argued passionately their view that there should be change, and I am not for a moment diminishing that viewpoint, but I don't think that we have yet, at this stage in the process, a clear sense of what the general public view is on whether there needs to be a change or whether there shouldn't be.

The next thing that I would ask and would appreciate your thoughts on is the issue of a citizens' assembly. There is the question of — the problem of the self-selection bias. Whether you put it out for people to apply or offer them the invitation, there is a tendency that people who agree to serve are those who are already interested in the topic or have a vested interest either in seeing a change to the system or the preservation of the status quo, and it would seem to me that this becomes a bigger challenge in a smaller jurisdiction since an increasing number of people are probably — if they are really interested in politics, they may be involved in politics. I would just appreciate it if you have any thoughts on, if we do recommend the creation of a citizens' assembly, how you might, in a jurisdiction as small as the Yukon, try to ensure that you are not ending up with importing the same problems as you do of having politicians on a panel — that perhaps the people who are engaged and involved have a vested interest of their own.

Mr. Archer: That is a good question, and I don't know that there is a definitive answer to that question. It is useful to observe that, where citizens' assemblies have been used, they have recommended change. Interestingly, they have recommended change and the change has not been supported in a subsequent referendum. So, does that mean that people who are appointed to the citizens' assemblies came to the conversation with their minds made up?

I am not as familiar with the citizens' assembly that was struck in Ontario in terms of the research that has been done on that group, and it may be worthwhile to circle back and try to understand that a bit more. What I do know about the British Columbia citizens' assembly is that because there was such a randomness in the selection — I mean, there were a lot of people in many constituencies who put their name forward — it would be very unlikely that all of them would be on the same side of changing or not changing. Just that random selection process ensured that there was quite a variety of positions at the outset. One of the things that I was struck by in listening to some of the people who were involved in facilitating the citizens' assembly in BC is how much change they found in people's attitudes over the course of the time in which the citizens' assembly was operating. They didn't have a sense that people came in with hardened views and that those views were just articulated and perhaps reinforced, but rather, there was kind of a culture that developed among the group. The culture was: "Look, we bear some responsibility for the province as a whole in trying to sort through this. A lot of resources have been

put in, and I have committed a lot of time to do this and want to take it through to its logical conclusion.” Again, those people who were involved in it said that their understanding of what took place is that, even if people came with views, there wasn’t a rigidity to those views. If a vote had been taken at the outset, for example, it was not conceivable that the single transferable vote option, which emerged as the strong preference of that citizens’ assembly, would have been even the primary recommendation at the outset.

If you are creating this, I would say to make sure that you let people know that you are looking for independent-mindedness. You can include that in some of the promotional material for the selection if you go in that route. Also, suggest that we are looking for diversity of perspectives and are not looking for people who simply have an axe to grind. Make it clear from your initial outreach about what you are expecting, and really reinforce that in the first couple of meetings. I think you will find that, as the group comes together and meets over the second weekend or the third weekend or the fourth weekend, they really begin to articulate their own values of being an empowered group that has been charged with doing this important work for the territory as a whole.

So, I recognize that it is a concern, and I would try to address it with that messaging as much as possible, Mr. Cathers, and also combine that with the notion that we want to be selecting from fairly large numbers of people within each of the electoral districts if we can.

Chair: Thank you, Dr. Archer. I might just suggest right now for Committee members that we try to ask a single question at a time, just for ease of answering and ease of Hansard and folks following along.

Mr. Cathers, do you have a follow-up?

Mr. Cathers: Yes, thank you. I appreciated hearing your thoughts on that. It leads me to the question that — we heard the arguments from some presenters that there should be some screening questions for people as part of the selection process if we went to a citizens’ assembly. I would just appreciate hearing your thoughts on that because, of course, it seems to me that, simply put, the pros of that are that you do try to ensure that you are having a diversity of opinion and perhaps weeding out people with a certain bias. The argument against it, of course, is that in fact the screening questions themselves can lead to a potential bias in who might be on the committee.

I would appreciate your thoughts on whether there should be screening questions and, if so, what those should appropriately and potentially look like.

Mr. Archer: I am not sure if the screening questions would be helpful, and partly because I am not quite sure what I would ask to be screening for. You could say, for example, “Have you written a letter in favour of electoral reform before?” Would you want to screen that person out? I don’t think I would want to screen that person out. It is hard to imagine the other side: “Have you ever written letter in favour of what we have — the first-past-the-post system?” So, if you are screening, you might just be screening on one side versus screening more broadly. I would probably do it more on what I would call the “cultural side”. Let people know what the expectations are and

that this really is service to the territory and not to their own agenda. I think that the group itself can begin to develop a set of values that is all about going through this learning exercise and doing what we can to become expert on different forms of election systems. I would probably approach the issue that way rather than on the screening side of things.

Chair: Thank you, Dr. Archer. I am going to ask a question now, as is my privilege as the Chair.

We heard from Dr. Everitt, who suggested that, because there had been all these processes that had been attempted and had failed through the referendum, that there were other changes that could be made. Dr. Everitt asked questions like: Was your assembly family-friendly? Could people with children work? She talked about parental leave. She talked about the per-vote subsidy, which, of course, we don’t have in the Yukon; there is no support for political parties between elections by any citizen dollar.

So, if you were to make suggestions — so now you have spent some time looking at the Yukon context. If the committee was not to go toward something like a full-fledged electoral refresh, do you have any suggestions that you would make as far as other changes that could be done?

Mr. Archer: Thanks for that question. Perhaps I will start by looping back to the discussion about the situation in New Brunswick and what the problem was that existed in New Brunswick that Professor Everitt was focused on addressing.

After hearing her comments, I went back to the data on the nature of the Legislative Assembly in New Brunswick just to see what the gender breakdown of members was. It looks very different from your situation in the Yukon. I think there are eight women currently elected in a 49-member Legislative Assembly. If your interest is in ensuring a level of diversity within the Legislative Assembly — and particularly on the question of gender — that becomes a fairly easy topic to try to understand. How well is the current system providing for opportunities to elect women in New Brunswick?

I am not quite sure what the issue is there, but it seems that there is some issue. Whether that is the electoral system or some other set of factors, something is going on that leads to such a low rate of electoral success among women in New Brunswick. If, after repeated attempts to reform the system through an electoral reform process, you are not able to address that, then the obvious question is: If that is our issue, is there another solution? I kind of like their solution of providing — because subsidies were already in place for political parties, simply change the way in which those subsidies are calculated. Now it is 1.5 times — so whatever the subsidy is for a candidate.

I haven’t looked at this in detail, but I just notice that the electorate there is about 750,000 people, and this subsidy that they are talking about is \$700,000. That is about \$1 per voter. Parties now get 1.5 times the subsidy for votes based on votes for female candidates and one unit, as it were, for a vote for a male candidate. Is that going to change things? It may very well, but the starting point there is that there was a pretty clear issue to address.

When you look at the data on the election of women in the Yukon, it looks very different from New Brunswick. People

may differ in their understanding of whether you are at where you want to be. Some might say that we have equity when we have equity; we have equity when we have 50 percent. So, even though the current data suggests that 42 percent of MLAs are female, some would look at that and say that it is about as high as it gets in this country; others will look at it and say that maybe the country doesn't go high enough. It is still not 50 percent.

Again, there could be a conversation about where you are relative to the importance of that feature, and there are ways, surely, of increasing the representation of women, and doing it through party subsidies is probably a pretty effective way of doing that.

I would say that it would be a similar conversation with respect to the election of First Nation or indigenous members of your Legislative Assembly in relation to a standard of representational equality. In some elections, you are there; in some elections, you are a little bit short. I think the comment that I made in looking at the data was that, in 10 of the 12 elections, either a proportionate number of First Nation people were MLAs in relation to the electorate as a whole or, if there had been one more, there would have been that proportionality. So, is that a problem or not? In relation to a standard of: "There should be equality all the time", you are not there yet, so there could be some non-electoral system changes dealing with the way in which parties are nominating candidates or rewarding — or nominating candidates in winnable ridings could be an important issue.

A third representational discussion that took place in the paper that I prepared and has informed some of your Committee work as well is the representation of urban and rural people. It clearly is an issue of import in many jurisdictions in this country, and we have interestingly come up with a way of addressing that.

The way that we address it is that we provide for greater population differences in electoral districts, and we do that as a general principle, and then we provide a bit of overrepresentation to people in rural areas and a bit of underrepresentation to people in urban areas, and that is almost the classical Canadian solution to that issue.

So, the current system on all three of those matters, in comparison to other places, seems to perform reasonably well. As a result, that has led, for me anyways, to almost the obvious conclusion that, if there is a big problem with the system, it must be the translation of votes into seats; it must be the fact that minority votes often produce majority governments. In 75 percent of all of your elections, a minority of votes has produced a majority government. But I don't know if there is consensus among your group to say that this is a problem. There could be consensus to say that this is what we are trying to achieve; we are trying to achieve majority government. That is probably the best illustration of how it is very difficult for a legislative committee like your own to agree on that being a problem, because you have different interests in that.

Chair: Absolutely. Thank you, Dr. Archer.

I guess I could have been more clear. Dr. Everitt was talking about gender equity, but there are questions of voting

ages and political campaign financing and other things as well, but I will come back to that.

Mr. Streicker, do you have a follow-up question?

Hon. Mr. Streicker: Sure. Thank you very much. I should point out that NWT has more than 50-percent women in their legislature, and here in the Yukon during the last couple of rounds of municipal elections, it has been pretty close to 50 percent.

My question is — let's imagine that we as a Committee do our job, the process unfolds, however, we recommend back to the Legislature and the territory does choose a different electoral system through a referendum, through whatever process it is that we put out there. There are still some things that I am trying to understand — if it was a different system. Most of the systems are a little bit more complicated than first-past-the-post. I have been trying to think of these questions — for example, when we were talking with Dr. Arsenau from New Zealand, I just didn't have a chance to ask the questions. Say that it were a mixed member proportional system or some form of proportional representation; is it your electoral boundaries commission that would come along and say that here is the split of the number of elected seats versus list seats or where they are and things like that? If there were thresholds, what do the thresholds look like? Does that sort of all fall back to the pre-existing electoral boundaries commission?

Mr. Archer: Thanks for that question, Mr. Streicker. My sense is that all of those rules of the system are within the purview of the Legislative Assembly. They would be reflected, in all likelihood, in the *Elections Act*. I was actually quite surprised at the discussion about the constituency seats and the party list seats in New Zealand. Currently, out of the 120 seats overall, 72 are constituency seats and 48 are party list seats, and it is those party list seats that result in the greater proportionality.

Professor Arsenau had indicated that the legislation in New Zealand currently almost defines the list seats — to use kind of technical term — as a wasting asset. That is to say that, over time, the number of electoral districts in New Zealand seems to be determined by differential growth in the South Island and the North Island. I don't know if you picked up on that comment of hers. She said that the South Island is guaranteed a certain number of seats and the South Island is growing more slowly than the North Island. Because of that, the North Island automatically is getting some additional seats because it has to stay within the plus or minus five-percent range, so, as its population grows and as the seats are guaranteed in the south, there is an inevitable growth in the number of constituency seats. As they grow, because the size of Parliament is set at 120, they are kind of cannibalizing the party list seats. That is where those seats are coming from. So, over time, there are going to be fewer and fewer party list seats, unless they make other changes to the electoral laws. But again, that is in your purview, and you and your equivalents in New Zealand are the ones who are able to change that, if you want to change it. But I suspect that once those rules are in place, they are not that easy to change, because if I was living on the South Island and I had guaranteed seats, I would probably want to ensure that those

guaranteed seats remained guaranteed. We have that in this country too. When you look at the senatorial clause guaranteeing PEI, for example, four members of the House of Commons because it has four senators — or the 1986 provisions that no province can lose any seats no matter what happens to its population. Those things are hard to change once you have those rules in place. But just technically, to get back to your question, those are rules that are set by the Legislative Assembly, not by the commission.

Chair: Mr. Streicker, do you have a follow-up question?

Hon. Mr. Streicker: Yes. If they are set through the legislation, though, and if you put it into the legislation that this would be a body that does that — because currently it does some differences and changes. Although, even after that commission comes back, it brings it back to the Legislature anyway, so presumably, if you were going to make some adjustment, you would want some mechanism where you could check.

But I hear you. I think that you are saying that ultimately it will always come back to the Legislature for those folks to decide.

I will leave it there for now; I think I've got that. I think that is a good point, and I was just trying to imagine the mechanics and I think I have a picture.

Chair: Do you have an additional question, Mr. Streicker?

Hon. Mr. Streicker: Yes. Thank you, Madam Chair.

When we were talking about all of the systems, one of the things that we heard from many of the presenters is that we really should try to winnow it down. We may end up saying that we go to a citizens' assembly, in which case they would winnow it down, but if we were asking you to make recommendations to winnow it down, are there ones that you think are on our short-list? Just always trying to simplify it as much as we can and, again, always in the context of the Yukon where we have 45,000 people, more or less, and 19 ridings at present. And, of course, I think that first-past-the-post always is there, because that is the existing system. But if there were proposed alternates, are there ones that you would recommend?

Mr. Archer: Well, that is the \$64,000 question. What are those electoral systems that are most appropriate for the Yukon? Because the Committee has raised that with me a few times, I thought I would just try to provide some clarity on my view on that, which I did in the executive summary. I didn't have a chance to talk much about that in my presentation on January 21, so I can give you a sense now about what those recommendations are.

There were four systems that we reviewed under the plurality and majority systems. Those are: first-past-the-post, alternative vote, block vote, and the two-round system.

The two-round system — I guess I would start by saying that what the two-round system is doing that your current system does not do is that it makes sure that the winner of every contest has a majority. It does that by indicating that we have to have two-person contests. You might say, "Well, how do you get to a two-person contest?" Well, there are two stages, two rounds to do that. Firstly, you have an election that looks a lot

like your current elections in which everyone is able to cast a ballot for their favourite candidate, but if there are four candidates, you then eliminate two of the candidates with the lowest votes, and the two with the highest votes then have a runoff. In that runoff, one of them is going to win a majority by definition, or there is going to be a tie, which I guess is not that unusual in Yukon. Anyway, in that two-round system, you are going to be guaranteed that you are going to have a majority winner. But at what cost? I mean, it is one thing, if you are conducting an election in a fairly temperate place that is fairly small, to have a two-round ballot, but to expect an election agency to run, kind of back to back, full elections in an electoral district a week or two weeks apart and for candidates to go out and campaign again and for voters to turn out a second time in a place that has the characteristics of the Yukon — people are sometimes travelling a good distance to vote; they could be affected by harsh climate conditions when they are trying to vote — it doesn't seem to me to be all that practical to go that route.

So, there is a different route to achieving that same outcome, and that is the alternative vote. The alternative vote is when you allow citizens to rank order their preferences. This way, if there are five candidates, you have multiple counts of the vote. On count one, you just count everybody's first preference. Let's say that you get a result like you often get in the Yukon with one candidate, the leading candidate, getting 39 to 42 percent of the vote, the next candidate with 35 percent, and then the next candidate with 20 percent — some kind of mix like that. Under alternative vote, then you eliminate the candidate with the lowest number, and for that candidate, you take all of their second preferences and distribute them to the other candidates. If you keep doing that, eventually you will come down to just two candidates. Someone is going to get a majority. You solve that problem by having a single voting opportunity but ranking the candidates.

Then I have to step back and ask if that is the problem in the Yukon. Where is it important that you have this majority support? Well, you can imagine a system in which there are two parties that are quite similar and one party that is quite different. Those two parties that are quite similar are kind of competing for the same share of the popular vote because their voters are kind of like-minded, and the voters for this other party are quite different. It's a process that people refer to as "vote splitting". So, these two parties are kind of splitting one block of the vote, and this party gets all of its block of the vote, as it were. If that is your problem — that you have two parties splitting the vote — then this party over here is getting more seats because it doesn't have a competitor in its space, as it were.

Is that your problem? I don't know. You would have a better sense as to whether or not that is your problem. I do know that, where this is used in Australia for their lower house or House of Representatives, in the most recent election, 94 percent of the candidates who won led on the first ballot. In other words, they would have won with first-past-the-post. It does have a corrective. You might say, "Well, six percent — that's a lot." For you folks, six percent is one seat. One seat out of 19 is around six percent.

The alternative vote is a solution to that problem, but the distortion between vote percentage and seat percentage — which is, I think, what many people see as the challenge with first-past-the-post — is often just as bad or worse with alternative vote and the two-round system. If that vote/seat disproportionality is the big problem with first-past-the-post, these are not the solutions to that problem.

My sense is that this is probably your biggest problem, if one might see it as a problem, and if those aren't the solutions, then I would probably take those off the table.

The fourth one, under plurality and majority systems, is block voting. Block voting I guess is used in Whitehorse municipal elections. Think of it as: You have 10 seats on a city council and all the candidates put their names forward and the top 10 vote-getters win. Under a system without political parties, that makes some sense, but that is not your system because you have political parties. That becomes kind of a challenging voting system under political parties. I didn't find that one all that compelling. I would probably take all three of those off the table and say that I think that first-past-the-post has to be on the table because that is what you have. You are going to be comparing the change systems to that system.

If we go to the proportional representation systems —

Chair: Dr. Archer, if I can just ask you to be aware of the time, so if you can direct remarks to what you would recommend, and then I will try to get a last question in from the members.

Mr. Archer: Thank you for that. Under the proportional representation systems, there are three that we talked about in the report, and I would suggest that the single transferable vote, among those three, is probably the most compelling. I didn't recommend the list PR system, or I wouldn't recommend the list PR system, in part because I keep hearing the importance of constituency connections, and the list PR is a voting system that is probably not going to have constituencies. It would likely be implemented in the Yukon overall or possibly with two constituencies — one in Whitehorse and one in the rest. But the rest is so diverse that it becomes challenging. So, single transferable vote would be the one that I would recommend as worth looking at a bit more closely.

Then, under the mixed systems, there are two that we talked about: the parallel system and mixed member proportional. I don't think that the parallel system provides enough advantages. The mixed member proportional potentially does, but I have a hard time imagining implementing that system without either increasing the size of your Legislative Assembly, perhaps by eight or maybe 10 members, or by decreasing the number of constituency representatives from 19 to perhaps 11 or 12 and then using that difference to be the party list members. For me, probably the more compelling solution would be to add some members to the Legislative Assembly, and that's not always an easy conversation to have with the public.

Those are the three that I think are worth pursuing in a bit more detail: a mixed member proportional, single transferable vote, and first-past-the-post.

Chair: I am aware of our time, and I am going to let us go a little bit over just in an attempt to get some final questions.

Mr. Cathers, do you have a final question for Dr. Archer?

Mr. Cathers: I do, and thank you, Madam Chair and Dr. Archer.

We have heard from a number of the presenters the suggestion of a citizens' assembly. That is something that we are also reaching out to the public to ask their thoughts on. And I think that it is important to note that, in the next steps in our process — both the public survey and the invitation for other submissions — we may hear different views on not only the issue of whether there should be a citizens' assembly or not, but we could hear that there is a clear preference from the public for a particular change or a clear preference for the status quo. Just with that preface there, my question would be: As we move into the next stage, particularly the parts where we have public meetings where citizens can present and our inviting public submissions in addition to the survey, do you have any suggestions on how we should be doing that to ensure that we are informing people and also asking the right questions to hear from people through those public hearings and direct submissions?

Mr. Archer: Thanks for that question. It seems like you are doing a lot of the reflective work at this stage of thinking about both consulting the public through a survey — and I think that I would probably take those survey results, depending on how you are administering the survey — whether it is like an open questionnaire that anyone in the territory can respond to — and just recognize that this won't be a representative survey. You will have a lot more respondents, presumably, going that route, but it won't be a representative sample. I would take that as indicative, as giving you kind of a general sense of what some of the views in the community are, without suggesting that one view prevails over another view. I think that would be reading too much into the results of that survey.

In terms of public presentations, I think you are going to hear a diversity of views on this. You will probably hear more perspectives on people desiring change than you might if you were doing a referendum. Presumably, the people who would like to see the system changed are probably going to be a bit more energized by that part of the public consultation, but there could emerge some proposals that you find to be pretty innovative. I was looking at your website just the other day and noticed that you have already received some submissions, and there are at least some that are putting forward proposals that are different from some of the things that I have talked about. I think it will be a useful process in looking at some of the interests that are already within the community, but I would tend to see this input as not a representative input but rather as input that is useful background information for the Committee as you proceed.

Chair: Mr. Streicker, do you have a final question?

Hon. Mr. Streicker: No, I'm great, thanks, Madam Chair.

Chair: Dr. Archer, my final question for you would be: In all of the things that the territory was shown last week, do

you see any strengths as we go forward on ways to proceed or any cautionary tales about pitfalls?

Mr. Archer: Well, the first cautionary tale that I would have is that it is very difficult for a committee like yours to be kind of the last word on reform proposals. So, thinking about consulting the public either through a citizens' assembly or a commission or a referendum or some combination of those things is, I think, a very useful starting point for your work. It sounds like you are approaching this in a way that is going to be providing a good opportunity for a full discussion. I wouldn't be surprised if, at the end of the day, the Committee itself may not see the world from the same lenses, but if you can provide a process that is open and transparent and gives the population a chance to express their view, then I think you will have done a good service for the territory.

Chair: Thank you for those closing words of wisdom, Dr. Archer.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, of course, I would like to thank you, Dr. Archer, for your education in these last two public hearings but also for the research that you shared with us.

I would also like to thank Yukoners who were listening to and watching this hearing, those that have been posted online, and those who will participate in the processes that are to come. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer. The Special Committee on Electoral Reform will soon be launching a survey collecting feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future.

At this point, this hearing is now adjourned. Thank you.

The Committee adjourned at 2:03 p.m.



Yukon Legislative Assembly

Issue 11

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, March 25, 2022 — 9:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Dennis Pilon, Associate Professor, Department of Politics, York University

EVIDENCE**Whitehorse, Yukon****Friday, March 25, 2022 — 9:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King.

Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge. Finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts. This morning we have with us Dennis Pilon.

Dr. Pilon is an associate professor in the Department of Politics at York University in Toronto. He has been researching and writing about the practical workings of voting systems and historical and contemporary processes of voting system reform for over three decades. His work focuses on gauging how different voting systems have worked in practice and assessing the political reasons that systems were introduced and have been maintained over time.

In addition to his academic work, he has extensive experience supporting the more concrete practice of elections, acting as a deputy district election officer in the Vancouver Burrard constituency, providing research and supporting briefs for various court cases related to election rules, and acting as an expert advisor on election issues to government, political parties, and organizations like Fair Vote Canada.

We will start with a short presentation by Dr. Pilon, and then Committee members will have the opportunity to ask questions. We will now proceed with Dr. Pilon's presentation.

Mr. Pilon: Great. Well, thank you for having me today. I would like to thank Allison Lloyd for all her help facilitating the transfer of documents, PowerPoint, and all of that sort of stuff. Let me begin now by sharing my screen. I will put up my PowerPoint. I apologize to those of you who don't see us visually; you will just have to follow along with what I'm talking about. I will hit my timer here so I stick to my allotted time for my presentation.

Now I will start the show. The title of my submission to the Legislative Assembly is "How to Understand Voting System Reform and Act on It". My presentation theme in the submission to the Legislative Assembly has basically four areas. I want to talk about the framing of the debate around voting system reform as we have heard from academics and popular commentators. I want to look at the limits of the preference approach, which is the dominant approach. I want to draw some attention to what I think voters are trying to do, and then I want to address the referenda and critically assess the degree to which referenda are the right way to go in terms of choosing a voting system.

What we have seen so far over the past almost 20 years of voting system reform in Canada is a framing of the debate built around what I call the "preference approach". The preference approach basically says that we should look at voting system reform by assessing the competing values that the different voting systems allegedly represent, drawn from the results that they typically produce, and then we should decide on one, based on the preferred values that different voters may subscribe to.

I contrast this with what I call the "democratization approach". The democratization approach says that we need to determine what voters are trying to do when they vote and then assess what institutional choices will help them do what they want to do. It is a very different approach than the preference approach.

How do we decide between these two approaches? I argue that the way we decide is by recourse to evidence. Here, I spend the next section of the submission going into some details about: What kind of evidence does the preference approach really supply in terms of justifying their claims that these other values — these other results that are produced — should be considered when we look at a voting system and decide which one we want to use? I'm not going to go into a great deal of detail about each one. That is all in the submission, of course, but I'm happy to take questions when we get into the Q&A. I will just run over what I like to think of as the "greatest hits" of these different issue areas that I have identified.

One of the areas that we hear about that defines the conventional voting systems used in Canada — the single member plurality system, SMP, or first-past-the-post system also used in Yukon. One of the things it has claimed in its favour is simplicity. It is simple, while PR systems are allegedly complex. What is the evidence for these claims? Well, in actual fact, PR systems are not very complicated to use. The ballot spoilage rates are comparable. In other words, the evidence that we can see of difficulties that voters might have in using different systems doesn't add up. It doesn't appear that voters have any more difficulty using proportional systems than they do with first-past-the-post systems. The number of mistakes that voters make on ballots give us some indication of how hard they are to use.

The claim that single member plurality voting is simple is based on the idea that it is simple to make an X and it's simple to count them up at the end of the voting day, but that doesn't mean that SMP is simple in terms of understanding its results, and here we have lots of evidence to suggest that voters struggle to make sense of single member plurality results. One of the clearest examples is their misunderstanding of the idea of majority government.

We hear that first-past-the-post is stable while PR systems are not. Again, I think that when we look at the evidence of what occurs in countries using PR, they don't look any less stable. When we try to find a way to operationalize this idea of stability in terms of the number of elections that are held in the different jurisdictions, again we find out that they are roughly similar. It doesn't appear that PR systems have been so unstable that they have had to go back to the electorate early. They have

gone back at pretty much the same rate as we've seen in SMP systems.

In terms of representation, we hear concerns that first-past-the-post privileges local representation, and that is important. We also hear concerns that small parties may have too much influence in PR voting systems. Again, I think that when we look at what happens in these different systems, we discover that the idea of local representation, while talked up quite a bit with first-past-the-post, doesn't appear to be what locally elected members are doing primarily. For instance, when we look at their voting patterns in legislatures, we find that party identification is much more important to elected members in first-past-the-post systems than their local sense of identity.

The arguments about small party influence are also poorly supported in terms of trying to understand how parties have influence in the different voting systems. We have a lot of research in what happens in countries using PR. It appears that they have developed many different customs in terms of deciding how to share influence in terms of major and minor parties, so, when we look at what actually happens, we get a very different sense of how the systems work.

Accountability is another claim that is made for the single member plurality system — that it is more accountable and that it creates clear lines of accountability between what voters vote for and what the results are. I go into quite a bit of detail about why this is not as compelling as we hear. Most of it has to do with the restrictions. The first-past-the-post offers voters a chance to influence what happens in their local riding. It's hard to connect what people do in their local riding to the government formation. Government formation is a function of the system, not of voters' direct votes. It's also unclear that voters are getting accountability in the way that the scholars suggest that they are. We live in a system where parties represent different views, and it is hard to argue, for instance, that a conservative voter is getting accountability by electing a left-wing government to replace a right-wing government. The system just doesn't allow for the kind of accountability that makes sense in terms of what we know voters are making their decisions based on, so I don't find the accountability arguments very compelling either.

For these reasons, I think that the preference approach puts forward a host of ideas that they claim are important and should be considered in the choice of a voting system, but they fail to provide evidence that these things really are that important and that they really do influence the outcomes. With that, I suggest that the way to approach voting system reform is to try to discover what voters are doing and figure out how we can come up with an institutional approach that will best let them do that. The way to do that is to try to identify what voters are doing by voting.

If you just go up and ask them, you are going to get lots of answers. They are going to be all over the map. People are going to tell you all sorts of things. It's difficult to use what voters say to you directly as the basis for figuring out what they are doing when they are voting. That is why I argue that looking at what voters do is more helpful in figuring out what they are trying to accomplish. When we look at what they do, it's fairly

clear that they vote on the basis of party rather than any other criteria. We know that by a number of different measures. We know that because people who run for office and who don't run for parties don't get elected. We know that on the basis of the pattern of behaviour of legislators within legislatures. They vote with their party rather than voting on the basis of some other form of identification.

I am not arguing that other identities or loyalties aren't important in politics — of course they are — but it is how parties take it up that has the biggest impact on our system rather than these claimed other attributes. Given that we know that voters are voting party, it seems to me that the best thing we can do is examine the voting systems from the point of view of how well they help voters do what they clearly are demonstrating that they are trying to do.

Despite the fact that we have a lot of rhetorical focus on local representation in our system, the evidence from both the long-term pattern of voting in elections, both across time and across space, and from our common-sense reading of the results is that voters vote party. They vote party as a form of collective action, right? They do it because they identify with a party on the basis of their values and the kind of broad things that they would like to see government do, and then, of course, they also use their party as a proxy for policy information. Voters aren't policy experts, and so often, they will use their party as what we call an "information shortcut" to try to navigate the complexity of issues that are involved in politics.

Now, all of this then leads to this discussion of referenda. We have seen over the past 10 years a fairly strong declaration that referenda are the only way to make this decision. I find this surprising for a number of reasons. The intonation is that if you don't use a referendum, there is something undemocratic going on — some funny business is happening. This is surprising for a number of reasons.

The most surprising reason is that there is nothing obvious about the use of any instrument to make a decision. One must always make the case for the fit between the instrument that we hope to use and its applicability and appropriateness in terms of the decision that needs to be made. Here, there is a lot of bad historical practice in terms of using referenda for undemocratic ends, so I am surprised at the virility of the claims that we hear from its proponents. They don't seem to recognize that there is a fundamental contradiction between claims for representation and claims that would be based around a decision rule, like majority rule. Historically, we have seen many conflicts emerge between voting majorities and the claims of voting minorities to their representation. The American experience, of course, is the most dramatic, but the use of referenda specifically in places like Switzerland to deny women the vote for most of the 20th century — these are just a few of the more egregious examples of the abuse of this instrument in undemocratic ways, so I think we need to be very careful about how we proceed.

It's also surprising to me because there is a kind of confidence in this claim about the relationship of voting system reform and referenda that just isn't matched by the historical record. Very few voting systems have ever been introduced by a referendum. None have been introduced by a referendum in

Canada. Only one national referendum was introduced historically, which was in Switzerland or, more recently, in New Zealand. Those are the only breaks in the pattern that we can find.

We see that referenda are discussed in a highly normative framework. People put forward the view that referenda are a more appropriate democratic instrument for making all sorts of choices, but that ignores that the process of making decisions by a referendum, at least in our history, has been coded with partisan interest. So, if we explore the history going back to New Zealand but coming forward to the BC examples, we find that partisan interests have interfered with the fair workings of these sorts of decisions, and we can find plenty of examples as we look through the different cases.

We have heard from various experts that referenda are fine and they don't represent any serious difficulty for voters in being able to participate. I find this surprising, given the weight of evidence to the contrary. Much evidence shows that voters struggle to participate in referenda because of the issue complexity. We have heard that there is really no difference between voters choosing a party and choosing a position in a referendum. Again, I don't think that the evidence supports that view. There is a very serious difference between voters being able to attach their general values and political objectives to a particular party and weighing in on the often academic minutia of policy.

Instead, what we see is that voters tend to use information shortcuts and proxies as a replacement for their own intimate and detailed knowledge on these issues, which is kind of ironic because we are told that the referendum is a way of circumventing the role of parties to get to something else. In practice, what we discover is that referenda are often just reflected party positions and that voters are turning to their party to say, "What do we do? How should we respond to this?" We have seen that concretely in the various referendum results in the Canadian context. In 2005, voters in British Columbia were left without partisan cues; instead, they used the results of the citizens' assembly as a way of figuring out what to do. The results of surveys showed that they really didn't understand what the STV voting system was, but they like the citizens' assembly, so they chose to trust them. By 2018, partisan cues had become the key way in which voters were making that decision.

On values, one of the ways in which people have talked about the different voting systems is to say that voting systems themselves are an expression of past values, and that is why we need to use this value approach in the present. But again, I don't think the historical record supports that view, unless, of course, a party's self-interest is a value, in which case that's pretty much how the decisions have been made.

That brings me to my final point — and I realize that I had another slide here where I put forward these various ideas, but it was just sort of one line on each — which is the problem of choosing unfairness. If you follow along with what I'm saying — which is that the preference approach does not support its claims — we are left basically with representation and whether or not we should have a more fair and accurate representation

of what voters say or not. To put that to a referendum is basically to say to people: "Do you want more or less fairness? Do you want more or less equality?" That doesn't seem like a very democratic decision.

I am coming to the end of my presentation here. Here is a quote that was in the submission. This was from an op-ed that I wrote for the *Vancouver Sun* before the BC government made any decisions. I was trying to get people to understand this: What are you asking when you say that we have to have a referendum? I suggest — and I'm just going to give you this quote: "You arrive at your neighbour's house for a friendly game of cards, but at the door, he tells you the other players have decided that you will have to score twice as many points as anyone else to win the game. It's all above-board, he tells you, because most of the players voted in favour of the rule." But does that make the rules fair? Of course not. No one would agree to play a game on such terms, and yet I would suggest that this is basically the argument from referendum proponents when they say that we cannot have a more democratic voting system without putting it to the vote.

In conclusion, I have argued that the preference approach is largely discredited in terms of its recourse to evidence. I have suggested that evidence from strong patterns of voting over time and across place shows that we have a pretty good idea of what voters are trying to do. They are voting for their party choices.

Voting system reform is about matching institutions to needs, not subjecting needs to partisan-motivated, majority-decision rule. That's why I argue that the Committee should establish what Yukon voters need and recommend change to address it.

Thank you.

Chair: Thank you very much, Dr. Pilon. That is so compelling for so many different reasons. I am excited that you reached out to offer your expertise. I will give the Committee members a chance and we will just start in a cycle.

Mr. Streicker, do you have a question?

Mr. Streicker: Sure. Thank you, Dr. Pilon.

You talked about preference being the wrong way to approach this question and you talked about more democratization and then you said, "Let's look at what people are doing" and you described it as being very party-driven — or that is where they are going. I ask you — if you were to say, "Is there is a system out there that you think fits those values, whether or not it is party-driven or not?" — do you have a suggestion? Out of the plethora of systems out there, one of the challenges I find is that there are just so many that it is hard for people to land. Do you have a suggestion?

Chair: I forgot to say at the beginning that I need to identify each of the speakers for Hansard. I am a little bit rusty; we have had a couple of weeks since our last hearing. I will identify you each by name ahead of time for Hansard.

Mr. Pilon: Great, yes. We often hear that there are so many different kinds of voting systems, but really, there are four families of voting systems to choose from. You have plurality systems, you have majority systems, you have various

kinds of what we call “semi-proportional systems”, and then you have proportional systems.

In the democratization approach — which is a much more historically informed approach — we look at what happened and why people made the decisions — it is really clear that the move toward proportional approaches was much more in the democratization camp. Ironically, historically it was introduced in many places by groups that were not democratic. They were, in fact, trying to resist democracy, but it’s one of those ironies of history that it ended up turning out to be much more democratic, so their efforts didn’t actually work.

I would say that any proportional system, given what we know about what voters are trying to do — they are voting for party — any proportional system will do the job. Any proportional system will more accurately reflect what voters are saying. It will remove some of the inequities and inequalities that the present system works — and also many of the other options that also reproduce, like the majority systems or the semi-proportional system.

Which particular PR — proportional representation — voting system should you choose? I tend to be fairly open on that. People make a lot of fuss about the different models as if they are really, really important. I don’t see them as being quite as important. That is where I think a consultation method would be appropriate. Getting input from different stakeholders and from the public on the kind of approach to proportional representation that they think would be appropriate for the Yukon — that would be great. But I think that the basic decision is between the current system, which is a “winner take all” system, and a more proportional option.

Chair: Mr. Streicker, do you have a follow-up?

Mr. Streicker: Yes, I do, if that is all right, Madam Chair.

Chair: Sure, to that point — to what was just said?

Mr. Streicker: Sure.

You have said more proportional but not necessarily a specific one — that in general they would be there. You also said that the way in which, historically, some of those proportional systems came in wasn’t really about democratization, but this would be. I am wondering if you could just expand a little bit on this notion of how people are voting. I know that you have said “parties”, but what is it that you believe people are doing as they go in? Is it just party, or how does that all work? Then maybe just explain a little bit more about how a proportional system would reinforce or support that way of voting.

Mr. Pilon: Of course, it is not for me to tell voters how to vote or what should influence their vote. It’s up to them. They should decide.

What I am saying is that when we examine the pattern of election results, which is the most reliable information that we have, right? — one way that political scientists try to figure out what voters think is to go and ask them questions. The difficulty with that is that it is hard to know how to make sense of all the different things that voters tell us. I cite in the submission various reports that asked voters: “What is important to you in terms of voting?” Particularly, they ask them: “To what extent

is voting for the local member important?” One study found 40 percent — yes, voting for the local member is important. However, then they asked a follow-up question. They said to them, “Well, yes, but what if the local member is not also with the party you support?” Well, now only five percent of voters were prepared to say that voting for the local person was the most important thing.

We have some interesting evidence from surveys that reinforce the idea that party distinctions are the key things that help voters navigate the political system. Remember that the average voter has a lot of stuff going on. They have busy lives. They are not political wogs. They are not geeks like me who love all this stuff and can just read it forever. So, they need help. They use parties as a way of navigating that complexity. That is the reality — the concrete reality — of how people cope with the complexity of politics. We know that from looking at the pattern of the results across elections. Members who do not run with parties don’t get elected. People who leave their parties typically don’t get elected. People who claim that they are going to run as an independent don’t get elected, so it’s these fact-based approaches that help us to understand that it looks like people are voting for parties and that this seems to be the kind of results we need to get. Given that we know that, how well does the system help them to do that? Does it give them a straightforward set of options?

Of course, as I recount very briefly in some of the appendices that I’ve included on the submission, I go into much more detail about the difficulties of the current voting system and the kinds of problems that it creates for voters and how any proportional system would make it much easier for voters to make those decisions without feeling constrained and without feeling like they are facing difficulties or without the kinds of patterns of inequality that we see — that the current system tends to privilege proximate voters and punish voters whose support is more disparate — you know, those kinds of things.

Mr. Cathers: Thank you for the presentation. The question that I would start out by asking is about — in the research that you are talking about, is it fair to say that this would be mostly based on other jurisdictions rather than looking at the Yukon specifically? The reason that I’m asking this is not to suggest that politics in the Yukon is some unique situation and dramatically different from everywhere else. But, in terms of the question of the assumption that people are voting based on party, I would note that there are a few things that could call that into question from Yukon’s history — notably, at the federal level. We went from having Erik Nielsen as a Conservative elected for 30 years straight, followed by Audrey McLaughlin as the NDP member, and Leader of the NDP for part of her time elected for about a decade. Then there was one other member following her who didn’t get re-elected. Then Larry Bagnell, as the Liberal MP, was elected from 2000 until 2011, I think, with a one-term gap when he was re-elected in there. My point is that I think there is an argument at least that, when voters are voting at the federal level, there seems to be a significant element of voting for a person, not just a vote based on the party system.

We have had a number of notable exceptions here to the indication that people don't typically get re-elected if they switch parties or sit as an independent. My question again, just circling back, is: Was any of this research really looking specifically at the Yukon context when coming to the conclusions about voter preference, or was it more based on other jurisdictions?

Mr. Pilon: The research is based on comparative jurisdictions, so I'm looking, of course, across western industrialized countries, but I'm also looking at Canadian history and a great deal of provincial history. Now, I didn't include Yukon, but my understanding is that Yukon is interesting and unique compared to other territories. In other territories, we have seen really interesting examples of non-party political competition, but my understanding — and I have read the stats as much as anyone else — is that Yukon is a party-based system and that parties have comprised almost all of the members who have been elected. They have certainly comprised the governing bodies — the people who were elected to be the government.

In that sense, I am not sure how your examples really challenge my claim that ultimately Yukon voters are using parties to make their decisions. In the case of the federal examples, I don't imagine that any of the people you mentioned were elected with 100 percent of the vote, so we would need to look at the details to see to what extent shifts in voter interest allowed different parties to be elected.

No one is arguing that everyone in the Yukon has the same view, so one would expect that there could be changes based on people deciding to support a different party, that changes in the composition of the electorate over time could lead — with more Conservative voters or more New Democrat voters. Yes, of course there is going to be change, but that change is often predicated on the recognition of the party differences rather than the characteristics of the individual candidates.

In saying that, I am not denying that some individual characteristics of the MPs or MLAs would influence voter decisions, but it is a very small amount. It's a small amount because to gain that kind of information for voters is very difficult.

It is very difficult for voters to look at the individual voting records or get a sense of what individual candidates stand for. Maybe in a perfect world we would do that kind of thing, but in the real world — the world we exist in — people make the decisions based on these broad differences that exist within parties, and often they are looking at the leaders. They get the most attention in the media, so they look at what distinguishes one party from another and make their decisions based on that.

Mr. Cathers: Yes, I would just note that I did reflect on that, but I do have to question whether really any of us know exactly the reasons in the Yukon context why decisions are made. Going back to some of the recent history in the territory in a previous Assembly — I guess that would have been in roughly 2009. At that point, out of 19 members, I believe that four had recently been elected from another party and then had been re-elected. There seemed to be — I would think, in Yukon

history — a pattern — especially rural areas — that the weight of the person may be a larger factor.

I guess I would just ask this. I think that you said that it was pulled from other jurisdictions, but you haven't really looked in depth at the Yukon; is that fair to say?

Mr. Pilon: I will just clarify my comment. I wasn't suggesting that if people switched parties, they wouldn't get re-elected. In fact, we have examples of that occurring. The issue is whether or not people who decide to run as an independent get re-elected. The evidence there is quite stark. It is very rare. If you switch a party, well, you get the advantage of being connected with a party. Again, I don't want to push the issue too far. I admit that there are going to be unique circumstances, and, of course, Yukon itself is a unique jurisdiction in many ways.

But to answer your last question — is the analysis that I put forward to you supplied with a rigorous analysis of Yukon results? No, it is not.

Chair: Thank you, Dr. Pilon. I will just take my opportunity here. You submitted an extensive document entitled *How to Understand Voting System Reform and Act on It*, so I will urge anyone who is dipping their toe or is well-submerged in the topic of electoral reform to take a read. What you were doing today is that you were summarizing an extensive document in a fairly short amount of time. What I was struck by was the difference between the preference approach, of course, and the democratization approach, but one of the things that you highlighted was that you said that you have to figure out what voters' intentions are. So, you are talking to a group of three people who come from very different parties with different values, different representation, and different perspectives. What we are trying to do is suss out what that question is and what the answer is. I think that one of the challenges from our perspective is that this is not an easy task.

Do you have any suggestions? For example, we have a survey out right now. We have received feedback, both positive and less positive, about it. I think I speak for myself when I say that I am actually really looking forward to the public hearings where people can talk about what they are looking for, but do you have suggestions for us on how to identify what that desired outcome is? I think that this has been difficult.

Mr. Pilon: I have taken a historical view of the question, which is very different from the take of many political scientists. Political scientists are often very much what we might call "presentists". They operate in the present tense. They sort of say, "Hey, let's look at this thing. What do we think is the most fair thing? What is going on with it? How do we understand it?" That's how we have the preference vote.

The example that I use in the submission is: When a political scientist looks at single-member ridings, they say, "Gee, why does this jurisdiction use single-member ridings? What could be the reasons?" Then they speculate on what the reasons are and sometimes maybe they go out and test those reasons. They have a survey and ask people, "Do you like single-member ridings?" Of course, that's all most people have ever known, so they say yes, because they have no idea what anything else might look like. That doesn't mean that the

reasons they have come up with are in fact the reasons that this institutional structure was introduced. To know that, we actually have to go back and study it historically.

The actual historical story is much messier and is much less about values in the capital “V” sense of, you know, goodness and fairness, truth, beauty, and light and much more about struggle — dirty, nasty, political, partisan struggle — between those who want more democracy and want more openness and those who do not. Just about every institution that we can look at in Canadian history and across comparative western countries was established that way. We know that when we look at the question historically. When we look at the struggle for women’s voting rights and when we look at the struggle for the restoration of the voting rights of indigenous Canadians and people of colour, the story of this country has a lot of bumps on the democratic road, and we need to look at those struggles to understand where these things come from. Whenever we approach those questions from a point of view that says, “Well, let’s have a vote on it”, you are subjecting what are essentially the rights of those people to participation to the majority.

So, because I understand this issue based on what I see going on — you know, voters across western countries pragmatically look to parties as a way of trying to influence what is going on in the political system; that is a fact. Despite the comments that we have heard here today, there just isn’t really any strong evidence that other factors are determining what is going on. Now, if you can look at the Yukon and show me that it is not the case in terms of the pattern of results that you have had since you have had an independent Legislature going back, I think, to the 1970s — great. But I don’t think you can show me that. I think that what you are going to show me is that people got themselves organized politically in the Yukon on the basis of these party labels.

Now, some interesting innovations have come in. Obviously, the Yukon Party is a different party than maybe the Conservative Party which we might see in other jurisdictions. So, there is some nuance. There is some innovation, but still, it is about parties because that is what allows most people to get a grip on this complicated world that we call “politics”.

So, for me, given that we know that, we make decisions about institutions based on what will do the job and what will actually represent the differences. Is it fair that voters who live close to each other have more power than voters who do not? I don’t think so. I have not heard any compelling arguments that voters who are proximate should have more representation than voters who are not. Maybe once upon a time — back in the 18th century or 19th century when everything was much more locally organized — that would have been more important, but today, so many of the issues that governments are dealing with are cross-boundary and are much more global, much more about the whole province or the whole territory, rather than this or that constituency, and people are making their decisions based on those broad things that distinguish the different parties. It is the policy mix that the different voters are trying to accomplish, and so I think that a political system should do the best job of representing those diverse views.

So, I don’t know if this is helping you or not. Maybe it is just making it more complicated, but ultimately, to me, the evidence is fairly clear and you make the decision on a fact basis rather than putting it out to some referendum or poll.

Chair: As for making it more simple, I am not sure if you did, but this entire exercise has been really educational. I say that in terms of — we have had lots of people with an incredible amount of experience and knowledge who have shared with us a wide variety of ideas. I am going to forget her name right now, but we had a doctor from the east coast who said that referenda, they fail — you know, a cautionary tale on that. But something that she had suggested — she said that you don’t even have to change the system to get people to start thinking about different systems. And she suggested just, for example, having a ranked ballot — starting with a ranked ballot so that people could get the idea that it just wasn’t one. That actually struck a bit because she said that it is not changing first-past-the-post, but it is now expanding from what that is — how that would work.

Do you have any suggestions on — so, we’re in a spot. We’re doing this thing. Again, there are three drastically different views on this call with you, and, of course, we do represent not only our own constituents, but — you are right — the entire territory. Do you have any suggestions? Would you suggest that we give situation A a try or ask question B or any of those things?

Mr. Pilon: So, the idea that the ranked ballot, which is misnamed — it is called the “alternative vote”, which is a majority voting system. Many of the problems that we see with the single-member plurality system are reproduced with that system. It is not an improvement. It does alleviate some of the strategic dilemmas that voters may face, but it doesn’t lead to more equitable results in terms of making sure that each individual voter has an equal power to elect.

There is also no evidence that moving from one system to another is a stepping stone to somewhere else. That was a common claim as well. “We’ll just try this for now, and then eventually we will get to something else”, but you never get to something else. Whatever you choose is where you end, and so jurisdictions that chose that system either stuck with it or, in the case of the Canadian experience, reverted back to first-past-the-post, so I wouldn’t accept that as being a very good strategy.

I think that, again, you need to name what your problem is. We are led to believe, by the preference approach, that voters are teeming with opinions about voting systems and are just dying to jump into the fray. That is false. Voters do not have opinions about voting systems; they do not have opinions about any of the institutions that we use, for the most part. I mean, you can find some. There are a few out there who are particularly keen, but if we are talking about a representative sample or a representative amount of the whole population, most people have no opinions on any of this. So, what you are doing, basically, is that you are seeing which group can mobilize its partisans to reflect its position. That is what we end up with — a kind of mobilized partisanship that then reflects through the public the opinions that the parties have already come to.

Could there be a better way? I think that the citizens' assembly approaches are very good. I think that when you hear from Ken Carty, he will talk about how exciting and dynamic those processes are. They also demonstrate that, given the resources, the public really can do this work. The problem that the public faces is that they have jobs, they have lives, and they have kids. They can't just stop and jump into these topics with the care and attention that they need. They might want to, but that's just not fair to expect them to, given all the demands on their time.

The beauty of a citizens' assembly is that it actually provides people with the resources to be able to take up the topic in some depth. When we look at those citizens' assemblies, whether we look at BC or Ontario — or the Netherlands, which also had a citizens' assembly on its voting system and, interestingly, it was a citizens' assembly that decided to keep its voting system rather than recommend change, so these bodies don't always recommend change. What we found in all cases was that the people who got involved were able to participate at a very high level.

If you are hell-bent for leather on having some kind of involved process, that is by far the gold standard in terms of being able to allow people to get a grip on this topic.

Chair: Just for my own clarification, it was Dr. Joanna Everitt from the University of New Brunswick. I thank you for that. I warn you that we have a dedicated group of voters in the territory who are passionate about change. You may be hearing from them in the future.

Hon. Mr. Streicker: Dr. Pilon, when Mr. Cathers was asking you questions and he was talking about the Yukon context — and you talked about the differences across the three territories and how the other two territories have used a non-partisan system. They would call it a "consensus-based" system, I think. But their system — for example, when they are voting in people, they are not voting in a platform. They have to wait to see who is elected, then who becomes the Premier, what the Cabinet is, and then they will choose a platform or, I guess, at least a policy direction.

Our context is 19 ridings at present. It has changed over time, but it's not 50. I am just wondering if you can go back to some of the things that you were talking about — for example, in this democratization here — and think in the context of a large geography with a small population, generally.

There is another difference that is worth pointing out, which is that the City of Whitehorse contains roughly three-quarters of the population. We care about our communities — all of us. Even those folks who are from Whitehorse really care about the outside. If you can reflect a little bit on the democratization approach — and if we are talking about some form of proportional representation, what might be the pros and cons given our reality here?

Mr. Pilon: I just did a presentation for the BC Electoral Boundaries Commission on the question of rural overrepresentation. This issue comes up because, of course, when we look at the provinces like BC, Alberta, and Saskatchewan, there is a very concentrated population near the border, and then we have very large tracts of geography with

much fewer people. The concern is: Is there going to be some imbalance in terms of influence? Again, when we look at what voters actually do in those jurisdictions, we discover that they vote for parties and that those parties each have different policy approaches to the challenges that face rural areas. The best thing to do is to allow those coalitions to maximize their representation and reflect what the different views are in the rural areas.

When we look in the rural areas, in no place does everyone agree on what should be the politics. The different parties are not the same. Each party represents a different approach to taking up the economic and social challenges that exist in those areas. What is interesting is that, in all cases, voters choose parties that are not solely based in rural areas. In other words, they join a coalition — a party that represents a coalition of rural and urban voters.

If I were to look into the results in Yukon, I think we would find something similar. We would find that some parties may have more support in some geographic areas than others, but no party is strictly supported in one geographic area or another. In fact, there are pockets of support in urban areas for the rural party and there are pockets of rural support for the more urban parties. Part of what politics needs to do is create a coalition. The best way to balance out the interests of these different areas is to have an effective political coalition that binds urban voters with rural voters to make sure that everybody is included in the policy outcomes. We need a robust debate between the different parties about how best to answer those problems that exist.

Again, I think that a proportional system ultimately does a better job. We can find lots of examples of this. If we look at Scandinavian countries, they look very similar to provinces like BC and Alberta. They are very long and have urban areas at the bottom, and they have large stretches of geography, and yet they have proportional systems that have been able to create this cross-geographic set of coalitions that have created more equitable results for the different groups of people. Now, I am not suggesting that we take up the Scandinavian approaches necessarily, but I am saying that it is interesting to look at them and see similarities between their challenges and Yukon. So, it is not impossible. I think that you could come up with one, and that is, again, where I think that having some public input would be important.

Once you have decided what Yukon voters are doing and you have decided that we need an institution that is going to better reflect what people are trying to do with their votes, exactly how to do it — that is where I think you could get some really good insight from the different communities about what they would be comfortable with. That is where, I think, getting their input on whether to have a mixed-member proportional or a single transferrable vote approach — those are the two rival options. The party-list approach of Scandinavia is probably not on the table, but those two approaches — we have seen some innovative approaches on the table in the BC referendum in 2018. So, I think that we are spoiled for options in terms of the potential ways in which those problems could be addressed, but I would just remind you that often we talk about these things as "rural" and "urban", as if they are totally separate realms, but

that is not what is reflected in the voting results. We pretend like they are separate jurisdictions and they have totally different views, but that is not what the people in those places vote for. In fact, what we discover is that people in rural and urban areas vote for the same parties — in different proportions, but they do reflect a rural-urban political coalition. I think that is a good thing. I think that is the best way to assure that both groups are going to see their interests reflected in policy.

Chair: Thank you, Dr. Pilon. We are nine short minutes away from being done today, so I will ask everyone to keep their questions and answers tight and we will just try to get us through a couple more.

Mr. Cathers: I would like you to follow up a little on the question that Mr. Streicker asked. One of the issues that we have in the Yukon, just in terms of the unique situation that we have, is that we have both a small Assembly, as Mr. Streicker touched on, of 19 members, and we also have an unusual situation in the country in terms of the amount to which our population is centred in one city — that being Whitehorse and the surrounding area — that does pose some questions that are related to the electoral model but also, in some ways, separate from it.

What I would just ask is what your thoughts would be on how you balance that — the extent to which there is more representation per capita — that is not quite the right way to put it — for rural areas versus urban — how you balance the individual weight of what a voter has to say versus trying to balance the rural/urban split.

Mr. Pilon: Well, the argument that I made to the Electoral Boundaries Commission in British Columbia is that voter equality is a crucial value — maybe the crucial value — of democratic societies. So, any movements away from voter equality have to be taken very carefully. Now, the courts have argued that a certain degree of disparity — moving away from absolute voter equality is acceptable for a number of reasons. Those reasons are contested by many political scientists. Again, I think that I would refer back to my answer to the previous question, which is that, in overrepresenting rural areas, you are often privileging the party that has the most representation in that area. That is not really fair because rural voters do not vote with one voice. They do not have one opinion. A democratic society has to be pluralistic. It has to respect the differences that exist within regions as well as across regions, and so the best thing to do for rural voters is to allow them to make common cause with those who are part of their coalition, because their coalition represents a distinct set of policies related to rural issues. It is a bit of a fantasy to argue that rural and urban are somehow distinctly different realms that have cohesive views that are separate from everyone else. I don't see that. I don't see that in the voting patterns, and I don't see it in the policy differences that exist between the parties. In a democracy, that is what matters — it matters. What are the different things that are on the table? Voters should have the most opportunity to make their choices and have them reflected.

Chair: We, in Yukon, I think, are in a unique situation where we have acknowledged, for example, our one fly-in

community, the riding of Vuntut Gwitchin. We have assigned it its own seat, which would put part of your argument — we would blast it out of the ocean of decisions there, but we prioritized that here in Yukon with the understanding that the community is very dissimilar from its nearest community, but those are other questions that we have grappled with over the years. So, it is an interesting point and we hear it, and there have been lots of suggestions in the last presentation that we look at expanding from 19 to a greater number, that we change the voting system and what that would look like.

My last point for you is that you said that, from your perspective, the citizens' assembly was the gold standard — that you make sure that you have a citizens' assembly that is resourced and has the opportunity to do the learning in a supported way and that is the gold standard. I am just repeating, but if you have a closing thought that you would like to share with us, I would appreciate that.

Mr. Pilon: Well, once again, thank you for inviting me to appear before you. I prepared an almost 30-page brief specifically for your committee because I felt that the information and the approach that you are being presented with did not really reflect the historical experience of voting system struggles over western countries and within Canada itself.

What I offer you is historical knowledge. Your other presenters and participants offer you many ideas. They are all very interesting, but very few of them are informed by what has actually happened in western countries, both in terms of the kinds of results that the different voting systems tend to produce, but also the reasons that those systems have been used and maintained. The reasoning is almost always about a struggle over democracy. It is a struggle over who is going to be included and excluded — whose views and values are going to be inflated and whose are going to be excluded.

I urge you to think carefully about what kind of question this is. Is this a question about preferences where all choices are equally valid, or are you facing an opportunity to try to equalize and create more equity in terms of the kinds of results that your democratic system produces? I think that you are in a position to make that choice. I think that the evidence is clear in terms of what voters are trying to do. I think that the options that are available are also clear in terms of choice. We don't need to debate whether it is raining outside. Let's just go out and see whether it is or it isn't. In this case, too, I think that the answers to your query are not that hard to find. Proportional systems deliver on the kind of equitable, inclusive, equal democratic results that I think that any democratic polity should support.

There are still choices to be made. You can still have singled-out areas that need special representation because of historical grievances or hegemonic power imbalances. All those things are possible and I think they can be justified, but broadly speaking, as much as possible, variations from voter equality and equity in terms of the power to elect should only be taken in extreme situations with very clear reasoning.

My view may be a bit different from the ones that you have heard so far, but I think it is fairly well-established, both in terms of the evidence and the historical stories about how we

have gotten to where we are today in the democracies that we have in Canada.

Chair: Thank you, Dr. Pilon.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, of course, I would like to thank the witness, Dr. Pilon, for your very informative presentation. I would also like to thank the Yukoners who are listening and watching this hearing either live or in the future. Two hearings with expert witnesses are scheduled for later today. Transcripts and recordings of the Committee's previous hearings are available on the Committee's webpage at yukonassembly.ca/SCER.

The Special Committee on Electoral Reform would like to encourage all Yukoners 16 and older to complete the electoral survey currently being conducted by the Yukon Bureau of Statistics. In addition to the information from the survey, the Committee is collecting public feedback in the form of written submissions. The Committee also intends to hear from Yukoners at community hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 9:59 a.m.



Yukon Legislative Assembly

Issue 12

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, March 25, 2022 — 11:00 a.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Graham White, Professor Emeritus of Political Science,
University of Toronto

EVIDENCE**Whitehorse, Yukon****Friday, March 25, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly’s Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White. I am Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and Member for Lake Laberge. Finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes. This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee’s purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

We have with us now Dr. Graham White. Dr. White is a retired professor of political science at the University of Toronto, where his teaching and research is focused on governmental institutions such as legislatures, cabinets, and bureaucracies, primarily at the provincial and territorial level. He spent several years working in the non-partisan Clerk’s office at the Ontario Legislature before joining the university.

He has been writing about the politics of the Canadian north since the late 1980s, and he is currently completing a book about the Nunatsiavut Assembly. Dr. White is a former president of the Canadian Political Science Association and a former editor of the *Canadian Journal of Political Science*.

We will start with a short presentation by Dr. White and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. White’s presentation.

Mr. White: Thank you, Madam Chair, and thank you, Committee members, for inviting me to participate.

Let me begin by acknowledging that I am speaking to you from what has been, for thousands of years, the traditional lands of the Huron-Wendat, the Seneca, and the Mississaugas of the Credit. Today, this meeting place is still home to many indigenous people from across Turtle Island.

Let me begin with a few general observations. The first one is that any change to the rules in government, and especially to the electoral system, is going to create winners and losers. Now, the gains and losses may be very small, and it’s not at all to be presumed that this is done — changes are made for political gain. On the other hand, political gain can sometimes be the object of the exercise, as we can see with the appalling changes that are being pushed through in a number of American states these days.

Secondly, almost any significant change in process or structure in government, which is to say with electoral rules, will have unintended consequences. Again, they may not be very major, and many of them can be anticipated, but, although I was never a big fan of Donald Rumsfeld, he was on to something when he talked about “known unknowns” and

“unknown unknowns”. You need to think things through clearly and expect the unexpected, as it were.

An example of what I’m talking about here is — as people have told you, I think, in some of your earlier meetings — that there is a distinct possibility that, were you to change the electoral system, people would not vote the way they had been — that changing the system itself might change the way they vote.

Thirdly, I would like to reiterate a key point made by my friend and colleague Peter Loewen, who spoke to you earlier, and that is that you need to be clear on the problem you are trying to solve through electoral reform.

I read the transcript of the debate in the Assembly when the Committee was created. There really wasn’t much discussion about what the problem was that the Committee was being established to deal with. There was one MLA who talked very positively about living in New Zealand and being quite impressed by the electoral system, the MMP system, that they have there, but there really wasn’t too much — although I do understand that this has been a long-standing topic of discussion in Yukon. So, I will assume that, first and foremost, what the Committee is concerned about achieving is perhaps getting a closer link between how Yukoners voted and what the composition of the Assembly is.

My final general point is that I would suggest that you pay attention to the research, which I know you are doing, but interpret it carefully. A good example here is that, overall, the research is very clear that legislatures that are elected by either PR or MMP have a greater diversity among their members. However, that is not the same as saying or expecting that, if you change from first-past-the-post to MMP, it will automatically increase the diversity, because there are all kinds of factors in play here.

Let me turn to specific Yukon concerns. It is obvious that the Yukon political system shares many features with other Canadian or non-Canadian jurisdictions, but, as they used to say on *Sesame Street*, one of these is not like the others. In considering electoral reform, it is really critical — and far more than in most places, I would suggest — to factor in how distinctive Yukon is in terms of demography, geography, and politics. All I really need to do to emphasize that point is to recall that, of all the places in North America he could have run for elected office, Elvis Presley chose to run in Yukon.

Let’s think a little bit about either PR or MMP in a Yukon context. Pure proportional representation means no constituencies, and I can’t imagine that this is possibly going to be worth even thinking about, so let’s move on from that. But what about mixed-member proportional, MMP, as they have in Scotland, in New Zealand, and what was proposed for Ontario by the Citizens’ Assembly? With a House of 19 members, as you have in Yukon, in order to bring — at least in my thinking this through — the vote and the seat proportions into reasonable synchronization, you would need to have at least five or six list seats — quite possibly more, but certainly no fewer than five or six, which would be somewhere about 25 to 30 percent of the current 19 members. In Scotland, 43 percent of the 129 members they have there are elected by list. In New Zealand,

40 percent of their 120 members are elected by list. Since distortions created by first-past-the-post are more pronounced in smaller houses, then you would probably need more than five or six — maybe eight, but let's just stick with five or six. So, if we are going that route, there are two possibilities. The first is that you keep the size of the House at 19. That would give you 13 or 14 constituencies and five or six MLAs elected by the list.

The seven — what are referred to in Keith Archer's report and by other people as the seven "rural seats" — I would step back and say that, for me at least, in the Yukon context, they are not so much rural as small community seats. I think that is an important distinction, of which you are perfectly well aware. So, if you are going to keep the House at 19 but add five or six list seats, that means that you would have to consolidate those seven small community seats into no more than four or five.

Let me do a thought experiment here. How enthused would you be in explaining to the folks in, say, Teslin or Ross River that they are now going to be in a riding with Watson Lake, or telling people in Haines Junction or Burwash Landing that they are now going to be joining a riding that includes Dawson or maybe Carmacks and Pelly Crossing? I suggest that this would not be a very enjoyable exercise.

Relatedly, in my reading of the plebiscite that Nunavut ran in the run-up to creating Nunavut where there was a proposal to create a gender-equal legislature, it was defeated for a number of reasons, but one of the reasons that it was defeated was because, if you are going to have two members per constituency — one man, one woman, which was the proposal — then the ridings would have to be bigger, and there was a lot of pushback at the community level because they did not want more than one, or at most two, communities in the same riding. That relationship between individual voters and the elected member is a pretty important one.

It is certainly problematic to go that route — keep the 19. The other possibility would be that you keep all of the existing constituencies but add five or six more, or maybe more, MLAs who would be elected by lists. I am guessing that, as in most places, a proposal to significantly increase the size of the Legislature would be a tough political sell. The key here — and, again, I'm not telling you anything that you are not very much aware of, as working politicians — is that there is such a close connection between Yukoners and their elected MLAs. That is one of the distinctive features that you need to keep in mind when you are thinking about possibly adopting a system developed elsewhere.

I live in a middle-class area of Toronto with single-family dwellings. I am pretty sure — I have never asked, but I am pretty sure — that neither of my next-door neighbours, well-educated as they are, could tell you who their member of their provincial parliament is or who their member of the federal parliament is. In a large urban area, that is really not a big deal. The individual connection simply is not there in the way it is for you, especially for people in small communities.

A related point here — and that has to do with: What would be the role of a list MLA? There have been some issues — and there is some research on this in places like Scotland and New Zealand, which have MMP — about the distinction between the

constituency members and the list members or, as they call them in New Zealand, the "electorate members". It is certainly hard to say how this would unfold in Yukon, but it certainly could be problematic. What exactly would the list members be doing? Perhaps they could do some extremely useful things that constituency members don't have the time for, but then there would be the question: How would the public perceive them? How would their colleagues in the Assembly, the constituency MLAs, perceive them and relate to them? That is an issue.

Clearly, I am raising a lot of concerns and problems with MMP, but there may be — and I guess it is really a third possibility, though I said earlier that there were two — a way to attain better proportionality without wholesale amalgamation of ridings or significantly increasing the size of the Legislature. What if you left all seven of those small community ridings as is, but have MMP in Whitehorse? Whitehorse, of course, has over 70 percent of the territorial population. You could add one or two seats, which would be not unreasonable in terms of representation by population. That would give you a total of 13 or 14. You would have six or seven constituency members and six or seven list members. You could have, on a smaller scale, MMP to at least take the worst edges off of the distortion that first-past-the-post has created. I agree — as somebody was quoted in the Archer report as saying that it is important that everyone has the same kind of experience when they are voting, but I would suggest that it is not an absolute requirement and it's certainly not, for example, something that our American friends worry overly much about. Also, although I have never actually been in Yukon during an election, I am prepared to guess that the way in which elections unfold on the ground, in real life for real voters, is quite a bit different in Whitehorse than in Old Crow or Carcross. I am not sure — if that approach appeals, I think that it is surmountable to not worry overly much about giving different experiences to different voters.

Let me finish off with four final points. Alternate vote, which is in the Archer report, does retain all of the constituencies and therefore avoids some of the problems that I have suggested could occur, and at the same time, it ensures that every MLA is elected with a majority of voters in their riding. But, as Keith Archer's report points out, it does not really deal very effectively with the distortions that you get from a first-past-the-post system. So, if that is really what you are concerned about, alternate vote is not going to do it.

Secondly, First Nations — I haven't, to this point, mentioned First Nations, not because they are unimportant, but because they are so important. I have tried to think through the implications of an MMP system or other systems for First Nation people in Yukon and their relations with non-indigenous people and have frankly not gotten very far. It is not just, of course, that First Nations comprise a substantial proportion of the territorial population, but many of them have geographically defined self-governments and, of course, to make life interesting, some of them don't.

I think what I'm telling you is that I know enough about Yukon First Nations to realize that I don't know enough and that this is an extremely complex area. I would not attempt to

go very far in suggesting what you might want to do, other than obviously, if there is, on the table, a significant reform or change proposal, there would have to be very extensive consultations and discussions with First Nations about the possible implications.

The third point — and, again, this is something that you have heard on a number of occasions — is that any major change would require popular support through a referendum. In that referendum, there would need to be a strong, neutral, well-funded public education campaign — the sort of thing that, unfortunately, was totally missing in Ontario. That is not news to you.

I would add that I would strongly urge you, if you are going that route, to not piggyback it on an election. Yes, it would save some money, but if the Ontario experience is anything to go by — and in this instance I think it is — important debate and discussion on a possible new electoral system would simply get lost in the election. People, meaning candidates and voters, would quite naturally be far more interested and attentive to what the issues and the personalities are in the election than to a somewhat arcane question about voting systems.

My final point is that it is baseball season, so here is an idea out of left field. I don't know the extent to which cynicism is an issue in terms of the electoral system in Yukon or the political system, and even if it is, I think the following is worth thinking about a little bit. I don't believe that it has happened for a few years now, but I do know that it is a long-standing tradition, if you will, for MLAs to switch parties or to leave their parties and sit as independents. Let me suggest to you that it would be interesting and, in my view, appropriate to require at least the switchers — perhaps not the people who move to become independents, but at least the switchers — to resign and face a by-election. It is fairer for the voters. Yes, personality is important and individual Yukon candidates are more important to voters than in lots of other places, but parties are obviously important as well, so it is fairer to the voters. But, more significantly, in a small legislature like you have in Yukon, one MLA changing allegiance could make the difference between a majority and minority government or, for that matter, even the government's capacity to remain in power. A little off the wall, but that is why you have academics coming to natter at you.

So, with that, I will thank you for your attention and be happy to pursue any discussions that you care to pursue.

Chair: Thank you so much for that presentation — and a beautiful reminder, since today I am joining you all from the traditional territory of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

Brad Cathers is also joining us today from the traditional territory of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

Hon. Mr. Streicker: Same — I am in town.

Chair: Dr. White, there is a distinct possibility that we could have been spread far enough that we would hit more than two of our First Nations. I really appreciate your land acknowledgement. We centre a lot of what we do in that, so it is a reminder for me to include that.

Thank you for that presentation. How it is going to work is that I will start with Mr. Streicker and give him an opportunity for a question and follow-up. We will move on to Mr. Cathers and then I will also ask questions. Of course, I will make sure that I identify everyone before they start.

Hon. Mr. Streicker: Dr. White, you are the first presenter who has given us some real context for the north — quite different. Often one of our questions for people is about how their presentation to us might apply to a small jurisdiction or a small legislature — not small geographically.

Because you have had some experience with the north, I wonder if you would like to make a little bit of comment about the one difference between us and the other two territories. We are the one northern jurisdiction that has chosen a party-based system, and the others have not. In the context of electoral reform, what might that mean for us? There are certain things that you nailed for us. We, of course, don't refer to rural ridings. We think of them as communities, just as you described. That, for us, is how we think, but we don't usually talk to people from Outside that way; we will just call them "rural" so that they get that it's different.

I guess I am impressed by that insight, and I'm just wondering if you can provide any thoughts about, as we move down this path of considering electoral reform, the difference between partisan and not.

Mr. White: I should begin by telling you that the reason I first got interested in doing the north was to look at this strange beast in Yellowknife called "consensus government", which had a Westminster basis but no political parties, with the fascinating overlay of a strong indigenous component.

Also, as the Chair mentioned at the outset, I have just finished off a book about the Nunatsiavut Assembly, which is another consensus government. It is actually an Inuit self-government that runs by consensus.

I have to tell you that, 30 years on, I am still kind of trying to figure it out and also come to a conclusion as to whether this is a better way to go. I begin with the premise that it can't possibly happen in a large assembly — that is not going to happen — but in a smaller assembly, it has a number of advantages, aside from you getting a more civilized type of debate. It means that — and no disrespect at all, but if you have 19 members and you are drawing a government from 10 or 11, which is, of course, in Yukon, a landslide, that's not a lot to pick talent from. That is no slur on members; it really isn't. But at least in Nunavut and NWT, everybody is eligible to serve in Cabinet. In NWT, they do have regional quotas. The talent pool is essentially the entire Legislature, and there is a lot to be said for that.

One of the downsides, however, is that it is difficult in that kind of context to make tough decisions. One of the characteristics — I don't want to say that it is a good thing or a bad thing, necessarily — of a Westminster system, particularly one with a majority government, is that they can take tough, unpopular decisions if they think it is the right thing to do. That is much more difficult to do in a consensus system, especially where the non-Cabinet ministers outnumber the Cabinet by several. Then there are also accountability concerns. Whatever

its other shortcomings may be — and I have to say that I am a fan of the Westminster system — Westminster systems are pretty good on accountability. They are not perfect, but they are pretty good. Unfortunately, that is not really the case in a consensus system. Sure, they have Question Period and committees to look into issues, but when it comes time for election, everybody runs as an independent. You can't vote for or against the existing government because it really no longer exists. The direct accountability from the Cabinet to the individual MLAs in the Assembly is very strong. The accountability to the people is very weak.

I am not sure if that's the kind of thing that you wanted to know.

I guess that a final other thing is that occasionally one hears folks in Yukon suggesting that maybe this would be the route to go. There is a certain "the grass is greener" effect looking at the positive sides of consensus government, but to me, it is almost inconceivable that a party system, as you have in Yukon or anywhere else, could then transform itself into a consensus system. I can't see that happening.

Hon. Mr. Streicker: Thank you, Graham, for that response. Just turning for a moment — you described some possibilities around MMP and various blends that might work, and for the first time, I heard this real trade-off discussion around local representation versus trying to get a truer sense of what the electorate is choosing through the election.

I am wondering if you could talk a little bit more about any of those options that you provided for us and what that might do for accountability, representation, democracy, the partisan system, et cetera. Any change that happens to us is a big change, and so I am just wondering if you can talk through a little bit more about your insights around that.

Mr. White: Let me take them slightly out of order. In terms of democracy, I have to tell you that, in general, I am a big fan of MMP. I was very disappointed — not surprised, but very disappointed — when Ontario voted it down because I just don't think that it is appropriate for a political party to get 37, 38, or 39 percent of the vote and have a majority government with all the powers that come with it.

But I do want to emphasize — I hope that it was clear in my presentation — that, given the size and the demographic of Yukon, it is a very, very different kind of ballgame. But, really, the main reason why systems go by proportional representation or MMP is to have a more democratic outcome in giving the voters the legislature they actually voted for. That one was relatively easy.

Accountability — that one is tougher, especially when you are talking about list members. Here, one of the questions would be that if you went with a list, would it be what are called "open lists" or "closed lists"? The closed list is the party itself — it puts people on the order that the party wants, therefore, close to guaranteeing at least the first one or two people are going to be elected, whereas with an open list, you just have the names and voters themselves choose. That, to me, especially the closed list, is problematic for accountability. To take a really bizarre possibility, if Ontario had gotten MMP and some party was sufficiently deluded to put me at the top of their list,

I would get elected. In real life, I would never get elected. Where is the accountability? Where do the voters have the option there to exercise their views? What is the accountability of that member? Because the member is there. That list member is elected because the party put he or she at the top, not because the voters were enthused about this person. So, I think that accountability can be problematic.

Representation — well, it depends on what variation you are looking for. If you have kept a sufficient number of individual ridings — so that there are individual MLAs who are closely connected to their voters and therefore representing them — to me, that is really what you want because on the other side of it, in that kind of sense, the list members don't have to represent, they are not going to be running around doing constituency work that takes so much time. They are going to be freer to look at policy issues, to be true legislators, which, to me, is a good thing.

I guess what I am saying is that there is sufficient quality of representation in that kind of system and you get the benefit of having members who have the luxury to spend more time and energy doing policy issues, developing legislation, sitting on committees, doing all of those things that all members are expected to do but often don't have time to do, because they have to appropriately spend time on their individual riding concerns. So, in that sense, representation seems to be okay.

Mr. Cathers: I found your presentation and your answers so far quite interesting. One of the things that has struck me with a number of the presentations we have received — and I am in no way intending to diminish the perspective of those people — is just a lack of familiarity with the north itself and recognizing — I do appreciate that, in your case, you clearly have familiarity with some of the unique situations that we deal with. In the analogy you gave about your neighbours, you suspected that they would not be able to name their MP or MPP. We have here — as you are probably well aware, it is quite common that, especially long-term MPs or MLAs are on a first-name basis with a lot of constituents, who would refer to them by their first name and all of their neighbours would know who they were talking about. I think that we are in a situation that applying some of the assumptions culturally from other political systems to the smaller systems that we have here in the north may or may not be valid.

It is interesting, as well, just on a non-scientific basis of what people have raised with me about either a preference for changing to a system that weights parties more heavily or moving to a system like NWT or Nunavut, that, just on an anecdotal basis, I tend to hear about the same number of people either arguing for more weight to a party vote or getting rid of parties altogether. I was interested by your analogy — "the grass is greener" system there. I guess what I would focus on right now is just — my question would be — you talked about the problems with a closed list system, if we were to adopt MMP. What sort of model would you suggest is appropriate for dealing with potentially MMP and allowing for it to be a more accountable model of that?

Mr. White: Let me say in response to your comments at the outset, I remember talking to a Nunavut MLA a long time

ago and he was lamenting to me: “You know, in Ontario, Mike Harris can lay off 5,000 people. We lay off two guys and I see them the next day in the Northern Store.”

Anyway, in terms of lists, an interesting point here — I mentioned in my presentation that it is possible to run a neutral public education campaign. The reason that I am confident about that is that, when we had our referendum in Ontario, I did a lot of speaking to seniors groups and community groups and so on. I tried to lay out the pros and cons of first-past-the-post and the MMP and so on, and a lot of the time, at the very end, they would say: “Well, Professor White, what do you think? What should we do?” — which I took as a sign that I had been pretty neutral, that they didn’t know what I thought, which was that I liked MMP, but that hadn’t come across. So, I think that you can be neutral.

But, at the same time, what was, for me, significant — relating actually to your question now — was that when the problems with first-past-the-post were explained and MMP were explained, a lot of people for the first time were quite enthused about it until it got to the point where they found out that the proposal on offer from the citizens’ assembly was for a closed list which the parties themselves would develop, and that was a non-starter for a lot of people. A lot of people said: “Proportional, yeah; that is not a bad idea. What do you mean? The parties get to put any kind of political hack who couldn’t otherwise get elected at the top of their list?” That was very problematic for a lot of people.

The open list can get over that to some extent, but it is still a question of who gets on the list. The parties are probably still going to control that perhaps, and if memory serves, at least the NDP in Ontario and maybe one of the other parties — I can’t remember — committed to yes, if there was going to be a closed list, they would run internal party elections to determine who would be on the list and in what order. Hmm, I am not sure that really goes a long way.

As I say, an open list is certainly — in those sort of the terms that you were talking about here — an open list is far more preferable, largely because it is much more out of the control of the parties. But it is not entirely out of the control of the parties, but then, most of the electoral process isn’t either. So, I am not sure that is a huge problem. Certainly, I think that the public, to the extent that it was explained to them, would be far more in favour of an open than a closed list.

Mr. Cathers: I think the only thing I would just ask on that is if you have any other thoughts to elaborate on the nature of that open list, since not all open list systems are identical.

Mr. White: I can’t say as I do. This is not something that I have spent a lot of time thinking about, other than that the open lists are clearly, in my view — in any system but I think in a place like Yukon — are clearly preferable to a closed list.

Chair: I really appreciate, just to echo my colleagues, that you are aware of the Yukon and our makeup in communities and First Nation governance with both signed and unsigned final agreements.

There were two things that I wanted to talk about. One, I wanted to ask: So, when we are talking about mixed-member proportional and then we are talking about the closed or open

list, do you think — again, this would be different from anywhere else — but do you think that if those list members — if the requirement was that they were candidates in that election, would that help ease some of that concern? So, instead of having people who hadn’t put themselves out for election, what we are talking about is people who have just made themselves very public. So, our in our current iteration, the Liberals had — my gosh, I have to make sure that I do the math right — nine elected folks, as did the Yukon Party, and the NDP, we had three, but each of us had 19 candidates who ran in the election. So if our lists, for example — it had to include the people who ran so all 19 candidates could be on that list. Do you think that this would address some of the concerns that exist?

Mr. White: Sorry, you are suggesting that, in effect, the list would be made up of unsuccessful constituency candidates?

Ms. White: Yes, I am.

Mr. White: Yes, I know that there are some places — I can’t say as I recall where they are — where there is a variation on that or you can both run on the list and in a constituency. Please don’t ask me where they are because I simply don’t remember. That is certainly an interesting possibility, but then how do you determine, of the unsuccessful candidates, who is on the list? I think that is a particular issue in Yukon because you have ridings where, for good reason, the number of voters varies enormously. Old Crow is one. There are certainly fewer than 200, whereas there are Whitehorse ridings with 1,500 or maybe even 2,000 voters. You couldn’t simply take the unsuccessful candidate with the highest number of votes because that would automatically shut out people from the smaller communities.

Would you take it in terms of proportion? Well, that is problematic too. Far be it for me to correct Madam Chair, but my recollection is that not all three parties ran full slates last time, so if you are in a situation where there are only two candidates or maybe a situation where there are five or six and you lose, but your proportion of the votes will be heavily determined by how many other candidates there are.

I am good at finding difficulties here. I am sure that there must be a sensible way around this, but right now, it’s not occurring to me. I think that the general idea of picking people for the list from the unsuccessful candidates would probably be a good idea. Let me take another step back. Here, I guess I am revealing that my knowledge of Yukon is relatively slim. Where I am going is that one gets a nomination as a party candidate through the party or through a constituency nomination process, but there are some ridings, surely, where there would have to be a really significant, major, unexpected change for the incumbent or the incumbent’s party to lose an election; therefore, the candidates for the losing parties wouldn’t necessarily have the same kind of status or the same kind of popular support, if you will, from their own parties.

Anyway, I guess I am spinning my wheels. I am sure it could be done. You would need to think through how you wanted to do it. Perhaps each party would be empowered to decide what process it would use.

Ms. White: I am going to take this as a badge of honour because it will get rid of my bad math. It is actually eight and eight and three, so thank you, Mr. Streicker, for that correction. I will take this as a badge of honour that I stumped a professor of political science today, which I appreciate.

I think that the reason why I brought that forward in that way is that I fundamentally believe that all sorts of people should be in politics. I can tell you that I come from a trades background. I did not go to university or college. Each of us and every person in our Assembly has incredibly diverse backgrounds. I think that is a powerful thing that we have. When I talk about the people, you know, every candidate becomes someone on that list. Maybe it is the party that decides and it's not in any specific way, but I can tell you that each party, as you have candidates come forward or people get nominated in those ridings, every one of those people are incredibly valuable from all parties.

I had candidates run against both Mr. Cathers and Mr. Streicker, and they also had other candidates, but I think that every single person who puts their name forward is valuable and they deserve to be in these spots and so that is why I thought about that list.

The other question that I kind of think of, based on some of that, is when you talked about what the job of a list MLA would be. I can tell you straight up from my experience that I have a riding, or a constituency, that I am elected in, but I work for every single person because anyone in the territory can reach out to me and ask for support. I live in the City of Whitehorse but ask questions about communities because we are very connected, and so I think that the point you made about "What do list MLAs do?" is an interesting one. I think, just by the very nature of the territory, here it could totally settle itself out in a different way. Just even you talking about what could happen, or what that would be, is valuable. I guess it is just a statement and not a question, which normally, I would cut myself from asking, but I thank you for that, and I am going to move on to Mr. Streicker.

Hon. Mr. Streicker: Graham, we have talked a lot about a potential system, but I think that, for us, as well, we are trying to understand process about considering electoral reform. We have this special committee; we have hearings and a survey coming up — let's say we get to the end. What is your suggestion? Do you think referendum? Do you think citizens' assembly? Citizens' assembly and referendum? Again, if you could frame your answer in the context of a territory, right? Again, that difference between a large population — we do have a concentrated population in one area, but you know what the Yukon is roughly like, so if we were to do process around electoral reform, what are your suggestions?

Mr. White: Certainly, the citizens' assembly approach has a lot to recommend it. It can potentially — and one hopes it will — mean that ideas that come from your Committee or from elsewhere, for that matter, will be thrashed out by some ordinary people, most of whom presumably won't have any vested interest in the outcome other than they want the best for the territory. That is one of the very strong points about the citizens' assembly.

At the same time, one of the characteristics of a citizens' assembly is that the people who sign up for it are doing so because they have a strong public spirit. They are giving up a lot of time; it's inconvenient; they may even be losing money in terms of time off of jobs and so on to do this important public service. A consequence of that to me is that there is therefore built in a strong — I don't want to say "bias" — expectation that if all these good people are spending all that time and energy devoting it to this important matter and after all that time where they've studied up and heard from people and so on, they say, "Well, the system in place is not that bad; we'll stick with the status quo" — to me, that's not terribly likely to happen.

There's going to happen — not for everyone — some will say no; I'm not convinced. I am not convinced that we really need to change or this is the way to change. When I think a significant proportion of people will, perhaps in a very subtle and internal kind of way, say, "Well, why did I spend all of this time thinking about this and working on it if I'm not going to recommend some change?" In all that, I guess there is an underlying question of how interested people are in having change, but I think that is a reality of a citizens' assembly.

I do think that if there is to be a citizens' assembly, the process, which you asked about, needs to be very clear on what happens when the citizens' assembly comes up with a specific proposal. Will there be a binding referendum? Meaning that if it passes, the proposal becomes law, as opposed to a plebiscite, which is essentially a public opinion poll that is not binding on the government, will there be a binding outcome from it? That is something that needs to be thought out fairly clearly. Certainly, my view is that if you are going to go the citizens' assembly route, you need to empower them to put something before the people that will bring about a real change if the people support it. Again, that is all contingent on there being a top-notch, neutral, well-funded public education campaign.

Mr. Cathers: Thank you, and thanks, Graham. I do appreciate your answer very much; I found it quite interesting — particularly the last one regarding a citizens' assembly.

A couple of the points that have been raised by some of the previous presenters have been related to the self-selection bias which can occur, which I would argue is a worse problem in a smaller jurisdiction in that if you either ask people to apply or randomly select and offer an invitation, there is going to be the natural tendency that people who are interested in the topic of electoral reform are far more likely to participate than those who are not interested in it.

I appreciated your point, as well, about the subtle internal way that someone who is involved in such a process may naturally have a tendency to want to recommend some change so that they don't feel like they have put a lot of time in and gotten nowhere.

I would just ask two questions, actually. If a citizens' assembly was recommended, how do you try to compensate for the self-selection bias and the bias toward making a recommendation for some change? The second question I would ask is: Do you have any thoughts on the best structure for a referendum, if one were to occur?

Mr. White: The self-selection question is one that people raise a lot. I am not prepared to say that it might not be more significant in Yukon. I am not in a position to comment one way or another. But my recollection — I attended a few meetings of the Ontario citizens' assembly, and there has been some research — my recollection of the Ontario process was, if I am correct here, that random names were taken off of voters lists and people were sent invitations and explained what was up. My recollection is that the vast majority of the people who served on the citizens' assembly really didn't know anything about electoral systems, and why would they? Other than politicians and guys like me from the university, who knows about electoral systems, really? That, I don't think, was a problem in Ontario, although I take your point that, in a smaller society, it might be. But I think that one of the underlying premises in the process that political science folk call a "deliberative democracy", the citizens' assembly being one example, is that people are genuinely open. They are prepared to have dialogue. They are prepared to listen and to think and thrash things out. The strong sense that I have is that, in both the British Columbia and the Ontario citizens' assembly, that happened. Now, in I think both active or even former members of the Assembly or legislature were not allowed to serve and that there was a certain screening in that sense, but I don't believe that was a problem. What you do about the implicit expectation that there will be a recommendation for change — that is more difficult.

In terms of ending up with a referendum, the real thing that I really would emphasize is that if you are spending all this time, energy, and some money with a citizens' assembly or your committee on public education and so on — if you are really genuinely interested in knowing what the people think, don't piggyback it on an election because so much of it will be just lost in the shuffle and you're probably not going to get a true reading.

Ms. White: Unfortunately, we have reached the end of our time today. That went lightning fast. Before I adjourn this hearing, I would like to say a few words on behalf of the Committee.

First, I would like to thank the witness, Dr. White. I would also like to thank the Yukoners who are listening and watching this hearing now, live, or into the future. Another hearing is scheduled for later today. Transcripts and recordings of the Committee's hearings with expert witnesses are available on the Committee's webpage at yukonassembly.ca/SCER.

The Special Committee on Electoral Reform would like to encourage all Yukoners 16 and older to complete the electoral reform survey currently being conducted by the Yukon Bureau of Statistics. In addition to the information from the survey, the Committee is collecting public feedback in the form of written submissions. The Committee also intends to hear from Yukoners at community hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 12:00 p.m.



Yukon Legislative Assembly

Issue 13

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, March 25, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

R. Kenneth Carty, Professor Emeritus of Political Science,
University of British Columbia

EVIDENCE**Whitehorse, Yukon****Friday, March 25, 2022 — 1:00 p.m.**

Chair (Ms. White): I will now call to order this unit of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and the Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its finding and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

We now have with us R. Kenneth Carty. Dr. Carty is a professor emeritus of political science at the University of British Columbia, where he was also director of the Centre of Democratic Institutions and the McLean Professor of Canadian Studies. A past president of the Canadian Political Science Association, Dr. Carty has served as director of, and advisor to, several provincial and international citizens' assemblies.

Dr. Carty previously appeared to speak with us about British Columbia's experience with electoral reform, and we have invited him back today to share more of his expertise on citizens' assemblies. We will start with a short presentation by Dr. Carty and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Carty's presentation.

Mr. Carty: Thank you, Ms. White, and thank you for the invitation to join you again today. I must say that the last month I have been busy re-drawing on the Commission to Redraw the Federal Electoral Districts here in British Columbia, so I haven't read all of the transcripts of your meetings, but I am looking forward to doing that. As in our conversation last time, please feel free to interrupt at any time with questions.

I thought that I would just indicate what I know about citizens' assemblies. I was engaged with the British Columbia Citizens' Assembly on Electoral Reform in about 2003, one of the earliest and often described as the "gold standard" for a citizens' assembly. I was the director of research, a title that really meant that I was responsible for the substantive work of the assembly — all the programming and the deliberative phase under the chairmanship of Dr. Jack Blaney, a former president of Simon Fraser University. He was not an expert in any way on electoral institutions and so I was really responsible for that substantive work.

As a consequence of what happened here in British Columbia, the Premier of Ontario and then the Prime Minister of the Netherlands both decided that they wanted to tackle their questions about electoral reform in much the same way and they came out to British Columbia and we had discussions. They basically modelled two citizens' assemblies in those very different places on the British Columbia experience, and I was

quite heavily involved with both of those exercises and attended the meetings with both the members and the staff of those assemblies in Ontario and in Holland.

Then, of course, the Irish got very keen on citizens' assemblies and, again, took much of their initiative and enthusiasm from what had happened in British Columbia, and so I was involved as a consultant for the first couple of citizens' assemblies. They all had different names. One of them was called, "We Will Be the People", and the second was called "The Constitutional Convention", but the Irish have used them pretty regularly because they have now just announced two new ones for this spring, one on whether there should be a direct mayor for Dublin, which would change the power of local government dramatically in that country, and then another one on bio-sustainability. Their constitutional conventions have all, to this point, involved fairly substantial challenges to important aspects of their Constitution.

And then I have been involved in advising Belgian and Portuguese assemblies, but I must confess that I have not been particularly engaged in the last seven or eight years. For a decade, I used to get an e-mail about once a week from someone in the world asking about the British Columbia experience, but that — it has, a little bit, receded into history.

But, let me tell you a little bit about the BC story, because it was one of the first major citizens' assemblies and because it has been so widely emulated. Basically, what happened here was that government decided that it needed to consider electoral reform, but they defined the question of electoral reform quite narrowly — that is, the voting system. They weren't going to investigate questions of election financing or nomination processes or whatever; they were going to focus pretty much on the voting system, that is, a relationship between votes and seats in the provincial legislature.

They did that partly because the party that was now in government, which was the Liberal Party under Premier Gordon Campbell, had won the most votes in the previous election, but had not won the most seats, so had lost. So, they thought: "You know, maybe we ought to re-think how the election system works." They realized that this was not an uncommon practice. It has happened in virtually every province in the country at one time or another, but there was a lot of pressure and electoral reform had always been a kind of keen topic in British Columbia. But they took the view that, as a government, as elected politicians, they were really in a conflict of interest. They were talking about changing the rules of the game by which they had been elected, which really gave them power, either as a government or as an opposition. And so, compared to people who had lost elections, they obviously were likely to have rather different views on the merits of the particular system, so they said: "There is a very direct conflict of interest here and, of all the people who shouldn't be re-drawing the election laws, it is the successful electoral politicians." This, of course, was not a common pattern. Electoral politicians generally are those responsible for changing election laws, but they decided that they couldn't do that here and there was very much in the air at that time, because it followed the decade of constitutional angst in this

country — a lot of talk about citizens' assemblies, constitutional conventions — whatever they were called — and they decided that what they needed was something like that. Let the citizens decide what kind of politics they wanted and what kind of political system.

And so, they commissioned a leading public figure in British Columbia to devise a model for a citizens' assembly and he went around and consulted and talked to people and produced a plan, which the government basically accepted. The idea was that there would be a collection of citizens randomly chosen from the electorate not because they represented particular groups or had ideas or partisan interests or were the kind of people who commonly gathered around the tables, but a random selection of citizens so that they would look like, as much as possible, the electorate as a whole. The idea was to mirror the population: "Say, look, if we could get the whole population in a room, what would they decide? Well, we can't, so let's get as pure a sample as possible."

In the end, 160 people were gathered together to do this. Well, you can imagine, most of those 160 people did not live and die dreaming about election laws and election systems. Many of them probably knew very little about it and weren't quite sure what they had agreed to participate in.

The government decided that there needed to be kind of a professional staff. If you are going to ask the citizens to weigh in in this very specific way to do a particular task, they needed some help from people who could provide the learning program, could help organize deliberative discussions and kind of focus the debates and focus the work. The mandate was really pretty narrowly defined. They said: "We want you to look at this system we use in British Columbia and decide whether it is fit for purpose. Does it work to satisfy British Columbians? Is that what we need here? And if you decide that it isn't, just don't say: 'Well, let's have a reform.' Just don't say: 'Well, we need something different or a proportional system.' If you want to argue that what we have doesn't work, you better tell us what exactly it is that you wanted."

So, the assembly was charged with saying that if you are going to make a recommendation, it was going to have to, in effect, almost propose a new system in a fairly detailed, specific way that would have a lot of the t's crossed and the i's dotted so that people would know exactly what it was. The government said: "Look, if you can do that, whatever you recommend will go — not to the government to say yes or no, because we have already said that we have a conflict of interest — so if you make a recommendation for change, it is going to go straight to a referendum and the public will decide." There was some confusion about what those referendum rules would look like and eventually the government chose true criteria to pass. It was going to have to get more than half of the vote, but then it was going to have to win a substantial number of constituencies. So, there were two bars it was going to have to cross.

But basically, the assembly was given the professional staff and the budget and set off on its own with no involvement or direction from the government or from the public servants who were subject to ministerial authority. It was given basically

a full year and it spent some weeks — six full weekends, actually — in what might be called a kind of "learning phase", where they were learning about election systems. The reality is, of course, that no two countries in the world use the same election system. There are lots of variations. There are types of systems, but no two countries use exactly the same system, so they had to learn about election systems and how they work and why they are organized in different ways and what the consequences and costs and benefits of those are.

That was really almost like a boot camp for political science. I mean, can you imagine how lucky those people were — getting a free course in political science on election laws? I mean, I don't know if it was their dream, but for those of us who were working with them and teaching them, it was a dream. But after they had that, they kind of produced a kind of brief report on what they thought they had learned and how they reflected on it. They talked a lot about values and what their values were — because if they knew their values, they wanted to say what kind of system would speak to those values and help with moving in that direction. So, they produced a report, they publicized it and they went around the province in 20 or 30 public meetings, just listening to people and talking about it and getting a lot of feedback. So, that was kind of a consulting phase.

The last phase was when they came back in the fall, because this had started in the previous spring, and they had spent a number of weekends debating the options. They wanted to debate the merits of the existing system and the demerits of it, if there were any that they saw. They wanted to think about alternatives and at some point, they decided: "Look — we think there might be a case for a change, but we were told that if we wanted to make a recommendation, we actually had to make a specific recommendation. We had to give an alternative plan, not just say that we want something better."

So, they decided that what they would do is actually create two very different kinds of systems that British Columbians might be interested in based on what they saw as some of the criteria. And the criteria involved the balloting process, the counting process, the organization of the electoral map and so on that would go into an electoral system.

And so, they created two potential alternative systems and they compared them to the existing system, and they engaged in a number of weekends of debate deliberation and ultimately they decided that they wanted to recommend a change to move away from a first-past-the-post system, a majoritarian system, to a more proportional one.

Well, the two different plans they had produced were both proportional but very different kinds of plans and would have operated very differently, and so they debated the merits of those. They ultimately came down on the side of something called a "single transferable vote" kind of system and then they worked out the details of what that would actually look like if practised in British Columbia and finally recommended that. Some months later, at the time of the next provincial election, it went to a public referendum. There had been very little public debate and the political parties basically said: "Well, we weren't involved in this and so we are not going to talk about it

during the campaign.” So, there was very little public debate during the campaign.

One could say that the process was a success. A wide group of randomly selected citizens had come together. They had considered the merits of the existing system and the weaknesses of it. They decided they could do better and they had produced an alternate plan. So, in some sense, as a process, the assembly worked. The trouble was that the referendum produced inconclusive results. Fifty percent of the population said: “Yes, we want to adopt that system.” But then it didn’t meet the other criteria. The government had said that you have to get a 60-percent threshold, but it had passed in all but one of the electoral districts in the province. So, it was widespread support, but it only got 57 percent, as opposed to 60, and the government had arbitrarily said that they had to get 60 percent.

So, to pass one test, the broad-based support test — winning everywhere except Kamloops, I can’t quite remember — but not getting 60 percent. By putting in two hurdles, the government had assumed that they would either pass both hurdles or fail on both hurdles. No one had anticipated that it might pass one hurdle and fail on another and, by failing, it would still be getting 57 percent. So, the reform never went through and the government didn’t quite know what to do and they held another referendum on the same question four years later, when no one remembered any of this, and it didn’t pass.

So, that in a very quick summary is kind of the various stages of the process. I think we can identify what went right in that process. We can identify what went right because those were the things that have been demonstrated and important for its success in accomplishing its task, its mandate, but also the things that have proven to be successful in subsequent citizens’ assemblies.

First of all, there was a very clear, focused agenda with a specific deliverable. During the assembly, members wanted to talk about political money, election finance rules, nominations, and government leadership conventions — any number of things — and the chairman kept saying: “Well, we can talk about all that once you have finished your task, but we have a specific task to do to look at the existing system, pass or fail, and if it fails, we have to produce an alternate plan.” That kept the assembly focused. Without a kind of clear, relatively narrow focus, if you get 100-and-some random citizens in the room, they are going to want to talk about 200 different things and have opinions. So, it was the mandate that kept them focused. It wasn’t the chairman and it wasn’t the staff; it was the sense that they had committed to themselves, to the other members of the assembly, and to the general public that they understood they represented, that they had to get this job done. Assemblies with the more specific tasks — subsequent assemblies — have proved the most successful.

I was talking to a friend and colleague in Ireland not so long ago — they have had some successful assemblies on very controversial questions there on right to life, abortion, same-sex marriage, and so on. Where those assemblies have been focused, they have been successful; where they have been rather vague and more general — about: How can we make the planet more sustainable? — it is very hard.

Secondly, I think that one of the reasons that it worked is because it was the recognition that this was a fairly specific task that they were asked to do and required a certain amount of expertise. So, having a professional staff with expertise in the subject matter that could answer any of the kinds of questions they wanted, in their learning phases and in their deliberation processes, was important.

In cases where assemblies have been held and perhaps senior public servants have just been drafted in who might not have that kind of specialized technical knowledge haven’t always been so successful. So, something like election law, electoral systems — having people who really kind of knew them and had worked in them appears to have been quite important for them.

The third thing that was important in the BC case was that it had enough time and resources to do the job. It took about a year to go through the whole process of selecting these 160 random citizens, having the learning phase, having the consulting phase, having the deliberation phase, and having the report-writing phase — all of which had their own challenges. Having the time to do that — and you can see if you track opinions of members that they changed over time. There is some fairly clearly dramatic evidence that about halfway through the process, as the citizens debated and listened to other citizens, they began to change their minds about what a good alternative might be.

It had the resources to do the job. We used to say, because it seemed like a good way to put it, that it cost less than a cup of coffee for a citizen of British Columbia. I know that sounds like kind of political statement, but the job was done on time and marginally underbudget. We had the resources that we needed.

The fourth thing that I think was quite important was that it had really full independence from the political leadership and it was totally nonpartisan. Inevitably, questions about election systems are going to involve people’s partisan juices. There are consequences of different systems. They reward different kind of party structures and activities, so if you are proposing to change them, there are real political consequences of that. That is the point of debating them. Having an assembly that was completely independent — in fact, the only rule about who could be a member was that existing sitting politicians could not be. People who had been elected or who had candidates in the previous election were excluded. Every other citizen of the province was eligible to be a member. That was a way of trying to keep it as independent as possible. That helped them, I think, in doing the job. I will come back to that in a minute.

Finally, it was transparent. The process was open at each stage of the game for a completely public view. The learning processes were all done in public, the consultations were public, and the deliberation processes were public, much as I am sure your legislative meetings are public. Indeed, to this day, you can find the details of all those aspects on the website of the citizens’ assembly, which still sits on the web. All the packages and materials that were used are all there and one can see it. It was that combination of factors, I think, that was so

successfully emulated in Ontario and in the Netherlands, which were both specifically focused on electoral reform.

What did not work very well, I think, in the British Columbia case was that, in some sense, it wasn't very well-connected to the existing political system. Now, that seems to be a contradiction when I say that one of the virtues was that it was non-partisan and independent, but what happened was that it was kind of put over here on the side and the members who were involved in it were engaged. They were not politically active or there as representatives of some political interest. They were there as a kind of independently chosen citizen, but the work of the assembly then, itself, wasn't connected to the public. It was only in the sense that its recommendation went to a public referendum, but without any kind of connection to the electoral process or to a kind of referendum campaign process. The referendum was held on an election day and people went into the ballot box, and we know that over half of them were given a referendum and that they said, "What's this? I have never heard of this before." That disconnect meant that the referendum itself wasn't as successful as it might have been.

It is interesting that we do know from survey research that the people who voted for the recommendation were people who either knew what it was or knew about the assembly. They thought, "Well, those are people like us; that's what they decided, so we're okay." People who voted no were people who essentially didn't know anything about it. So would it have done better if it was a more fulsome campaign? Probably, but we don't know for sure. It didn't work very well because it was disconnected from the system and it wasn't clear when the assembly was finished what would happen. There was no understanding on either the assembly side or the government side as to what should happen to a citizens' assembly report. Spelling that out from the beginning would have, I think, been really advantageous.

Holding a referendum without any proper campaign just seems like a waste of time and energy when large numbers of people come into a polling booth and know nothing about it. I think that when it was designed, people thought that if it was held at the time of an election, surely the politicians running for election — the nominees — will all talk about it. A lot of them didn't bother. They said, "Well, no, that's citizens' assembly business; we are going to talk about what we want to talk about." The Liberals had one view and the New Democrats had another view. The other minor parties in British Columbia had other views, so there was no campaign.

Finally, of course, what wasn't very helpful was this unclear acceptance rule. What does it take to pass? It had this two-layered success rate that could mean that the referendum could pass at one level and fail at another. No one thought that was what would happen, but that is precisely what did happen. Having some kind of understanding if it is going to go to referendum — if that kind of separation from political decision-making is going to be carried through to that ultimate conclusion — then some kind of understanding would be necessary. In Ontario, I know that they basically avoided the question by simply saying, "Well, they did that in British

Columbia, so we're going to do it in Ontario as well." They copied that without much success.

I am happy to talk about any of the individual phases or all those elements of the story if you like. I think that it is worth noting that many people have thought that a citizens' assembly in British Columbia was kind of the gold standard because of the time that was given on a specific topic and with all the resources that were devoted to letting the members come to some understanding of what they wanted to say. Some other deliberative assemblies — many are going on in Europe now because they are being widely used across western Europe right now.

Almost every country has some going on. In fact, there are some European-wide ones going on now. Some of them take place in much shorter time periods. Rather than having a long learning phase and deliberative phase, they try to do it in a week or two. They risk becoming more like citizen juries in which a whole lot of experts present, and then citizens kind of choose among the options and opinions that they hear, rather than really deciding for themselves. In the BC case, the citizens thought, "Well, okay, we are here and we are going to hear all this, but in the end, the experts are going to kind of tell us what to do." By about the third week, they suddenly realized, "My god, they're not going to tell us what to say. We have to figure it out for ourselves." They worked extraordinarily hard in doing that.

One thing that is often said — and we heard a lot about it at the time — was that on a subject like this, a citizens' assembly is bound to be in favour of change. You are not going to get a whole lot of citizens to work for weeks and months — even almost a whole year, as in British Columbia — and come out and say, "Oh, it's all fine. We don't have to do anything different." Inevitably, they are going to recommend change. Why wouldn't they? It's not so clear. As I said, I have been involved in three electoral reform exercises. In case you are interested, we did this interesting book comparing the three called *When Citizens Decide: Lessons from the Citizen Assemblies on Electoral Reform*, which compares the BC, Ontario, and Dutch cases. It was published after we had finished the three of them by a number of us who were involved in those five assemblies.

There were three citizens' assemblies all focused on the question of electoral reform. Was the current system the one we should have? As I say, it was British Columbia, Ontario, and the Netherlands. British Columbia recommended change to something called the single transferable vote, a system not widely used because it is more citizen than politician friendly, to put it crudely. It is used in Ireland, Malta, the Australian Senate, and a few other places. As I say, about 57 percent of the population in the referendum said that this would be okay.

Ontario recommended a change too, but to something quite different from a single transferable vote; it was something called a "mixed-member proportional" system. That is the system that the New Zealanders adopted in the late 1990s. Some people say that it is the best of both worlds. It gives you constituencies and it gives you proportionality. Ontario said that they want change, but that crazy system that British

Columbia has — “Well, we don’t want that; we want this other kind of system”, but they both started from the same place — big, complex provinces with complex societies, both using first-past-the-post systems, both saying, “Well, we don’t like it” but coming to very different conclusions because they read the challenges of those two provinces very differently.

In the Dutch case, after about a year, they said, “You know, the Dutch system is great. We love it. We don’t need to change it. Why would we change something that is so great? We have a couple of little tweaks that we’re going to suggest, but no, we want to keep it.” So, you get three assemblies with very much the same process and the same operating modalities because those other two copied the BC one and used a lot of materials and with essentially the same agenda, but came to three very different responses. They reflected the kind of views of the citizens in those three rather different places. Two were for change, but very different changes, and one was for really no change at all.

Chair: Dr. Carty, I think that this is a fantastic spot to leave us, only because you have given us plenty of information — only because you have given us plenty of information, and I think there are lots of questions to be asked. So, Mr. Streicker, would you like to start?

Hon. Mr. Streicker: Dr. Carty, when I think about — you said a couple of times that the BC model was the gold standard, and then you have given us examples where it was emulated. If we were to use a citizens’ assembly here, clearly some things would have to be different, in that we are a jurisdiction of 40,000 to 45,000 people and a legislature of 19 seats.

Could you just talk a little bit about ways that you might think, if we were to do it here, what we might do to tailor it to be appropriate for the size and the realities of the Yukon?

Mr. Carty: I guess you would start by being really clear on what you wanted the assembly to talk about. What’s the agenda? What is the task? What deliverable do you want? What aspects of the electoral system? But I think there is enough material out there that — and I’m not sure of the numbers you would want in the assembly. British Columbia, and I think in Ontario, both places had something — BC had two, and they decided to have two people chosen from each existing electoral district. That’s how they got their MLA number. I think Ontario had one from each, because they had a much bigger assembly.

Nineteen would seem a bit small, but I would have thought that a statistician might be more helpful, but you would probably want a few dozen people. It was the gold standard because it took a long time in British Columbia. I would have thought that it might be possible to do it in a much briefer time. Certainly, some of the learning phases now could be done online, in a way that we didn’t have almost 20 years ago. We were bringing people to Vancouver for weekends, every second weekend, for six or seven weeks at a time, and then we’d have a break, and then we’d do it again. I think you could find a way to confine that process.

My sense is probably about half the population is in the capital region in the Yukon; is that about right? Yes, a little bit more even. So, you would have to think about whether you

wanted to bring people regularly together. Bringing them together creates a kind of esprit de corps and gets the citizens to think of themselves as a collective group that’s going to do the work.

People who are brought together for two days and who don’t create any kind of bond continue to operate as individuals. If you want them to operate as kind of a community, a decision-making community, you have to give them time to do that.

I would have thought that you could do that in a shorter period of time. I guess there are other challenges in Yukon around the time of year. It’s probably more difficult and more expensive to bring people in the winter months. I don’t know. To my great regret, I’ve never been to the Yukon, but I think the questions would be trying to decide what would be an appropriate and reasonable number that would reflect, in some reasonable way, the population of the community. And then how long would it take them to do, and how long it would take them to do would kind of be governed by what you’re asking them to do, but there is enough material now from these previous assemblies that you could pick up the materials very quickly and very easily.

For instance, I don’t know about Ontario, but certainly all the learning phases, all the teaching processes, of the BC assembly and all the PowerPoints that were produced and the materials are all there and available still on its website. They could easily be picked up and used, and that would cut the preparation time and could be used in the learning phase.

That’s if you want the assembly to actually kind of come to grips with the subject. If you simply want an assembly that would say, “Look, does the system we have satisfy us?”, then you could bring people together and give them, in effect, a short course, and then they really become more like a citizen jury — I think is the kind of language we hear about, that —

Chair: Thank you, Dr. Carty.

Mr. Carty: [inaudible]

Chair: Sorry, I thought you were —

Mr. Carty: Well, no, I’m trained to talk in 50-minute bursts, so you can interrupt me.

Chair: I apologize. I am going to interrupt those bursts. Mr. Streicker, do you have a specific follow-up to that point?

Hon. Mr. Streicker: Dr. Carty, one of the things you talked about is being representative of the broader community — the broader territory, in our case — and here we have 14 First Nations, and virtually all of the territory is traditional territory to one or more of those First Nations. Is the idea, as you talk about it, that you would try to make sure somehow that the group would be representative from a demographic perspective? Whether that is from our communities in Whitehorse or whether that’s — you said “non-partisan”, but would you try, as well, to make sure that it had the look and the flavour of the whole of the territory?

Mr. Carty: Well, I think that would be — that is a very political kind of decision. In British Columbia, where we have, of course, a myriad of First Nation communities, the decision was made that every adult British Columbian, irrespective of background, was eligible to be a member. The only criteria we

had that we could distinguish were both gender and age, which was part of the voters list — the only information that we had. So, we ensured that it would be half male and half female and that they would be representative in age terms across.

As it happens — and so people were, through a complicated selection process, invited to be considered and their names essentially went into a physical hat and were drawn out in each area. When it was all finished, it was determined that it wasn't clear that there were any aboriginal members who were selected and so a decision was made to add an extra two people — one man and one woman — who were explicitly from aboriginal communities. We subsequently discovered that one of the members was Métis but had simply not volunteered that. We didn't make that decision.

As it turns out, it was very interesting; when we looked at the population of the BC assembly, chosen in a very random way, we discovered that about one-third of them had been born in British Columbia, that a third of them had been born somewhere else in Canada, and about one-third of them had been born outside of Canada. That was about what the population of the province was at the time. So, a good and fairly rigorous sampling ought to get you a population. Now, if you have some populations that you think are kind of resistant or difficult to engage, then you might, in the selection process, engage in a little extra effort to try to get them to be willing, but the idea is to have it as randomly selected as possible in a way that surveys try to do that.

Mr. Cathers: Thank you, Dr. Carty. I appreciate your presentation on that. I was interested, as well, in your notation that both citizens' assemblies — and then how, as you noted, two had recommended change and one had not. We have heard differing views from some presenters. We heard from New Zealand, their experience with using referendums and multiple times seeing strong public support for making changes and then proceeding with it, and as I am sure you are aware, there are others who argued that because the Canadian record of actually implementing systems through referendum hasn't happened that much, that maybe we should do away with a referendum.

I would be interested in hearing what your thoughts on are what the threshold should be in a referendum, based on BC's experience where you mentioned that there was majority support for change and support from most ridings in the country, but ultimately that it missed the high threshold that had been set for a referendum.

Mr. Carty: Well, I think having only one threshold is much better because it is clear and everybody knows the rules of the game. I think that referendums on subjects like this are a good thing. Otherwise, you leave it to the Legislature and, as I say, there is an inherent conflict of interest. You can't have a referendum, though, on a subject as complicated as an electoral system without a fairly sophisticated campaign that allows people to participate in a knowledgeable way. Unless you have that kind of campaign that informs people of the pros and cons, you are not likely to get a very satisfactory kind of answer.

In terms of what the threshold ought to be, it is difficult to pick an arbitrary number other than 50 percent. I mean, that is a kind of pretty widely accepted democratic standard, I think.

Anything else seems more arbitrary by comparison. I don't know how you would do that. We don't have enough experience with referendums to know what they might be politically. We were prepared to kind of let Québec decide on its membership in Canada on a 50-percent vote, so I would find it hard to identify any other obvious number.

Chair: Thank you, Dr. Carty. Those are good points.

Just one question I had about resources. So, you talked about how it was well-resourced and everyone came into Vancouver, so I imagine that was a cost. One of the presentations we had from Prince Edward Island was that they said that there was a funded campaign, an education campaign, after. From your perspective, or your professional opinion, if we were to go the route of a citizens' assembly, do we need to ensure that it's both resourced and that people are able to travel and be reimbursed for their time, as well as having the resourcing for an education campaign?

Mr. Carty: I would think so. I don't think there's any sense in having an assembly unless it's properly resourced and you allow it to do what it needs to do. Again, that goes back to what its mandate is and how long you want to give and what you expect of it and how many people. These things aren't particularly expensive.

As I said before, I don't think there's much point in having a referendum unless people are engaged in it. The citizens' assembly, when it starts to work, doesn't typically attract a lot of outside attention. There are only so many people who want to come and listen to presentations about elections from citizens and political scientists. You would think there would be hundreds, but there aren't.

So, once it has finished its work, I think you want to tell people about the citizens' assembly — who are these people? What are they doing this for? One of the things that won support in British Columbia is that people said, "Oh, they're just a bunch of citizens like us; it looks more like us than the legislature does." So, in some sense, it gave them a kind of credibility. So knowledge about the assembly, resource for it to do its work, and then information about a campaign, if you're going to go down that road, are all probably essential.

Chair: Thank you, Dr. Carty. Just so everyone knows, we are just over 10 minutes away from our end time, so I'll ask everyone to keep their questions and answers short. Mr. Streicker?

Hon. Mr. Streicker: Dr. Carty, you talked about the citizens' assembly being used for other things. I think about our type of system as a representative democracy. This feels a little bit more like a direct democracy. In your experience, is this a good tool beyond the question of electoral reform?

Mr. Carty: I think you've hit on a really hard question. We're seeing this now. As these things are being used more and more in Europe, people are saying, "Wait a minute; this is the job of a legislature."

For instance, the Prime Minister of Ireland said that maybe we need a citizens' assembly on neutrality — Ireland has been neutral since it was created; it didn't take part in the Second World War, et cetera. But now, of course, it's being challenged because of what's going on. Immediately, people

said, “Wait a minute; parliament should be discussing these kinds of things.”

So, they kind of almost over-enthused on citizens’ assemblies in Ireland as a way of kind of putting hard decisions off onto some other kind of group. I think we don’t know — citizens’ assemblies, sometimes they’re so new, they’re being used in so many different ways on so many different subjects, that a big question for representative and responsible government is: How do they fit into that model? We don’t have good answers.

It didn’t fit very well in British Columbia because it sat out there on its own, had a referendum that wasn’t connected to the rest of the system. We have big, connected systems, and we don’t know how to connect them, and so, one of the ways the Irish tried was to have some elected politicians as part of the citizens’ assembly — some of them — as a way of trying to find ways to connect this a bit better, but that’s a huge question and a great source of debate, actually, in political science right now.

Chair: Thank you, Dr. Carty. Mr. Cathers?

Mr. Cathers: You made some mention of a selection process there. I guess I would just ask if you could share your thoughts on, if the Committee were to recommend having a citizens’ assembly, hypothetically, what sort of process would you suggest for inviting people to be part of it and whether there is any screening as far as knowledge, et cetera, that you would suggest would be appropriate.

Mr. Carty: I don’t think — with something like this, I think the idea is to not have any screening test. The one we used in British Columbia is you had to be able to speak English, because everything was done in English, and of course that excluded some British Columbians.

The selection process can be managed in-house, or it can be managed by some external provider. The people who are experts at this are the pollsters. They know how to draw random samples from the electorate or some subset of the electorate. I know in a number of European countries, using the polling firms’ statistical expertise in drawing samples has been widely used, and they can draw random samples.

In the Netherlands’ case, they made it a big TV spectacular. They put everybody’s name on the election list in a great, big drum and they kind of had a TV program where names just kept popping out until they had their hundred and so on names.

British Columbia used the kind of process by which they sent out 100 random invitations in each district and said, “Are you really interested? Do you want to find out about this? Come to a meeting.” They were told about it and their names went into a hat. They were taken out because it was a slightly more cumbersome process because it hadn’t been done before. I think it can be done fairly quickly. I don’t know what pollsters are active in Yukon, but I am sure there are some that know how to do this.

Chair: Thank you for that advice. The Dutch are so fun. It would have been an extravaganza. Who wouldn’t have wanted to sign up?

Mr. Carty: I was going to say that in the Dutch case, they had a big technological fault the first night, so they had to shut it down and do it again the second night, but it will work.

Chair: That just makes it doubly delightful.

Dr. Carty, you have got about four minutes if you want to leave us with something to think about, but it’s a pretty hard line, so I will stop you if I need to.

Mr. Carty: No, I think that the real test is to decide if, you know, electoral reform is an issue of significant importance that you want to engage in it. Do you know what the real issues are? Is it the voting system? Is it some other aspect of the electoral process? Only then can you decide whether a citizens’ assembly could be useful or helpful. My advice is that a clear, well-defined mandate with deliverables, a time frame, and reasonable resources increase the chances of success.

Chair: Excellent. On that note, before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, of course, I would like to thank the witness, Dr. Carty, for attending and joining us for the second time. We appreciate it very much. I would also like to thank the Yukoners who are listening and watching this hearing live and those who will listen and watch in the future.

Transcripts and recordings of the Committee’s hearings with expert witnesses are available on the Committee’s webpage at yukonassembly.ca/SCER.

The Special Committee on Electoral Reform would like to encourage all Yukoners 16 and older to complete the electoral reform survey currently being conducted by the Yukon Bureau of Statistics. In addition to the information from the survey, the Committee is collecting public feedback in the form of written submissions. The Committee also intends to hear from Yukoners at community hearings in the future.

Thank you for your time. This hearing is now adjourned.

The Committee adjourned at 1:55 p.m.



Yukon Legislative Assembly

Issue 14

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Friday, April 22, 2022 — 2:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Fair Vote Yukon
Linda Leon, Spokesperson, Fair Vote Yukon
Sally Wright, Member, Fair Vote Yukon

EVIDENCE**Whitehorse, Yukon****Friday, April 22, 2022 — 2:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform.

Allow me to introduce the members of the Committee: I am Kate White, Chair of the Committee and Member for the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts. Today, we have with us representatives from Fair Vote Yukon, a local organization advocating for electoral reform. Fair Vote Yukon was established by Danielle Daffe in 2009. Sally Wright has been a member of Fair Vote Yukon since 2013 and has co-authored, with Dave Brekke and other members, dozens of locally published letters advocating for a proportional electoral system. Linda Leon is known for her letters to the press on political matters, most notably the series on electoral reform in Yukon published locally and in *rabble.ca* in 2018.

We will start this hearing with a short presentation from Fair Vote Yukon and then Committee members will have the opportunity to ask questions. We will now proceed with the presentation. Ms. Leon.

Ms. Leon: Good afternoon. Fair Vote Yukon is a non-partisan citizen's movement advocating for electoral reform in the Yukon. We are here today to recommend the formation of a Yukon citizens' assembly on electoral reform. This Special Committee is an important step toward delivering an electoral system that better serves Yukoners; however, electoral reform is inherently a politically charged matter. To ensure public confidence in the reform process and to create a truly democratic foundation to our electoral future, Fair Vote Yukon asks the Special Committee to recommend to the Yukon Legislative Assembly the formation of a Yukon citizens' assembly on electoral reform.

Fair Vote Yukon believes that a citizens' assembly would have public confidence in the reform process and make unbiased recommendations on how to create a truly democratic foundation to our electoral future. Throughout the world, there are many electoral systems that more effectively represent the will of their citizens. All the successful systems are carefully tailored to the unique circumstances of the particular jurisdiction.

On to Sally.

Ms. Wright: Yukon poses a unique challenge when thinking about designing a fair electoral system. A large disparity of population size between urban electoral system districts of Whitehorse and those of the more remote

communities — like Ross River, Burwash Landing, and Watson Lake — further complicates the matter. Furthermore, there are big differences between cultures among these small remote communities.

Determining the electoral system best suited to effectively represent all Yukoners is not a simple or clear-cut task. There are many different voting systems to consider, each with a varying impact on key characteristics, such as proportionality, regional representation, and the ability to vote for parties and candidates separately. A recommendation developed by a citizens' assembly would elegantly address these issues. Randomly chosen citizens' assemblies are inherently open and non-partisan.

Fair Vote Yukon believes that a properly resourced, arm's-length citizens' assembly, along with a well-executed public education and consultation campaign, encourages public participation. Even Peter Loewen, who presented at an earlier event and is a critic of electoral reform, grudgingly observed that British Columbia's use of a citizens' assembly "gave it a bit more credence."

Both the Samara Centre for Democracy and the Organization for Economic Co-operation and Development, the OECD, found high levels of public trust in citizens' assemblies. A poll published in the journal *Irish Political Studies* confirms these findings — and I quote: "Perhaps the first thing to note is that overall levels of support for [citizens' assemblies] are relatively high. Over 75% of respondents agree that there are benefits in implementing [citizens' assemblies]."

Fair Vote Yukon believes that with all the available technological advances brought on by the COVID pandemic, a citizens' assembly today would be much more efficient and effective. Meetings could happen online. Presentations like this one can be shared online. Fair Vote Yukon believes that Yukon is the perfect place for an effective citizens' assembly to be created. All First Nations in the Yukon hold at least one general assembly every year and many hold multiple special assemblies to decide on important matters for its citizens. To gather and to be educated together on important matters is an important part of Yukon culture. The Yukon is an international leader on First Nation self-governance development and groundbreaking land claims agreements that protect the rights of all Yukoners.

The time is ripe for Yukon to be leaders again, this time, in transforming our electoral system. The climate emergency demands all voices be heard when it comes to the climate solutions that we need.

On this Earth Day, we ask the Special Committee to be bold and create a citizens' assembly on electoral reform.

Ms. Leon: In closing, we would like to leave you with a plea from long-time Fair Vote Yukon member Astrid Vogt — and I quote: "It would be great to finally dig in our heels and request a Yukon citizens' assembly, even just for educational reasons, so Yukon citizens would have a chance to learn about proportional representation and what it means to be able to vote with your heart without having to constantly worry about the vote split."

In closing, Fair Vote Yukon thanks the Special Committee on Electoral Reform for the opportunity to make a submission. Thank you.

Chair: Thank you both for that presentation.

What we will do now is we will move to questions. When the members have questions, Ms. Wright or Ms. Leon, if you can give me a visual cue as to who is going to answer it, thank you, and then I will identify who it is. This is for the purposes of Hansard.

Mr. Streicker, would you like to start?

Hon. Mr. Streicker: Happy Earth Day, everyone. Thank you so much for that presentation.

You are our first Yukoners in the hearing. I appreciate that your suggestion is for a citizens' assembly. You both describe the unique circumstances for the Yukon. From your perspective, what might some of those unique circumstances be that you are thinking about? Also, what would that mean in terms of how you might go about choosing the citizens' assembly or what the logistics would be for what you think? If you could just give us some thoughts around that just to flesh out the idea a bit more for us.

Ms. Leon: I think that there are two questions: One is about citizens' assemblies and how we think that could happen; the second question was about the unique circumstances of Yukon. I will let Sally address the one about the unique circumstances of Yukon because she has lived here all her life and I have not, and she knows a great deal more about this than I do.

About the citizens' assembly, I think that you just follow the process of the citizens' assemblies in so many places where it has been a good thing, such as the Irish situation with their constitution. All the members were chosen by lottery. On the abortion issue, a certain percentage of the makeup of the assembly were pro-choice people. They were given enough resources together to come to solutions and they voted. I think that they had to vote because of the abortion issue. They voted among themselves and 68 percent of the members of their citizens' assembly voted for constitutional change. Then it went to a referendum, and the Irish people decided. A lot of the differences between the citizens' assembly that I have noted have been about the rules around whether or not the governing body is going to honour the recommendations or not and how they do that — whether it goes through legislation or whether it goes to referendum.

Fair Vote Yukon does not endorse a referendum, but we understand that it might happen anyway — whatever our opinion is — so there you go. As long as the rules are fair, open, and straightforward, I think that it could be really effective here.

Ms. Wright: Thank you. The uniqueness of the Yukon — and we know a little about that, and I just want to say that I haven't lived here all of my adult life — since I was 20. Unique — what is so unique about the Yukon? Every time that Yukon people gather to learn, great things happen. We share an extraordinary place with extraordinary people. We are the population of a small town in southern Ontario. We have 14 self-governing First Nations. We have more people employed by some sort of function of government in any jurisdiction in

Canada — on federal, territorial, municipal, First Nations — all told. We do a lot of governance in the Yukon. We do a lot of hard work on governance in the Yukon.

We can do this. Yukon has made history before, and we can do it again by succeeding with this citizens' assembly that becomes educated about what the options are. If the citizens' assembly decides that they want to have a referendum, my only recommendation would be that the question is clear, and I would say that there is education that happens before, instead of scare tactics. We are all adults here.

I think that we need to hear from people about how the first-past-the-post has damaged their lives with these false-majority governments. I think that there are so many better ways to move forward, and I know that Yukoners agree; I hear it all the time.

I think that we are in a good moment here to do something really special for a better future for everybody.

Mr. Cathers: Just a question of curiosity: How many people are part of Fair Vote Yukon?

Ms. Wright: I say that the core is about 35. Dave Brekke is one of the co-founders. I mean, Danielle is an incredibly important beginner, and Dave Brekke is one of the beginning people, and he is relentless in his pursuit, so many people are interested in what we do. Usually, there are about 12 who are the most active, keeping it moving forward.

Chair: I am going to ask a question. One of the challenges when we have been hearing from experts outside of the territory is that they don't understand the makeup. So, as you have pointed out, Ms. Wright, there are 14 First Nations, 11 with signed final agreements. You have talked about general assemblies and how those were important, but one of the things that I have been trying to grapple with is: What would you see as the makeup of the citizens' assembly? Honestly — personally, my own opinion is that I don't think that 19 people would be enough and I don't know if it would be multiple people per riding. Have you thought about this, and do you have some direction or some suggestions?

Ms. Leon: I think that two from each electoral district — I know that this means that there are two people from Old Crow with a very small population, but because they are so special, I think that most people would understand making that exception. I think that two from each would be fine — chosen at random, saying the roles, lottery. I think that we would end up with a really good mix. It means 38 people. I don't think that it is unreasonable.

Ms. Wright: We have given some thought about this because we feel that every community should be represented. Right now, the ridings are just too big. We were thinking a male and a female from every community, drawn out of a hat. It turned out to be 50, 55 — and then top it up with making sure that you have the proper percentage of indigenous people involved. The BC assembly — what Professor Carty co-authored on — has very good instructions on how to do the drawing of names out of a hat. So they had a very good cross-section with that, and I would have it run by the university — have it as an academic exercise and use all this wonderful technology that we have to be as inclusive as possible. We can

have two people from Beaver Creek, two people from Burwash, two people from Destruction Bay — because we have such an opportunity with this technology. Back in the old days, you had to fly everybody. You don't have to do that anymore. So, let's get modern here. Let's stop putting up barriers. Ideally — well, I can't remember what they had in British Columbia, but I think that with 55, you would get a pretty good cross-section of the community. Every First Nation — that is 14 First Nations. They all know how to hold an assembly. They will probably even host. That would be very inclusive. If the citizens' assembly wanted to go to Teslin, how wonderful is that? I just think that this is a wonderful opportunity for us, as a community, to have a positive outreach and learning campaign.

Hon. Mr. Streicker: I just want to follow up on that question a bit more. I heard a range — maybe 38 to a pair per riding or maybe up to 55 where we take a pair from each community. You talked about the importance of education with the citizens' assembly, and you have talked a little bit about — if the citizens' assembly made a recommendation, whether they could decide or recommend whether or not it goes to referendum. Do you see elements where — the assembly itself would deliberate internally, of course, but would it also be engaging the broader public? For example, one of the things that we are trying to do is to go have this conversation with the public, but do you think that is also what the assembly would do? If you could just talk about how you imagine the various steps that the assembly would take — and like you, we have heard the expert witnesses who have talked about this, but I'm really hoping to get your perspective on how you think the assembly might unfold.

Also, what sort of time frame do you think would be needed in order to achieve the things that you imagine with the citizens' assembly?

Ms. Leon: I think that in terms of time scale, I am not really sure. I think that we would probably defer to the BC model, at the very least.

As for education, I remember Dr. Paul Howe talking about how it was a mistake to charge the citizens' assembly with public education. That has to be a separate body. It would be unreasonable to expect that of the citizens' assembly. Having said that, I am really sure that there needs to be transparency about what the citizens' assembly is doing. I did notice that the BC citizens' assembly had a really great website. Unfortunately, it wasn't advertised very much, which is a problem. There has to be some kind of body charged with public education that is prepared to be nimble and not think that they are advertising cars. It really needs to be something that becomes newsworthy and that people in coffee shops are talking about and arguing about. Wouldn't that be great? Arguing about electoral reform — that would be fantastic.

Ms. Wright: I want to add that I look forward to the opportunity to see what a citizens' assembly gets up to. They are very creative things that youth, in particular, can take advantage of these days.

There are voting systems out there through which the voter can rank the candidate and choose a party that they like, separate from the candidate. I think that this type of voting

system gives the power back to the voter, and I think that the voter wants this power back. It takes the division out of the Legislature when people can actually see their vote working. I think that this type of voting system gives the power back to the voter. I just want to make sure that we are all clear that every person in Canada needs to act boldly right now to stop climate change. This great challenge is of our generation. We must step up. We must do things differently, and we must succeed at changing our voting system so that we can all be in a better position to meet these huge challenges that are with us right now. I can't stress that enough — our need for reaching out into the community and letting the people see what the options are out there.

I think that I share something with all of you, other than loving planet Earth. I ran in an election and I went to people's doors, and they said, "I would love to vote for you, Sally, but I can't vote for your party. I only have one vote." I think that it is a big mistake, and it has repercussions and continues to have repercussions. We need to move into a better way forward. Who better to do it than Yukon First Nations? They are leaders. I think that this is what is unique about the Yukon. We have First Nations that have created governments and that have created the best legislation that protects us all. We need to partner, and this can be a huge act of reconciliation between us — that together we all learn a better way to vote.

Mr. Cathers: I would be interested — in the two different models that you described in terms of the eventual size of a citizens' assembly, you mentioned the potential for basing it on two people per community. My question relates to which communities you are counting as communities, because, as you know, depending on who is counting and how, what is considered a Yukon community varies. For example, Destruction Bay and Burwash Landing are factored as not separate communities or are grouped together.

Another thing that we run into — and that I will mention because it affects the area that I represent — is that, often in the Whitehorse periphery, people who may not be in an incorporated community or one of the LACs representing an area are sometimes considered as being just in the greater Whitehorse area when, in comparison — the Hot Springs Road area, within the Lake Laberge riding, actually has more people in it than a number of communities the size of, roughly, Carmacks and Mayo. The Mayo Road area also has more than a community of that size, yet they are often kind of forgotten and grouped in as being something near Whitehorse.

I am just wondering about — not just my side of town, but south of town within a riding — what you are considering as "communities" for the purpose of the list that you looked at.

Ms. Wright: I always think about that, because how do the communities — I hate to tell the person from Destruction Bay that they have the same issues as someone from Burwash. I think that every community should have a voice in this.

There are lots of ways in which we can top up with communities in Whitehorse to make sure that you have that. There are great ways to do it. I know that it is out there. There could be two representatives from each First Nation. I mean, that could also be a way to embrace more. There could be two

representatives from the farming community. It's the Yukon, and now that we have this technology, it's easier to be more inclusive, which will make it actually a better project.

I don't know about you, but I'm here for success. Are you here to see success? What do you think that success is? I would love inclusive. The more the merrier, really.

Ms. Leon: Yes, I would take back my opinion and say that I mostly agree with Sally about it needing to be larger. It is too much responsibility for a smaller number of people because the citizens' assembly would have a lot of responsibility. I think that the more people at the table the better. I agree that, because of technology, it is much more doable that the assembly could meet, discuss, and study together. It would be a really good exercise to have more people at the table.

Chair: I do appreciate Mr. Cathers' point because just even thinking about it, when we look at ridings outside of Whitehorse — looking toward Mr. Streicker's Marsh Lake community, Tagish, Mount Lorne — so, we look at all those things and I think that Mr. Cathers' point is a good one insofar as how not to exclude people, but I'm going to take your interpretation of "community members" as people who live in the territory, so "community" is a term of where we live in this place together.

When you talk about inclusivity and making sure more people are involved, Ms. Wright — and Ms. Leon, I appreciate that you are saying that this burden can't be on too few — how do we make sure that people are invited to the table to do it? I just wanted to reflect on that because I do appreciate it.

I thought it was really interesting that, right out of the gate, Fair Vote Yukon is saying "citizens' assembly". The reason why I appreciate it is because some of the other experts have not been so direct in their recommendations, and by that, I mean they have danced around any real recommendation, which was challenging.

Also, to the point that Mr. Streicker made, you are the first Yukoners that we have had, so you are experts many times over and in different ways than the other folks who have presented. Can you share with us how you landed on citizens' assemblies? I know, Ms. Wright, that you talked about different voting systems, but how did Fair Vote Yukon get to citizens' assemblies?

Ms. Wright: I will take that. It was meetings that we had — Fair Vote Yukon hosted a series of democracy salons in 2015. At one point, somebody came in and said that they did a citizens' assembly in BC and we all watched. They had a video on YouTube about how the citizens' assembly was doing, and we all sat around and watched the YouTube video and said, "Hey, that's a great idea. We should do that here; that would be great." Then we started talking to the government of the time — not your government. Dave did write quite a few letters to Mr. Pasloski at the time, but we also were pretty upset when Prime Minister Trudeau, in 2017, went back on his promise and we continued with unfair elections.

So, in 2017, we went and presented again. We put in a letter to Premier Silver that we understood — it's in the record somewhere and we could put that in our submission — asking for a citizens' assembly for Yukoners to decide for themselves.

We knew that an education campaign was needed. We knew that Yukoners like to engage on issues like this because we are small, we are nimble, and we are fiercely energetic when it comes to learning. You never stop when you learn something that is important.

Dave Brekke says that you have to learn this so that when you go to the Fair Vote table at Fireweed Market, we have done lots of mock elections. We have developed ballots. That is what we are doing at Yukon University today. We have a whole bunch of different types of ballots for people to look at and see what a different ballot would look like. We are using the normal one most, but it works great. It's just important that we don't talk down to the Yukon people. They are a very intelligent bunch. I have to say right now that I'm going to use a prop because I want to know: Did you guys approve this? Did you look at this ad before you paid for it? This is the most exclusive ad. This is the How Yukon Should Vote. This is what the communities are seeing right now.

There is a disclaimer that I have to use. There is a disclaimer — have you read or seen this ad? Can I ask that question?

Chair: You can, but I am actually probably going to steer the conversation away from that right now. We are open to feedback, but I don't know if this is the best forum to have the conversation. I will say that it is probably a lot harder to try to communicate this than people realize.

Ms. Leon, did you have any points to add about a citizens' assembly and how Fair Vote Yukon landed there?

Ms. Leon: I was away from Fair Vote Yukon for a little while and I returned because of the citizens' assembly. If Fair Vote Yukon was promoting any particular electoral system, I wouldn't be a part of it, because I studied all these. When I was writing articles about it, I was studying it and it became really obvious that the citizens needed to decide amongst themselves. It couldn't be a top-down decision from anyone. That's why a citizens' assembly appeals to me; it is because it is direct democracy in action. It won't be perfect because nothing ever is, but it will be a whole lot more perfect than any other way of determining a fair electoral system for Yukon.

Hon. Mr. Streicker: Earlier, when we were talking about the assembly, you mentioned about the citizens' assembly being able to decide whether or not things should go to a referendum. We have also heard when we had other witnesses who talked about citizens' assemblies about how sometimes the citizens' assembly landed somewhere with recommendations, but then the government didn't necessarily follow through. I am just wondering whether you think that if the assembly votes, does it just need to be a majority? If they request a referendum, is it a majority? Should there be language in there that says that the government should be required to follow — what sorts of things are you thinking about once the assembly has reached its view about what would be good for the Yukon and how those next steps would proceed?

Ms. Wright: I am married to a PhD, and he gave me a great idea yesterday. He said, "Why don't you make the citizens' assembly produce two new ballots that come from systems that they like the best and have Yukoners choose

between ballots — actual things — instead of an acronym, a system.” Get the citizens’ assembly to make two new ballots, or choices, and then they have three ballots. That’s what we are doing up at the university right now. You look at the first-past-the-post, at the proportional representation, and a second one, and then let Yukoners decide for themselves. They can decide which one they like the look of. I thought that it was a brilliant idea. It is JP’s idea.

Communicating what is being learned when it is so complicated — all you really need to know is: What does the ballot look like? Am I getting the choice that I need? The rest of it is just math. That is the great thing about proportional representation. It is simply math, and it’s fair. Everybody gets a chance to have their vote represented in some way. I think that a citizens’ assembly — we live and breathe this stuff, but you need to be able to teach the Yukon people that these are options and that these are opportunities. Maybe that is the referendum — people’s choice so they can actually decide what the next ballot is going to look like.

Then do like what New Zealand did. After another election, try it and, if they don’t like it, then have another follow-up. I think that might be a more effective way of communicating the idea to the public after the citizens’ assembly.

Ms. Leon: I think that getting back to John’s question, it’s really up to the Legislature to decide how they are going to respond to the recommendations of the citizens’ assembly. I really hope that, if there is a citizens’ assembly established, the rules are laid out in advance and that we don’t have things like that it has to be 60 percent of a referendum or, if it is going to go to a referendum, that debate in the Legislature not happen. There should be a legislative response to the recommendations that a citizens’ assembly comes up with and clear rules that are fair. If it does go to a referendum because of the recommendations of the citizens’ assembly, then it should be a simple question. The citizens’ assembly can be charged with designing that simple question so that there is no political interference in how a question is being put out to the public to vote on.

Mr. Cathers: You know, I don’t think that I actually have any more questions right now. I will pass it over to you or to John.

Chair: I will jump right in.

I have to say that I am really taken by the idea of the examples. We did hear from — and I am going to forget her name, but we heard from a doctor on the east coast. She said that if you have a second ballot so that people can try it out — and, of course, we heard about the New Zealand example where they did the switch and then went back years later and reconfirmed that it was what people wanted. But I think that I am very taken by the idea of seeing the visual. I do think that it is an important aspect. I guess that this is more of a comment than a question, but I do appreciate that perspective. I know that, as a visual learner, for me, to see it physically is important.

Hon. Mr. Streicker: I think that it was Dr. Everitt from New Brunswick.

I will just follow up based on one of the things that she said to us. I hear your main message today from Fair Vote Yukon, that you recommend a citizens’ assembly and we are getting a sense of how you think that might go.

One of the other things that we heard from Dr. Everitt as an example was that there may be other things that could be done as well, beyond just the voting system itself. I am just wondering if there is anything else you wanted to share with us, while we are here talking, about other aspects. I have heard clearly that a proportional system is important, but that the tool to use is a citizens’ assembly, but are there other things around the voting system that you would like to see improved?

Ms. Leon: I don’t know if I’m speaking for Fair Vote Yukon or not, but perhaps a citizens’ assembly could study the makeup of our ridings and decide whether we need more, with the majority of the population in the Whitehorse basin and our population growing quite large, but all of it is in Whitehorse, from what I understand. That might be another area of discussion for a citizens’ assembly, but I would also suggest that it be a different one. You can’t put too much on somebody’s plate. I don’t know; you’re putting too many challenges for one group of people. I think that is a separate problem and needs to be addressed separately. I am only speaking for myself here — that’s all.

Ms. Wright: Thanks for that, Linda. I will just speak for myself too just because we haven’t really talked about it a lot. I do think that assemblies of people are an effective way for us to actually gauge what is actually happening out there. So many people are falling through the cracks. I think that if the assembly succeeds to be able to be that way, it can be a leader in Canada. It would create a template, if we were going to be hopeful about this, that other jurisdictions could use.

We are unique. We have more First Nations per jurisdiction and have so much to learn together about how to work better, moving into the future. To have assemblies of people where you can tap into that elder knowledge — did you see that photo? I mean, in the presentations, I did some looking. It is all across the ages as well. The thing is that we should be teaching this in the schools. This should be led by BYTE, if you want my honest opinion. They are the ones who are going to spend the rest of their lives voting. This was one of the biggest things that I remember when Dave Brekke and I, after John, you lost and split the vote when you ran for the greens, and we were trying to deal with Ryan Leef and trying to make some headway there. We were seeing environmental disasters happening. We couldn’t do anything as we had no vote. I had no vote.

I just think that it is really important that we change. A citizens’ assembly of elders and youth working together at the hard work that it is to create a just society — I am speaking truth to power right now. We need a just society for us to be able to continue together at peace. This is what a citizens’ assembly would do. It will tap into all of that knowledge that sits right here with us and will help us and lead us into a better way forward. I hope that the citizens’ assembly decides that every year we are going to have an assembly on a different issue that people want to be able to talk about.

Chair: On that note, I am just going to jump in here because I actually think that this is a really good skip toward my point. When we talk about the lessons we learned from British Columbia, that was the first example of a large-scale citizens' assembly of that scale. It was replicated by Ireland, but what we have seen the Irish do is they are taking it from issues of importance to that country — I believe that, right now, they are dealing with climate. We heard about the issue of abortion.

We don't have much time and I believe, Ms. Wright, that I know that your answer would be yes, but do you see citizens' assemblies as a way of dealing with issues that are facing us collectively?

Ms. Leon: I would say that a citizens' assembly is a good tool, but it's a tool. I think that it is up to government and citizens to decide where it is appropriate to use it and where it isn't. There is a reason why we have legislatures and there is a reason why we vote you people in. You know, there isn't a catch-all problem solver. I am a little skeptical. I think that for some issues, it would really be the tool to use.

There is a lot of information about the use of direct democracies, of which a citizens' assembly is one of three, I believe. They are tools. It's like sometimes you use a paintbrush, but you don't use a paintbrush when you need a hammer. It's a really old process; the Greeks used something like the citizens' assembly, but it's new for us in the western world. I think that we need to find out where it is best used and where not to use it. Again, I'm speaking from my own opinion; I am not speaking for Fair Vote Yukon. I am sure that I could have lots of arguments with my colleagues.

Ms. Wright: I think that we have used assemblies of people for thousands of years to develop our societies to where they are right now. We have to meet. We have to learn together.

The opportunities for discourse are not very good right now. We haven't had that opportunity for the last two years to sit around the table and share ideas. It really has been difficult, but technology like this has actually expanded it and made us realize how much we need each other and how codependent we are for good decision-making. We don't have everyone around the table or are represented around the table. I think that the design that Old Crow has — two people right now.

Anyway, I just think that it is a really important part of our evolution as a society in the north that we must act together, and learning together is an important part of that, educating each other. So, I really am thankful for being able to present with you today.

Chair: Ms. Wright, I believe that you have just done a beautiful closing statement, urging us to work together. So, instead of solving that, I am going to close today's proceedings.

So, I just want to say a few words on behalf of the Committee. First, I would like to thank the witnesses, Ms. Leon and Ms. Wright, and I would also like to thank the Yukoners who are listening and watching this hearing now live or in the future.

The Committee intends to hear more from Yukoners at community hearings in the future. The information on those public hearings, as well as transcripts and recordings of the

Committee's meetings with subject matter experts, will be available on the Committee's webpage at yukonassembly.ca/scer.

Thank you very much for your time today. This hearing is now adjourned.

The Committee adjourned at 2:54 p.m.



Yukon Legislative Assembly

Issue 15

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Monday, May 30, 2022 — 6:00 p.m.

Chair: Kate White

SPECIAL COMMITTEE ON ELECTORAL REFORM

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Speakers:

Dave Brekke
Al Cushing
Sue Greetham
Sally Wright
JP Pinard
Linda Leon
Sue Greetham
Juliette Belisle-Greetham
Werner Rhein
Lenore Morris
Joline Beauregard
David Skelton
Spence Hill

EVIDENCE**Whitehorse, Yukon****Monday, May 30, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territories of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

The Committee is aware that not all Yukoners knew about this event and that it was occurring today, and we are committed to ensuring that additional advertising will be made public in a timely fashion for upcoming public events — so, we apologize.

This public hearing is scheduled for 6:00 to 8:00 p.m. tonight, and it is possible that not all people who wish to speak will have an opportunity to present today. A second hearing will be held in Whitehorse on September 7. Additional public hearings will also be held over the summer in Haines Junction, Carmacks, Mayo, Dawson City, Teslin, and Watson Lake. The Committee would like to remind Yukoners that they may also provide their input by e-mail or letter mail or by using the comment form on howyukonvotes.ca.

Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is vice-chair of the Committee and the Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to establish electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems.

Dr. Archer's full 76-page report and executive summary are available on the Committee's webpage, yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website howyukonvotes.ca. Summaries of some of the potential voting systems are included on a brochure that was sent to all Yukoners. Copies of the pamphlet are also available here tonight.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer, and academics from across Canada and the world through 14 video conference hearings held between January and April of this year. Transcripts and recordings of these hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey, so that's

17.1 percent of Yukoners 16 and older, and at this point in time, no survey in Yukon has had more people respond.

We have not yet decided on our recommendations to the Legislative Assembly. Tonight, the Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from you. As such, we will not be answering questions or presenting our opinions or information we have collected on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered online or at the registration table at the back. Please note that this hearing is being recorded and transcribed. Everything you say will be on the public record and posted on the Committee's website. Tonight's event is also being streamed live on Facebook. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters, and if you need technical help with Zoom, please call 867-334-2448. Again, if you need help on Zoom, please call 867-334-2448.

Individual presentations to the Committee will be limited to five minutes. If there is time remaining at the end of the presentations, presenters may be invited to speak for longer. I would like to welcome everyone in the audience and ask that you please respect the rules of this hearing. Visitors are not allowed to disrupt or interfere in the proceedings; please refrain from making noise, including comments and applause, and please absolutely mute all electronic devices.

I would like to welcome everyone in the audience and ask that you please respect the rules of this hearing. We ask that you not use the local Wi-Fi that's posted behind me so that we can ensure the best possible streaming for the people participating online. When you are called to speak, please come up to the mic — you can see it in the middle there — and stand on the X; that way, the camera can pick you up.

Tonight, we're going to start with Dave Brekke — so, Al Cushing, you know you're next up.

Mr. Brekke?

Mr. Brekke: Thanks, Kate, and thanks for the lovely introduction, and thanks to the First Nations. Good evening, everyone. Thank you for being here to discuss this very important issue of electoral reform. The Yukon is lucky to have this Special Committee on Electoral Reform. I am Dave Brekke, former teacher, principal, and counsellor. After teaching 1965-66 at Whitehorse Elementary, I was offered the principalship in Old Crow, followed by Takhini Elementary. Old Crow, the isolated community, was where I learned the most about community.

Shortly after I retired, I was appointed federal returning officer for the 1996 election. In 2005, I served on the returning officers advisory committee to evaluate proposals to increase voter turnout. The government had called for proposals, but when they came in, they thought: "Holy cow, it's too political for us" — anyway, they ended up forming a committee to handle it. I was shocked when, just after introductions, one member — there were 18 of us from across Canada representing various types of electoral districts — and he was spitting-nails angry and said, "What are we looking at this

blankety-blank stuff for? Why aren't we looking at our voting system?" And before I had even completed my thought, an Elections Canada official said, "That's a political statement — can't even be recorded here, let alone discussed." So, I didn't learn any more at the meetings, but it was in the after meetings where I learned how dysfunctional our electoral system is.

After the meetings, I put in my resignation, and my resignation wasn't accepted until I had validated the 2006 results, and I have been trying to raise awareness ever since, and thanks now to the many capable people who have kept this going, and a special thanks to Chris Caldwell, with her comment — little descriptions that I think is really bang on.

Unidentified Speaker: (Inaudible)

Mr. Brekke: Thanks. Okay. Anyway, that's all I have to say, is just — I just hope — I can't give up hoping that I get a chance to vote in an electoral system where my vote will be counted whether or not I vote for the winner in my riding.

Chair: Thank you, Mr. Brekke. I'm just going to make the executive decision; I think it's okay to clap once someone has spoken, but if we can not interrupt as we're speaking, so if you would like to —

Thanks. I recognize that would have been really awkward and you all had things to feed back there, so please, feel free to clap after.

Al Cushing, you're next.

Mr. Cushing: Thank you, and thank you for holding this meeting and letting us all be here.

I'll start off by stating that I do have a bias, and my bias is that the first-past-the-post system, as it currently exists, is detrimental to the well-being of our democracy. That's my bias. I also have a thank you. I would like to thank the Committee for assembling an excellent series of speakers to address the issues around changing our electoral system, and I would recommend that anyone who missed those presentations should go to the website and take the time to review them.

In particular, I recommend that the Committee's marketing team take time to review those presentations. I don't know what the best electoral system would be, but I do know that we need a change. However, I do believe that there is a very good method for discovering a workable and trusted electoral system, and that is through the use of a citizens' assembly.

The members of a citizens' assembly are randomly selected. They would represent all communities, both geographical and social, and they must be free of any government, political, or corporate interference. The citizens' assembly should truly represent the people.

The assembly must have the time and the resources to be well-informed of all of the options and be given access to the tools to communicate effectively with the public. The government of the day must be willing to commit to the assembly's recommendations.

A well-constituted citizens' assembly will have public credibility, have a better grassroots understanding of the diverse democratic needs of our Yukon community than any politician could ever manage. It will, in fact, speak for all, so I heartily recommend the formation of a citizens' assembly in the near future. Thank you.

Chair: I just realized, before we go on, Committee members, if you have questions, please let me know.

Hon. Mr. Streicker: Can I just ask — how much time do we have?

Chair: Well, I think a question each, at least, but right now —

Unidentified Speaker: (Inaudible)

Chair: Sure. Is that okay? Sorry, you are the first public hearing we've had. I apologize, but I'm moving; I'm fluidly adjusting. Dave, can you grab that microphone? John has a question for you.

Thank you to the team from Gunta who are supporting us electronically right now.

All right, Mr. Streicker?

Hon. Mr. Streicker: (Inaudible) But I'm going to just think that's what you meant: In a proportional system, your vote would count, and you said even if you didn't vote for someone who was elected. I'm wondering if you can just help me to get your sense of what makes your vote count.

Mr. Brekke: I've liked and I've even applied it, with a lot of help. I've applied it to past elections here. What we have is a mixed member proportional like New Zealand, Germany, many other countries with effective electoral systems. Is that fair enough?

Hon. Mr. Streicker: Sure.

Mr. Brekke: Okay. And I don't know what more you want to hear on — I can tell you what the results were. We applied the New Zealand system to the 2016 results, which — it changed totally the results. We split the Yukon into three areas because people said they wanted to be close to their representative, so we have a north and south and Whitehorse. Whitehorse had 10 ridings. Out of the actual election results under our present system, the first-past-the-post system, 32 percent of the vote gave one seat; 41 percent gave seven seats; and 28 percent gave two seats. Sound very representative to you? A representative democracy?

Chair: I'm going to —

Mr. Brekke: Now, when we applied —

Chair: Mr. Brekke? Sorry, I'm just going to get in on this. Is your presentation — or is your voting system — is it available on fairvoteyukon?

Mr. Brekke: Yes, it is.

Chair: So, people can go to fairvoteyukon to see —

Mr. Brekke: Yes, and —

Chair: Excellent.

Mr. Brekke: — I would be pleased to answer any questions I can on it. I just want to give you the results of applying the New Zealand system to Whitehorse.

Chair: Sure.

Mr. Brekke: What we ended up with was 32 percent got three seats; 41 percent got four seats; and 28 percent got three seats.

Chair: Sure. I'm going to interrupt one more time. Mr. Brekke, so, your submission is also available on our website, and it has that breakdown.

Mr. Brekke: I think so.

Chair: So, I'm just going to stop, because you did give us your answer, which would be mixed member proportional representation.

Mr. Brekke: Oh, okay, I'm sorry.

Chair: No, it's just in an effort for time. Any additional questions for Mr. Brekke?

Mr. Brekke: Could I just add the results?

Chair: Sure.

Mr. Brekke: It went — it took from 43 percent effective voters, voters who could point to somebody their vote helped to elect, to 97 percent with the New Zealand system. If we had a second choice vote in there, it could even have been 100 percent. Thank you.

Chair: That's excellent. Any further questions, Mr. Streicker?

Hon. Mr. Streicker: No, that's great.

Chair: Thank you. Any questions for Mr. Cushing?

I have one. Al, if you can make your way back to the microphone? Sorry about that.

So, when you were talking about the citizens' assembly and you talked about that it needed to be resourced and it needed to have the time, you also said that there needed to be a commitment from government about the results. So, is your recommendation then that the citizens' assembly would decide what the voting system is and then it would be adopted by the government of the day?

Mr. Cushing: In the best of all possible worlds, yes. We have seen instances in Canada, for example, in British Columbia, where the citizens' assembly made very clear, very positive recommendations. Those recommendations were, in fact, adopted by all electoral districts and missed an artificially high percentage of votes in order to be accepted by the government. So, I think it is critical that we recognize, when we ask the people to express their opinion and tell us what's the best thing to do for them, that our elected representatives, who represent those people, would be willing to follow through with those recommendations. That doesn't mean there might not be opportunities for this, that, and the other in discussion, but ultimately, yes, it should be a clear choice by the people for the people.

Chair: Sure. Can I just follow that up? So, one of the presenters, when we talked — so, you're using the BC example, right? So, it was a very high percentage for the second one?

Mr. Cushing: That is correct.

Chair: So, I mean, that is a number that the citizens' assembly could recommend, right? They could say, you know, just over 50 percent, or that could be decided, but I guess the BC model is it went out to the electorate, right? It went out to the citizens of BC, and so, again, I guess I'm asking you to expound. So, are we saying, in Yukon, that your recommendation would be that the citizens' assembly would make the recommendation and it would go from there, government approving, or are you open to it going out to the electorate?

Mr. Cushing: I would prefer to see the citizens' assembly simply come forward, or their recommendations to come forward, and that would assume that the question given

to them was very clear. It might be: Do we want X, or do we want to look at X or Y? That clarity needs to be there. And then there needs to be assurance that the assembly will be listened to, because the assembly will represent a wide choice of the people.

We also heard from a number of the representatives, the experts who spoke, of the weakness, for example, of referendums. I can't remember which expert spoke and said the referendum is an automatic method to destroy something or just stop it, because in referendum, people vote "no" first, and it's really hard to get them to actually think through and vote "yes" or "no" in a very sensible way.

Again, we need to work with the citizens' assembly to hear what they have to say and know that we, all of us, are willing to accept the recommendation they bring forward. Will I necessarily like that recommendation? Not necessarily, but I am prepared to say that is the will of the people, and that is the true nature of democracy. It's not true democracy when 30 percent of the populace control government; that's a failure of democracy, and that's what we're seeing federally and territorially, and we just have to find a way to make that stop. Thank you.

Chair: Thank you. Any further questions?

No, thank you, Al. So, next up we have Sue Greetham, and then, following Sue, we have Sally Wright.

Sue? Yes, please stand at the microphone and on the X so you can be televised.

Ms. Greetham: First, I would like to thank Dave Brekke, who started this whole thing, and I would like to thank Al and Linda. They have all been through this for the past 15 years or so, where we — Fair Vote Yukon — have been researching and educating ourselves and finding out what is happening around the globe and what the heck is happening in the Yukon, with so few people with votes that actually count.

After that time, this resulted in an understanding of the need for a citizens' assembly. Very few voters are educated on Canadian elections and the outcome of their vote, or the value of their vote, or the lack of value. Most consider their vote win or lose. I did before I found out any better. Like a horse race, you put your bet down and hope for the best.

How many in this room can say "No, my vote hasn't counted in the past"? How many can say no? Any noes? Nobody wants to speak. Okay. I wouldn't ask the average voter if there's a better system than first-past-the-post — it's not a fair question; it just is not a fair question.

It's like, if you were scheduled for heart surgery and the doctor asked you for your preferred method, you might study the question and the procedure first before you made that decision. Well, voting is just about as important as that, because it's our future, and it's our people. I have always been trying to look after the people who can't stand up and speak. I can and I have and I know when I have not been recognized or represented by my own local representative, and it doesn't feel very good.

In theory, a candidate could be elected under the current system with just two votes. The most widely used families of PR electoral systems are — proportional representation

systems — are party list PR and mixed member PR. I wouldn't tell anyone which one is best. We need the education; we need mock elections to see how it turns out.

We have had single-party majority governments without the support of a majority of the voters as long as I can remember, almost every time, and we can change that. There are systems around the globe that represent the people, where everyone is represented. Proportional representation means each vote has equal value and everyone has an equal voice.

You know, we have to learn to work together, not in opposition to one another. The world is going ridiculous with opposition and fighting, and we want a fair voting system in the Yukon. We can do it here; we only have 42,000 people. If we can't get together here and represent 42,000 people, no one can do it. We can be a leader across Canada in the Yukon. We don't want a dictatorship, and many of us feel that's what we have.

So, if we want to return democracy to the way we had it when we only had two parties, there aren't two parties anymore. There are way more opinions in the Yukon, especially because we are a unique community, and we have a lot of people who need representation who are not common to Whitehorse.

Thank you very much.

Chair: Before you sit down, Sue, if you just stand up, I'm sure there will be questions.

Mr. Streicker? Mr. Cathers?

Hon. Mr. Streicker: Thanks, Sue. Could we just talk a little bit more about the concept of respect in the Legislature and just your thoughts on how a different voting system would help achieve a way in which the Legislature could work in a more constructive format?

Ms. Greetham: When you have everyone represented and you don't have a majority dictatorship, when you have 30 percent, 20 percent, 15 percent and you don't have one party with total power and we do have to work together, they will work together, and it has been proven around the globe that when people sit down and work together, not for the party — unfortunately, the party is the pain to us all, because everyone plays party lines. I went to the Legislature by invitation several times — I had to leave. I've never — I've been in private industry all my life, and I've never sat at a table in private industry trying to reach a goal and having everybody in opposition. That just didn't work; it didn't go there. I mean, I've seen Kate struggle for years on that side of the fence, and I'm sorry, Kate — you have to be given a lot of credit for what's happened, but if we change the electoral system and we give everyone a percentage, votes equal seats. That's it; it's simple, and everybody gets together and represents Yukon as a whole. It will work.

Hon. Mr. Streicker: That's great. I appreciate the answer.

Chair: I do actually have a question. You referenced mock elections. So, you submitted at least twice that I read today on the website, and the first one, you talked about the importance of giving people an opportunity to try a new system, and then you just referenced mock elections. Can you —

Ms. Greetham: At the university, we have a table. Fortunately, JP over here created some ballots. At the table,

when someone walked up, I said, "Have you ever voted?" Several of them said, "No, I haven't voted yet." And I would ask them why. Then other people would say, "Yes, I voted." "Did your vote count?" "Well —" They couldn't really decide.

So, anyway, I took them to the table, and the first ballot showed the examples of the current system. You have one choice: You can pick Wally, Gerald, Lucy, Alice, or Johnny. The next one, you could pick — so you pick the candidate. The next — here's another ballot, a different ballot, an option that we could choose. You pick any one of those candidates, you pick the party of your choice. Often, I will pick a party, but I would sure love to have that candidate over there who really knows leadership and who has been working their butts off with the public all their life. I want to pick them, but I also want to pick — maybe I don't want to pick their party. That's a second option.

Then you have a ballot that has first and second choice for the candidate, so maybe you have two of your favourites. You can pick — this is my first choice; this is my second choice, and I'm going to pick this party. Your chance of being represented by that kind of a ballot in the outcome of that election — the odds have just gone right up to the top.

Chair: Excellent. So, I would urge Fair Vote Yukon to submit that, maybe that ballot, in a summary of — sure, I'll take it now. Today, the Committee is being supported by our Clerk, Allison Lloyd, who has not only supported us through today. We had our 19th select committee meeting —

Hon. Mr. Streicker: Twentieth.

Chair: The 20th — sorry, the 20th meeting. You are our 15th hearing. So, since last July, this is our 35th time of being together, and it has all been supported by our Clerk. So, thank you, Allison.

Chair: Thank you, Ms. Greetham. Sally?

Ms. Wright: I'm just working on my props.

Chair: Just let me make sure your props are —

Ms. Wright: Hello.

Chair: Just one second, Ms. Wright. Blair, if Sally holds up her props, if she's facing forward, they'll be picked up by the camera? Okay. I think even just facing forward, you'll be picked up.

Ms. Wright: Where's the camera?

Chair: I'm not sure, but I was — oh, it is there. I was just confirming that if you held it up toward us, it would get picked up.

Ms. Wright: Yes, this is the ad from — in this one, it's the *Yukon News* from April 15.

Now, my name is Sally Wright, and I'm presently the chair of Fair Vote Yukon, and I presented before you on — Linda and I presented on behalf of Fair Vote Yukon on Thursday. I did, at the time — and I totally stand behind everything I said during that time. You asked me at that time to give you more feedback about your campaign and what the special Committee has been doing and all these meetings. It's an incredible amount of work that has happened, and when I talk to people at the Fireweed Market, everybody is very confused because they don't know what's going on. They don't know that — they're not used to seeing the territory carved up into random pieces,

and you know, the way you've described it in the ad is just so difficult for people to understand. Having a disclaimer at the bottom of the ad which you can only read with a magnifying glass, as far as I can tell — this is a really difficult ad — when I have been volunteering — and all of you people are very aware of how long Dave Brekke and I have been trying to educate people about these very important issues — to have our own electoral reform committee just do such a poor job at including local expertise on how to educate Yukoners, and give us a bit of respect, that Yukoners can actually — they care.

I'm sure there are many people who tried to do that survey who couldn't. I could barely get through it without collapsing in a fit of rage, and I feel very sorry for the Clerk of the Committee of how upset I was when I saw how badly the descriptions of the various systems available — how bad they were — poor. We were told that: "You want more information? Go online."

We are a very close community up here, and to be told by politicians to learn more about the alternatives out there online, as opposed to striking our own citizens' assembly of Yukoners who can explore these things and discuss them, instead of you not answering our question. I forgot it was a hearing, that you're just going to hear us and you won't answer your own questions, our questions to you — it is difficult for me, because there has just been so much wrong with this campaign so far.

People I talk to at the Fireweed Market are very angry because they don't understand what's going on. There has been no education. You're told to go online to find out. So, Fair Vote Yukon wanted to produce something that was a little more tactile, and that's why we came up with the ballots.

So, it's what you would look for when you went into: What would a PR ballot look like? So, this is what we have, and you're going to have it as an example — I guess an exhibit — but I think this is the way to learn. I would say that the citizens' assembly should just — that should be the referendum. People should be able to choose which ballot they like, because it's very self-explanatory, and it will answer your problem, John, about how you will know that your vote actually mattered. You have three chances on one of these ballots to have your desires met. It's quite stark.

When you go to the door, as a politician, and ask for somebody's vote, you want them to feel — you want that personal connection that you could be my second choice.

Chair: Thank you. Are there questions from John or Brad?

Sorry, I can go first, Sally. I just have one question — well, I have a couple of questions, but I'm going to start. Did you have a pamphlet delivered to your house?

Ms. Wright: Yes.

Chair: Okay.

Ms. Wright: It's just the same thing as this —

Chair: But not online.

Ms. Wright: Something came.

Chair: Sure. I —

Ms. Wright: You know, the writing is so hard to read, and it's so exclusive that I just look at it and see a blob that upsets me. That's all I see: a purple blob.

Chair: Okay. So, Sally, is your recommendation then a citizens' assembly? That's what you would like to see?

Ms. Wright: Yes, please.

Chair: Excellent. Any other questions?

Ms. Wright: As soon as possible. Because I do think you are going to spend the whole summer listening to upset people, and it's a massive waste of money, at this point, what has happened, and I just don't want you to go down that path that has been done before by other political bodies to get away from electoral reform. Give the people the opportunity to explore it and decide.

Chair: Sure, and I also don't — I'll put out right now that I don't actually think it's a waste of money to travel to the other communities to have hearings. I think it's important to hear from people, and we will be making a final report. We will be submitting it to the Legislative Assembly, and duly noted that your recommendation is for a citizens' assembly.

Any further questions?

Ms. Wright: No, I think this, the ad campaign, was an enormous waste of taxpayers' money.

Chair: Okay, thank you for the clarification.

Next up, we have David Skelton — sorry, JP — sorry, Mr. Pinard; you had a checkmark, but it's because you were next. And then after, it's David Skelton, so first up is JP Pinard.

Mr. Pinard: Thank you. My name is JP Pinard. I'm a member of Fair Vote Yukon, and I attempted to fill out that survey that was sent to me. I'm one of the people who failed to complete it, and I have a PhD — go figure. The reason I failed to complete it was because I felt I couldn't understand most of what was written in there, and I thought my time would be better spent if I did something else instead. So, thank you to David Brekke, who started all this, and to all the other people before me who spoke today, including Sally, Sue, and Al. I agree with what they say, and I support what they're talking about, especially what Al was referring to, creating a citizens' assembly.

I participated at the federal level. Remember when Mr. Trudeau had the team come up here to talk about electoral reform and we participated? We wanted to be active citizens, and we were very disappointed when it was just cancelled after all that. So, my hope was that we would see a Yukon version show success. There was also the BC thing that happened, and that also failed some time ago. I would like to see us here in the Yukon show success for the rest of the country.

We voted you in, for what it is — it was under the first-past-the-post system. We really don't feel that we have a lot of choices when we only have one X to put on a ballot for one person. What I find with that is that you end up losing quality people who want to run for politics and run for government, and just because they're associated with a party, it puts a real — you lose quality people; that's all I can really say about that. It would be better if we could separate the person from the party just so we could vote for good people and vote for the party we really want to see in government.

To try to keep it simple, part of my work is to try to keep the messages simple so everybody can understand. That's the reason why we created these three different-looking ballots.

We're not suggesting those should be the three that we should vote on — there might be other ballots that we should look at. That's what the citizens' assembly should be for, and the end product of the citizens' assembly should be to look at the vote on that ballot. Which ballot are we going to use to vote on, to vote with, in the next election? This is something that New Zealand has done. In fact, I think they voted in two elections with a new ballot and then let the populace decide: Do we like this new ballot or not? That's what we would like you to commit to, that yes, (1) to a citizens' assembly and (2) to accept what the citizens' assembly puts forward as a ballot. I'll leave it at that. Thank you.

Chair: Thanks, JP. Any questions? Go ahead, Mr. Streicker.

Hon. Mr. Streicker: JP, you talked about BC and said their methodology of looking at electoral reform failed as well, although they did do a citizens' assembly. So, can you just talk, if you have any thoughts about how, if we did have a citizens' assembly, to ensure that it doesn't come to the same outcome. I mean, of course, every citizens' assembly should choose what it wants to choose, but if the process failed somehow — if you have any thoughts about that.

Mr. Pinard: Yes, I won't say too much about BC and what they did. What I understood was that they were voting on whether they were going to let go of this first-past-the-post or not, and then there was a limitation on — I think you had to have 60 percent of the votes for this to work, and to me, that was one big red flag. Why go to 60 when we're barely making 50 percent to vote our electorates in office?

The difference we would like to see here is a very specific outcome from the citizens' assembly, and it should be specific to the ballot. At the end of the day, we're all going to go and sit in a booth, and we're going to look at a ballot. That's the product; that's the end product that we'd like to see a citizens' assembly put forward. Is it going to be a first-past-the-post or this one — whichever ballot that is presented forward? Which one does the citizens' assembly — which one of those ballots that you see in front of you that the citizens' assembly would vote for, for the next election, for the population of Yukon to try out?

Chair: I'm going to follow up. But when we look at the ballot, the ballot is representative of voting systems, so the citizens' assembly — not only would they focus on a ballot, but they'd have to focus on a system to get to the ballot. Am I correct?

Mr. Pinard: Yes.

Chair: Okay. And then you're saying to try it out. So, if you reference the New Zealand system, so I think it was used two times before there was a referendum that said: Should we continue on? But when you talk about trying out the ballot, are you suggesting something similar so that it would run one election? And in the second election, the question is: Do we keep this ballot or do we go back to first-past-the-post?

Mr. Pinard: I think that's a very good idea: Try it for two elections and then let the voters decide if they like that ballot or not.

Chair: Thank you. Any further questions? Mr. Cathers?

Mr. Cathers: Thanks, JP. I would just note for anyone who hasn't watched the presentation that we heard from the presenter from New Zealand that they may find that of interest. My understanding is they actually had three referendums in support of changing the system, including before they made the change.

I would just follow up on what Kate asked, in terms of looking at the ballot. I appreciate your point that you think that voters may want to know what that looks like on a ballot, but as Kate mentioned, it does integrally connect with the system, because depending on what perspective you're looking at it with, if you feel your vote didn't count, you may look at the ballot and see this is a positive change; if you're sitting in rural Yukon, for example, and wondering how large an area your MLA will represent, this part doesn't answer that. So, is there a companion piece that you would see going with the ballot?

Mr. Pinard: Yes, and thank you for that question. I think that's the citizens' assembly's to address — what system goes behind the ballot that we choose.

Chair: Thank you, Mr. Pinard. Mr. Skelton.

Mr. Skelton: I'm fine.

Chair: You're fine? Thank you. Moving on to Linda Leon. Ms. Leon?

Ms. Leon: I was going to talk about your advertising campaign, and I think it has been addressed, but I would say that, if the Committee does recommend a citizens' assembly — and I really hope you do, because I don't see how, no matter how hard you work, you're going to be able to come up with a system that actually works in the territory. I think it would have to go to the people through a citizens' assembly, and I would also suggest that perhaps, if you have advisors to the citizens' assembly, that maybe Dr. Archer is not the lead advisor, because I found him very difficult to understand when he spoke, and perhaps that's the reason why your marketing committee is confused. Thank you.

Chair: Thank you. Mr. Streicker?

Hon. Mr. Streicker: Linda, when you and Sally presented to us before, we started getting into some questions about details about the citizens' assembly, because there are lots of differences between them. I'm just wondering if, in the interim, whether you have given that any more thought and would mind just elaborating a bit on what you feel would make for a successful citizens' assembly here in the Yukon — things like how it's selected, how widely — how big, how small, how it's resourced, as some people have spoken about.

Ms. Leon: I've been looking at other citizens' assemblies: the Scottish one, the Irish one. The people, the citizens, they spend a long time — they spend months studying these things. Pre-pandemic, it was probably quite expensive, because they probably had to meet. Although in Ireland, their distances — I don't know how many Irelands you could fit in Yukon, but Sally made a really good point at our presentation that it should be two from every community. The more I thought about it, the more I realized she was right, because even though our population is small, we are really diverse, and if we're going to go for electoral reform and we're thinking in

terms of fairness, we really need to have the citizens' assembly comprised of representatives from all the communities.

Another thing I thought was that there needs to be time to set it up so that they meet every third weekend on Zoom. Another aspect of it was education, because the citizens' assembly won't necessarily understand about electoral systems, so we need an ability for them to call on experts. In the various expert submissions, there were some really good thinkers who could also articulate really well. I'm thinking of Dr. Carty, for example, who was a really good speaker. He made it easy to understand. Possibly JP could go up with his ballots, and they could try it out, but it has to be a long process; it can't be something where you give them a month and then they have to decide. It won't work if it's that short a period.

I spoke with Dave Locke quite a while ago about what happened with the Peel River watershed commission for the land use plan, and he said that it was three stages. There was education; there were questions. They went up to each community three times, each of the affected communities, and went three times, and there were steps. There was education about the issue, which would be the first step, and then there was a question period from the stakeholders, and then there were submissions from the stakeholders, and maybe that's how it would have to work with the citizens' assembly.

It might happen naturally that way. Also, I think the findings of the citizens' assembly must be really well-publicized. The citizens' assembly in BC had a really great website, and it's worth taking a look at. Unfortunately, it wasn't promoted really well, which I think they would have had more people voting for changing their electoral system if it had been, because it was really quite clear and fun and easy to look at. I would recommend looking at that.

Chair: I'm going to ask a follow-up, actually. One of the things that you identified was communities, and that's actually something we've grappled with. So, if we talk about incorporated communities —

Hon. Mr. Streicker: Eight.

Chair: There you go, eight incorporated communities. So, then we think about that's 16 people, but we're not talking about unincorporated, so we're not talking about Marsh Lake, or Tagish, or Lake Laberge, Pelly Crossing. So, we have grappled, as we try to work our way through this: What does a "community" mean? How would that look? Part of the reason why we asked both you and Sally, when you presented, is because BC was much easier. BC's boundaries are quite a bit different from ours, and so we're grappling with: What would a "community" be? For example, in the City of Whitehorse, I think we're at 31,000 people out of 44,000. So, for example, Mr. Cathers references Laberge, which is unincorporated. When you talk about community, do you see neighbourhoods? Do you see unincorporated communities? Do you see physically where people live? If I asked you to broaden it out, so we have eight incorporated communities —

Ms. Leon: It has to be broader than that.

Chair: Sure.

Ms. Leon: And that's not enough people. I think you need a larger sample anyway. So, if you're looking at Pelly,

maybe a way to get around it would be to also look at the different First Nation territories. That might be one way to bring it in — and the official communities — but you're going to need to have Lake Laberge, because they're different. I don't think — maybe I haven't been here long enough, but I used to live in Riverdale, and I wouldn't have cared that much if I was lumped in with Riverdale North, you know. My issues were not that different, but you would still need to respect the electoral districts in Whitehorse to get a numerical representation, but it's really important to get First Nations' input on this — critical, I think.

Chair: That was one thing that BC had done — they specifically — there was outreach done to try to get that representation. You're right — in Yukon with the 14 First Nations, yes, and so there wasn't a right or wrong. I was just trying to grapple with, as we try to define what — if that's the way we go, what does that look like? How many people is the right number? I don't know what the answer is to any of that, but I do know that I learned a lot from the presentations on citizens' assemblies.

Ms. Leon: If a citizens' assembly is well-advertised within the territory, it shouldn't even cost that much to do it. I could probably do it on a Yukon artist-at-work budget myself.

Chair: That's because you're whizzed about it. There's true wizardry there with that.

Ms. Leon: You know, just for the promotional part of it, as long as people know what's going on. One of the problems with the BC citizens' assembly, in spite of their activities and in spite of this great website, their activities were not publicized adequately, and the average citizen didn't even know that there was a citizens' assembly on electoral reform. In spite of that, they got 58 percent.

Chair: I think the interesting thing for folks who haven't watched all of the hearings — because there are quite a few hours — is that BC actually became something that was replicated so that the citizens' assembly in both Ireland and Scotland are based on the BC model, because that was the first time on that level that the engagement had been put to the citizens. There's some discussion as to whether or not every important question should go to the citizens, because in Scotland now, they're saying: "We elect you to make those decisions", so there is the flip side of that.

But BC was the learning ground for citizens' assemblies internationally at that point.

Ms. Leon: It was impressive.

Chair: Yes.

Ms. Leon: It was impressive.

Chair: Absolutely. Any other questions?

Mr. Cathers: I do appreciate your thoughts on the community thing. As I had mentioned, for anybody who hadn't been on the hearing when Fair Vote presented before, a question that I think needs to be addressed, if you're dealing with the proposal of looking at representation by community, is — for example, I'm going to talk about my riding, because that's one I'm intimately familiar with.

The Hot Springs Road area has a population that's higher than a number of towns, such as Carmacks and Mayo, but a lot

of people who live in Whitehorse have the impression it's just a handful of people on the periphery. The same goes for the Mayo Road area, as well as for Ibx Valley. As I mentioned at the time, there's also the question, in terms of if you're looking at even close communities — you have representatives for both Burwash and Destruction Bay or merge them together — how do you deal with that and come up, if that's the model that gets picked, that is both fairly balancing representation by community with the importance of some representation for population, for lack of a better term?

Ms. Leon: If you go with the citizens' assembly — and I really, really hope you do — you're going to have to spend a lot of time parsing that out. It'll be a lot of hard work, but I think it would be hard work worth doing.

Chair: So, we will take your suggestion for a citizens' assembly.

At this point in time, we don't have anyone else on the presenter list, so what I will suggest is that we just take a short 10-minute break. If anyone in the room would like to sign up, I encourage you to do so. You just need to go to the back table. We just need your name and your contact phone number, and if anyone would like to add additional comments, you're welcome to sign up again. If anyone is online right now, on Facebook or on Zoom, and you'd like to share your thoughts, we have two screens where you would appear behind us and in front of us so we would see, and we would be delighted to have you present.

So, we'll take a quick 10 minutes. If anyone would like to add additional information, please sign up again, and we will be back in 10 minutes.

Recess

Chair: We went a bit longer than 10 minutes. There were lots of great conversations happening, which I appreciate. So, if I can get everybody back to their seats. Again, I really appreciate that, for our first public hearing, you folks are rolling along with us. I will use this as a learning opportunity as we move forward.

Our first speaker coming after the break is going to be Sue Greetham, and Werner Rhein, you're on deck.

Ms. Greetham: Because we're in the presence of changing systems and things like that, I think with voting, we should be looking at 16-year-olds. I have a 16-year-old here today with me who won't speak, but if she spoke, you would be blown away with what she knows about elections and about balloting and about all those things. She can answer the questions so many people can't answer, but they still get to vote.

So, I see it's across the country right now; it's a question. I've been listening to the news recently about people considering reducing the age to 16. I don't know what it takes to make that happen, but I can't see why it shouldn't. They get drivers' licences; people get married and have jobs and all those things. In the Yukon, 16 would be a good time to start, and maybe the education departments then would prepare the students a little faster in the programs and the electoral systems, and more specific education would go along with it.

Chair: Sue, if I could just get you back to the microphone. Sorry, Werner. I like how the crowd just spontaneously erupted in the middle, although I know you were all waiting to hold it to the end.

So, Sue, when you talk about lowering the age to 16 and you talk about the teenagers in your life, is that a conversation that they're having? Are they —

Ms. Greetham: Yes.

Chair: That you hear?

Ms. Greetham: Yes, and why not? I mean, why would we stick with it at the ages? Everything is moving so much faster. Life moves faster; education moves faster; technology moves faster. The kids are younger. They seem like adults now. So, yes, they're talking about it, and I can't see why.

Juliette.

Chair: Juliette, can you go to the microphone? I believe this is the 16-year-old.

Ms. Belisle-Greetham: Yes.

Chair: Juliette, can you say your first and last name?

Ms. Belisle-Greetham: My name is Juliette Greetham, and I'm 17 years old, and I just want to say that I have a job, and I pay taxes, and I would like to be able to vote and to be able to be represented, if I'm a taxpayer.

Chair: Juliette, can you stay? I'm going to keep you both there, actually, because I think there is distinctly a possibility of questions. Any question for Juliette?

Hon. Mr. Streicker: Sure. Hi, Juliette. Can you just tell me, first of all, in your school, do they have — like your, sorry, grandmother's —

Ms. Belisle-Greetham: Yes.

Hon. Mr. Streicker: Sorry, I was suggesting that they would have civics classes. I'm just wondering what they have in our schools right now, and also, from when you were 16 to when you will be 18, how many elections would you have hit? The voting age — we're talking about territorial elections, but I'm just wondering how many elections came in that period for you.

Ms. Belisle-Greetham: I have not been educated on that, and I wish I would have in school. I have learned about the Canadian Constitution and things like those, but I really wish that I would learn about how to vote, what happens to my vote, and how that can affect my country and my classes, because I am not being educated on that.

Hon. Mr. Streicker: Okay, and just on that question, last fall was a federal election, and last spring was a territorial election, so you would have been 16 for both of those?

Ms. Belisle-Greetham: Yes.

Hon. Mr. Streicker: Thanks.

Chair: And a municipal election.

Hon. Mr. Streicker: And a municipal election, right.

Chair: So, three elections in that one year.

Any other questions? Mr. Cathers?

Mr. Cathers: First of all, thanks, Juliette, and I guess I would just ask — you mentioned that you hadn't really been taught about it in school. What sort of things would you like to see, in terms of more information for students, and at what sort of grade level do you think it would be appropriate?

Ms. Belisle-Greetham: I think maybe as soon as we're taught social studies, because I have been learning about the monarchy and all these different government types since I would say I was 10 years old. I've been taught the same things over and over, but I would like to see some changes, because I have noticed that, in other places, younger people are allowed to vote in other countries, and I would like that to be a possibility here. I would also like that we are taught how to vote and these important life skills and things that we should probably know as a young adult.

Chair: Thank you, Juliette.

Mr. Brekke, you are on my list. All right, Mr. Rhein.

Mr. Rhein: My name is Werner Rhein. I think I'm known as the squeaky wheel or the guy who always has a monkey wrench to throw in the machinery. I heard the word "education" a few times. What do you mean with that? Do you mean with that explaining the three different voting systems to people, or would you educate people about other countries, how their voting systems work?

I had some dumb ideas this afternoon and went through my pile of voting information for Switzerland. I'm a dual citizen, and I'm voting several times a year in Switzerland. To start with, Switzerland is a democracy since 1400. It got updated and changed over the time a few times, but now, there are about 17 different parties in the parliament. It has two houses, the upper house and the lower house, like we have too, and everybody in there is elected. On top of the whole circus, there are seven people — not one, seven. They are elected by the parliament for four years, and every year they elect out of the seven — they elect the president. Every year, it changes. The president is the tip on the scale. If they vote three, three, his vote will change that, will count.

I understand, under education, you should tell people who are so stuck in a rut for how many — 200 years? — with that first-past-the-post voting system, that there are some other options to that, not just the three different voting systems, but that there are other countries that have different systems that work. Why can't we adopt a different system from New Zealand or Australia, which came out of the Commonwealth with the same voting system of first-past-the-post and people got fed up with it and they changed it?

So, that's, in my opinion, education. It doesn't have to be tremendously complicated, like the one is from Switzerland. I get a ballot from 70 parties that have elected their own representatives, but I can go and scratch one name out there, the guy I don't like, and put my own name in or mix it up with different parties. So, you don't actually need much more mix anyway. Then there is none in that parliament who has the absolute 51 percent. They all have a small percentage, and they have to sit around a round table and talk about it. In my opinion, that's a democracy.

The thing came up for voting at 16; I just voted for Switzerland. They had that coming up, and I voted that young people can vote, but I can remember in my life — the young people these days are much more educated than I ever was. I was never taught how to speak in school. You said yes or no, and that's it. Now they can talk, so they are absolutely capable

of voting. They are working, paying taxes; with a little bit older, they can even go into the military, and they should be able, these days — they should be able to vote.

Chair: Thank you, Mr. Rhein.

Hon. Mr. Streicker: Werner, we did ask some questions about other places. One of the things that we tried to focus on was places that had populations that were a little smaller, how they have had different voting systems, given that we have 40,000-some people here. In Switzerland, I've known about the more direct democracy, both in terms of the voting system and in questions that are asked for you to vote on, but what I don't know about is whether there are examples of electoral reform or not first-past-the-post systems in the cantons or even in the cities. I'm just wondering if you know of examples where they use different systems from first-past-the-post.

Mr. Rhein: No, I don't know anything like this. It works for a long period of time like this. One thing why there are so many things coming up to vote is the politicians have very low ceilings in spending power, so if they want to build a new autobahn somewhere and it's above that, it has to go to the people. All kinds of things — the voting right now is coming up, they said already yes to the F-35s, and somebody got a petition together with 100,000 people, and they want to say no. So, like you said, it's a really direct democracy.

Hon. Mr. Streicker: Thanks.

Mr. Cathers: Thank you, and I'll just jump in too, Werner. I appreciated that. One thing that you're touching a little bit on is an issue that doesn't seem to get discussed a lot when people are talking about electoral reform, but I think it's an important one, and that is at what level the decisions are being made, whether as you noted through answering questions in the Swiss system or putting questions on a ballot and people having the opportunity to participate directly. There has been a trend within Canada generally, not just here, that a lot of decisions are increasingly made by the respective Cabinets of each jurisdiction, not actually in Parliament or the Legislative Assembly. So, the focus has been in a lot of submissions on the balance in the Assembly itself, but I think it doesn't really address the question of: Are the decisions being made by the Assembly, or are they being made by Cabinet?

I would just be interested if you have any thoughts on that point or any suggestions there.

Mr. Rhein: Because of the big mix in Switzerland with parties, they always have to talk to each other. It's almost like a coalition. So, nobody has the power to actually make a decision straightforward — only for a few little things, where they have the financial power to do so.

The other thing I'm getting hung up a little bit — we have 16 different communities in the Yukon, plus some unincorporated ones, and we are focusing on the small communities, a couple hundred people or whatever. Why can't we focus more on 30,000 people — on the whole Yukon? What do we want for the Yukon? For the communities, they have a chief and council or community parliament. They can do their own, but we should be mainly interested, especially these days, with global warming and whatever. How can we protect our Yukon? How can we see a future for the Yukon?

Chair: I'm going to leave us there with that question hanging in the air. Lenore, you're up next. Thank you, Werner.

Ms. Morris: Hi. I didn't prepare anything before tonight, but I've been inspired by all of the earlier speakers today. I'm going to start by saying thank you to the Committee. I think that you're doing a great job. I did listen to some of the hearings with experts, which was very educational. I don't think it got as much publicity as maybe it should have, and I'm going to go off from there and point out that I am in favour of a citizens' assembly, in part because it is complicated and it is new — it's really new for people, and even lots of people who might say, "Yes, I don't like first-past-the-post", but then they don't realize that maybe there's like 10 or 12 different other options and variations within each, and I think it's really important that we get a group of people, a widely representative group of people, to really study the issue — the way the three of you have, obviously, but all of you are representing parties, and I think it's important that it be non-partisan.

On that subject, one of the reasons why I am in favour of moving to some proportional representation system is because we have a system that basically only works well when there are two parties, and if there are more than two, as we have, it just doesn't work very well, and it hasn't worked very well for a long time, because we have had more than two major parties in Canada for a century.

I'm going to say something briefly about referendums. We have seen voting reform referendums taking place and reforms getting voted down a number of times, and I would like to avoid that either by not having a referendum or by delaying it, the way it has been done in some places, until after people have tried a new system. As was mentioned earlier, there is always bias in favour of the devil you know rather than the devil that you don't know, and there's inertia, too. People will just stick with what they know. I'm old enough to remember the Charlottetown Accord, which was a constitutional reform proposal in Canada that had almost universal support at a high level and which was put to a vote by Canadians, and we voted it down, and we have still not gotten constitutional reform since.

I don't want that to happen. I think it's because it is complex, and not everybody is going to be as willing as everybody in this room is to put the hard work into learning the systems so that they can make an informed vote — that there's a real risk of simply, even a really good proposal, being voted no on.

Lastly, I am going to comment a little bit on your materials. I see them out there all places, and they pop up on Facebook and all over the place. I don't think they have been as educational as they could have been, but I do give you full marks for having them out there, and I do really appreciate that we're doing this at all and that all three of you are doing a really difficult job and being open to hearing from people like us. So, thank you.

Chair: Thank you, Lenore. Any questions?

Hon. Mr. Streicker: I have some questions.

Chair: Short questions, just so we can get through the list. More people signed up.

Hon. Mr. Streicker: Great. Is it your sense, Lenore, that this citizens' assembly, which would be able to deal with the complexity then, but even before we get there, if they were to recommend a referendum, you would still say, "No, don't do it"? Do you know what I mean? Do we trust that assembly to do that?

Ms. Morris: I trust them to do that. It seems unlikely to me that would be something they would recommend, given the recent history here in Canada of voting reform referendums failing.

Hon. Mr. Streicker: Okay, thanks.

Chair: I'm going to move on. Thank you, Lenore.

Our break has encouraged people to sign up. Joline, if you would come to the microphone, please.

Ms. Beauregard: Hello, my name is Joline Beauregard, and I use "she/her" pronouns. I also did not prepare anything for tonight, but the discussion earlier got me thinking as well. I think that having a citizens' assembly in some form does make a lot of sense to me, just because it does involve more voices. As the discussion unfolded about that before the break, it brought up more and more questions for me that I think need to be considered in this process as well, one of them being that it's not just the geography in the Yukon that makes us diverse and different.

Certainly, we had some great opinions, and I'm very grateful for all the years of work and education that people in this room have put into their opinions, and I don't think that can be over-spoken at all, but certainly nobody in this room is working their third or fourth job right now. Very likely, nobody in this room is a single mom. There are very few people in this room who are not white. There are very few young people in this room. There are very likely very few queer people in this room, and I think that we need to be very careful to include all of those voices, in addition to people from different geographic areas and people from First Nation communities.

That is one huge consideration that hasn't been mentioned yet. I think I'll leave it at that for now. I have many other thoughts that are just not quite ready to be said yet, I don't think — yes, I'll leave it at that for now. Thank you.

Chair: Thank you, Joline.

One could suggest that your questions just deserve a mic-drop and you could have walked away from the microphone at that point. I thank you for the suggestions, and you're right. That is something that we're grappling with: How do we reach out to the communities you have just listed, making sure that we're not just talking about geography, but we're actually talking about lived experience?

So, it's really valid, and I'm glad that you got up to share that.

Any questions?

Hon. Mr. Streicker: Yes. Thank, Joline. One of the things we were talking about — how to try to make sure, if there were a citizens' assembly, that it would be inclusive and representative, so one of the ways that was talked about is making it random, but there is always a bias toward people who want to come forward. So, just your thoughts about how to achieve — if you have any — about how to achieve that more

diverse assembly so that it would be more representative of Yukoners.

Ms. Beauregard: Yes, I think that the first thing that comes to mind is — and I don't have an answer necessarily for how this would be resourced — but I do think it's very important that some sort of compensation is given to the people on the committee, because it is good and well for white, middle-class folks to be able to do that and to be able to take the time off to do that, and there are many, many people in the Yukon who don't look or live like that.

I think it would also be important that we are not focusing just on getting those diverse voices from some of the non-profits in the Yukon who represent them. We have some really, really great organizations, like Queer Yukon and — there are so many, but those organizations don't necessarily represent every person in those communities either, so I think that is a consideration.

I also think that — I think that is probably my biggest answer, making sure that they are accessible in that way and compensated in some way to make it more accessible.

Hon. Mr. Streicker: Thank you.

Chair: Thank you, Joline. That was exactly something actually that BC said, that people need to be compensated for what they were doing, right? To make sure that we didn't exclude people who couldn't financially participate, so thank you very much for bringing those comments forward.

Ms. Beauregard: Thank you.

Chair: Mr. Skelton.

Mr. Skelton: Thanks very much for the group here exploring the idea of electoral reform. Thank you for all of the speakers, for tossing their ideas forward. So much — the reason I didn't say anything before was because everything I wanted to say was being touched upon, but new stuff has come forward, so I'm going to comment on that anyway.

First of all, the idea that students learn about just politics, learn about voting through intellectual processes, academic processes, and experiential processes where they get to vote is absolutely essential. One of the other things is, looking around this room, I am so disappointed, because as you said — I think Joline — that it was, you know, we are white bread for the most part, and that is not a citizens' committee. So, it has to be built in. One of the things — it was mentioned that compensation has to happen. One other thing is that this is important stuff. It needs to be considered as jury duty. So, you get called, you have to come, unless you have some amazing reason not to come.

So, compensation and a legal requirement are how I would make this citizens' committee as random as possible. There are some ideas for you.

Chair: Thank you. Mr. Streicker?

Hon. Mr. Streicker: If we were to try to make a law to make a citizens' assembly something that would be legal, like some sort of requirement, that would require work at the Legislative Assembly and would take time. I have also heard tonight sort of a desire to keep this moving. So just noting, if we don't have a law, if you had to choose between the time to make a law around a citizens' assembly or — we can do things,

I'm sure, like compensation and randomness, but what we probably can't do is compel people.

So, if you had to choose, David, between moving it a little faster and getting it going now or taking the time to make a law, your sense?

Mr. Skelton: Is it either or? Like, can we move it forward and, you know, get my bus, I have to go catch my bus, but move it forward as best as possible, and then you refine it —

Hon. Mr. Streicker: Over time.

Mr. Skelton: — with different legislation.

Hon. Mr. Streicker: Thank you.

Mr. Skelton: That would be my way.

Chair: I appreciate your time. Thanks for your time. Don't apologize.

So, we have two speakers left on the list and about 13 and a half minutes, so we are doing it, everyone. Spence Hill.

Is Spence still here? There in the back.

Ms. Hill: My name is Spence Hill, and I would sum up what I have to say as this is urgent. This is probably one of the most important questions facing our democracy at this time because of the increasing polarization that we see in our society. If people believe that the government represents them, perhaps we can heal this split that is happening. We have to, because the real issue isn't our democracy: It's our survival with climate change. If we do not have a government that people really believe in and trust, we are not going to be able to address climate change.

Kate said that the response to the survey was overwhelming. I think it's fabulous that 6,000 people persevered, because as has been pointed out, it was not a model of clear communication, and it was not a simple task to complete the survey. I think you may not get any meaningful results from it because it was challenging and convoluted, but the fact that more than 6,000 people responded communicates the urgency of this issue.

People want their government — especially here in this little microcosm we live in — they want their government to represent them, when 6,000 people cared enough to do that. I support a citizens' assembly, and I appreciate what people have said about it needing to be balanced and well-thought-out and educated and that they need to take their time, but not too much time. We have to move on electoral reform soon, fast. This is urgent. We're going to lose that moment of being able to regain the trust of people.

We need action. Some people don't bother to vote because they're so disillusioned. If the system reflected their vote and perhaps if voting was compulsory and it included 16-year-olds and we had mixed member proportional representation, then maybe we'll survive.

Chair: Thank you, Spence. I just want you to know that you made the comment about polarization and the room stopped and they wanted to clap, but they were trying to recover from it. I want you to know everyone heard what you said there. That was poignant, and I saw people react, and I wanted you to know that you just didn't say without us feeling. We felt that.

I'm going to ask the first question, actually, because compulsory voting — the first time I saw that, I lived in Australia. It was a \$100 fine if you didn't vote, so people complained about their government, but by golly, they elected them, so it changed that conversation. I think it's an interesting one similar to what David said about: Do we make it like jury duty, if we go that way? I think maybe that's a conversation, if we strike a citizens' assembly, that will be one of the things.

I just want to thank you for those comments. John?

Hon. Mr. Streicker: Spence, I know you have dealt in communication for a long time, and at the break, we were talking about the importance of educating and making sure that it's simple, and I just wonder if you can expand a bit your thoughts on how to take something — I referred to electoral systems as beguiling: They look simple, and yet they get complex. So, if you had suggestions to us for the record?

Ms. Hill: KISS.

Hon. Mr. Streicker: Keep it simple?

Ms. Hill: Keep it simple, stupid.

Hon. Mr. Streicker: Okay.

Ms. Hill: So yes, a citizens' assembly has virtue because it is of the people, and they will know to keep it simple, even if they have somebody like David Brekke on the citizens' assembly, who can do the math 16 times. I used to glaze over, Dave, when you talked, but you know what? The essence of what you said always shone through, and that's what communication has to be. Keep it — boil it down to the essence, and I think a citizens' assembly will assist in doing that.

You guys know politics far more intimately than the 6,000 people who answered the survey, so of course you're going to write mind-numbing stuff. It's true, and everybody needs an editor. That's the other thing.

Chair: On that note, thank you.

Mr. Cathers: Just before you go, Spence —

Chair: Spence, can you come back? We have one last quick question.

Mr. Cathers: I appreciated your point about the growing polarization in society, and I think that is really a challenge and a threat right across the country, where regardless of what viewpoint you hold within the total spectrum, I think it's fair to say — and there's a lot of information to show — that Canadian society is more divided than it has been at any time in the past, and that, I would agree with you, is not a good thing.

My question would be, when it comes down to — you were suggesting that this would help with polarization. There are some, though, as I'm sure you know, that one of the criticisms of proportional systems is they can make it easier for fringe parties, or fringe candidates, including potentially ones with more radical views, to get elected. Do you have any suggestions for how to avoid that unintended outcome, if there were a move toward some sort of proportional model?

Ms. Hill: Even the fringe has to be represented, but proportionality should level that out, balance that out. I am not a mathematician. Ask Dave.

Mr. Cathers: Thanks.

Chair: So, Mr. Brekke, you have two minutes to add your comment that you wanted to add before, and then I'm going to wrap it up.

Mr. Brekke: I was just wanting to mention the idea of 16-year-olds who are going to live with and pay for the decisions of our elected representatives.

Chair: I don't think he needed the two minutes. That was a well-made point.

I thank everybody today in helping us with our very first public hearing on this issue. I urge you to join us on September 7. We'll be in a much bigger room, and by that point, we will be seasoned public hearing veterans. We'll have been around the territory.

So, before I adjourn this hearing, I'd like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee, because this isn't always easy, and we appreciate that you did. I would also like to thank the Yukoners who are listening or watching this hearing, either now live or in the future, as it will be recorded and posted on the website.

The Committee will be hearing from Yukoners at more community hearings in the future, and we will do a better job of advertising those. Information on those public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at howyukonvotes.ca.

Thank you very much. This hearing is now adjourned.

The Committee adjourned at 7:54 p.m.



Yukon Legislative Assembly

Issue 16

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Thursday, July 14, 2022 — 6:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Speakers:

Lloyd Freese
Dave Weir
Sally Wright

EVIDENCE**Haines Junction, Yukon****Thursday, July 14, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territories of the Champagne and Aishihik First Nations. This public hearing is scheduled for 6:00 p.m. to 8:00 p.m. tonight, and additional public hearings are being held in other Yukon communities. The Committee will be holding hearings later this month in Teslin and Watson Lake and hearings in Carmacks, Mayo, Dawson City, and Whitehorse in September. The Committee would like to remind Yukoners that they may also provide their input by e-mail or letter mail or by using the comment form on howyukonvotes.ca.

Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and Member for Lake Laberge, and finally, the Hon. John Streicker, Member for Mount Lorne-Southern Lakes, is joining us by video conference as he is unable to travel due to COVID-19.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage at yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website howyukonvotes.ca, and summaries of some of the potential voting systems are included in a brochure that was sent to all Yukoners. Copies of the pamphlet are also available here tonight.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer, and academics from across Canada and the world through 14 video-conference hearings held between January and April of this year. Transcripts and recordings of the hearings are available on the Committee's webpage. It is important for the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners — or 17.1 percent of Yukoners 16 and older — who completed that survey.

A report on the results of the survey is available on the Committee's webpage. We have not yet decided on our recommendations to the Legislative Assembly. The Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to

hearing from Yukoners, and we will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table, and please note that this hearing is being recorded and transcribed. Everything you say will be on the public record and posted on the Committee's website.

If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters. If you need technical help with Zoom, please call 867-334-2448. Individual presentations to the Committee will be limited to five minutes, and if there is time remaining at the end of the presentations, presenters may be invited to speak for longer.

I would like to welcome everyone in the audience and ask that you please respect the rules of this hearing. Visitors are not allowed to interrupt or interfere in the proceedings. Please mute any electronic devices and refrain from making noise, including comments, during the presentations.

So, for anyone online, if you would like to present today, please indicate that in the chat to the Clerk of the Committee, and at this point in time, we will take a short pause.

Recess

Chair: Thank you. Mr. Freese, you have joined us on Zoom. Currently, you are the one attendee to the Haines Junction meeting. I wanted to know if you would like to present today. There is the ability for you to respond in the chat box. The Clerk of the Committee has sent you a note, or you could even unmute your microphone, if it's easier just for you to talk back.

Mr. Freese: I did that, I believe.

Chair: Hello, Mr. Freese. Would you like to present today?

Mr. Freese: Well, I don't have too much to present. The one — I haven't really followed this too closely, although I probably should. The method that I would think would be possibly a way of getting a more majority-type vote would be to have voters, when they go to the polls, select their candidates — one, two, three, four, if there are four parties that are running — so that they would — you know, their first preference, second preference, third preference, and fourth preference.

Chair: So, Mr. Freese, a ranked ballot? So, by picking your first, second, third, and fourth choice?

Mr. Freese: That's correct.

Chair: Is there anything else you would like to see in either the ballot or how the system is run?

Mr. Freese: No, I don't think so. I sort of think that I like that idea.

Chair: Excellent. We're grateful to have you online today. You're joined on Zoom by Mr. John Streicker, who is joining us from Mount Lorne-Southern Lakes, and Brad Cathers, who is the Vice-Chair. I'm just going to look to either of them to see if they have any questions.

John, do you have a question?

Hon. Mr. Streicker: Mr. Freese, one of the other questions we've been asking people beyond what system they

would like is also the process that we would take to possibly get there. For example, if there were a recommendation for a new system, would we go to referendum? There has also been a conversation about having something like a citizens' assembly. Do you have any thoughts about, if we were to consider a different system, the process we would take to try to get there?

Mr. Freese: A referendum would maybe work, yes, and there would maybe have to be a couple of options in there — yes, no, maybe with alterations — but I could see that.

Chair: Mr. Streicker, do you have a follow-up?

Hon. Mr. Streicker: No, that's great. Thank you, Mr. Freese.

Mr. Freese: You're welcome.

Chair: Mr. Cathers?

Mr. Cathers: I don't really have a question, but I would just like to thank you for logging on and sharing your views with us, Mr. Freese.

Mr. Freese: Well, unfortunately, it's one of those days in Haines Junction where you have a big turnout.

Chair: The best thing right now, Mr. Freese, is that you have 100 percent of our attention. Do you know how Zoom works? If you go into the bottom — sorry, as I'm trying to walk you through something I'm terrible at — if you would like to say anything else, just unmute yourself, but what we'll do is — I'm just going to get muted and we're going to wait to see if anyone else comes, unless you have anything else you would like to add right now.

Mr. Freese: Welcome to Haines Junction.

Chair: Thank you.

Mr. Freese: Hope you feel better, John. I don't have anything else to add.

Chair: Thank you so much for joining us, and thank you for the welcome; we appreciate it. If you have anything else you would like to add either tonight, if you choose to stay on — just like I said, unmute yourself, or you could always submit something in writing to our website, as well, but thank you for joining us.

Mr. Freese: Okay, and thanks for coming out.

Chair: Thank you; delighted.

Hon. Mr. Streicker: Madam Chair, I'm just going to turn my video off and just stay listening. If others join, I'll be nearby.

Chair: Thank you, Mr. Streicker. I believe right now, with that, let's take a 20-minute break, and if anything happens between now and 6:40, I will let you know, but let's take a 20-minute break right now. Thank you again for joining us, Mr. Freese.

Recess

Chair: I guess that was our first 20-minute break. Mr. Freese and Mr. Streicker, I will be on mute unless I see someone else join us on the Zoom call or someone joins us in person. If neither of those things happen, Mr. Freese, thank you again for joining us today, and we will patiently wait in optimism that someone else will join us.

I will just sign off for now — I will just go on mute — and come back, as required.

We will go on pause right now until either someone joins us in the room or Lloyd, if you have more to add — again, thank you for joining us today.

Mr. Freese: I did think of something else.

Chair: Oh, please, Mr. Freese, go ahead.

Mr. Freese: I was thinking of the ridings that we currently have, and I sort of like that idea, in that little places like Haines Junction and Old Crow, although they don't have the populations of the big cities like Whitehorse, I think it would be good to stick with that, rather than to have it totally by the numbers of different ridings.

I think if it was based on that, I'm sure that the election would be over by the time it left Whitehorse, much like the national system where the election is pretty well decided before it gets to the Manitoba border.

Chair: Mr. Freese, currently there are 19 ridings, so we, as a Committee, have definitely discussed the importance of rural representation. So, just to let you know that we are in agreement with that. Do you have any thoughts about expanding, either adding additional seats or removing seats from the 19 we currently have?

Mr. Freese: Sorry, you sort of broke up a bit there toward the end.

Chair: Have you put any thought behind whether or not we should add additional seats to the 19 or remove seats from the 19?

Mr. Freese: I haven't put any thought to it. Would those just make each riding a little smaller? Like, if you were to do it by population, if you were to say each riding has a thousand people — no, that would still not cover the Yukon; it may.

Chair: So, just on that, Mr. Freese, there was a part in Dr. Archer's report where he talked about the plus or minus the accepted percentage. In the Yukon, we already know that we exceed that, for example, in the Vuntut Gwitchin riding. We have seen incredible growth, for example, in places like Whistle Bend in Whitehorse. Of course, there's talk of expansion in Carmacks if the Casino mine goes forward. So partially, in asking about whether or not you see additional MLAs is my way of asking about whether or not it's important to you, for example, that people have more representation and whether it's the rural-urban split — I guess I'll leave it there.

Mr. Freese: I guess, if all of a sudden Carmacks doubled in size or Whistle Bend, for instance — I mean, Whistle Bend is huge already, but maybe they should have their own riding as well.

Chair: So, you're not opposed if, for example, a recommendation was to come out about looking at the number of MLAs?

Mr. Freese: I would think that you could only represent, say, so many people, so if — and I don't know the numbers, but say Carmacks was a thousand people already and if, all of a sudden, they grew to 2,000 or 3,000, maybe they should have another representative, and maybe — and I don't know how many residents it takes to make up a riding. How many people does each member have in their riding?

Chair: Yes, that's a great question. Right now, it varies widely, actually, between us all. Mr. Streicker, do you have any questions to Mr. Freese's last points?

Hon. Mr. Streicker: Sure. Hi again, Mr. Freese, and thank you. Mr. Freese, earlier you were talking about a ranked ballot system, and as well, you were talking about the importance of rural and urban representation. Sometimes, those things might have a trade-off — not necessarily, but I'm just trying to ask you about the weighing of those things, if the ranked ballot was a higher priority, in your sense, or the urban-rural splits, those types of things — just how you see the relative importance of those two issues.

Mr. Freese: I think all people want to be represented by somebody. If, in the case of a riding that has 6,000 and a riding that has 1,000, it may not make them feel sort of well-represented.

Chair: Mr. Cathers?

Mr. Cathers: Thank you for your thoughts. I don't really have a question but just thought you might be interested, based on some of your comments, knowing that, in the variance that Kate was talking about, the standard across the country is that there is typically a variance of 25-percent larger or 25-percent smaller in ridings compared to what the average population would be, but there is some variance in the Yukon, as there is in some of the provinces, to give rural regions a little more representation so they're not just overwhelmed by cities.

In the Yukon, what has typically happened when electoral boundary commissions are formed — which are composed of a representative picked by each territorial party, a judge who is on the Yukon Supreme Court, and a chief electoral officer — those commissions have typically come forward with recommendations that the seats in the Legislative Assembly in the Yukon be roughly divided half and half to provide more representation to rural Yukon so that the Assembly isn't just overwhelmed by Whitehorse.

It's a little bit off that exactly, but that's what the historical norms have been.

Mr. Freese: Okay, thank you. If it was sort of by population, then the Yukon nationally would be swallowed up by everything all the way down to Dawson Creek. Our representation would be very minimal.

Mr. Cathers: Indeed, that is true.

Chair: Excellent points to bring forward. Thank you, Mr. Freese. Anything else right now?

Mr. Freese: No, but maybe after the next break, I'll dream up something else.

Chair: Okay, I appreciate that. If no one else physically comes into the room or signs on, I will come back on just before we wrap up, and I'll give you another opportunity.

Mr. Freese: Okay, thank you.

Chair: I'm delighted to have you still with us, Mr. Freese.

Mr. Freese: Hopefully, you'll get a better turnout at other places.

Chair: So, Mr. Freese and Mr. Streicker, we are currently joined by Mr. Dave Weir in the room. Dave, you have five minutes to present, and the Committee members may have questions when you're done.

Mr. Weir: I'm bone tired and unprepared, and I don't have a whole lot to say, but I came tonight essentially because I think this is a very important topic. I think that we desperately need electoral reform. I don't have a specific opinion on which system I would like to see us move toward, but I think, when we see political parties conducting their own elections for their leaders — for example, right now, that's going on with the Conservative Party — using systems other than first-past-the-post, it's absolutely clear that they're doing that because they see that as the most democratic, so why would we, as a territory, be doing it in a less democratic way?

To me, the writing is on the wall. To me, the fact that electoral reform hasn't happened so far is clearly because there are vested interests in keeping the system the way it is; it benefits some players more than others, and on a federal level, it tends to benefit the Liberal Party.

I don't know if that's true on a territorial level or not; I haven't looked at those numbers, but certainly, on a federal level, it does. When I look around this room and I see all the empty chairs, a lot of what occurs to me is that I think people aren't here because they're cynical about the process, and they look at the fact that electoral reform hasn't happened so far because the people making the decisions are benefited by the current system, so why bother pushing?

That's kind of what I see. That's the sum of my thoughts.

Chair: Thank you, Mr. Weir. Mr. Streicker, have you any questions?

Hon. Mr. Streicker: Thanks, Mr. Weir. One of the things that we've been asking people, beyond what system there might be, is also what process we might take if we were to consider a different system — for example, a referendum or a citizens' assembly. I'm just wondering if you have any thoughts on that topic.

Mr. Weir: I think a referendum is a double-edged sword in that it's easy to make the statement that we will do what the people of the Yukon want, as expressed through a referendum. That would be an easy thing to say, and it would be easy to try to say that is the most democratic way to go about it, but the reality is that I don't know how educated the average person in Yukon is on the topic, and therefore, without some system to drastically increase the level of education on the topic first, I would doubt the quality of the referendum. I don't know if that makes sense, what I'm saying.

Chair: Mr. Streicker, any additional questions?

Hon. Mr. Streicker: Sure, but I'm happy as well, Madam Chair, if it goes around the room. Just in terms of — Mr. Weir, you've said it's really important that we educate the public first so that they're fairly informed. One of the ways that we saw, I believe it was New Zealand, do it was they had a referendum before and after — I think it was a staged referendum. Would that be useful in the sense that, by then, people would have a shot at the system and then they would have a better sense as they're voting?

Recess

Mr. Weir: I'm not sure — before and after an election? Before and after —?

Hon. Mr. Streicker: I think they used a referendum at first to agree to try a new system, but before they even got into that system, they agreed that some period of time later they would hold another referendum just to check in with folks on whether the system was working for them.

Mr. Weir: It sounds reasonable. I would need to learn more about it to have an opinion on that one.

Mr. Cathers: I don't really have any questions; I would just like to thank you for sharing your views. And just noting on the topic that John shared, just for the record, New Zealand actually had three referendums on the topic of electoral reform, and three times, the referendum result was in favour of moving forward to the system they have today — two before they moved to their mixed-member proportional model and then one that was held a number of years after to review whether people still wanted to keep that in place.

Mr. Weir: Do you know if they had any kind of system for educating people in addition to the referendum or — ?

Mr. Cathers: They did, and rather than relying on my memory for exactly what they had, you might find it interesting to go on the webpage for this Committee and the presentation from the one presenter from New Zealand which contained a bit of information about that. You might find that interesting to watch and just to hear her thoughts on what they did and the New Zealand experience.

Chair: Thank you, Mr. Cathers. Thank you, Mr. Weir. I actually don't have questions at this point, but I would encourage you to submit any further thoughts you might have to the Committee's webpage. I encourage folks who are passionate about the issue to also reach out, and I believe — any closing statement or closing thoughts?

Mr. Weir: No, I'm good.

Chair: Okay, with that, similarly, we will mute ourselves on this side of the room, and Mr. Freese, I'll be back just before the end and come back live if anyone else joins us.

Mr. Freese: Okay, thank you.

Recess

Chair: Thank you for joining us again. I see that Ms. Sally Wright has just joined us on the Zoom link. Sally, did you want to present this evening?

There you go; you are now unmuted.

Ms. Wright: I just came from the Fireweed Market. We had our table set up today. Lots of feedback today about the survey and how difficult it was today, and we're just continuing the Fair Vote Yukon, trying to get a citizens' assembly so people can learn. That's really our focus. People need more opportunities to learn about electoral reform.

Chair: Thank you, Sally. So, your recommendation today stands at a citizens' assembly?

Ms. Wright: Yes, and I would also recommend that there were better ads for the hearing. I don't know how many people made it to Haines Junction.

Chair: Noted. We did advertise in the newspaper, the radio, and on Facebook, but I take your point for next time.

Ms. Wright: Which newspaper? I didn't see anything in the Wednesday newspaper neither —

Chair: In the Friday papers?

Ms. Wright: Well, that's tomorrow.

Chair: Last week? The Friday papers go to the communities.

Ms. Wright: Yes, and so it was advertised then — postponed — the two postponed ones.

Chair: No, the postponed and today's meeting in Haines Junction.

Ms. Wright: Okay.

Chair: Thank you for being here, Sally, and we will — we already know that your recommendation is a citizens' assembly, but thank you for coming, and thank you for having the Fair Vote table set up at the market.

Ms. Wright: You're welcome. I'm just a volunteer; you guys are getting paid. Thank you.

Chair: All right, thank you. John, any questions from you? No questions? No questions from Brad.

Okay, thank you, Sally.

Recess

Mr. Freese: Have a safe drive home, you guys, and thanks for coming out.

Chair: Mr. Freese, thank you so much for being here for the duration. We really appreciate it, and have a lovely evening.

Mr. Freese: You too. Watch out for that loose gravel.

Chair: You know, sometimes it's not the numbers that count; it is the level of engagement and conversations, and we thank you for that.

Mr. Freese: Thanks again.

Mr. Cathers: Thank you.

Recess

Chair: Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee. I would also like to thank the Yukoners who were listening to and watching this hearing. The Committee will be hearing from Yukoners at more community hearings over the next few months. Information on those public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER.

The public can learn more about potential voting systems at howyukonvotes.ca. This hearing is now adjourned.

The Committee adjourned at 7:54 p.m.



Yukon Legislative Assembly

Issue 17

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Tuesday, July 26, 2022 — 6:00 p.m.

Chair: Kate White

SPECIAL COMMITTEE ON ELECTORAL REFORM

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Speakers:

Eric Morris
Gord Curran
Jenn Roberts
Doug Martens
Juanita Kremer
Jean-Paul Pinard

EVIDENCE**Teslin, Yukon****Tuesday, July 26, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territory of the Teslin Tlingit Council.

Allow me to introduce the members of the Committee. My name is Kate White; I'm Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge and is joining us today by videoconference as a precaution due to potential COVID-19 symptoms; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage at yukonassembly.ca/SCER — and in the room today, we do have the executive summary from Dr. Keith Archer. The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included in a brochure that was sent to all Yukoners, and copies of that pamphlet are also available here today.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and the world, through 14 videoconference hearings held between January and April this year. Transcripts and recordings of the hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey — that's 17.1 percent of all Yukoners 16 and older who did complete that survey. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly. The Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing tonight will be devoted to hearing from Yukoners. We will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table in the back. Please note that this hearing is being recorded and

transcribed; everything you say will be on the public record and posted on the Committee's website.

If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters, and if you need technical help with Zoom, please call 867-334-2448. So, if you need technical support with Zoom, please call 867-334-2448.

Individual presentations to the Committee will be limited to five minutes. If there is time remaining at the end of the presentations, presenters may be invited to speak for longer.

I would like to welcome everyone in the audience and ask that you please respect the rules for this hearing. Visitors are not allowed to disrupt or interfere in the proceedings. Please mute any electronic devices and refrain from making noise, including comments, during the presentations.

When you are called to speak, please come up to the microphone over there, because that is how we will record it, and thank you for joining us today.

Chief, would you like to make some comments today?

Mr. Morris: (inaudible)

Chair: Can I ask you to go to the microphone?

Mr. Morris: First off, I just wanted to welcome all of you to our traditional territory. I can honestly say that I'm not really familiar with some of the work that you're doing. From my perspective, I'm just wondering, in terms of looking at some of the challenges that rural communities face in elections and if the party that forms the government in the central level — if we have an MLA, or a Member of the Legislative Assembly, who is not representative of that particular party, sometimes, I think, we are faced with a bit of a challenge.

So, I just think, in terms of looking at how elections happen and some of the challenges that occur when an election is over and where the chips fall at the end of it all and looking at — I think one of the things that has always been a plus for us here in Teslin is that we work with whomever is in place, because that's — we always have a collaborative approach to looking at how we work with other governments.

As part of that, it's just really a bit of a challenge when the person who is representing our area is not in government and having that ability to have some influence over some of the things that we see that need to be done in our area.

Also, just when it comes to the politics of it all, that's what I think of. I don't know if there's any research done on that, but I just think that one of the things that's really key for the Yukon is looking at how the rural communities are represented in the government and what are the priorities that the government in place has for things that are related — economic development, things like climate change — related to infrastructure development, all of that.

One of the things that I have seen for a number of years is that the people who live in the rural communities gravitate toward Whitehorse, because Whitehorse essentially has everything to offer — the better choice for food, cheaper food prices, in some cases, also cheaper fuel. They also gravitate toward the city, and essentially, that in some ways impacts our community, right? So, by being able to be in a position to have

development occurs in rural communities I think is really critical.

How our electoral system impacts that, I can't say for certain, but I know that — I think that's one of the things, in terms of consideration in looking at how we vote for our people who form government, that is important. When I think about what's being proposed, I can't say for sure if other regions — you probably can share with me later on — if other regions have gone through this exercise of looking at electoral reform for their areas, in terms of what they are doing.

The other thing is just understanding, probably first off, the question of why we are looking at this in the first place. What's the purpose of it?

For as long as I can remember, we have had this process in place where we have always elected our officials to government representing our area — like, our area is together with Ross River and Teslin — just an understanding of why we're doing it in terms of looking at why we're going through the exercise of having that.

The other part to it is just being able to have an understanding if other areas have gone through a similar process: Has anything ever substantially changed, if they have gone through an exercise such as this? The change from a process they were currently in to another and looking at what the results are that were decided on.

As I say, electoral reform — I know that we're a population of 500 people here in Teslin. We don't sometimes believe that we have that significant impact on the directions of where we see our governments going sometimes, whoever is in government. We're just a small population of people, right?

I guess probably all of that in consideration — I just think it's more of a — I don't know what your objective is, in terms of concluding your work and how you plan to come up with a decision as to what direction you're going to be heading. I have no idea in that relation. I always think about our schools and working with our high schools, because those kids who are in high school are going to be the ones who will be leading us in the future, right? It would be interesting to have an exercise with them, in regard to looking at what they see might be a way forward in regard to — let's say, if we're looking at wanting to reform how we elect our government officials, what kind of understanding do they have? Where do they think we could be going? What are the options that they could probably hear about? And if they had an ability to make a choice as to what that might look like, what would that process look like, in terms of determining that and looking at what the outcome would be? I think that would be a true tell of where our young people are at in how they see government and how they see government working for them.

I would just make those comments.

Chair: Thank you. Before you walk away from the microphone, Chief Morris, can we ask you questions?

Mr. Morris: You sure can, yes.

Chair: Mr. Cathers, do you want to start?

Mr. Cathers: Apologies if the audio is not perfect. I appreciate your thoughts, and I would just ask — I think it's fair to say that you're indicating that, if there were changes

made to the system, that you wouldn't want the voice of rural communities being mute in that process; is that correct?

Mr. Morris: Probably to a degree, yes, because at this point, that's always something that's important to us. If you look at our current situation now, our MLA is with another party; he's not within the government, so that creates a bit of an impact sometimes on what we're able to do. So, it's how do we get around that, right? It's how do we get around those kinds of workings?

Probably one of the things that I think about, in regard to how government operates and how it works — it's about the officials we elect to the Legislature, in terms of looking at — it doesn't matter where their party is at; there should be some willingness to work together to look at how they can support what the rural communities want in the Yukon. I think that — sometimes, I feel we're overlooked. And because of the great demand within Whitehorse — you look at the development that has occurred within Whitehorse over the years and you look at how well it has progressed — lots of affordable housing being developed, and social housing is really at a premium there — they're really working well to develop that.

Look at rural communities, and you look at the challenges we have here with housing and all of that. We, as a First Nation, really work hard to provide housing to our citizens and to our community members — looking at that as a bit of a challenge. I think it's all related to the working relationship that the current system has with regard to the parties that represent us in the government, in the Legislature.

Chair: Brad, any follow-ups?

Mr. Cathers: No, thank you for your thoughts on that.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Thank you very much, Chief Morris. I have a few directions I want to head, but the first one is to follow up on the question of the rural — currently, we have 11 MLAs who are from Whitehorse, and we have eight who represent our rural communities. You know that the ridings are split here and there. So, you just said, in response to MLA Cathers, that you wouldn't want to see that reduced. Do you think that's the right blend of Whitehorse and rural, in your mind? Eight for around the territory and 11 for Whitehorse? Or do you think it should be different?

Mr. Morris: I think probably it's a bit of a — probably more related to looking at how you want to deal with some of the challenges that rural communities face, right, in regard to things like programs that are offered, opportunities that are created. So, whether we have eight or 11, I think we're neither here nor there on that. One of the things that's important is looking at the willingness of the sitting government to have a good, strong focus on how rural communities are developing or looking at some of the things that they would like to continue to do — it doesn't matter which party is in place — and looking at how they are going to look at sustaining that over their four-year term or whatever it might be. What are the commitments that the previous government — let's say if there's a different government in place — will have in regard to what the previous standing government had in place? How do they commit

themselves to being able to follow through with some of those things that need to be done?

It's just about that. Sometimes, when you look at where we go with electoral process, we kind of have an idea of who we would like to have in government, but sometimes it doesn't work out that way, right? So, you kind of live with you have, and you work with what you have. Part of it is that in part in the Yukon, you can say: "Well, maybe next time." Well, there shouldn't be, like, a next time. What should be in place is a way of looking at: How is the new government that's being formed going to continue to work with Teslin, for example? And look at how we — we have a 10-year community plan in place. The value of that 10-year community plan is about \$300 million. So, how is the sitting government going to help us implement that plan on the same terms and working relationship that we had with the previous representative, right?

It's kind of like that. I think about that, and I look at, not so much to do with electoral reform, but more to do with the relationship that's key to what we do here in Teslin. We live in one of the most beautiful parts of the Yukon Territory; we live on a really beautiful lake; there are beautiful mountains; we have a history that is really significant; we're in the process of building a new bridge. All of that makes up who we are here in Teslin, but when you think about the Yukon, people think about Whitehorse first, right? They don't think of Teslin —

But that's kind of where we see ourselves. We're striving to be better, striving to do well, and I think we're making great strides in all of that, right? So, I think about what we have to offer to the rest of the Yukon, to the rest of the territory. We think about rural Yukon, us little guys who are out here working our asses off to make a go of things that we get, be it little or small, and we make the most of it. We work together; we have to work together. But sometimes, that same sentiment is not always that way with the sitting government.

They tend to be in opposition over various things, which is not helpful to our growth. We live in a territory of 40,000 people, and we should have the ability to work together cooperatively and do it in a way that lends to prosperity and wellness and healthy living, having kids who are aspiring in anything they desire to do in regard to sport, science —

Chair: I agree with all of that, but I'm just going to bring that comment to a close — only I am supposed to follow my own rules, which I am not.

Mr. Morris: Okay.

Chair: Mr. Streicker, any follow-up?

Hon. Mr. Streicker: Yes. Chief Morris, you talked about the importance of governments, or elected officials, working together and the importance of trying to make sure that there's representation from communities like Teslin. One of the things that different types of electoral systems can do is they can, in balancing — sometimes trying to make sure that there's a proportional representation of seats, based on what the vote is across the territory — you can sometimes add seats, or the other way you can do it is you can adjust the balance.

So, in your thinking, is it really important — I'm checking what you think about the importance of making sure that there is a local representative for Teslin, or a local representative for

Old Crow, rather than someone who might be from outside the community that's representing, because some of the systems make trade-offs — so just what you think about that whoever is representing you is from the community itself.

Mr. Morris: I think, in some cases, like in the past when we've had other people who kind of drop in and there's a vacancy in one of the parties, they've done that. Often, that individual sometimes is known to the community, so they're familiar with what our community is about and have done work with us, so that relationship has been established, and to a degree, it's there. It's just an ability to be able to look at that as an opportunity, I guess, to be able to offer that choice up for the parties when sometimes there are vacancies that need to be filled.

Hon. Mr. Streicker: Yes.

Mr. Morris: That works. I don't think we have too much difficulty with that.

Hon. Mr. Streicker: Thank you.

Chair: I'm going to get in. So, you talked earlier about the importance of including youth in the conversation. One of the thoughts that has been batted around is lowering the territorial voting age to 16. Any thoughts on if we were to lower the age?

Mr. Morris: I probably have some challenges with that, because kids are kids, right? And being 16, you're just getting your driver's licence and just experiencing new things that you're doing. You're probably in grade 11 or something like that, so they really haven't gone out into the world to experience some of the challenges around employment and why you would need a government that supports youth and training and certain areas around whatever it might be and looking at — I think definitely youth need to enjoy other youth, give them the responsibility of having to — I guess, probably having a right to vote is probably a great thing, but I think youth should be just left to do what they do. Let them live a little bit, and then, when they get the right to vote, then they get the right to vote. It should stay that way, I think.

Chair: Okay. So then, following up on that, you had mentioned earlier that one of the things we should be doing is reaching out to youth to find out what they think about the electoral system. So, how would we do that without taking away —

Mr. Morris: I guess probably — what's the saying? You want the truth, you ask the drunk or you ask the kid. Right? So, if you want the truth about how your system is working, go talk to the youth and get a sense of where they see things are at, and that gives you a good perspective of some of the challenges that are there. If you believe in what they're doing and you believe what their perspective is, then you think there needs to be a drastic change that needs to be in place — well then, so be it, right?

I think it's kind of like that. We did that with kids in school. In early years, I was an education support worker in our school here in Teslin. We have a clan system in our government here, the Teslin Tlingit Council, and I worked together with Duane Aucoin; he's one of our members. We were doing an exercise. We wanted to incorporate something similar into the school one

year there, so what we did is we made up our own clan system in the school and incorporated that into some of the things we were doing in the school, and it worked. We had a rabbit clan — I can't remember all the clans, but we had about five clans there.

So, you kind of get these kids understanding how the system of clans works and why it's in place and how you can speak and represent each other. You go through that exercise so they are familiar with it, right? I don't know — just a thought that I had in terms of trying to respond to how you incorporate the thoughts of youth and what they think about the various systems that we have in place that are related to the electoral system, economic system, climate change — our youth are very active in climate change activities. They do have their voice; their voice is recognized. I look at our government — we have a youth council in place; we have youth council representation on the various committees and boards that we have within our government, so they have a key role in that.

From that perspective, they do have some involvement to some degree. I'm not sure what it looks like in your Legislature; I'm not sure if it's at all there. I think it would be interesting to look at how we might be able to incorporate that into what you do, and from there, it will look at educating them with what an electoral system is for, why it's in place, how it's done, and how it's followed through. I think it would be worthwhile for the Legislature to probably consider something like that, even like an elders council, so to speak: people who are considered to be seniors who had some role in government in the past who could offer — the work that you guys do as legislators.

Chair: Thank you. It sounds like a key part of that is education, which I do appreciate. Mr. Streicker, any follow-up questions?

Hon. Mr. Streicker: No, thanks.

Chair: Mr. Cathers?

Mr. Cathers: No, I don't have any follow-up questions, but thank you for sharing your thoughts, Chief Morris.

Mr. Morris: Thank you.

Chair: Thank you very much, Chief Morris. We have two other people present in the room, so I'll look out to either of you — do either of you wish to share with us today?

All right, Mr. Curran.

Mr. Curran: What Eric said. Actually, we make a good team, I guess —

Chair: You make a great team.

Mr. Curran: — because we articulate on the same issues, but I'm just going to talk a bit more about some of the same things that Eric talked about.

I think the rural-urban is something we really have to look at, and I know, John, you mentioned about the 11-8 ridings. My concern is that some of those ridings might be considered rural, but they're really close to Whitehorse, and the draw of Whitehorse — I mean, 77 percent of the population lives in Whitehorse, including Marsh Lake, so the draw on the political — it's just natural for anyone in power to go with the majority; that's the way it goes.

So, that rural perspective is really important and having some balance. Some good tension — and I say "good tension"

because I find that sometimes, with our legislative set-up, it unfortunately is adversarial. It doesn't lend itself really well to working together; it really doesn't.

Certainly, to what Chief Morris was talking about around, you know, when somebody is out of sync with the government — it's not just that we're seeing it in Teslin to some extent, but I think other jurisdictions are seeing it — it's hard to get your voice at the table. There's a certain amount of power that's diminished by not being in a jurisdiction with the party in power. I don't think it's just us; I think every other jurisdiction would say that when they're being out of sync.

So, it's too bad that we couldn't try to find a way to balance that out, to mitigate that. I did look at the — I have not fully briefed on everything, but I did have a chance to take a look at the website, the pamphlet on the website, and I know some of the other single transferable votes, proportional presentation system — John, I think you were referring to that — I looked at that. That would probably accomplish some of that goal, but it's a bit too complicated. I think there are too many candidates. When I looked at it, it seemed a little bit too complicated. It sort of accomplished some of the goal I was looking for.

The same with the mixed member proportional, mixed electoral system. One issue I have with that is it seems like we'll end up with 30 MLAs. No disrespect to our current politicians, but we don't need more legislators. That seems to be a lot for a small jurisdiction.

But yes, the rural is a big thing — having some balance, having a system where you're able to force parties to work together or some way to mitigate some of the partisan politics. I mean, we're in a small, small jurisdiction. I see the need for some partisanship, but it's almost — we've borrowed almost too much from down south, and people get hardened positions on party positions. I understand you have to follow through on your election promises, but sometimes it becomes a barrier, and sometimes egos get in the way, too. So, if we could find a way to mitigate it.

Unfortunately, like I said, the system I — when I looked at the systems, I couldn't see one — I mean, I see the systems that sort of accomplish it, but I just think it would be almost too complicated for such a small jurisdiction. The alternative vote system seems to accomplish something, but you're kind of doing the same thing; it's just another version of what we have.

So, but for sure, what Eric was saying around the rural and making sure there's some balance there. We understand that most of the population lives in Whitehorse, and there's a tendency of that's where the efficiencies are and that's where you go and that's the way our whole system is set up in Canada, but we still need that strong rural voice in a way to sway things, because to a large extent, we feel like we're overwhelmed and forgotten about many times. And some of it is it's just easier to work with a larger population that's centred in Whitehorse and they're there. You know, it's easier when you're in Whitehorse and you're dealing with what's in front of you versus a far off, rural area.

I think that's all I really have to add. But yes, you would have to refer back to Eric. He sounded a lot more articulate than I did, particularly, but I agree with a lot of what he said.

Unfortunately, I'm not coming in saying we should go this way in the electoral system that's presented. I mean, whatever you come up with is going to be imperfect, but I don't see anything that's going to accomplish that goal by splitting up.

Chair: Mr. Curran, thank you for that. I'm going to start the questions.

Mr. Curran: Sure.

Chair: I appreciate you saying that 30 MLAs is too many MLAs, but one way you can change the number — so, right now, there are 11 urban and eight rural. So, for example, in between 2016 and 2022, there was an Electoral Boundaries Commission that came back and said we should create one extra seat, and it will be a rural riding, right? We heard today, when we were at dinner, that someone said, "Why is Teslin matched up with Ross River and Faro? Why aren't we with the Southern Lakes? So, why aren't the Tlingit together?"

We've been asked before why the Kaska aren't together. Why aren't we following those lines as well? Do you think that there is room to add additional seats, or additional members, to try to address some of those issues?

Mr. Curran: Yes, I think if it's to address some of those issues, for sure. This riding — we feel like we're thrown together. We're just kind of like the parts of everything that was left over, and really, we co-drafted a letter — TTC and ourselves — saying that. There's no geographical or cultural or any context.

So, if you can add MLAs to address some of that, that would be fine. I'm just wary of adding more. It's nice to have representation, but 30, as stated, is a bit too much, but if it makes a lot more common sense, geographical lines or cultural lines, then yes, I would be in favour of that.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Thanks, Gord — or Mayor.

Mr. Curran: I called you "John."

Hon. Mr. Streicker: When you were talking about stronger rural representation and more balance, you weren't sure whether that would come through any of the options that are there with electoral reform. Are you thinking that it could come with some other form of democratic reform?

Mr. Curran: Yes.

Hon. Mr. Streicker: You may go beyond the scope of what we're set up to do, but we're here and happy to hear if you have thoughts that you want to share.

Mr. Curran: I think some of it would come through on the single transferable vote, the proportional representation system, and potentially the mixed member electoral system. The problem was that I'm looking at our jurisdiction, and I just felt that may have been a bit overkill. That was my concern, but yes, it would come out through those two for sure. There would be a little bit — because there are independent candidates, if I remember — at large, right?

Hon. Mr. Streicker: Not necessarily at large with respect to parties —

Mr. Curran: No.

Hon. Mr. Streicker: — but at large as in not tied to a geographic location.

Mr. Curran: Okay, yes, sorry; that won't work. I mean, it has to be tied to geographic in some shape or form. Sorry, I did the five-minute read before —

Chair: That's okay.

Hon. Mr. Streicker: No, it's okay.

Mr. Curran: — and I've read it before, and I'm not up on all my political systems.

Hon. Mr. Streicker: That's good for now. I'll keep thinking.

Chair: Mr. Cathers?

Mr. Cathers: Thanks, Mayor, for your thoughts. One thing I just wanted to note though is the reference mixed member proportional system. Part of the challenge that is here is that many of those advocating for change would like to see the balance in the Legislative Assembly more reflective of people's party preference, but that does create the challenge for rural representation and size. It means, unless you want a larger assembly, then trying to add seats to provide more party representation is likely to reduce the representation of rural Yukon.

I do appreciate your thoughts on there and we would welcome any additional comments you may have.

Mr. Curran: The audio was a little garbled. So, what you're saying is that some of the systems we're talking about where we would add MLAs would actually diminish the rural representation, right, if I understood?

Mr. Cathers: I don't have the best quality microphone, which is why I usually avoid Zooming in from here, but due to circumstances — so, yes, what I was quoting is that some of the systems, such as the mixed member proportional system, if you're trying to (inaudible) reflect the party, then you're left with that negative choice of increasing the size of the assembly or reducing rural representation if that doesn't happen.

Mr. Curran: I think, in terms of priority for me, it's always about balance and making sure the rural voice is strong, and yes, I wouldn't be in favour of a system that creates potentially more power in an urban centre. I guess that's through one of the — again, I haven't looked at this through — but what Brad is saying, yes, if there's a danger where you would end up with a whole bunch of MLAs coming from the urban centre, I wouldn't be in favour of that — increasing MLAs and then having that happen — because rurals would definitely be outvoted all the time.

Chair: Thank you. Mr. Streicker?

Hon. Mr. Streicker: Gordon, one of the things we've been talking about is not just what the system could be or what Yukoners might want from the system, but also the process that we could take to get to a decision about a system. So, some of the things we've discussed are: If there is a proposal for a system, should we have a referendum? That's a big question that we have often asked. The other one is around something called a "citizens' assembly" where it's not political parties that are working on deciding what the system might be, but it's a representative group of Yukoners from across the territory. I'm just wondering if you have any thoughts on process, like if we were to try to consider — it's probably simpler if we're sticking with the system that we have. You don't need as much in that

sense, but if it were to change, what process would seem to make sense to you?

Mr. Curran: You know, I still think there is some value to party politics, so I'm not saying to go to the Nunavut model; I think there are issues there too. I haven't looked into it — it's just trying to create a system where there may be parties and partisan politics, but there's more willingness to work together. I mean, this is the combative nature of the Legislature. You guys have been there, so you know it better than I do, but from the outside — and perhaps it's just the newspaper articles I read — there seems to be a very difficult system in which to work together and seek compromise — just my view.

But no, I don't think — a people's assembly, I think you would end up with a lot more chaos.

Hon. Mr. Streicker: I should be clear: The citizens' assembly is not to run the government; it's to consider the electoral system.

Chair: And make recommendations.

Hon. Mr. Streicker: And recommend to the Legislature.

Mr. Curran: I'm not sure I have an opinion on that. I remember reading that. I think it was in some of the literature a while back. Sorry, I remember reading that, and I couldn't draw an opinion.

Hon. Mr. Streicker: No problem; thank you.

Chair: I have another one. So, one of the things that you talk about is you talk about the importance of working together, and I appreciate that two people in the room have said, "Well, if our current member isn't a member of government" — it was like that is the answer for anyone who isn't in government, they're represented by a — that person can still bring forward issues and concerns. We're in a situation right now in Yukon where we have a minority government, and so there is, I would suggest, a working together that we haven't seen.

One of the challenges I would say that I have noticed in 11 years in opposition is I have had two majority governments and one minority government, and I can say that they look different. So, when you talk about the willingness to work together, sometimes when we look at changing the system, it will force those. I don't know what the answer is; I'm not making recommendations, but when you talk about that working together, one of the challenges becomes voting systems or recommendations to make with that — but I do hear you saying the importance is that we need to work together.

Mr. Curran: Yes. And I think the minority system may have been a real pain to get things through, but to a certain extent, it forced — it gave at least a backstop to some things that could have been forced through with a majority government, so a minority — I'm not saying that we need a minority government all the time, but that's kind of what I'm looking at. At least there's some leverage so that it doesn't allow a sitting government to just do whatever they want, for the most part, other than hoping that public opinion will force the governing party to withdraw or to change their legislation. There's a lot more to it, because we know there's the public — what happens at the public level and the rhetoric at that level, and we know behind the scenes, there's a lot more wheeling

and dealing that goes on. I think sometimes it's a benefit to have that wheeling and dealing; it makes for good government, right? — if it's done right.

I mean, you're also depending on individuals doing the right thing, too, but that's a whole other thing. I mean, yes, to have that ability to — it has been my experience here at a local level, you have someone saying that we need to do this, and then you sit in a room and you try to say, "What are we trying to accomplish?" and you work it out, even at the political level, which I know is a different kettle of fish — at the territorial level is very different from the local level.

The beauty of local is that you can actually have those conversations, right? But it's just a different level of government.

Anyways, the long and short of it is that I think the minority government has accomplished some things and given at least some of us rurals, who may be out of sync with the current government, a little bit more leverage, which I think is beneficial. It doesn't give us full leverage, but at least it gives us more of a chance, right? Especially if there's something that we just don't agree with, with the sitting government, that we just feel is not right. It gives us something to work with — something.

Chair: Mr. Cathers, do you have a follow-up?

Mr. Cathers: No, I don't have a follow-up to that point and I understand that the sound quality is an issue so I will just turn it over to someone else. Thank you, Mayor.

Chair: Thank you, Brad. Mr. Streicker?

Hon. Mr. Streicker: No, I'm good.

Chair: Thank you, Mr. Curran.

Mr. Curran: Thank you.

Chair: We have an option right now. We could go to someone online.

Ms. Roberts: (inaudible)

Chair: You're ready? Fantastic.

Thank you, Ms. Roberts.

Ms. Roberts: I'm Jenny Roberts, community member. I've grown up in the electoral system. My mom used to be returning officer for Hootalinqua North. I can tell you there have been changes, but not the right changes. Voters don't like being forced to go online in the communities — lots of elders, seniors, and just people who don't have computers or Internet. They're told to go online to ensure that they're registered to vote. That's a big problem. We still need to have people who go door to door to ensure that people's information is correct, accurate, and they're on the list or, if they have moved to the other side, that they're nicely removed from the list without causing emotional stuff for the family.

As for the elections themselves, communities — we miss a lot of voter turnout due to the lack of options. In communities, we need to be able to provide a mobile polling station for both the advanced polls and regular polls, because — working federal and territorial elections, poll supervisor, DRO, poll clerk, reception — I've done them all — the common complaint is: "Well, how does so-and-so get down here? They're in a wheelchair and they can't make it, but they want to vote."

Special ballots, they're okay, but the people have to go to the local office. This year it was a hotel room. Great, it was accessible, but it still poses the problem of: How do they get there? So, the deputy returning officers need to have the ability to go to people's homes as well.

That's my feedback on that. As for representation, being linked with Faro and Ross River, our issues here don't line up with their issues, and having only one option for an MLA, whether it's opposition or leading — how does he properly represent us with our needs when we have certain issues here that are completely opposite from the other communities?

I have had my own personal issues. I think I talked to you one time about them, Mr. Streicker. The community is still faced with issues. When I bring them to my MLA, he brings them to the governing parties, and there's never an answer of how we can sit down and work together to fix these issues. Regardless of majority or minority, we have to work together.

I do know the current MLA probably would like to retire, but we don't have candidates who are wanting to put their names in. Why don't they? Why does nobody want to put their name in? That's a good question as to how we recruit people to represent us. I have to echo Chief Morris and Mayor Curran — yes, it's a system that really needs work. What these options are — they're great on paper, but how do they look in reality? So, I'm on the fence, like Mayor Curran, as to which way would better suit this territory. I'm on the fence between our status quo — status quo might work if we could break up some boundaries, like Faro-Ross River. They're closer, maybe have their own representation.

Like the mayor says, everything centres around Whitehorse, so we feel like we don't get heard when we do bring our issues to our MLA to bring to the governing parties. Yes, which way is going to serve us the best?

We talked about youth, Kate. I can tell you that the school here, the teachers and principal, any election, they have their own little mock election, and the teacher and principal do always make an appointment to bring their class down to observe the process. We do have very interested youth in politics in this community.

As for lowering the age, Yukon's age is 19; federally, it's 18. Why don't we come in line with federal age requirements, to start with?

Hon. Mr. Streicker: I think we are, Jenn.

Ms. Roberts: No.

Hon. Mr. Streicker: No?

Ms. Roberts: Legal age in the Yukon is 19; federally, it's 18, so —

It has always been because people don't know, because of those differences, right? A lot of people, having back-to-back elections, nobody knows who or what. Is this territorial? Is this municipal? Is this federal? Yes, people are voted out. They're exhausted by it.

So, as much as this is important, people are probably not here tonight because they're just tired of elections.

Chair: Thank you for all this.

Ms. Roberts: I have more.

Chair: Oh, you can —

Ms. Roberts: But it's all over the place, so we'll just leave the key points at that.

Chair: I will point out, Jenn, that you are more than — I can give you some lined paper and a pen, and if you want to —

Ms. Roberts: I'll e-mail you.

Chair: Perfect. Okay, so first of all, I just really appreciate that you bring us the perspective of growing up with a returning officer as a mom.

Ms. Roberts: I actually had two very political parents.

Chair: And I appreciate that. I also really appreciate you talking about the bones of how — this one thing that we talk about, I would say, generally territory-wide is: How do we help people get to polls? So, you are saying, "Why don't we take the polls to people?" and I appreciate that.

Ms. Roberts: I do have accessibility issues myself, so I'm not in that position that some of our community members are, and they feel left out.

Chair: So, I appreciate that you're talking about how to change that system. I don't have questions, because you were very clear in how you stated it. I do appreciate that you let us know that Teslin does have mock elections. They happen in most schools across the territory, and youth are very interested. I think it's very interesting — oh, the Clerk has just gone on —

Ms. Roberts: The Clerk is verifying our age requirements?

Chair: So, it is 18.

Ms. Roberts: Is it?

Chair: It is 18, yes.

Ms. Roberts: Because a lot of people, because legal age in the Yukon is 19, they don't think they can vote in the territorial.

Chair: Which I thank you for pointing that out. If we were different from the feds, that would be a great and easy recommendation right there to get in line.

Ms. Roberts: But I do agree with the mayor that 16 — I remember 16. I was starting to pay attention then, but I wasn't ready to make a choice of: I want that person because — you're still learning, right? So, 17, 18 is when you really start to — now you're really growing up, maturing to the reality of life and being on your own, and you have these choices and rights.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Yes, thank you so much, Jenn. You started off by saying that you're a little bit split between the status quo, and I just missed what the other possibility was from your thoughts.

Ms. Roberts: In reading the summary, the big book is a little bit more in-depth, but they're all great in their own way, but I can't see how, other than the status quo right now and possibly the mixed member one — I can't see how the other two would better represent — myself personally, more just boundary-changing, lining up would better represent the proportions in the districts, right? Those members would be better able to represent their communities' true needs, just like ours, whereas we have totally different issues from Ross River and Faro, so how does one person represent us all when he's not really in tune with the other areas they represent?

Hon. Mr. Streicker: Thank you.

Chair: I'm just going to follow up on that. So, boundary changes — as an example, in Yukon, we made a decision that it was important for Old Crow to have their own seat, and across the country, there is a percentage — that plus or minus is kind of how they make the decision. In Yukon, we blow those out of the water where we've made the priority of making sure that there is rural representation.

One of the challenges that I see right now is with the Whistle Bend neighbourhood. When it's all built out, it will have 8,000 people, and currently it has one person representing it, which is almost the same number of nine other ridings, as an example. I'm not suggesting that we put nine MLAs in Whistle Bend, but when you talk about boundary changes, are you open to adding? Would you be open to adding more seats?

Ms. Roberts: Definitely, if it means that us, the people — that we feel we will be heard and our issues will be better able to be brought to whomever — minority or majority. If Faro-Ross River had one allotted there, one in Whistle Bend — like, lining them up per population or in rural would make better representation to their issues, then most definitely, but we don't need 30, you know. We do have to keep our numbers, or stats, realistic to the representation at the same time.

Yes, 9,000 people — that's a lot of people, but if you look at other ridings south, I know that they're larger populations, but there are a lot of municipalities that are rural that mimic Yukon municipalities and ridings, so how do they make one person work for 100,000 people?

Chair: I guess the question we'd be asking the other 100,000 people is if one person works for them.

Ms. Roberts: Yes, but just throwing numbers out there.

Chair: I appreciate that.

Ms. Roberts: It's the representation and the community, really. Whitehorse — they speak for themselves, and they're very loud about it, so it's our turn to be loud.

Chair: No, absolutely. Just so you know, I am an urban; I am in Whitehorse, but I say that Whitehorse is not the centre, and we shouldn't have all the decisions based on Whitehorse. So, I hear that.

Mr. Cathers? Are you going to give me a head nod if you have a question?

Mr. Cathers: At this point, I would just thank you for your comments. I don't have any additional questions right now, but thank you for your thoughts.

Chair: Mr. Streicker, any additional questions?

Hon. Mr. Streicker: Yes, if you were trying to think in terms of — do you think in terms of numbers, Jenn, or do you think in terms of communities? In other words, you need a representative who represents Teslin, or maybe you could think Tlingit, or do you think in terms of numbers? Do you agree with the whole idea of Old Crow? It's a small population, but it has representation.

Ms. Roberts: Oh, it's never about numbers. It's about the representation, right? It's about the feeling that you can connect to the person whom the people have chosen to represent you. Whether I like my MLA who is chosen at the end of the night, I have to let that go, because that's the person who is representing me, so I have to be able to feel comfortable

to bring my issues forward. If I'm not comfortable with who is representing me, I'm going to just stay in that corner in my house and quietly complain and hope something changes the next time around, and I'm pretty sure that's how a lot of Yukoners feel.

But it's never about numbers; it's about — you have to be able to have a certain working relationship with your representation. I'm pretty sure people in Faro-Ross River are like: "Our MLA is never here; how do we get him here to sit down and talk with us about our issues?" Yes, that's not just the challenge for our MLA but all MLAs who have those distant ridings from each other.

Chair: I would suggest that there are two ridings that are particularly spread out. Yours, Pelly-Nisutlin, with Teslin, Faro, and Ross River, and then Mayo-Tatchun is Carmacks, Pelly, and Mayo. Kluane is Mendenhall, Haines Junction, Burwash, D Bay, and then Beaver Creek. So, they are the rural ridings that have that real spread.

Ms. Roberts: So, how does an MLA properly serve all the people?

Chair: That is a great question. I would say it's exhausting, and there's lots of miles put on cars, probably.

Ms. Roberts: Yes. So, it boils down to the representation and, geographically, do they really line up?

Chair: Great things to think about. Thank you very much.

Ms. Roberts: Thank you.

Chair: We have one person online. Mr. Brekke, would you like to present today?

Unidentified Person: (Inaudible)

Chair: Excellent. So, at this point, the hearing is on until 8:00 p.m. Seeing as how there is no one who is ready to present, what we will do is take a 15-minute break, and we will see if anyone else is in the room or wishes to present at that point. So, we will be back at 7:15 p.m.

Recess

Chair: At this moment, the Committee will take an additional 15-minute break, and we will be back at 7:30 p.m.

Recess

Chair: Thank you and welcome back to this select committee hearing on electoral reform in Teslin. I will invite Mr. Doug Martens to the microphone.

Mr. Martens: Thank you for the floor. I have a little initial item I would like to say. One of my friends made the statement that no matter who you vote for, the government always gets in. For some of us, that's more of a problem than for others, but I thought it was kind of clever. There's kind of an unelected bureaucracy that remains in place, and many of these people serve their entire terms, and they make some pretty profound decisions that affect us all without having the support, sometimes, of the public.

Having said that, my next point is rather than discussing how we vote in Canada, would it be possible to look at a

completely different political system? I had the privilege of spending some time in Switzerland, and the main thing I noticed about their political system is the public has a much higher level of input into what's actually happening. They have referendums on — I don't know what the trigger point is, but a certain expense, a certain level of interest in a topic, and there's a referendum, plebiscite. People get to vote.

For instance, if they're trying to determine if they want another nuclear plant, they put it out to referendum; everybody votes, and usually there are multiple items they're voting on, and it's very easy to do with the Internet. We have this thing that most people have the Internet these days, right? So, it's quite easy to vote on these things and come to a decision that is what the public wants. The way we do, like electing one individual for a four-year term — my argument is that placing that much power in one cabbage is silly. We have 28-whatever million people in Canada — it's much more now, isn't it? Anyway, something like 38 million people, and all those people are giving this much power to one cabbage and one skull. Yes, there are a few checks and balances, and not everything can be done according to the whims of this individual, but it's too much power.

In Switzerland, they have seven elected representatives. There are different cantons — which roughly correspond to our ridings — and each one sends a delegate. They decide on these issues collectively. There will be one sort of chairman who has a higher level position for a year, and then it's switched around like that. Because you have seven, it's an odd number, so you never have a tie vote. It's virtually impossible to have a tie vote on any particular topic.

I think it's a better system, and I think Canada should look into it, really. They have quite a peaceful sort of country, for the most part, and I think that's one of the reasons. You don't have one person take the ball and run away with it and go off in his own direction; it can't happen.

As far as what system we should use, I think we should use that system. I don't know if I'm going to be heard, but if not, we could also go to another system where we vote against the person that we least want to have and put a big, black mark through the person you definitely do not want to be the prime minister of Canada, or your local representative, and pick the one we least despise.

Chair: Thank you. Before you go away too far, we have some questions. Just so you know, you are not the first person to talk about Switzerland. In our first public hearing, in Whitehorse, we had someone talk about the Swiss system, so we have heard not only from you but from the other person as well.

Mr. Streicker?

Hon. Mr. Streicker: Thank you, Doug. So, in Switzerland, where they use a more direct democracy with referenda versus a representative democracy, are you thinking — I just want to ask a couple of questions about that just so I understand, so I can hear you — keep some representative democracy or do it all by direct democracy, and when it reaches a threshold — that's my first question, and I'll just ask a couple more about sort of referenda and your thoughts around it.

Mr. Martens: Well, I'm not sure if I get what you're asking, really.

Hon. Mr. Streicker: How much should be through that system where people get to vote in referenda, and should it be all of government or big decisions?

Mr. Martens: I'm not too sure how the triggering works, as I've said. I think in a lot of cases it's the amount of monetary expense, and it also probably has to do with the public feelings on an issue. If they don't care about it, you know, it can probably be decided by the seven — they call them the "seven dwarves" somewhat disrespectfully, but anyway.

It's kind of an antidote to the dictatorial-type situation that can arise over a period of time. I think it makes a lot of sense.

Hon. Mr. Streicker: Okay. And we've been discussing around electoral systems and how we would choose. Do you believe it should be a referendum here on what electoral system to happen?

Mr. Martens: Provided the public was well enough educated, and I don't know how you would do that. Because I was looking over the brochure, and I'm a little confused. I would have to read the full thing and spend some time with it. The first-past-the-post is fairly easy to understand. You get into some of the other realms, you know, of kind of mixing vote for party and determining who is going to represent the situation — it almost seems like somebody could win the election and be tossed because of a formula, and I'm not sure if that would be a good thing.

Hon. Mr. Streicker: I have one more question. There's another thing that some people have presented to us as an idea, and I just wanted to try to get your thoughts on it. It's called a "citizens' assembly". So, rather than it being party folks who consider what might be the best system for the Yukon, it's a series of representatives from around the territory who aren't necessarily aligned with political parties, and they would dig into how these systems might work and ultimately make a recommendation about a system for the Yukon and then probably get to a referendum. I'm just wondering what you think of that concept of a citizens' assembly.

Mr. Martens: Well, the more input we have, the better, right? I mean, you just kind of feel like you're getting, sometimes — if I can use an analogy, like you're jumping into a car, and you think the driver is sober, and it turns out he has had a few, and he's all over the road and there's nothing you can do about it. Your country is going in a direction that you can't believe, and you want to stop it, but you have to wait four years for the next election to make any kind of difference, and really, even then, you're voting for this dictator or that dictator. It's just very little input that the public has, and I'm sure that's by design. I wish we could have a more citizen-based situation, which the Swiss system is really admirable; I really believe that. I don't know why it's not more emulated in the world.

Hon. Mr. Streicker: Thank you.

Mr. Martens: My friend from Switzerland finds it quite annoying, actually. There are quite a few referendums, and it takes a while to go through all the questions, but ultimately, you've had your say.

Chair: There are more questions, Doug; there are more questions. Mr. Cathers?

Mr. Cathers: Can you hear me?

Chair: Yes.

Mr. Cathers: I found a headset that hopefully will improve the sound quality here.

I just wanted to thank you for your thoughts, Doug, and one thing that is interesting to me — the discussion about electoral changes, most people tend to focus on the model of the legislative assembly, and while that is a relevant consideration, the other thing that has been happening across countries is an increasing trend of the major decisions being dealt with in regulations, so effectively being made at the Cabinet level, not at the legislative-assembly level. It was interesting hearing your thoughts on more involvement by citizens in direct democracy, and I just wonder if you have thoughts or comments on that trend that has occurred toward more of the substantive decisions actually just being made by whomever the Cabinet of the day is here and across the country.

Mr. Martens: Yes, that is one of the problems that we face right now, if I understand our political system, and I'm not a political expert by any means, but a lot of decisions are being made in Cabinet. It just feels again like the captain of this ship is just running away with the whole thing, and we just have no mechanism to rein him in.

A personal example: I donated a small amount of money to the truckers during the protest, and I participated in the demonstrations in Whitehorse. As a consequence, my bank doesn't allow me to do e-transfers anymore — the Scotiabank. I've been with them — I'll give my age away — I've been with them 50 years, half a century. I've paid every penny of interest that I ever owed on any amount I've borrowed. Still, like, months later, I'm not allowed to make an e-transfer. This came down from high levels of authority. Once the government begins to meddle in your personal bank account and your financial interests, money you've earned yourself, this is way over the top. I don't recognize the country anymore.

We have to get some kind of control over what's happening. I don't know if I've hit the nail or not.

Chair: I'm just going to interject and say that, from the fact that you're the second person who has talked about the Swiss model and that it is a combination of both direct democracy through referendum, but then also through the elected portion, I will do more research on the Swiss model and bring it back to the group to take a look at, because I think it's important.

I do appreciate that. Mr. Cathers, do you have a follow-up question?

Mr. Cathers: I don't have a follow-up question. I would just like to thank you for sharing your thoughts, Doug, and particularly the experience that you ran into after making a small donation there to the truckers convoy. That's certainly interesting to know and I share your concern as well.

Mr. Martens: You're welcome.

Chair: Thank you.

Mr. Cathers: We're good?

Chair: Yes, sorry, there just is a point. It turns out the Swiss legislature has 246 seats. We have 19. So, I was trying to figure out what scalability works. I just asked John what the population was, but we will look more into it as it's a point of interest — 246 is —

Mr. Martens: There is a hierarchy, I believe, of seven individuals. The wisdom of that is, if we took everybody in the room here, we would have roughly seven people. No one would have the power to just make some sort of arbitrary decision, ram it through the Cabinet, bully everybody into line, and get the results that they want. It's a common problem that has happened all over the world. Mao Zedong, and others we could name, have taken full command of a country and run it into the river. We don't want that here.

Chair: So, we'll look toward the Swiss. Thank you, Doug.

Juanita, do you want to present?

Ms. Kremer: Mine's easy; just two comments. Number one is probably not related to electoral reform as much as it is the boundary reform. I, as a Teslin resident, am upset that I'm put with Ross River and Faro, because I think it would be better or smarter for us to be with Carcross, Tagish, and the Southern Lakes, just by interest, by First Nation, by landscape, by all of the stuff that makes more sense. This might not be the place, but at least I'm going to tell you.

The other one is that I don't know much about electoral process, but what I do constantly fight for and what upsets me the most about the way that we host elections, both in Canada and in the Yukon, is that by the time Whitehorse seats are determined, the rest of us in the communities are kind of screwed just because the majority of the population lies in Whitehorse, and therefore, most of our decisions are made from Whitehorse-based people. Canada-wide, when we're talking about the federal government, whoever is determined to be the leaders in Ontario, the rest of Canada is screwed, which kind of makes the rest of us feel lesser than necessary.

Like you said, the seats that were in Switzerland, they had how many?

Chair: It was 246.

Ms. Kremer: And we have —

Chair: Nineteen.

Ms. Kremer: — 19. So, just because it is still relevant, right? Even though there are less of us, we still want to feel like we're heard, like we're listened to, like we're a part of this territory. Often, I think — here's my bias — I'm a lifelong resident of Teslin; I'm a lifelong resident of the Yukon, and often people who come to Whitehorse are fly-by-nighters. A lot of them come here for four or five years, maybe eight years, 10 years, but I come from a community where my grandmother, who is still alive today, lived in wall tents and mushed a dog team to get back and forth to get her food and stuff. That's only like two generations from simplistic living and here we are moving forward with cellphones and all of this other stuff — just somehow making reference to communities and how important — we're a big part of the Yukon.

Chair: Thank you. Mr. Cathers, do you want to start?

Mr. Cathers: First of all, thanks for sharing your thoughts on there. It is interesting; from the people who have been at the meeting tonight in Teslin, we're hearing a lot of a common theme about riding boundaries and less about the systems themselves and more about the importance of rural representation.

I don't really have a question at this point, but I would just like to thank you for sharing your thoughts on this.

Chair: Thank you, Mr. Cathers. I was just thinking about some — and I do think rural representation is important, and rural voices are important. Interestingly enough, both the Liberals and the Yukon Party — just going off the top of my head, currently, there are three rural MLAs for the Liberals and four rural MLAs for the Yukon Party, and there is one rural MLA with the NDP. So, no one could have had the majority without the rural representation.

But what we hear over and over again is making sure that the rural voices don't get run over by the Whitehorse voices. When you talked about boundaries, I think boundaries are important, and it's totally the right place to talk about them. So, from your perspective that there should be that broader conversation on boundary redrawing, to look at cultural or —

Ms. Kremer: To me, it just doesn't make sense. Don't get me wrong; I'm not a Kaska, but it sort of makes sense to put us with the Southern Lakes and Carcross just logically. Distance-wise, our MLA often has to drive all the way through to Faro and stuff, and I'm sure ditto with them and their MLA down here in Teslin — they don't necessarily feel 100 percent that their voice is heard either.

Chair: So, just on that flip side, though — and this is just playing the flip side of the coin — if Teslin was to be part of the Southern Lakes and your MLA lived in Carcross, you would still feel represented by —

Ms. Kremer: I would think so, yes, just because, as a Dakh-Ka Nation, we work together as it is, right?

Chair: Yes.

Ms. Kremer: So, us with Atlin, Carcross, and Teslin — and we all have families — not that we don't have families in Ross River, but it just sort of makes logical sense that we would work with Carcross/Tagish.

Chair: Yes, that's an excellent point. Mr. Streicker?

Hon. Mr. Streicker: Juanita, right now, we have eight rural MLAs and 11 Whitehorse. Do you think that's the right split? Would you like to see that number changed?

Ms. Kremer: I don't know specifically if that is the answer. My analogy is that the closer you get to Whitehorse, the better the roads get.

Hon. Mr. Streicker: Right.

Ms. Kremer: And that's unfortunate. Out here, we get a lot less services, a lot less stuff, than Whitehorse does, so if it meant that we got better roads and better services, yes. I don't know how you solve that, but it does feel like, often, we don't get heard, because the majority of the people who are represented are Whitehorse people. Whether this is the time to repeat it, but that was when I was telling you that we met with the Minister of Highways and Public Works the other day, and he said we classify the highways, and highway number one, the

classification is around Whitehorse. To me, the whole Alaska Highway should be No. 1, because look what happens when the highway goes down — when it went down a couple of years ago — not the big one down in BC, but it washed out just out of Teslin, and we were out of services for six days.

So, just simple thinking, you know. I think probably paying attention to the fact that we're all part of a greater community and we're spread throughout the rest of Yukon.

Hon. Mr. Streicker: The other question that I often ask folks who come to talk to us is: How important in your perspective is that the representation is local, meaning, whomever it is you are electing is from the community itself? Is that important, from your thinking?

Ms. Kremer: My bias thinking is that it's yes, because somebody is going to be here who speaks the language of the community. It's not easy for somebody to come to Teslin and represent us properly if they have not been here, they don't live here, they don't walk through the trenches with us individually. However, that being said, sometimes, some people are fabulous at listening, and half the time, I think maybe we just don't feel like we're listened to.

Hon. Mr. Streicker: Okay, thank you.

Chair: Any additional questions, Mr. Cathers?

Mr. Cathers: I do not have any additional questions at this point, just thank you again for your thoughts.

Chair: Mr. Streicker?

Hon. Mr. Streicker: No, I'm good, thanks.

Chair: Thank you very much for coming.

We currently have two people online, but we only have seven minutes before the end of the hearing. Mr. Pinard, you haven't responded to the chat, but would you like to present?

Mr. Pinard: Yes, sure; I'll be very short.

Chair: Excellent. Please go ahead.

Mr. Pinard: Thank you. I have read Michael Lauer's submission, the citizens' assembly proposal, and I really like what he has written and that we should follow what he's saying. He has the citizens' assembly, he has the price tag, budget and all that, and he's even recommending it should be done in conjunction with the next election, territorial and federal, and that it should establish a secretariat and then have Yukon University host it.

By the way, you could rename yourself the "special committee on the citizens' assembly on electoral reform". That's what's written here. This is the BC report on a citizens' assembly, and they use Simon Fraser University, so I think it would make sense to use Yukon U and possibly professors from there.

So, that's my recommendation, and that's it. Thank you.

Chair: Thank you, Mr. Pinard. Mr. Cathers, any questions?

Mr. Cathers: No questions. Thank you for your comments.

Chair: Mr. Streicker?

Hon. Mr. Streicker: Thank you, JP. Is there anything within Mr. Lauer's presentation to us, representation to us, that you would recommend differently?

Mr. Pinard: Not really. He's suggesting something like in the order of 107 members representing all cross-sections of the Yukon, and I think that seems like a reasonable number. He's talking about how many days of meeting time these members would have over — I think it's about a year he's talking about, 20 days in total, and then their offering per diem and then support staff to manage this. I think the Yukon University, being the host, could provide space and since they have campuses in many communities, they would be a good institution to actually host it.

So, your government — the government, our government — it belongs to all of us — would pay for this. We would provide the budget to make this citizens' assembly happen, and then — he's just offering suggestions, but holding this referendum at the same time as the election makes a lot of sense, but I think that's really the citizens' assembly's to make the decision on how that would be done most effectively.

Hon. Mr. Streicker: Thank you.

Chair: Thank you, Mr. Pinard. As often, you are very succinct, and so I thank you for your presentation.

For anyone who is interested, as Dr. Pinard pointed out, this submission is on the Committee's webpage, and it was posted on June 27.

It's Michael Lauer — M-I-C-H-A-E-L L-A-U-E-R — and it was posted on June 27.

Thank you, Mr. Pinard, for your presentation today and for joining us.

Before I adjourn this meeting, I would like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee. I would also like to thank the Yukoners who are listening and watching this hearing.

The Committee will be hearing from Yukoners at more community hearings. We will be in Watson Lake tomorrow, and hearings will be held in September in Carmacks, Mayo, Dawson City, and Whitehorse. Information on those public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER.

The public can learn more about potential voting systems at HowYukonVotes.ca.

This hearing is now adjourned.

The Committee adjourned at 7:58 p.m.



Yukon Legislative Assembly

Issue 18

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Wednesday, July 27, 2022 — 6:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

EVIDENCE**Watson Lake, Yukon****Wednesday, July 27, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territory of the Liard First Nation.

Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is the Vice-Chair of the Committee and the Member for Lake Laberge. He is joining us today by videoconference as a precaution due to potential COVID-19 symptoms. Finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage: yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included in a brochure that was sent to all Yukoners. Copies of the pamphlet are also available here today.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and the world, through 14 videoconference hearings held between January and April this year. Transcripts and recordings of the hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey, or 17.1 percent of Yukoners 16 and older. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly. The Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from Yukoners; we will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table. Please note that this hearing is being recorded and transcribed; everything you say will be on the public record and posted on the Committee's website. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of

presenters. If you need technical help with Zoom, please call 867-334-2448. Again, if you need technical help with Zoom, please call 867-334-2448.

Individual presentations to the Committee will be limited to five minutes. If there is time remaining at the end of the presentations, presenters may be invited to speak for longer. I would like to welcome everyone in the audience and thank you for respecting the rules of this hearing. Visitors are not allowed to disrupt or interfere in the proceedings. Please mute any electronic devices and refrain from making noise, including comments, during the presentations.

At this point, we will now recess prior to our first presentations.

Recess

Chair: Before I adjourn this hearing, I would like to say a few words on behalf of the Committee.

Unfortunately, we weren't joined by any Watson Lake residents tonight. There is still an opportunity to submit your thoughts to the Committee through a written submission or to remotely join our future hearings. The Committee will be hearing from Yukoners at more community hearings in September in Carmacks, Mayo, Dawson City, and Whitehorse.

Information on those public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at HowYukonVotes.ca.

This hearing is now adjourned.

The Committee adjourned at 7:54 p.m.



Yukon Legislative Assembly

Issue 19

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Thursday, September 1, 2022 — 6:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

Allison Lloyd, Clerk of Committees

Speakers:

Duncan Smith
Lewis Miesen
Glenn Stephen Sr.
Alexander Somerville

EVIDENCE**Dawson City, Yukon****Thursday, September 1, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territory of the Tr'ondëk Hwëch'in First Nation. Due to COVID-19, we are operating without all of our technical resources. We'll be using a laptop to broadcast and record the hearing. This public hearing is scheduled for 6:00 to 8:00 p.m., and it is possible that not all people who wish to speak will have an opportunity to present today. In that same breath, we will pause as is required, but we will be available until 8:00 p.m. today.

Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is the Vice-Chair of the Committee and the Member for Lake Laberge. Finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage at yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included in a brochure that was sent to all Yukoners. Copies of the pamphlet are also available here today.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and the world, through 14 videoconference hearings held between January and April of this year. Transcripts and recordings of those hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey — that's 17.1 percent of Yukoners 16 and older. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly; the Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from Yukoners. As such, we will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have signed in at the registration table,

and please note that this hearing is being recorded and transcribed; everything you say will be on the public record and posted on the Committee's website. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters. If you need technical help with Zoom, please call 867-334-2448.

Due to today's limited technical set-up, virtual participants will not be heard by our in-person audience. Individual presentations to the Committee will be limited to five minutes and, as it stands, possibly longer, so if there is time remaining at the end of the presentations, presenters may be invited to speak for longer.

I would like to welcome everyone in the audience and ask that you please respect the rules for this hearing. Visitors are not allowed to disrupt or interfere in the proceedings, and please mute any electronic devices.

Duncan Smith, would you like to present first? If I can have you come up to — yes.

Mr. Smith: Am I on?

Unidentified Speaker: Yes.

Mr. Smith: I think this is one of the most important issues on the political table today. I don't see how we can call ourselves a democracy when the number of elected people can be so poorly reflected by the popular vote. If we get a majority party with a small number, with a disproportionate small fraction — I mean, it's all about the ratio of the popular vote versus what gets reflected in terms of elected seats.

I really resent voting strategically. I never had in the past; I have for the last three elections, since moving to the Yukon from Ontario, and isn't it a crying shame if somebody votes for the party that's not their top choice just because it's the lesser of two evils? Seems like a broken system to me, and so I would really like us to follow almost all of the developed world, excluding England and the States, by having a system that reflects the popular vote more accurately and ratio of elected members of parties. I hope that's clear.

Personally, I'm partial to mixed member proportional, having read the summary. The summary was pretty darned good, I thought. I liked how it hashed out the numbers of how recent elections would have played out, but I mean, one example is, 15 or 20 years ago, the Green Party got seven percent of the popular vote nationally — that's a pretty big slice. Like, that would have been 16 or 17 seats in Ottawa, and those are all the people who voted for the Green Party, knowing that most of the time, it was a wasted vote, and they still got seven percent. Imagine what they would have gotten if people thought their votes actually counted for something, outside of Elizabeth May's riding. I just think that if we're going to call ourselves a democracy, we should have a system that reflects the actual wishes of voters, rather than — you know, compromise has to be made, but it shouldn't be made at the ballot box. That's a little early in the whole system, isn't it?

Do you have any questions for me?

Chair: Sorry, Duncan; the technology is challenging today. So, there will be a pause between us asking the questions and then you being unmuted, just so we can record it. Mr. Streicker, do you have a question?

Unidentified Speaker: We're not hearing Minister Streicker.

Hon. Mr. Streicker: Testing. Is that up?

Unidentified Speaker: Yes, we can hear you now.

Hon. Mr. Streicker: Okay. Hi again, Duncan. Thank you very much for your comments. I'm just going to try and follow up with your — I heard you clearly that you think that we should have a form of proportionality and that your preference might be mixed member proportional — MMP — but it sounded to me like the clear point you were trying to make is it should be proportional one way or another.

If we were to go to MMP, one of the things we could do is add seats to the Legislature to deal with the lists, and another thing we could do is take some of the ridings that we have now and assign them as list ridings so you could keep the size of the Legislature.

Do you have any thoughts on the notion of the balance in the Legislature of urban and rural ridings, or do you have any thoughts sort of around the size of the Legislature? I'm not trying to lead you in any way; I'm just trying to get a sense of whether you've gone further in your thinking and whether you would be able to share that with us.

Chair: Mr. Smith?

Mr. Smith: Yes, am I on? Okay. I personally don't know a lot about how the Legislature works. I sat in on a couple of days a few years ago, three or four different days, and it did not strike me that it was too large. So, as far as my knowledge of how the Legislative Assembly works, more seats — I have no problem with that, personally. I think if you just added more seats that don't represent any particular area, that strikes me as just fine.

Urban-rural — it's tricky, because a member of the Legislative Assembly is supposed to represent both people and places, I think, and so we have a lot of areas with very few people, and it's the same how it plays out across Canada: More than half the population lives in cities, but if you take a downtown Toronto riding, with a couple hundred thousand people in it, and then you take the Yukon riding, with 40,000 people in it — but I think that's sort of the way it needs to play out, if we're going to represent both people and areas.

More seats seems just fine to me. I don't think the salaries of those elected officials is going to make a horrible dent in our territorial budget, and it's just more people to do the work of government, and more representatives to be accountable to the constituents strikes me as just fine and dandy.

Chair: Thanks, Duncan, and I appreciate you being the person whom we initially try the system with. For anyone in the room who missed the explanation, we're down a tech support and we're working with laptops to have this hearing recorded, and so it's a little bit like videophones, and there will be a pause between us answering and responding.

Mr. Cathers, do you have any questions?

Mr. Cathers: Am I on now? Okay, I don't actually have any questions, but thank you for sharing your thoughts with us, Mr. Smith.

Chair: Thanks, Mr. Cathers. Mr. Smith, I do actually have a question. You talked about looking at systems outside

of Canada, and I did appreciate that you said anywhere but the United Kingdom, because they still use the first-past-the-post. Are there any countries specifically that you think should be further investigated or any that you have a preference or that you more prefer over others?

Mr. Smith: Can you hear me? The only country with which I have direct experience is New Zealand. I was there for a national election, and it was just their second after having adopted proportional representation, and I think they did MMP, but I can't recall exactly — they did, eh? Nods all around — and everybody felt pretty good about it. I was surprised that they had managed to get over the hump, because just a few years before, Ontario had failed in a referendum, but it was most likely — everybody I talked to in the Ontario case from a few years before that, they didn't know anything about it going into the ballot box, and then when they got there, they were asked, do you want to mess with your democracy or leave it the way it is? They were like, I don't know what the heck you're talking about, and I would leave it the way it is; it's okay. But it's really a matter of people being informed, I think, because I haven't heard any compelling arguments in favour of keeping first-past-the-post. I guess it made sense when a riding was how far you rode a horse in a day, but I think we could upgrade it.

I don't have any specific examples of countries, but I'm under the impression that Canada, the US, and England are the only western democracies that haven't adopted some form of proportional representation. Do you guys know about that? Are there any others? What are we doing? Let's get on with it, eh?

Chair: I appreciate — I'm going to take that question as more of an obscure point as opposed — as necessarily answering it, but to your point, you are correct in our understanding. Just to follow up to that, you talked about the referendum failing in Ontario, but it did get passed in New Zealand. You're right; they have since tested it and they've gone back and they've asked again if they wanted to stay with mixed member proportional, and they have agreed.

Do you believe, if there was to be a recommendation to change the voting system, that it should be a referendum? Should it go out for a vote? If it does, you did mention how you thought that education was key, so do you think it should (a) go to a referendum, and if it does, what sort of education would you envision ahead of that vote?

Mr. Smith: I would love to know if there's some way it could get passed other than a referendum. I thought that was the only way, and usually, it seems that it's a "60 percent to pass" type of thing. It's a fairly high threshold because it's such a fundamental change, and I feel that it's unfortunate, because it seems to be very difficult to get people interested enough to learn about what's being discussed. So, given that, the chance of it passing is pretty low.

Now, it not passing doesn't mean it's not in the best interest of the majority of the population; it's more just due to a lack of education. I think what you guys have been doing by trying to inform people is great. The brochure was pretty snappy and informative and short enough to be readable. The summary of Dr. what's-his-name's findings was a nice balance of short but thorough, but I'm still the only person I know who has read the

stuff. Is there a way other than a referendum? Because if there is, I'm interested, because I think it should happen. The trouble is getting people informed enough to make it pass in a referendum.

Can I ask you guys that question? Are there other things on the table other than referendum for introducing a new system like that?

Chair: There are actually options, but I'll give Mr. Streicker the floor.

Hon. Mr. Streicker: You can't hear me yet? Am I going to have to click this thing every — thank you.

One of the suggestions that was put to us is around something called a "citizens' assembly". It's not necessarily instead of a referendum, but it's maybe a step that could be used to have people other than MLAs being the ones who consider systems and talk to Yukoners and educate as well.

I know we're not supposed to answer questions here, and I'm sure we could stay around afterward and have some conversation so within our hearing system, that's not what we do, right? Given that might be a way in which to inform Yukoners, I'm just wondering if you have any thoughts about that. A citizens' assembly would be a representative group of Yukoners who take into account our diversity, sort of like a jury — you could think of it that way — and brought together to get informed themselves through professionals and then to try and deliberate and check in with Yukoners.

Mr. Smith: I think that's a great idea, because then you have a small group, so as long as it's selected appropriately, it would be a proper reflection — you have a small group whose job it is to be informed and make a thoughtful decision on the matter. That sounds like a great first step and maybe entire step. Maybe a citizens' assembly can come up with a choice, if they choose to make it happen — we make it happen — and then, like New Zealand, revisit it in a couple of elections and ask people if it's working. That sounds very democratic to me.

Chair: Thank you, Mr. Smith.

Just as a point of clarification — and it has been brought forward by some of the experts we have heard from — the numbers that have been set, as far as the example, for example, of British Columbia — the referendum points were arbitrary. They were set by the Government of British Columbia at the time. Some experts have recommended it should just be the 50 plus — anything over 50.

So, our deliberations and what we are doing here as a Committee is making recommendations to the Legislative Assembly, and so we are not here — we don't have a decision yet, but it's mostly hearing from folks, but that is also a recommendation that could be made by the citizens' assembly.

Mr. Cathers?

Mr. Cathers: Thanks. I think my microphone is on now. Thank you for your thoughts on that. One thing I just wanted to note for you and for others in the room is that was one of the questions on the survey that was sent out to Yukoners, and people were — about three-quarters of Yukoners were supportive of the concept that there should have to be a referendum before any changes were made. That doesn't necessarily bind the Committee, but it is from the survey — that

there was very strong support for the concept that there should have to be a referendum before any changes were made.

Chair: Thank you for that clarification, Mr. Cathers. Mr. Smith, any follow-up?

Mr. Smith: Yes, I suppose one more thing would be that this is always an awkward thing, because generally the parties in power are the ones who have historically gained the most and stand to gain the most from maintaining the status quo, so it's a little awkward. It's primarily the Yukon Party and the Liberal Party that would be benefited most by changing nothing. I realize, in this particular moment — I think the Yukon Party got a smidge more votes in the popular vote than the Liberals last time around, so yes, you snagged one, eh? Nice one, John.

Anyways, that I see as an unfortunate thing. It's an awkward thing. Maybe it's awkward for you guys — I assume it is sometimes at least. When you have a sitting government that might be sitting on 55 percent of the seats and 33 percent of the popular vote saying, yes, let's make it 80 percent to pass that referendum, it strikes me as being not very conducive to delivering results that reflect the majority of the public opinion.

I don't know what the best way around that is, but when it is a referendum — and it depends a lot on people being well-informed; people being well-informed depends a lot on the sitting government getting people well-informed, and if that government stands to lose a lot of the benefits they have historically had from being first-past-the-post, it's a wee bit of a conflict of interest.

Chair: Thank you, Mr. Smith, and I will take that last comment as a cautionary tale and something you would like us and other folks reading the Hansard or watching the video to know. Thank you very much for your time today.

As we are sitting in a room right now with no one else on the speaker's list, what we will do is I will ask if anyone in the room wishes to speak right now, and I will give you the floor. Otherwise, we will take a 15-minute recess and see if anyone would like to sign up or if anyone signs up on Hansard. This is not a pressure to you. There is coffee and there are snacks. The Committee is here until 8:00 p.m., and we are ready to hear from folks until 8:00 p.m.

Right now, looking around the room, is there anyone who would like to present? Fantastic. Can I ask you — sure, come forward, and we'll collect your information.

This is where I feel like I should say it out loud. So, when you sit down and you're unmuted, could you please just state your name for the record?

Mr. Miesen: Thank you all for being here, and thank you to TH for letting us use your hall, and I appreciate the work you're doing to benefit our democracy. I'm new in the Yukon; I just moved here last year, and the best thing about the Yukon to me is that you have a lot more opportunities. You don't need to be a professional; you don't need a master's degree and 10 years' experience to have a shot at doing something, but the best thing about places is often the worst thing, and in some ways, the Yukon lacks accountability and professionalism, especially, I think, from leadership. People are well aware of many of the problems we face in the Yukon and in Dawson in

particular, and yet many of our leaders, I find, know about the problem, do nothing, and keep getting elected.

We face a lot of issues because of this, issues that we can all agree need some kind of approach to — some kind of direction to fix. So, I think your work is extremely important, because that's the first step: to bring about greater accountability. Rather than necessarily looking at countries like New Zealand, far away, we can be looking just across the border at Alaska, which is a similar culture to the Yukon, in many ways a similar economy, and yet they have managed to accomplish some major victories in the US, a country not really known for the quality of its democracy.

I do think that first-past-the-post needs to go, most importantly. There are a few options for how this might be done, but I think probably the most practical would be a referendum bringing in a ranked choice voting system. Of course, there are advantages and disadvantages either way. I'll talk first about why I think a referendum is the best.

I don't necessarily trust the established political parties, because again, these are the same leaders who promised to fix the many problems we face that they're aware of, and yet nothing ever happens. Pretty much any way you look at it, if you're going to change the first-past-the-post system, it disadvantages the more established parties. It opens the field for other candidates and other alternative parties to get representation.

I don't trust them to vote it in. I think a referendum goes directly to the people. The people will be able to answer, and it's irrefutable, the way politicians might try to spin it to advantage themselves. The disadvantage of that: Maybe people aren't adequately informed, so it takes a lot of effort, on your part especially, to make sure people get the information they need to make wise decisions. You also mentioned a citizens' assembly, a citizens' council, which is a good idea, but again, maybe they'll try to bury the issue somewhere in there, try to give it to a citizens' council to debate and deliberate, and then not actually act on any of the recommendations, which would seem like the apt thing to do if you're a Yukon politician and want to say the right thing but never deliver on doing the right thing.

I think referendum is the way to go, and I also think ranked choice works. It could also be a runoff election, because maybe people don't want to vote, they don't feel motivated to vote, but having multiple elections creates more news coverage, creates more engagement on the issues, and will maybe draw out a wider array of people. So, there are advantages to that too.

I'm not going to be picky. I'm just going to say that you're doing good work in helping to amend first-past-the-post and bring in a better system. That's what I think are the most practical options, going forward. Thank you for your time.

Chair: Can I ask you to state your name for the record?

Mr. Miesen: Sorry, I forgot that. My name is Lewis.

Chair: Thank you, Lewis. I'm looking to my colleagues. Mr. Streicker?

Hon. Mr. Streicker: Thank you, Lewis. So, what I heard was that — should not use first-past-the-post and ranked ballot is a good example of what to do and that you prefer

referendum. You talked a little bit about the importance of educating people around the system. Can you just go a little further if you have any thoughts about what that would look like and how that could take place, and the importance of informing the public before they get to a referendum?

Chair: Lewis?

Mr. Miesen: Yes. I would suggest — I would counsel you not to rush it. It might take years to set all the pieces up to deliver this victory for democracy. People need to be informed, and you can't do that overnight. I would say that writing articles in newspapers, taking time to disseminate the information out to all demographics and age groups — because many young people don't read newspapers, sadly, so I don't know how educated they would be, but being able to hit all the major demographics and give them enough time to make a decision. I would say minimum a year to three years to get enough information out.

If you rush it, if you try to do it too quickly, it might backfire, but if you don't take the time to do it properly or do it at all, then you're not moving forward. So, striking a balance between those, I think, is the key.

Chair: Mr. Cathers?

Mr. Cathers: Am I on now? I'm not used to this microphone system here. First of all, Lewis, thanks for sharing your thoughts with us here. You mentioned Alaska in particular as an example of where you thought the Committee should be looking. Is there anything particularly about how that's working, either at a state level or federal level, that you were thinking of in particular when you mentioned that example?

Chair: Lewis?

Mr. Miesen: Yes, a few things. Alaska is an interesting example, because it's a state that has a strong conservative tradition, but it's also able to have — it's one of the first states to legalize marijuana in the US. Every citizen of Alaska gets paid. There is guaranteed income based from resource extraction money that goes back to people. So, it's a state that doesn't necessarily conform to strict political views or agendas.

It's flexible and able to absorb the best ideas from the left and the right. Just recently, there was a special runoff election in Alaska, and the winner was the first indigenous woman, and the first woman, to represent Alaska in the United States House of Representatives, which I think wouldn't necessarily be possible without ranked choice voting.

There wouldn't necessarily be enough people to vote for someone from that specific background, and it allows citizens to choose their politicians based on the quality of their character and their experience, versus their party. I think, above all, democracies suffer when we have this deep alignment to specific political parties and values and, like I said, not able to absorb good ideas from all kinds of political perspectives.

I think Alaska is an apt example because it's similar to the Yukon in a lot of ways. It's physically and culturally and psychologically very distant from Washington — just like many Yukoners feel quite distant from Ottawa — and has its own distinct culture as a northern state. I just think that, if we're going to see what would work well in the Yukon, the closest example you could use that isn't within Canada is Alaska.

Mr. Cathers: Thanks.

Chair: Thanks, Lewis. Just in follow-up, when you talk about the education, which I think we have heard that overarching — Mr. Cathers brought up that, except for the citizens' assembly, that has been brought forward multiple times, and you said don't rush it, understanding that it could take from one to three years because of the nature of it.

We have heard the flip side, which is people saying strike now; don't wait. So, for us as a committee, trying to strike the balance of what our recommendation is, when you talk about that timeline that could be up to, for example, three years — for example, if it were to go toward a citizens' assembly and they were to suggest that the vote happen in a shorter amount of time, do you see that being a problem, or would you accept the recommendations that came forward?

Mr. Miesen: So, that's an interesting question. I mentioned that I don't necessarily — the problem with citizens' assemblies is that they might make great recommendations; the politicians might bury it there. They might not actually follow through with it, unless there's enough awareness and pressure for them to actually do this.

If a citizens' assembly were to say we should have a referendum immediately, within a year, that's not necessarily ineffective or guaranteed to have a poor result, but I think it was Sun Tzu who said, first ensure victory, then go into battle. I don't mean to use a war kind of concept here, but you need to make sure that people know what they're voting on or it might backfire. Getting the information out, it should be that, by the time this election actually happens, everyone is well-versed and almost tired of hearing the arguments about why we should be doing this. It should be, finally, let's do it.

I think if, as the previous gentleman mentioned, people aren't adequately informed, they might say, oh, do I want to make a change to our democracy? I don't know; that sounds really risky. You need to kind of over-assure them that what they're doing is the right thing. Democracies move slow; they require compromise — you have to get information out to everyone in society, and that takes time. So, if they said, do it within a year, I think it's still feasible, but I don't think it's ideal.

Chair: Thanks, Lewis, and thanks for that clarification. I actually didn't hear initially when you had said that your concern was that, if a citizens' assembly made a recommendation, that it wouldn't be followed by the politicians, so I do thank you for that clarification.

Mr. Streicker, Mr. Cathers, any additional questions?

Hon. Mr. Streicker: Lewis, one of the things — when we were looking around at the systems and we talked to some of the experts, we asked them to try to focus a bit on places like the Yukon, which have less than 100,000 people, less than 50,000 people, and just wondering if — you gave the example of Alaska — again, if you can let us know what you think about places that are a little bit smaller — in terms of not geography, of course, but population — and what that means and your thoughts around how if, for example, we went to a ranked ballot choice, whether that would have an impact and how.

Mr. Miesen: So, you're asking me to compare what might happen in the Yukon with an area that's smaller in population?

Hon. Mr. Streicker: Yes. When we started looking at the various systems, we were trying to think in terms of a place like the Yukon, which has roughly 19 MLAs, roughly 45,000 people, and we were looking for examples out there to see what they had done. Just in your presentation to us, you talked about ranked ballot as a good alternative — just wondering if you had thoughts on what that might mean for a place like the Yukon.

Mr. Miesen: So, I'm not incredibly — I wouldn't call myself an expert on areas that are smaller in population than the Yukon that have a great forward example of how democracy should be run. I do know a country in Europe, Estonia, that's quite small, and they are able to vote electronically. They're able to do pretty much anything using their citizen ID card — any government service. Paying taxes, you don't even have to fill in the form. It says, there is the information; is this correct according to your records? Yes, it is, or no, it isn't; I want to dispute it and add some information.

I don't know necessarily if that's the best example, because the Yukon isn't really a shining light in IT and this type of infrastructure. I keep going back to Alaska because, culturally, I think, we're similar. Yukoners seem to respect Alaska, and so, if we said, look, it has been done in Alaska and it worked there, it would set up the play nicely for Yukoners to have an open mind. I don't know many countries that are the same population size as the Yukon that have been a great example, so I'm a bit ignorant on that point; sorry.

Chair: Well, Lewis, I'll point out that you're not necessarily an expert in electoral reform, so you shouldn't have the answer. I appreciate your perspective and also highlighting our tech challenges, as they exist. I feel those; I feel those often. Do you have any closing comment? Were there any further questions?

Mr. Cathers?

Mr. Cathers: Thanks, and thanks, Lewis. One thing you were talking about is how Alaska does things, when you're suggesting that we should look to it, I don't know if this was part of what you had in mind, but one example is, within the Alaska system, it's not uncommon to have questions going directly to the public in a referendum. In the Yukon, that's something that just doesn't happen that way, although it could. Is that something that you think would be beneficial in relation to whatever change would be made to how you elect MLAs? Do you think it would be beneficial to see changes along the lines of how Alaska does it to provide more opportunities for people to vote directly on the big questions and how you would determine what the big questions are?

Mr. Miesen: That's a really complex question, because I think what you're proposing to do is — being able to just change the way the government works requires more than just changing the way the laws work. It requires cultural change, and I think the values of Canadians and Yukoners are not necessarily the same as Alaskans. I don't know if you could just imitate exactly — reform the government structure to fit more closely with the way they're doing things.

I do think referenda are a good idea, but in terms of leadership, I just feel that there are many crises we have in the north, but one of them is a crisis of leadership, and that's taking direct action and putting yourself responsible for solving a problem.

I see many people — there are obvious problems, but we don't address them on an individual level. I think the culture of the US, which is the country I'm originally from, is very much that you — we're individualistic, and the bad side is we're selfish, but the good side is we feel the whole world is on our shoulder, so we cannot just walk away from a problem, because growing up on Batman and Superman, you feel that you have to be the hero and save the day. Canadians don't necessarily have the same way of thinking. It's a more social approach, which is better in a lot of respects in understanding that you should be looking at solving problems on a larger scale than one person doing the right thing — but I don't think we can just imitate what the Alaskans are doing in the way they structure their government. It will take a lot more than just changing the laws.

Mr. Cathers: Thanks.

Mr. Miesen: Sorry if I didn't answer your question directly.

Mr. Cathers: [indiscernible]

Mr. Miesen: Okay.

Chair: Thank you very much, Lewis. Do you have any closing comments?

Mr. Miesen: No, just thank you all for taking the time to come here and listen to us and trying your best to make our democracy better. We need more people like you, and I appreciate you taking charge and doing as best as you can. It's a privilege and an honour just to have you listen to our comments.

Chair: Thank you, and we feel the same way about people who present.

Glenn Stephen Sr., if you would like to come up to the computer.

Mr. Stephen: My name's Glenn Stephen. I lived in the Yukon 25 years, and in general, I have a preamble question to the Committee in regard to the representative when it comes to electoral reform. Should there be a minimum number of times that a Yukon representative visits each community in their riding, no matter what electoral system takes place? That's my question.

Chair: What I'm going to do is I'm going to put in there that's your statement, and then the next question I'm going to ask you back is, do you believe that there should be a minimum number of times that a politician should visit their riding — so, their electoral district? I know that, when you came in, you mentioned that you had lived in Beaver Creek, and so, when you ask us that question, is it because you believe that there should be — that your politician should be present in their riding?

Mr. Stephen: That's correct; I like that question. Some people in my community feel short — we feel like our voice isn't being heard. We do have concerns, and we have nobody really to address them, if the representative only comes a couple

of times for different occasions. We would like it if the representative came to listen to our concerns so we could have our input. Thank you.

Chair: Thank you, Glenn, and now that you've given it to us as your recommendation, which is that you believe that politicians should be more available to the people who they represent, I'm going to look to my colleagues: Mr. Streicker, do you have a question?

Hon. Mr. Streicker: My question is if there are other things, as well, that you think would be important for politicians within our communities to do to be good representatives, to be good MLAs? Are there other things you would like to suggest as well?

Mr. Stephen: No, it's just that we need more support in the different communities so everybody feels like they're part of it. Thank you.

Chair: I'm just looking to my colleagues: Mr. Cathers?

Mr. Cathers: I don't have any questions, just thank you for sharing your thoughts with us on that point, Mr. Stephen.

Chair: Mr. Stephen, would you like to make a closing remark?

Mr. Stephen: I just wasn't sure if this fit into what you're asking, which is why I say it's a preamble — just to consider it, as you're going through all the steps you're taking, that this should be a point that should be among the Committee. I feel happy that you listened to me. Thank you very much.

Chair: Thank you, Mr. Stephen, and I'll just remind folks here and away that this what the Committee is doing: We are here collecting the information, and all the information and all of the opinions are valuable, so whether or not they align or don't align, opinions are important, so we thank folks for that.

Seeing as there is no one on the register yet, I'll look across the room. Would anyone in the room like to speak?

Do not feel pressured. We'll take 15 minutes. We have plenty of time. It's 6:50 right now, so what I'll do is call a 15-minute break until five after seven. If anyone in the room feels like speaking at that point, then we will welcome them to that, but for now, we're going to put a pause on it, and we will reconvene at 7:05.

Recess

Chair: I will now call the meeting back to order, and I'll ask Alexander Somerville to come up.

Mr. Somerville: Very good, thank you. My name is Alexander Somerville. I live in Dawson City. Thank you very much for the chance to make these comments to the Committee in this public hearing.

I suppose that we've heard already tonight that there's some dissatisfaction with the first-past-the-post system. It has been described that it can lead to this effect where there can be a member elected with a plurality but not the majority of the votes, and this can lead to distorted effects in the representative of elected members, compared to the shares of a popular vote, for example. I think it was mentioned that we have seen this exemplified in the Yukon recently during an election. I think it was Otto von Bismarck who said that politics is the art of the

possible, in that there may be opportunities to work within the model of the first-past-the-post system, more modest changes to what we already have and that is familiar to people, that can offer better results.

One idea that I have not seen in the literature and the materials presented to the Committee so far, and certainly not in the public survey, is the idea that you could retain a first-past-the-post system while just letting people put more than one X on their ballot — that they could, in fact, vote for as many of the candidates as they care to be elected, and this would be, in my mind, a very small change that would still be, in fact, a first-past-the-post system. The winner of the election would still be the person with the most votes, but that you would not find yourself in the position where you felt obligated to choose between one candidate or another and feeling rather to vote for a candidate you would rather win than a candidate that you most wanted to vote for. I think this is sometimes called the “spoiler effect” in discussing the first-past-the-post system. I think it was mentioned earlier by Mr. Smith as a “strategic vote”.

Thinking historically in the Yukon — this is something else that I don’t know that I’ve seen described in any of the materials presented or prepared for the Committee — is that historically, in the days of the Yukon Council, at least until the end of the First World War, the Yukon Council had a first-two-past-the-post system in which the candidate in the riding who received the most votes would be elected to a seat for the riding and also the candidate who received the second most votes would be elected to a seat to represent the riding. The council was made up of two members for each riding, two equal members for each riding, which would help to represent more of the voters in their riding so that fewer would feel that their votes had been wasted.

I present these comments only as ideas that I think I have had that I have not already heard tonight or seen presented elsewhere to the Committee, though I understand that you may have heard them at other public hearings.

Chair: Thank you, Mr. Somerville. Mr. Streicker?

Hon. Mr. Streicker: Thank you very much. One of the things that you’ve heard me asking tonight is about the Yukon in the context of the Yukon. Thank you for the history of the first-and-second-past-the-post. As we were getting presented with systems, we were trying to find ways to distill them down to a digestible number per people, but there were systems that we saw, for example, dual member proportional system, where they had ridings that they would take two — if you had a current system that was first-past-the-post, you would take these two ridings and put them together and have two members who come through and get some proportionality there.

We did see some systems that echoed a little bit of what you’re talking about, and our challenge, at all times, was just how much — because it felt like an endless number of systems that we could talk about with people. In your sense, I just wonder if you would share your thoughts about the context of the Yukon. And the ways that I’m trying to ask about this are Whitehorse versus community — also that the Yukon has a sizable geography but not a sizable population overall, so some of these ideas that you were talking about with multiple voting

or a first and second person, people representatives for larger ridings, just how that might — what the realities might be for the Yukon, from your perspective, or considerations for the Yukon.

Mr. Somerville: Thank you very much for that question. Perhaps to describe more particularly what I might have in mind is not that there would be changes to the ridings as part of this reform. It may be obvious that one of the nettlesome matters in discussing this is that there are so many sensitivities, so many options, like you described, and different ways of doing things, and incumbents can be exposed to criticism that any decision they make is on the basis of one that is in their favour, and so it may be for that reason that I like ideas of more modest reforms, so that an idea of combining ridings or of adding an additional level of ridings is something that I — it starts to stray into a level of reform that I find myself less comfortable entertaining and that I would start to understand that might be defeated in a referendum, for example.

In a similar vein, I might care to add that reforms to this system that would add members, such as in a mixed member proportional system, where members are added to a legislature on the basis of membership to a political party, is something that I personally dislike, as someone who is not strongly aligned to any particular political party. I can’t say that I find the party system to be a real strength of the system we have, and building on it may, in my mind, be misguided.

When I think of those challenges the Yukon faces, not only having a very large size with very few people, but also — I think you understand this, Mr. Streicker — there is also a large concentration of many of those people in a very small geography, and trying to balance that concentration with the democratic needs of the rest of the Yukon — the rest of the Yukon, TROY — is a serious challenge that may not have clear answers.

I can’t think of one, except it does bring me to think of New Hampshire, which is a very small place. It also doesn’t have very many people. New Hampshire does have a lot of members in its assembly. It has, to my imperfect knowledge, the third largest assembly after the House of Commons in London and after Congress in Washington. New Hampshire has hundreds of representatives in its assembly, and that, in the Yukon, I think that can be very exciting, and it would help cultivate a culture of political participation that, in any case, could be desirable, irrespective of other electoral reforms.

Chair: Thank you, Mr. Somerville.

Mr. Cathers?

Mr. Cathers: Thank you, and sorry, it still feels very awkward putting on headphones to talk to somebody who’s sitting right in front of you, but that’s the nature of the system that we’re working with here tonight. Yes, I would just like to thank you for your thoughts. It’s a different twist — it’s different from anything anyone has specifically suggested. As John noted, there has been some talk of multiple-member ridings, but nobody has made the specific suggestion that you have.

One thing that has come up as a topic, particularly in some of the rural communities when we’re discussing the possibility

of moving to a system that reflects a party vote more proportionally, since many have been suggesting that type of thing as well who have been presenting to the Committee, is that whole urban-rural question of how any potential reforms that might proceed, how to ensure that the voice of rural Yukon doesn't get even more overwhelmed by Whitehorse, which has — if a change that gave more ridings to Whitehorse effectively, it would potentially create less representation for rural Yukon.

I'm interested in any thoughts you have on that and just to clarify whether you're suggesting effectively a two-MLA system in the Legislative Assembly or whether you are envisioning — at one point, you said something about a different level — whether you are envisioning having a House, instead of the Legislative Assembly, a senate-type model or something like that — if you could just expand on your thoughts on that, please.

Mr. Somerville: I think I recall that there were two questions, Mr. Cathers. One concerned the tension between the urban and rural divide in the Yukon and how electoral reform would handle that, and also a specific question about the nature of a second chamber of the assembly.

On the second point, I don't suppose that I see the wisdom of having another chamber in the Assembly. Historically, Canadians, in their wisdom, have eliminated all but one senate in the country. I know, where I grew up in Nova Scotia, we did it in the 20s. I don't see the wisdom of trying to bring it back a hundred years later in the Yukon.

If that model were to be adapted, for example, to try and think of ways in which it might be useful, what if there were a second chamber that were the rural chamber and it consisted of elected members of ridings where Whitehorse is portioned off to rural segments of the Yukon so that ridings constitute a greater proportion, more or less, of rural constituents? I don't know — I don't think that math would work anyway, but maybe it's only elected by people living in rural Yukon, only people living in Y0B postal code can vote for members in the rural chamber — that's the first time that idea has crossed my mind.

Otherwise, I don't really suppose that creating a second chamber is something that has been talked much about, that I have thought much about, and the urban-rural divide is nettlesome, thorny, difficult even to discuss, and it also raises questions — I think the reason why is that it does raise questions about fairness. Trying to address it is assigning more and less power to votes of rural and urban Yukoners, and that is an easy-to-graft question of fairness, in spite of the geographic realities of having our distant living representatives. I'm afraid that is the best answer I have.

Mr. Cathers: Thank you.

Chair: Thank you for that. I am actually going to go back to something you said about modest changes. You said that modest changes are more comfortable to entertain. The reason I bring that up is there was a professor from New Brunswick, I think — one of our expert presenters talked about the complications of changing the entire electoral system and all the challenges that Canada and others have had in trying to make the switch.

One of her suggestions was to start with a ranked ballot. So, one of the things that you had suggested was people's ability to vote for as many of the candidates — and I'm assuming we're talking about that per riding? Okay, so voting for as many candidates as one chooses for in their riding, but the person with the most votes then goes forward. Essentially, it's pretty close to a ranked ballot. You could choose one, two, three, put them in order or however that is, but her suggestion or comment was that this was a way that a change could happen, and the only change would be what the ballot looked like; it wouldn't require constitutional changes; it could just be in the balloting process.

So, if like you say, that modest changes are more comfortable in making that, based on your suggestion of being able to mark as many people as possible, so it removes strategic voting that people feel — it was Dr. Joanna Everitt; thank you to the Clerk for that. Do you have thoughts on ranked ballots, as to whether or not that would be of interest or not? Would you like to respond?

Mr. Somerville: Yes. The idea of being able to vote for more than one candidate with one ballot is similar to the ranked ballot system. In my mind, it may be even simpler and even more modest change that would — I envision using the same ballot with just — not disqualifying ballots for having more than one X on them. A ballot with more than one X could be counted as two votes for different candidates. Maybe that should be specified, because you can't just mark up your ballot with as many Xs for your preferred candidate, but having — being able to cast, with your one ballot, a vote for as many candidates as you like is what I had in mind, clearly using the same ballots that we have now.

The next step up from that would maybe be the ranked ballot, which I think is sometimes called the single transferable vote, which has to do with candidates who receive the fewest votes being eliminated in successive rounds of vote tallying. Just describing it — I witnessed my first election this year. We had a by-election in Dawson City, a municipal by-election, and I went to see the ballots be counted. When I think of counting ballots, it seems to me clearer and easier to witness a ballot with two clearly marked Xs in different spots for different candidates — and you can still apply the same rationale for what determines a spoiled ballot as we do today. It seems to me that counting those ballots is easier and more straightforward, quicker than counting all the ballots, then counting the smallest pile of ballots again, then counting the next smallest pile of ballots again, until a winner is finally determined, although — describing it now, I'm not actually positive I see the advantages of the ranked ballot over the multiple vote, the multiply marked ballot system that I described.

I may be inclined to agree with Dr. Joanna Everitt that more radical reforms may be rejected and that if what we're really talking about is avoiding the spoiler effect of the first-past-the-post system, that maybe we are casting our nets too wide and looking for grand solutions to redesigning our electoral system. It may be within our power, in our lifetimes, to just eliminate the more hazardous strategic voting for the

voter in the ballot booth than entertaining ideas of new chambers for the Assembly.

It could conceivably — and maybe this is a really marginal benefit — help cultivate a culture, help Yukoners think more about voting and the ways in which they do it. It may not be the final step; it may only be a first step or a next step in an ongoing electoral reform process.

I hope that answers your question. Thank you.

Chair: Thanks, Mr. Somerville. That answers part of the question, but again, I'm not going to ask you to try to drill down to how we would count ballots with multiple Xs, because I feel that's a similar challenge of counting many times for the ranked ballots, but there are systems, and there could be systems.

One thing that we have heard and that has been discussed, not just in Canada, but internationally, is that if a young person — as soon as a person is eligible to vote, if they vote that first time, then they will be able to vote in the next election. It's just getting that first vote. I can tell you personally that, despite the position that I'm in, I didn't vote until I was 21 and that you could say it was apathy or really, in my case, it was I just didn't think that people cared what I thought.

One of the discussions has been that, if we had young people voting in their first elections before they left high school — because, as it stands right now, you could just miss a municipal or a federal or a territorial election and it could be multiple years after high school before you hit that cycle again — so one of the things we have heard, particularly by young people, is the idea of lowering that voting age to 16. Do you have any thoughts about whether or not lowering the age is something to consider or any thoughts on that matter?

Mr. Somerville: It seems to me that the matter you describe has to do with constituents failing to develop a habit of voting in elections and that another response or intervention to that, if we're talking about making statutory amendments to respond to that matter, it may be one of compulsory voting. Why should the very young cast ballots when everyone over 18 can cast ballots? If it's a problem of participation, let's not bring only a younger cohort in. There is an opportunity there to make everyone — to make everyone — cast a ballot — or spoil a ballot, right? That's a great thing you can do if you're really unhappy about compulsory voting.

It rather seems to me that lowering the voting age, as a response to a voter turnout problem, would be a motivated solution. Thank you.

Chair: Thank you for that. Any further questions from the Committee? Mr. Streicker.

Hon. Mr. Streicker: When you started presenting to us, you were talking about modest changes. One of the reasons — you framed it or what I heard you say was about more likely to develop change. I just wonder if I can ask you about — we've discussed referendums and other ways in which we would test the public about whether they wanted change or not. If you could talk your thoughts about those types of ways of testing and what the pros and cons are and sort of the challenges and opportunities in the context of modest change.

Mr. Somerville: I see the wisdom of requiring a referendum to institute electoral reform. I believe it has been

raised that the idea of a referendum prior to instituting electoral reform enjoys popular support. It may be that there are ways — there are referendums and there are referendums. It may be that a most modest change could, in fact, be implemented under the condition that, after a number of years, there would be a referendum on returning to, say, the first-past-the-post system, to the status quo ante bellum — right? — so that whatever change is introduced is tried for a trial period and then perhaps it's the trial system that's subjected to scrutiny under referendum, or it may be that the first-past-the-post system can be subject to scrutiny under the referendum.

If people like it so much, let them vote on it; let them vote to go back to it. It may be that — and it's something that I've come in recent years to describe as the “Brexit problem” or the “Brexit paradox”. It's one thing to have a consensus that something should change, that there is a state of affairs that is unsatisfactory and someone should do something and to vote that someone should do something, and everyone votes yes, and then you might not actually have a proposal that also enjoys that same pluralistic support, so that while everyone agrees that there should be some change, no one actually agrees on what that change should be, and it can be really difficult, as we've seen in the UK with Brexit — the phenomenon that gives the paradox its name.

To reiterate a point I've made at least once already, I think that the consensus may exist around the deficiencies with the first-past-the-post system in the way it pressures voters to vote strategically and, if that's really the heart of the matter, that our changes should address that. It gives us a much better basis on which to judge the results of our efforts, instead of changing all kinds of things about the electoral system and then wondering, 10 years later, what went wrong or what went right. And people would say, it was the term limits; that's what made everything much better, or no, it was the compulsory voting; that's what improved our system most — or people who are dissatisfied with the mixed member proportional system —

The prospect of that kind of confusion really turns me off, which leads me to sort of raise these small, modest, easy-to-entertain, easy-to-understand changes.

Chair: I am going to stop you with the small, modest changes. We are nearing the end of our time, and I'm just going to look around the room to see if anyone would like to step forward. So, this is the last opportunity in a short amount of time. If not, I will wrap up the hearing. I encourage anyone who has any thoughts, that they can submit them in writing.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee. We appreciate it. I would also like to thank the Yukoners who are listening and watching this hearing, either live or in the future.

The Committee will be hearing from Yukoners at more community hearings later this month in Whitehorse, Mayo, and Carmacks. Information on those public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at HowYukonVotes.ca.

We thank you for coming, and this hearing is now adjourned.

The Committee adjourned at 7:59 p.m.



Yukon Legislative Assembly

Issue 20

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Wednesday, September 7, 2022 — 6:00 p.m.

Chair: Kate White

SPECIAL COMMITTEE ON ELECTORAL REFORM

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Speakers: Juliette Belisle Greetham
Keegan Newnham-Boyd
Daniel Sokolov
Bob Sharp
Sara McPhee-Knowles
Bill Barnie
Patrick Rouble
Dave Brekke
Chris Balzer
Sue Greetham
JP Pinard
Sally Wright
Sarah Newton
Don Roberts
Peter Coates
Gerald Haase
Eric DeLong
Marguerite Tölgyeci
Dario Paola
Francis van Kessel
Bonnie Duffee
Mervyn Williams

EVIDENCE**Whitehorse, Yukon****Wednesday, September 7, 2022 — 6:00 p.m.**

Chair (Ms. White): Hello and welcome. If I can ask people to take their seats, please? It will be easier.

I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the territories of the Kwanlin Dun First Nation and the Ta'an Kwäch'än Council.

We are piloting a remote live interpretation service tonight. Ce soir, nous faisons l'essai d'un service d'interprétation simultanée à distance. En téléchargeant une application, vous pouvez écouter les discussions et y participer en français. Pour les personnes dans la salle qui désirent en faire l'essai, vous pouvez vous adresser à un membre du personnel de Legislative Assembly Direction des services en français, près de l'entrée de Legislative Assembly salle. Comme le service est offert sur une application mobile, vous devrez utiliser votre téléphone et des écouteurs. Nous en avons des supplémentaires si vous en avez besoin. Pour les personnes participantes sur Zoom, veuillez suivre les consignes d'utilisation sur le chat.

By downloading an app, you can listen to and participate in this hearing in French. For those in the room who wish to try it out, please refer to a French Language Services Directorate staff member near the room's entrance. As the service is offered through a mobile application, you need to use your phone and headphones. We have extra ones should you need them. For participants on Zoom, please follow the instructions on the chat to access the French interpretation.

This public hearing is scheduled for 6:00 to 8:00 p.m. tonight. It is possible that not all the people who wish to speak will have an opportunity to present today. Additional in-person public hearings are being held in other Yukon communities. The Committee will be holding hearings in Mayo and Carmacks next week, and remote participation by videoconference is available for those hearings.

The Committee would like to remind Yukoners that they may also provide their input by e-mail or letter mail or by using the comment form on HowYukonVotes.ca. The deadline for written submissions is September 30, 2022.

Allow me to introduce the members of the Committee. My name is Kate White; I am Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are

available on the Committee's webpage: yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included on a brochure that was sent to all Yukoners. Copies of the pamphlet are also available here today at the entrance table.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and the world, through 14 video conference hearings held between January and April of this year. Transcripts and recordings of those hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey — that's 17.1 percent of Yukoners 16 and over. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly. The Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from Yukoners, and as such, we will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have signed in at the registration table. Please note that this hearing is being recorded and transcribed; everything you say will be on the public record and posted on the Committee's website. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters. If you need technical help with Zoom, please call 867-334-2448.

Individual presentations to the Committee will be limited to five minutes for the first six people who have pre-registered, and as our list grows, we will be looking to moving that to three minutes for each presentation. If there is time remaining at the end of the presentations, presenters may be invited to speak for a second time.

I would like to welcome everyone in the audience and ask that you please respect the rules of this hearing. Visitors are not allowed to disrupt or interfere in the proceedings. Please mute any electronic devices, and when you are called to speak, please come up to the microphone.

Our first speaker today is Juliette Belisle Greetham.

Just at the microphone, please, and just so everyone knows, there are cameras facing, so while you speak into that microphone, you will be Zoomed and transmitted, and that's what we will be keeping, so I'll ask you to face the Committee when you present. Whenever you're ready, Juliette.

Ms. Greetham: Hello, I'm Juliette Greetham. I am co-leader of Vote 16 Yukon, and I will share our mission on behalf of our committee. We aim to lower the municipal and territorial voting age in the Yukon to 16 years old to encourage youth to become more involved and educated in local politics that affect them. It is essential to start them off young. Studies show that

the sooner you start voting, the more likely it is to become a habit.

In our last federal election, there was only a 62-percent voter turnout. This demonstrates how we need a change in our society to have citizens involved in elections. Education and empowerment are key to solving this dysfunction. The Yukon school board should include in our curriculum education about how to vote, education and research on the Yukon political parties, the structure of our local government, and give youth a non-biased environment for them to form their own opinions.

Some of you may still not be convinced 16-year-olds should be able to vote, but you can't deny that they are contributing to society. A lot of us have jobs where we are taxed on our earnings without having any voting power to effect change in our government. That is taxation without representation. We have legal self-autonomy laws, like being able to work without needing parental consent, paying work-related taxes, legally having the choice to leave school and home, entitlement to consent to our own medical treatment, we can enrol in the armed forces, we can be tried as an adult in court, as well as having the opportunity to acquire a driver's licence, giving us the responsibility of keeping ourselves and others safe on the road. A 16-year-old's responsibility for self and contributing to society should have the same rights and privileges as others with whom we share the same duties.

Studies show that, by 16, what is known as "co-cognition" is fully developed, which is a concept that you are able to process information and make a decision more likely to involve logic and critical analysis. We are intellectually equipped to consider the consequences of our actions and those of society. We deal with the systemic effects of family and community dysfunction, and we worry and care about our future. We deserve to have a say in the laws that affect us. We deserve a vote.

Help us move from powerlessness to empowerment. Yukon youth is our future; we are old enough to vote.

Thank you for listening to my electoral reform speech.

Chair: Juliette, can I ask you back to the microphone, please?

Also, for other people presenting today, I'll ask you to stay at the microphone in case there are questions from the Committee members, and when we're done, I'll let you know. Mr. Streicker?

Hon. Mr. Streicker: Thank you very much for your presentation. I recall when you spoke to us previously. I'm wondering if you can just describe the group a little bit and who you are representing today with that group.

Ms. Greetham: Absolutely. So, Vote16.ca is a national movement that has been ongoing since 2015, I believe, and independent Senator Marilou McPhedran passed a vote — she was working toward passing Bill 201 to allow 16-year-olds to vote, and it has not yet passed, but this committee exists and we want to make it happen, and we want your support to allow 16-year-olds to vote.

In the Yukon, our committee, Vote 16 Yukon, was recently started, and I am co-leader with Keegan Newnham-Boyd. We also work with Ben Sanders, and we've been making petitions,

talking on the news, going through interviews for the newspaper. We just really want to have our voice heard, and we want representation, and we hope that the Yukon can be a leader in Canada for making these changes.

Hon. Mr. Streicker: Thank you.

Ms. Greetham: Thank you for your time.

Chair: Just one quick follow-up. So, when you first presented in August, it was not expected; you hadn't planned.

Ms. Greetham: No.

Chair: So since you first presented in August, you've organized, you've found other like-minded youth, and you've signed them?

Ms. Greetham: Yes, I have. I have done more research, and I've got way more emotionally invested in this, because I really think that this is a change that could really benefit society as a whole.

Chair: Thank you for presenting.

Ms. Greetham: Thank you.

Chair: Sorry, and just to correct the record, it was May 30 the first time we met in Whitehorse.

Next up, we have Keegan Newnham-Boyd.

Mr. Newnham-Boyd: Hello. Is this good? Okay. My name's Keegan Newnham-Boyd. I'm with Juliette as the other co-leader of Vote 16 Yukon. I just want to start my speech, words, whatever you want to call this, with thanking her, as I think she's already made the same case as I'm about to make.

Vote 16 Yukon, to me, is something that isn't an outside movement, something that people can brush to the side. I believe that this is something that we need to do. I mean, as Juliette has said, at 16, most youth have the responsibilities that are almost the same as an 18-year-old, and we need to prepare our youth for when they're 18. As I said recently, while talking with CKRW, when youth turn 18, whether you want to call them "youth" still or not, they often move away from home. Most people in our Canadian society go to university, they go to college, they move for a job, and when you move away from the community you were raised in, you tend to lose touch with the politics of your local region, and you are not as prepared to vote. Right? A lot of people — we know our voting turnouts are not 100 percent, and that is something that I believe can be changed by bringing more youth into the voting age at a younger age, because when you start voting younger, it does become a habit.

Thank you.

Chair: Thanks, Keegan.

Next up, we have Daniel Sokolov.

Mr. Sokolov: Good evening; thank you for having me. My name is Daniel Sokolov. I'm a resident of Whitehorse, and I've had the opportunity to be an election officer from coast to coast in this country for many years, anything from local elections to territorial, federal, First Nation — I've worked in any role you'll find in a voting location.

So, I wanted to share some of my experience that I've made along the front lines, serving thousands of voters over a decade. I was hoping you had some questions in that area. Just to be clear, I do not represent any electoral authority I've worked for

in the past, so whatever I say is my own opinion, and it's informed by my own experience.

I'm also not affiliated with any political party or group in this matter.

I think the most important lesson that I've learned on the front lines is KISS, so a keep it simple system. Nobody wants to feel like an idiot in anything, and if you go somewhere and you feel like an idiot, you're unlikely to come back, because it was a bad experience. So, that does not mean we can't have a different way of filling in a ballot, but it has to be a simple system. Keep in mind, we have a large number of voters, especially in our territory, who are not functionally able to read and write. I have people come in who don't know the name of the candidate or the party affiliation, they just know a certain aspect of that person, and they tell me, and I have to try and guide them, help them in a way to find out which of the candidates they mean. I can't tell them, vote for Bob or Susan, but I can give them some — for example, I can tell them where the candidates live, in which village. Now, that may inform the vote: Oh no, I don't want the person who lives in village A; I want someone from village B. Right? This is all public information I can share.

Now imagine such a voter having to go and rank those candidates. That's a really bad experience for that voter. He or she has no idea what to do. We also have voters who physically have a hard time — whether they're old or they have some handicap, they're blind or they have a motor issue — have a hard time filling in, making one checkmark on a ballot. Now imagine they have to put three or five things on that ballot. It's not a good experience for them, it will take a lot more time for them, they are prone to make more errors, and that means they are less likely to come again next time, because it didn't feel good for them.

It just feels too frustrating and maybe even intimidating, because more people will have to ask for help. That's not a nice thing; you want to be your own voter and go and vote without somebody helping you. So, it is really important to keep it simple.

Another issue I see with ranked voting is that it is harder for an elector, for a voter, to find out how their vote exactly was counted. Which candidate did they actually end up supporting or not supporting? And then there are some effects where voters often don't know all the parties and all the candidates on the list. They may not even know one, but maybe they know a few, so they know which ones they kind of like, which ones they don't like, and then the others they've never heard of, and chances are they might end up in the middle of the ballot of this voter, because: I don't like Bob at all; I love Susan, but this Mike, I don't know, so let's put him in the middle.

Now, in this very small electoral group that we sometimes have in the Yukon, that can lead to random results. That can lead to people being elected although the people who ended up voting for them didn't know who they were, just had to put somebody in the middle of their ballot. I think that is a real issue we have to keep in mind.

I was wondering if you had any questions on that.

Chair: I'm going to ask a question.

Sorry, Mr. Brekke; it's just the Committee. We're the only ones who get to ask the questions today.

Just based on some of the presentations, you're against a ranked ballot.

Mr. Sokolov: Yes.

Chair: Sure.

Mr. Sokolov: I think it overwhelms a lot of voters, and then of course, after the voting, after the ballot is in the box, it also makes the counting a lot more complex, unless we use voting machines. I think, with voting machines, they would be very expensive for the Yukon to transport them to the communities, to make sure there's power, to keep them secure 24/7. I mean, we have a really hard time finding secure locations for voting; we have a hard time finding staff in the communities, which has various reasons — one of them is the low pay; another one is a lack of — I've experienced not really good protection by the RCMP for elections staff.

Another problem is we're voting on a Monday. It would be a lot easier to vote on a Sunday to recruit staff, to find voting locations. Also, the Yukon has a pretty long requirement to be a resident of the Yukon before you can be an elections officer. The last election, we had people from Atlin who wanted to work for us; we couldn't hire them. We had people who already lived here but only for four months; we couldn't hire them.

So, there are many reasons, but the voting, the counting of a ballot in a ranked ballot would be a lot more complex for the staff, who are very tired after a 15-hour day. That's when the counting starts.

So, that's another reason, but my main focus is really the experience for the voter. I want voters to come back. I want them to have a good experience, to feel like they have achieved something, and that does not mean we have to stay with the current system.

In the brochure, you have the mixed system; you have the proportional representation system. I think they're both very simple systems to understand and to execute for any elector.

Chair: Thank you, Daniel.

Next up we have Bob Sharp.

Mr. Sharp: Thank you. So pleased to be here. I've been an educator in the Yukon for more than 50 years, and I'm not going to pretend I'm going to quote what students say, and I'm not going to represent their point of view, but I'm going to comment on more than 50 years of observations.

You face a conundrum. Each of you represents a party. That party has a set of policies and principles that they talk about, but there's lack of clarity in some of those, and to suggest that any member of the population would agree with one party's policies entirely and not the others is a problem. What you face — basically, we hear students say, I don't trust them; if their lips are moving, they're not telling the truth. You've heard this over time. The problem you have and the problem I've been working with for more than 50 years is a problem of engagement. How do we get people really actively involved so that they feel that what happens is important?

I'm afraid that, with reference to the last comments, we're in such a small jurisdiction — John, I remember you coming to my door, and I said, well, you know, I know the last person

really well, and I have great faith in their spirit and their integrity, as I now have in yours. So, it's really not that big — we're in large part many small communities, and if you want to really represent people, you have to make them feel that their vote is not lost, that they can be listened to and heard.

I hear students comment on minority governments, saying that's the best thing that can happen to us, because we see compromise and working through things. In my classrooms, that's what I want to see kids do, is work together in collaboration. I remember going, a number of years ago, with a class to the Legislative Assembly, and I was embarrassed, and we left before it was finished. I listened to the dialogue that happened during Question Period; people weren't listening, people were — it was offensive. It failed to meet a fundamental principle we have of a democracy where we're trying to solve problems of our community. The case I would put to you is we need another kind of system that every person feels their vote counts.

Some of you didn't get 50 percent of the vote in your riding. In fact, only six people in the last election got more than half of the vote.

Time's up? I'm sorry. After 50-some years of teaching, you kind of lose track of time.

The point I'm making is that we need to find a different kind of model that lets every young person and every old person feel that they have a chance to say. I take exception with the previous comment, because you're old doesn't mean you can't be well-informed or that you're going to be confused by checking off a one, two on election. I represent this person, my first choice, that person, the policies and the principles they're articulating and that individual personality we know — because we know them all in these kinds of jurisdictions — really speak to a different kind of model of election.

Thank you.

Chair: Thank you, Mr. Sharp. I'm sorry I distracted you, but when you said there were six people who reached over 50 percent of the vote, two of us are at the table.

Mr. Sharp: I realize that; I looked at that.

Chair: Just as a follow-up, do you have a suggestion or a recommendation of a system you would like us to look at?

Mr. Sharp: In my experience in classrooms, if young people say, we want to do something, you talk about it. First of all, we find an answer. So if John wasn't elected, I would have given my second vote to another individual, if I had a second choice. So that preferential model, to my way of thinking, at least the individual gets a chance to say, those are the principles that come closer to articulating what I'm looking for.

When I listen to people talk about a minority government, they say that compromise comes closer to the kind of goals that I had as a principal.

Hon. Mr. Streicker: Thank you, Bob. Given that it's three politicians that you're presenting to, do you have a suggestion about the process? If we were to get to electoral change, what do you think the process should be?

Mr. Sharp: Well, like I said, you have a conundrum, not to put too fine a point to it, and this is the real test of you — not just the three of you on the Committee. Can you find, in a

collaborative process, working together across those party lines, a way in which to make it work? Now, that's the true essence of cooperation. That's what we look for in our classrooms, for gosh sake, and it shouldn't be any different from our state of governance.

You have a problem, and I think the first thing is to recognize you have a problem, because you come with a particular set of principles and policies each of your parties define. Can you find common ground? That's my challenge to you.

Mr. Cathers: Thanks, and I just want to, if I may, just note, I'm not going to ask a lot of questions at this stage, since we have a lot of speakers, unless there's a need for clarification, but thanks to you and the previous presenters. I appreciate you sharing your thoughts.

Chair: Thank you, Mr. Sharp.

Next up is Sara McPhee-Knowles.

Ms. McPhee-Knowles: Hi, everybody. Thanks very much for the opportunity to speak to the Committee tonight on electoral reform. As Kate said, I'm Sara McPhee-Knowles. I hold a PhD in public policy from the University of Saskatchewan, and I'm an instructor at Yukon U. To be clear tonight, I'm just here as a Yukoner, not in any official capacity representing the university.

I'm not an expert in electoral reform, but it's a topic that I cover in one of my introductory political studies classes, and so it's one that I'm really interested in. I'm so pleased to see that electoral reform is getting more attention here in the Yukon now.

What I wanted to talk about to you, the Committee, tonight is options. Although our current first-past-the-post system is very simple to understand, as a previous presenter noted, and it makes it very fast to announce results, which we all appreciate on election day, the lack of proportionality is a problem for democracy. Voters feel that their vote is wasted if they cast their ballot for a candidate who doesn't win in their riding, and that can also reduce voter turnout, which is a concern we've also previously heard.

It can also exacerbate regional divides. I don't think that's something we've seen extensively in the Yukon up to this point, but there was a very stark example in the 1993 federal election. The Bloc Québécois won 52 with 13.5 percent of the popular vote, and the Conservative Party lost party status, actually, and were reduced to only two seats with 16 percent of the popular vote.

Personally, I would prefer to see the current system replaced with either a dual member proportional or mixed member proportional system. Both of these systems are relatively simple to implement, compared to a single transferable vote, and they maintain the advantage of geographic representation. This is really important in a jurisdiction like the Yukon, where we have Whitehorse as a large urban centre and many smaller rural ridings who have different needs and concerns. This shift would also improve proportionality.

In dual member proportional, each local district elects two representatives. The first seat goes to the candidate with the

most votes, as in first-past-the-post, and a second seat is won by another district candidate so that the result is proportional across the region. This maintains a single-ballot system, so it's more straightforward, and it also includes smaller districts than some proportional systems.

In mixed member proportional, candidates are elected from larger local ridings than in a first-past-the-post system, but some are elected from a list based on the popular vote. This list is set up as two ballots where one vote is cast for your riding's representative and one for a party that you prefer, in most cases. This additional list also offers better proportionality, as well as the opportunity to increase representation of women and other historically excluded groups. This system is used for national elections in New Zealand and in Germany, as well as in the UK for the devolved parliaments of Scotland and Wales.

Thank you.

Chair: Thank you. Mr. Streicker?

Hon. Mr. Streicker: Thank you for those. Can I just ask about the — on the two, on the proportionality, when we've heard from people who vote MMP, one of the ways to do it is to add seats to the Legislature, and one of the ways to do it is to switch to a list on some. Your thinking?

Ms. McPhee-Knowles: I think if you were going to maintain your geographic representation, you would likely have to move to somewhat larger ridings. I heard some work that said they would have to be about 67-percent larger in mixed member proportional systems, and then you would also have some ridings that are based on the list. You likely would need more seats or a different division of the current 19 seats in your Legislature.

Hon. Mr. Streicker: Thank you.

Chair: One of the things we've heard from rural communities is their real concern about being amalgamated or kind of sucked in toward the centre, so they talk about the importance of representation. So, just in your example you used about the ridings needing to be about 67-percent bigger, so you would lose the number of that, do you see either or those systems that you proposed, that you commented on — being the mixed member or the dual member — as being able to still have, for example, the 19 ridings?

Ms. McPhee-Knowles: I think if you wanted to maintain your current set-up of rural ridings the way they currently are, you would want to add more seats.

Chair: Thank you.

I've just been asked — the interpreters can't follow along when we speak too fast. When we're in the Legislative Assembly and Hansard is working, they can slow us down as they transcribe, but the real-life action is going a bit fast, so they have just asked if we can slow our pace. We have plenty of time.

Next up, we have Bonnie Duffee, if you're in the room.

Hon. Mr. Streicker: I didn't see Bonnie.

Chair: All right, Bill Barnie, you're next up.

Mr. Barnie: Let me start by saying I'm totally unprepared. Kate roped me into this thing at the doorway. It's okay, Kate, but you know, I hear people describing our present system with derision and calling it "first-past-the-post" like it's

a dog race or something like that, and other things I heard said is if you vote for somebody and they don't get in, your vote is wasted or somehow you don't feel that you've been represented.

It's an election. Not everybody is going to vote for the winner. The other thing that I hear that's also troubling to me is we'll just get more members out here. We'll expand the number of people, so that if I vote for some person and they don't get elected, somehow that vote will magically morph — move around until somebody else is going to get in there as a result of my vote, even though the person that I voted for didn't get elected.

So, I'm a little bit concerned about a bias against the system that we have today. I hear "first-past-the-post" — it's a derogatory term. I think our elections are very democratic. Of course, we don't all get our people elected, but I know who I'm voting for. My vote is for a person who will represent me in my riding, and I don't want it to be anything else. I don't want it to evolve or morph or do anything like that. I get to select the person who will represent me in my riding. If he doesn't get elected, it doesn't matter. The person who is representing me in my riding doesn't know who I voted for. That's why elections are secret ballots.

So, I'll go to my representative, even if I didn't elect him or vote for them, and I'll use that person, and that's the great thing about a democracy: Our people represent us.

I really don't want anything — I want it very, very clear in this election system who we can vote for; we can only vote for people who represent our riding, and it's not going to magically, because of some committee's formula, turn into something else.

If you want a change in an electoral system, we should be looking at the city's electoral system. Now, that's a system that really needs to change. They have an at-large election. Nobody represents anybody. It is just a hodge-podge. Out of the 30 or so candidates that you have there, you end up with six councillors, and there's an awards system, so there's no responsibility of those people to represent a certain number of people or a group of people or the interest of people. That's a system that needs to change.

The one that we have now, I'm quite happy with it. I'm very proud of our electoral system, and I believe it's very derogative, and if the person who you voted for doesn't get elected, you didn't waste your vote; there were just many, many more people who disagreed with you, and that's what democracy is all about.

Thank you very much.

Chair: Thank you, Mr. Barnie. Don't walk away; come on back. Thank you.

I do appreciate that you did take me up on the challenge. The reason why, when you came in, is you had said similar things. It's important that your view is here and it's transcribed and it's part of the record. And so, I do appreciate that very much, and I appreciate your opinions about the municipal governments; however, you are speaking to territorial representatives, and we can't change the municipal one, but I will look — no? Okay. So, thank you for coming.

Next up is Patrick Rouble.

Mr. Rouble: Hello, folks. Thanks very much for coming out and engaging with folks. You have a challenging position being representatives, and it's an interesting topic tonight of democracy and how do we collectively make the best decisions for the Yukon, for us, for all the stuff that goes on around us.

Is there a job description for an MLA? If there was one, do you think it has lived up to your experience? I don't think so. My first point is, if we don't have a good understanding of the role of our elected officials, how can we spend time trying to find out better ways of who those people should be? If we don't understand what you're supposed to do and what your job actually is, why are we wasting our time trying to select people for these positions?

You're called "representatives", but what does that mean? It's a challenge when you go door to door and knock on people's doors and say, hey, can I count on your support? And they're putting their trust in you, and that's a challenging situation. As their representative, are you expected to act in their best interest, in the best interest of the constituency, or in the best interest of the territory?

I know from my experience, those weren't always simple questions. Should I always use the party philosophy? What happens if I know that there's more information going on? How do I make consensus, then, without breaking my oath of how I said I would respond or how my philosophical orientation led me? How can I actually make a compromise? Isn't that a challenge?

If I compromise and go back on my word and go back to the door and say, yeah, I know I said I was going to do this, but I didn't, but here, let me explain why, that's a pretty good conversation to have, but it's a challenging one. How people elect people in this territory is also challenging. We've heard some of that this evening, where it was based on the personality, based on the philosophy, based on the leader, based on a particular issue — there are lots of things that people consider when making a choice, but often it comes down to: Who is it who I think is the best person to represent me? That's a challenge; that's a challenge when we're starting to look at how we should change how we structure all of this.

Should I vote for people who share the same equity or demographic characteristics as me, the same gender as me, the same orientation as me, the same language as me, the same religious orientation? How do I find someone who's a representative of me? Then, when you're in your shoes of being an MLA, are you then expected to be the voice of that demographic characteristic all of the time? Are you always supposed to be the representative for whatever gender, whatever age, whatever financial position? Are you always supposed to act in the best interest of those people like you? I don't think you are. It's a compromise.

The challenge, though, when we come down to it and say, what is the philosophical orientation that I'm going to use? — that's where I like a party system where people can understand where you're coming from when you make a decision and you can fall back on your philosophy. Does it work all the time? No,

it doesn't. Logic doesn't always prevail; emotions are there; there are all kinds of other factors that influence things.

As well, there's the whole role of how does capital-G government go about gaining information with which to make a decision? With the consultation that goes on, with the analysis that goes on, things don't always come down to that specific — I mean, they come down to it often in votes of party lines, but many of those decisions have already involved lots of other constituents.

So, I'm not going to support proportional representation. I think there are too many challenges with that, but if you have other questions, you've heard my story. My big point is the expectations on our election representatives are pretty high. If we want to change how we select them, we should change what the expectations are.

Chair: Thank you, Mr. Rouble.

Hon. Mr. Streicker: Thank you so much for your presentation. Patrick, you said not proportional, and maybe you're also saying it's not so much about what system we have, but rather trying to help people to understand what the role is. But like, are there things that you think we should recommend as improvements to the system, from your experience?

Mr. Rouble: A greater understanding of the role and responsibility of what an MLA can do. I mean, there are a lot of misunderstandings that I'm sure you folks have observed. I mean, are you allowed, as an MLA, to contact a government official and intervene with them? Often, as an MLA, you're asked to act on behalf of a constituent to help them work through a problem, but that's a little bit different from delving into a policy side of things.

There are huge expectations on elected officials about their ability to change and to influence change. Maybe other folks might not always be aware of those limitations. So, some of those things — I mean, the job of an MLA, as it sits right now, is to be in the Assembly 60 days a year and to vote on bills, including the big budget bill, to present and table motions and discuss them, and then, if you pass a motion as a private member, does the government listen? I don't know. Is there an accountability for motions that are passed? How does an MLA influence the operations of government? Because from my experience, it's like steering the *Titanic* with a canoe paddle.

Chair: I'm going to thank you for that. Thank you, Mr. Rouble.

Hon. Mr. Streicker: Thanks, Patrick.

Chair: Sure, Mr. Brekke.

Mr. Brekke: I'm sorry; I don't have very much to present to you that I haven't already presented, but I hope that what we can result in is an inclusive community, a community where people can feel that they are a part of the community, and I think that's where the mixed member proportional system of New Zealand is really effective. I can just say that some people may not be aware that, in the 2016 election, we ended with a majority government, and applying the New Zealand system, we split the Yukon into three areas: north Yukon, south Yukon, and Whitehorse. And in the Whitehorse area, we had 10 ridings and 32 percent of the vote received one seat; 41 percent received seven seats. Is that democracy?

Chair: Next up, we have Chris Balzer.
[inaudible]

Chair: You did.

Please come on up. Into the microphone, please, Mr. Balzer.

Mr. Balzer: Can you hear me now?

Chair: Yes.

Mr. Balzer: My name is Chris. I have one issue that has been concerning me for quite a while, and that's the business of recall. In my estimation, recall would level the field very well, but a little, right? So, I don't know if you have any questions about that. I didn't really come here with a proposal.

Chair: So, I'm going to start.

Mr. Balzer: Oh, sorry. In addition to recall, the idea of a runoff of candidates is something I think would benefit us all. That would vacate the 42-percent-leadership thing.

Chair: Into the microphone, please.

Mr. Balzer: I'm just looking around the room here, and I don't see a First Nation face in this room. When we talk about inclusion, I've often thought — I'm a retired petty bureaucrat, by the way, and some of my areas of interest were child welfare and the young offender system. I realize those are policy issues, so I won't go on, but I think that we have to be more inclusive with our First Nations. Do I think maybe we should have a senate in the Yukon that includes representation for all its diversity?

There are so many — I'm looking around here, and I just see all people my age. I'll just conclude with — I think that the first speaker tonight was probably the most scientific and observant person to be speaking tonight, and I really liked her arguments about no taxation without representation. I think that's a pretty clear democratic principle that maybe we should address — or maybe not. I don't know.

At any rate, I don't have anything else.

Chair: I do have a question, actually.

When you talk about a recall, the ability to recall, for example, an elected person, what do you envision that being?

Mr. Balzer: Well, okay, let me just tell you all that, in British Columbia and Alberta, I don't know how functional their recall legislation is at present, and the various efforts by the federal government to get their head wrapped around the whole idea of recall doesn't seem to be working out — what was your question, exactly?

Chair: You've proposed recall legislation. So, what do you see that doing?

Mr. Balzer: I think that it would be based on, and I think most of the draft legislation I've ever seen, talk about two things: about politicians, and that is that they could be recalled for malfeasance, okay? Does everybody know what that means? "Malfeasance" is a pseudo-legal term for doing bad things, simply put, okay? There's another aspect of that which would be called "nonfeasance", which is a lesser category of harm — let's see, we would call that perceived harm or injury to the community, to an individual, et cetera. I think of the study of malfeasance as something in the Yukon that has been entirely neglected in my 44 years here.

I don't know if that's an answer. Brad, you've been writing there like crazy. Do you have a question? Or maybe you're writing poetry?

Mr. Cathers: I'm not writing poetry tonight. I have done that before, but not tonight. I was just making note of what you had said, and was just wondering also, in other jurisdictions, if there is a particular model for legislation that you would favour or a particular — some of them include a threshold for a certain percentage of signatures on a petition that would be required to initiate recall of a member. Do you have something in mind for either of those?

Mr. Balzer: Now, that's a policy issue. Now that I'm a retired petty bureaucrat, I don't think long on certain subjects, but that is a policy issue, right? I mean, "malfeasance" has a definition in legalese; "nonfeasance" has a definition. That's as far as I'll take it, because — I haven't looked at cost benefit or any of that other stuff that our bureaucratic brethren and sisterhood undertake.

Mr. Cathers: Thanks.

Chair: Thank you, Mr. Balzer.

Next up we have Sue Greetham.

Ms. Greetham: Thank you again for allowing us to be here. I think the speakers so far, you know, represent to me diverse people and ideas that we have in a small territory like the Yukon. This is one of the reasons we decided to retire to the Yukon, because it was such a diverse, beautifully colourful weave of people with diverse ideas and diverse backgrounds. I think that's of tremendous value to what we have here.

I would like to thank the speakers who have already spoken for their thoughtful, thought-provoking contributions, because this is what happens when you talk to citizens and people and your neighbours, and this is where I think our representatives can find solutions a lot faster, if we all get together as teams.

I know "first-past-the-post" is one of the key words, and many people consider it designed for governments to rule over citizens with partisan-biased decision-making, single-party rule. I was told that when I was about 35. They said — I stood up and asked a question and they said, you elected me; we decide. Well, here I am today.

Alternative systems are designed for citizens to rule through party collaboration, respecting all opinions to a common goal. A citizens' assembly is a calm, educated, citizen-based approach to choosing non-partisan voting systems that would best provide a voice without prejudice.

We've been asked what system we want without the education, expertise, or tools to respond. It's a hollow gift at best to offer something without more background. We need the time to learn what is best for the people before responding to such a question. First, we need a citizens' assembly. I know this is more time, more effort, but it's composed of randomly selected interested citizens representing their own communities to take this research challenge. Their goal is to identify a voting system that will allow non-partisan decision-making within the government.

A citizens' assembly, we have researched over the past period that we're looking at electoral reform. Why would you have one? It provides high-quality decisions developed with the

involvement of everyday citizens for the common good — is at the heart of the process. Decisions are developed by citizens, thanks to the process of random selection. Decisions are made after learning the issue, listening to the people with diverse perspectives and opinions, including our First Nations. Decisions are made with at least 60-percent support of the citizens' assembly.

The process of organizing a citizens' assembly encourages institutions and organizations to search for effective solutions to issues before preparing the recommendations. New possibilities may appear, thanks to a wide range of views and perspectives from our really colourful communities. Inclusive, well-informed transparency is how decisions should be made, so I'm asking for more time, a lot more education, and to go to the citizens for the answers.

Chair: Thank you, Ms. Greetham. One quick question that I have is — you just said that, within what you were talking about for the citizens' assembly, it would require 60 percent of the members to move forward with a decision?

Ms. Greetham: Yes. That's a thought.

Chair: Okay.

Ms. Greetham: As with everyone else in the group, you know, where none of us are professionals and none of us are experts, but we all have lived. I lived in the political realm for 50 years, and I can just see where we could certainly make some improvements. I mean, we're pretty intelligent; we're in a pretty sophisticated age and we have our youth behind us — or in front of us, I hope.

Chair: Thank you, Ms. Greetham.

Next up is JP Pinard.

Mr. Pinard: Thank you. My name is JP Pinard. I'm a long-time Yukoner, and I really appreciate what all the other speakers have said before me. They're all really good ideas, offering different types of voting and lowering the voting age — lots of very good ideas, especially from the one just before me, from Sue, about the citizens' assembly.

I strongly support the creation of a citizens' assembly, because it's randomly selected from citizens. We're looking for a cross-section of individuals who we want to be represented by this citizens' assembly, and it allows for a lot of education and discussions to be done. I recommend — and this is because we need that citizens' assembly because it's a neutral body. You are elected by us, and you are an employee, so it doesn't make sense that you, as our employee, should decide how we actually vote for you; it should be done by the citizens who are selected for this assembly.

What we really want — what I would like to see as a final outcome of this, the decisions from the citizens' assembly, is an actual ballot that's not first-past-the-post, because we want to change that, but a ballot that's chosen by the citizens' assembly that we all get to vote within the next territorial election.

Chair: Thank you, Mr. Pinard. I do have a question. One of the things we have heard multiple times in other areas is the need, if we change the system, to have a referendum. Do you have any thoughts — for example, if the citizens' assembly made a recommendation, does that need to go to a territory-

wide vote, or are you suggesting that the citizens' assembly makes the decision and the territory follows suit?

Mr. Pinard: I think the citizens' assembly can make a decision, however proportion they want to decide. I think, at the end of the day, it should be a ballot that we all get to vote with in the next election and test it to see if it works or not, if we're happy with it or not. I believe that's what New Zealand did with their system. They tried it for a couple of years — two elections, I believe — and then they decided if they liked it or not. I think that's a fair thing for everyone to be able to vote with and make a decision that way.

Chair: Thank you, Mr. Pinard.

Pardon me, JP; Mr. Cathers has a question.

Mr. Cathers: Actually, just a clarification, just for the room. In the New Zealand case, they had two referendums prior to instituting the system —

Mr. Pinard: Did they?

Mr. Cathers: — and then had a referendum afterward, which they had done when they instituted mixed member proportional. They had a review after — I believe you're correct in that two elections — but in New Zealand, they actually had two referendums where the citizens voted in favour of the change, two before they did it and then one in a review.

Mr. Pinard: That sounds good.

Chair: Thank you, Mr. Pinard.

Mr. Brekke: If I could just add — and the review came higher than the previous; am I correct there?

Mr. Cathers: That I don't know, actually, Dave. I don't know the numbers there.

Chair: I'm just going to stop our back-and-forth with the audience unless you're at the microphone.

Sally Wright, you're next up.

Ms. Wright: Thank you for coming back to Whitehorse. There are so many good reasons for us to go deeper into educating ourselves about this topic. Just the conversations we've just had over the last hour — Yukon citizens are very intelligent and they really care about what we have here, which is precious to all of us. I do note there are no indigenous leaders here today. I have watched closely, as you have gone on your summer tour of the communities. I have noted how few people have come to these heavily subsidized and financed hearings for you guys, who are our employees, to ask the same questions over and over again, when we all want to learn what you've learned. We don't want to sit on the computer and try and wade through your website to find out what you've learned from outside experts without even giving us the courtesy of having our own learning, as people.

I really appreciate what Bob Sharp talked about: going into the Legislature and feeling very ashamed at the state of our democracy. I do not feel that my views have ever been actually represented by anybody in my 40 years in the Yukon. I've just always voted for the wrong person. We need a citizens' assembly to take this heavy burden from your hands and to give it back to the people and to gain courage from the momentum of all these people who came here today asking you for a citizens' assembly so we can learn.

You guys are on a job that's four years long, and some people have been extending it for quite a long time, the job that you've had. I've tried for that job, and it was a learning experience. I don't envy you, but I really want to see some education here. It's just not fair that you guys get all educated about the sorry state of your democracy and your decision-making inabilities, because we're not represented. My voice isn't represented. We have climate change here. We need everybody around the table. There are many people who are not included in the decision-making that goes on in your halls. I call them "your halls" because I don't feel welcome there.

I want to see a citizens' assembly. There have been excellent Yukoners who have put forward ideas on how it would be structured, how it could look. You've met people who have done this successfully in other jurisdictions across the world, and I think we need to do this as quickly as possible and stop wasting our time.

Climate change is not something to be frittered away, because we're dragging our feet. Our children are waiting for our leadership, and I want you to show leadership and recommend a citizens' assembly. Thank you.

Chair: Thank you, Ms. Wright.

Sarah Newton, and I'm going to apologize if I slaughter your last names. The writing is not my writing. Sarah, it's your turn.

Ms. Newton: Thanks very much. We are living in really complex times right now. We're facing challenges that are completely unprecedented, with the housing shortage and the complex challenges and affordability, labour shortages across the territory that are putting pressures on our education system, on our health system. I will echo what others have said: that I do not envy you being in places of power right now and trying to face these types of challenges.

Climate change, for me, is the most important issue of our time, and it underscores everything else: housing, sustainability, affordability, access to food, poverty, all of these things are interconnected and they're interwoven.

We need a political system that can address the complexity of what we're facing right now. What I've seen in our political system is that it is really oppositional. One party gets into power, and we have an opposition party, and they're constantly arguing and trying to blame the other for what's happening in the world. Honestly, it's not anybody's fault; it's not one person's fault; it's not one party's fault and we need everybody's voice at the table when we're making decisions about how to deal with these really complex issues.

I see a citizens' assembly as a decision-making tool and a tool for building understanding and building consensus. From what I understand in building consensus, having circle-based discussions — that's really in line with indigenous ways of knowing. I know that we don't have very many here at this gathering, but I would like to encourage you to seek guidance from our First Nation leadership in how to make decisions in a way that builds consensus.

I don't feel that my vote has ever really mattered. I have had perspectives that I have not felt have been very adequately represented in the political system that we have, except when I

voted strategically, and I have had to make choices based not on how I feel that decisions should be made but based on the context, the greater context in our political system and understanding how that works, so that I could try to make it work for me a little bit better.

This has fuelled my activism, my advocacy work, my ability to go and do public engagement, and I have sought ways to become more engaged politically, but many of my peers have chosen to become less engaged. They have chosen to check out, people who are my age and people who are younger. This includes a lot of intelligent, very thoughtful people who may have different opinions from me, but are thoughts and opinions that I deeply respect, and they again feel like their vote does not matter and that they cannot impart change within our political system.

I agree that the voting age should be lowered, particularly because many of the important challenges that I talked about above are going to impact our youth disproportionately. Many of us who are my age and older have had the chance to benefit economically in a lot of different ways from the system the way it is, the status quo, but the youth are being disadvantaged in many important ways, especially in access to resources.

I really believe in the need for a citizens' assembly. I would like to thank you for accepting the submission that I made before where I really laid out in detail the climate change aspect of electoral reform, and I would just like to reiterate that 17 of the 18 countries that have managed to reduce their greenhouse gas emissions right now have proportional representation as their political system. I think if we have a citizens' assembly, people are going to look at the evidence and make decisions based on evidence. I strongly believe that — I'm a scientist by training, so evidence is something is deeply important to me. I believe that electoral reform is climate action. Thank you very much.

Chair: Thank you, Ms. Newton.

Don Roberts, you're next.

Mr. Roberts: First of all, I would like to thank the Committee for taking this on. It's not an easy topic; it's not an easy direction, but it definitely is one where we must go. In my 57 years here in the Yukon, as a son of a political neophyte, many times, actually trying it out and then trying to find solutions, it takes a team to do that, and the team is Yukon. I really would like to support the idea of a citizens' assembly. That, again, is education. I'm an educator, as many of you know. I believe education is where we need to go.

The provinces that have turned this around and have not looked at electoral reform, other than a vote, did not go down the path of educating the population. We know for a fact that many countries, as has been just mentioned by Sarah, have adopted changes. Our youth are demanding changes. I would like to think that my wife and family have had the best years I've ever had here in the Yukon. We want to keep that going, but we need a new challenge, and the challenge right now is climate change and how that affects all Yukoners. We don't need to carry on going down the same path.

Compromise is what it's all about. My whole life was trying to build compromise in my job, in my family, in my

community, and I think that's where we have to go. Politicians, by the very nature of their parties, tend to have their set ideas, and they tend to be the enemy that we want to bring down. We should not be doing this; we should be building together.

I really endorse the youth, lowering the vote, and I also really support the fact that we must move toward another model, and that's educating our population. Thank you very much for hearing us, and please, let's give it back to the citizens of the Yukon.

Chair: You were so short, Mr. Roberts. I just have a quick question, the same one I asked before, which is: With a citizens' assembly, do you see the recommendation coming from them as binding, or do you see it as a referendum issue?

Mr. Roberts: I think it's a combination. I think the citizens of the Yukon have to have the say in where they go, but they also need the education. Right now, a lot of people see — and as we've heard even tonight, some people don't want to change, because they like the fact that there's always going to be a top dog. Personally, I think those days are over. I don't know that they've ever been successful. We need to have a more comprehensive approach to trying to solve problems, and it's going to take the collective nature of the strength that we have in the Yukon. That's what we have: We have very thoughtful, very well-meaning people. We have a retirement group here who don't leave anymore; they stay, and they want to be included in this process of making sure we don't leave a mess for our next generations. That's why it's going to take a different approach in trying to do that, and that's where the citizens' assembly, I think, is one of the keys.

Chair: Thank you, Mr. Roberts.

Peter Coates?

Mr. Coates: Good evening. It has been said that every complex problem has a solution that is simple, easy to explain, and wrong. The solution to voting that we currently have is simple, easy to explain, and pretty random. The last two federal elections basically were crapshoots, depending on tactical voting and what happened in the minority parties. It clearly isn't particularly clever.

If we look at proportional representation, what is being represented proportionally? It's parties. So, let's take a look, for instance, at party lists. Who is going to be on the party lists? People selected by the parties? These are likely to be the most partisan people, exactly the sort of people you do not want, okay?

I'm not really in favour of proportional representation. It tends to strengthen parties. Parties are the enemy of good governance. Now, proportional representation, on the other hand, enables me to vote in various different ways. I can, for instance, vote the way I've almost always wanted to vote in an election: I want to vote against that person. I can put them at the bottom of the list. In first-past-the-post, I can't vote against someone; I have to pick someone to win; I can't pick someone to lose. Proportional representation enables me to express my vote in a more nuanced way.

Is preference voting complex? Well, where is first-past-the-post used, besides Canada? It's used in the UK, which is not exactly something to hold up as an example to anyone, the

US, possibly even worse. We are in bad company using first-past-the-post.

Preference voting gives me a nuanced way of voting, weakens parties rather than strengthening them. I see those as really convincing arguments. Anyways, there we go. Thank you.

Hon. Mr. Streicker: Thank you, Peter. You talked about what doesn't work, but is there something you would recommend that you think does work?

Mr. Coates: Preference voting.

Hon. Mr. Streicker: Preference voting.

Mr. Coates: Yes. Absolutely, because, as I say, it gives me the ability to express my vote in a fairly nuanced way. It weakens parties. If I was in your riding and I said, anyone but Streicker, I could say that in my vote.

Hon. Mr. Streicker: Thank you.

Mr. Coates: Thanks.

Chair: It's a hard act to follow.

Gerald Haase.

Mr. Haase: Good evening. I'm Gerald Haase from Marsh Lake. Thanks to the Special Committee on Electoral Reform for the many hours of work that you have done already to date and the hours that you will have coming up, I'm sure.

There have been many eloquent points made by speakers previously, and I'll —

Unidentified speaker: (inaudible)

Chair: Mr. Haase, just a second, please. Mr. Coates? Thank you. Mr. Brekke?

Mr. Haase, the floor is yours.

Mr. Haase: Thanks. I'll just add my perspective at this point for the record. I've been an advocate for electoral reform for many years. Back in my late 20s, I started looking at the Canadian democratic system. I thought that things were pretty good, but then I realized, hey, we're just patting ourselves on our backs here all the time. Can we do things better? Is there a way to do things better? Can we build a better car? Can we build a better electric vehicle? Can we build construction, houses better? Can we build our governments better? The answer in all cases, I would suggest, is yes.

I'm approaching this with a fair bit of scepticism, I guess, because of previous concerns I presented to the federal electoral reform committee, the ERRE, in Whitehorse, when they were here with Minister Montseith, and I approached that in good faith with a lot of hope to see those hopes dashed back in 2016.

I guess I want to add at this time that I think advocates for first-past-the-post don't mention, as I feel, that the system is really rigged for larger parties in a number of ways. I won't go into those ways; it's anecdotal here, I guess. Mainstream media is generally owned by donors of two major parties. Where does advertising come from? Editorials? Influences disproportional, I think, to the parties. I'm talking federally here.

I feel a little bit burned, I guess. Then, in the Yukon, I was part of the delegation by Fair Vote Yukon that presented the previous Yukon government with options that actually recommended a citizens' assembly. I presented some research on evidence for proportional representation, and I won't go into that in detail. Your Committee has that, I believe. In short, the

many countries that do have some form of proportional representation generally have a larger number of women and minorities in government. They are faster in reaching environmental goals and environmental legislation. As other people have mentioned, it seems that collaboration does really work.

I've been viewing these hearings since they started. Many presenters, if not most, have recommended a citizens' assembly, and I'll focus on that at this point. My concern is that the SCER right now is doing work that a citizens' assembly could and should be doing, that it would be viewed — if a citizens' assembly were to be doing this work, then it would be viewed by Yukoners as more legitimate.

For example, I know that in the Haines Junction hearing, there were several people, three people — it would be nice to reach a few more people. I think a citizens' assembly could achieve that. Engagement and education are really important. I think a citizens' assembly would follow your excellent work on this.

I'm also in favour of lowering the voting age. Studies have shown that people who vote at an early age will continue to vote, and we certainly want that engagement, not only engagement, but collaboration. Rather than an "us versus them" atmosphere in our Yukon Legislature, we could have considerably more collaboration. Thank you.

Chair: Thank you, Mr. Haase.

Eric Delong?

Mr. Delong: You can blame Sally Wright for bringing me here today. I'm here unprepared, so my comments will be candid.

I saw however long ago that the Yukon was going to try to implement, or at least study, some electoral reform, and I was like, Jesus Christ, how are we going to fuck this up, right? — like the rest of the jurisdictions that have tried this and failed. What I've seen in those other jurisdictions is they have been set up to fail at the start. You have a 60-percent pass rate in order to get this reform done. Well, how does that make any sense when your existing system doesn't even recognize that over 50 percent of the — like, the majority, isn't required to elect someone.

So, the disconnect there between how the referendum worked and how the existing first-past-the-post system worked — what on earth is going on?

When I think about the existing first-past-the-post system, in theory, you can have somebody who's elected with 34 percent of the vote; the next person has 33, then 32. And if I was to put that question to a group of five-year-olds, nobody in that class would think that is fair. I would assume that even five-year-olds could figure this out, and that's our current system? We can do better.

Now, you may know me as — well, my name is Eric. Currently, you may know me as the guy who's being sued by Mr. Streicker's ministry, and my experience of being sued by Mr. Streicker's ministry has really eroded my trust in governance. Even though Plato called democracy one of the worst forms of governance, next to tyranny, it's the best one we

have. I didn't read having a philosopher king as one of the options here in the electoral reform document.

So, with the options that we have left, I'm a strong advocate for a system that allows us to elect greater than 50 percent, a member with greater than 50 percent of the vote. Now, one of the speakers derided the American system, but we look to Alaska just recently, and they got their shit together, and they implemented alternate vote, I guess — ranked voting. I see that as something that is simple and effective and increases trust in governments.

Thank you. Any questions?

Chair: I have a question. You actually had — I think you had more than one recommendation. So, a citizens' assembly?

Mr. Delong: Citizens' — yes. That's fine. I think putting it to a broad referendum. The citizens' assembly is a representation of our citizens. If they're selected from a broad swath, then they would be reasonably representative and advocate for our best interest, for the rest of the public.

Chair: Sorry, I misspoke; you didn't actually say that, but what you did say is that you wanted the voting to change. You said that it had been set up to fail in other jurisdictions, for example, with more than 60 percent of the vote required, and so your suggestion was that it be similar to first-past-the-post, so anything over 50 percent — sorry; pardon me; I have just gotten — Peter, thank you — that the threshold needs to be lowered and that currently, in the first-past-the-post, the person with the most votes wins, but you made the comparison between other jurisdictions and the setting up to fail —

Mr. Delong: With their referendums, yes.

Chair: Sorry, can you elaborate on what you would like to see in a referendum? Thank you.

Mr. Delong: Sure. Can I elaborate what I would want to see in a referendum?

Chair: Yes, please.

Mr. Delong: Well, I wouldn't want to see one.

Chair: Perfect. Any other questions?

Thank you.

Marguerite?

Ms. Tölgyeci: Hello. Thanks for not trying my last name; it's understandable. My name is Marguerite Tölgyeci. I'm a president of the national francophone youth federation. I will be speaking as a Yukoner today, and I have been involved in the Yukon for more than a decade now.

To undermine the elector is to undermine democracy at its core. To undermine our young citizens is to do the same, in my opinion. Youth are leaders in many aspects of our society, for example, in mental health, inclusion, and the environment. To not involve them in our voting system is a mistake. Our education system is built to equip everyone here in this room to be a good citizen and to participate. At 16, you are already in grade 10, if not 11, which means you are near the end of that system, so you should be equipped by then to participate, to be a good citizen, and to vote. If you are not then equipped, we need more than one reform today.

Yukon youth are here. They love this territory, and they clearly want to be involved in the decision-making that goes on here. I'm a political science graduate, and one of my professors

once told us that basically you live in this house, and there are really big cracks in this house, and any construction worker or expert will be able to fix those really big cracks, but you, as the person living in the house, you know the smaller cracks. You know every little small crack. Basically, it means that our citizens know the small cracks in our system, and they want to be involved in fixing them. So please let us do that. That's it.

No questions?

Chair: I have a quick question. What is your overarching recommendation?

Ms. Tölgyeci: I say lower the voting age to 16, obviously. I think all of our youth in schools are equipped; even in the primary schools, they do mock voting, and every kid loves to do that, so I think we're way more than equipped at 16. I also would love to see more preferential — une système de vote préférentiale, as they say, just because I do feel that the first-past-the-post system is very competitive and very partisan, which turns off a lot of youth from getting involved with political stuff in general.

Chair: Merci.

Ms. Tölgyeci: Merci beaucoup.

Chair: Right now, we're going to switch. We have two people on Zoom who would like to present. So, first up, we have Dario Paola.

Mr. Paola: Perfect. Thank you, everybody. Thank you, Kate; thank you, Committee.

I really just wanted to reiterate and mention some points that have been brought up before. I think Peter's particular points about the strengthening of the parties is one of particular import. All that being said, considering the Yukon's population and highly diverse nature, one thing I would like to make a recommendation to the Committee on, as we move forward on these things, is being mindful that we've made comparisons to New Zealand and other places, but these are populations that have far larger populations than that of the territory, and I would hate to see our system become over-burdened with MLAs and overrepresentation and lumping together of ridings and not actually getting an appropriate balance between actually having good representation and all of that in the House.

That being said, I also want to bring a recommendation of the youth vote: Absolutely, it matters, and 16 I can't agree more with. They are perfectly competent and ready to participate. I think that ties in nicely with the concept that we're all becoming more familiar with, the seven generations principle, and that would be trying to prepare ourselves and preparing our future for seven generations from now, as the decisions we make today have impacts on what happens seven generations from now.

That being said, that was sort of my recommendations, and the last piece — I wanted to sort of caution that any change management that there is, that whether it be a referendum or a citizens' assembly, Elections Yukon is going to have to be heavily consulted and involved on writing education materials for Yukoners so that people are well-informed and aware of what's going on, because without the involvement of those individuals in Elections Yukon, they're going to be an important component in educating our citizens. Thank you.

Chair: Thank you very much.

Next up on Zoom, we have Francis van Kessel.

Ms. van Kessel: Hi there. My name is Francis van Kessel. I just wanted to thank the Ta'an Kwäch'än Council and the Kwanlin Dün First Nation for letting us have these very serious meetings on their land. A long time ago when things were happening on people's lands, they would let them know and make sure that there was — because these are serious conversations that we're having. I just wanted to point that out to everyone first.

I'm going to keep it short here. Voting age should be 16, even lower, maybe 14, because we really need to start involving our young people. I grew up in a household where my parents taught me about voting from a very young age. I grew up, actually, in a conservative household, believe it or not, and I never learned any of this in school, or if it was in school, I didn't pay attention, because it was talking about the federal instead of the territorial, and as we know, those are two different systems completely.

I do also recommend a citizens' assembly. Sorry, my dog is playing with a toy. I recommend a citizens' assembly just because it resonates mostly with myself as well.

I also believe that there shouldn't be parties. As you may know, I have been a candidate for two terms in two different elections and was unsuccessful, but I ran for a party that I thought represented the most of me, and I still am pretty — represent with that party, but there are certain things that I don't agree with, and I'm sure that many other candidates have run into the situation where they resonate closely with a party, so they sign under their name, because a lot of people don't have the financial means to run as an independent in an election. It's expensive, and I thank very much my party for covering that, and to be honest, that's the reason why I ran in those.

Another thing is — and I know it's not one of the suggestions — give me that; sorry; my dog — is we haven't looked at any — if we looked at Nunavut's system on the consensus government, that follows a very traditional Inuk people, and I really think that we should really rely on some of our First Nation people here in the Yukon. We have many incredible First Nations, and they've been living on this land for thousands of years and governing themselves for thousands of years. I think that we could take a page from their books.

Anyways, that's all I have to say. Thank you.

Chair: Bonnie Duffee.

Ms. Duffee: Good evening. I listened to the Fair Vote presentation last spring, and most of my comments kind of came from that or were sparked by it. Though Fair Vote Yukon was considered non-partisan, they were quick to blame the feds for not producing electoral reform.

Like some of the other speakers, the process for change will only come with collaboration and mutual effort to work together. I believe the many successes the Yukon has achieved are attributable to joint work and that this Committee has the make-up to achieve it.

Change of fundamental governance affects everyone, and it can be hard to keep the herd together. Trying to get the best deal for our special interests can sidetrack us. We need

someone to push us to change, but they are not necessarily the ones to lead us all the way through that change.

So, quick solutions, like referenda, are fraught with misdirection. It satisfies our need for change, but it doesn't do the deep dive. Our land claim is a good example of how many times we had to go back to the table to get it right and to keep adjusting to new thoughts. It's the same with the citizens' assembly idea. It sounds idyllic to pluck a few citizens from the community and have them do the work for us. Again, it is a quick fix to satisfy a complex issue.

I compare a citizens' assembly to forming a jury in a court of law. When a jury is gathered, it is

under the direction of a sitting judge, a scholar duly informed by constitutional law with current authority to make judgments. Kate, I have this all on the e-mail; you don't have to write. The jury has the restraints of the laws of Canada, and it's overseen by the judge, and they cannot make decisions with impunity. So, where would our citizens' assembly get their direction?

We are a small jurisdiction and should choose something that suits us specifically. The dual member system coming from northern Alberta is interesting. In the past, we have been similar to northern Alberta, for example, in our health determinants. Population density, remoteness, single roads to communities, distance to health centres, age distribution, education levels, et cetera — all requiring delivery of service different from urban or dense regions.

To meet our voting needs, we have to deliver and measure in different ways. Understanding our uniqueness might move us to a voting system that is uniquely tailored to Yukon. Then we can address situations like having only two candidates or small ridings like Old Crow.

I get the sense that we generally do not know how each of the systems works. Did you see the article in the local paper about a community in Alaska holding a drag queen contest to practise voting systems? What if our youth groups and bingo-goers had a chance to experiment with a few of the systems? I'm pretty sure we would have more informed voters. I think we should be out there test-driving electoral reform systems everywhere we can.

Chair: Thank you for that presentation. So, with that — come on back; you had some thoughts. Do you have one direction or one recommendation you would lean toward right now?

Ms. Duffee: Yes, anything where you choose something and people get behind one idea and try and make other people understand it and choose it is a wrong way for us to do it. That's one. Any other questions?

Chair: That's it; thank you.

Mervyn Williams?

Mr. Williams: Ho, ho. We always say this in our Tlingit culture when we speak.

I would like to see the voting age down — at least 14. I would like to see my native people vote and have a say in this government system. When I was a young boy, my mom was running for the mayor of Whitehorse, and she stepped down. She was winning, but she said, I have to step down because

there's a little string tied to my mouth, and it goes back into that back room, and you don't know who's pulling it. I would like to see it done right. My grandma always said, make sure you do things right. I always like to do things right.

I am a sober Indian, Tlingit. I don't drink; I don't smoke; I don't smoke marijuana. I am — I work lots, but nobody hires me because I'm native. They don't know what I can do, but my boss loves me.

I would like to see the voting age come down, especially us aboriginal people. This is our country. Everybody's welcome. Grandma told me that long time ago. Everybody's welcome. There's enough to go around. Nothing changes, just the faces. Everybody's still beating each other up for nothing. We have to learn how to get along.

Everybody must. We're children of this planet. We must not be greedy and take everything. There's enough to go around. There's a three-headed monster we all have to fight now. The first head is greed, but somebody has taken it all. The second head is jealousy. Don't be jealous of anybody. The Creator gave you something; find it and mobilize it. The third head is envy. Be happy who you are. Don't be envying anybody.

I would like to see the voting age come down, especially for our aboriginal people. We went through a lot, and everybody in this room knows now. Let's grab them and cherish them. We don't need this: Go back to the reserve where you belong. We have lots to give. Let's share it. We're children of this planet, but we're beating each other up for nothing, for nothing. Two wrongs don't make it right. We're still here, right here.

Please let us share it. Günilshish. [Tlingit First Nation language spoken. Text unavailable.]

Chair: Thank you, Mr. Williams.

So, we are 10 minutes from the end. Does anyone on the floor wish to speak?

Just one second; I'll second call for anyone who hasn't spoken yet.

Would anyone wish to speak?

All right, Ms. Greetham, three minutes.

Ms. Greetham: I don't need three minutes. I just want to thank everyone for being here.

Chair: Into the microphone, please.

Ms. Greetham: It overwhelms me to see people come and speak. This gentleman, thank you for being here. We can do better, so I hope everyone — could we have a show of hands in the room for a citizens' assembly?

Chair: It's hard to count with two hands up there. I'm just going to put that out there.

Mr. Sokolov, two minutes.

Mr. Sokolov: Thank you. First, I want to support what the very first speaker said about lowering the voting age.

The second thing, in my professional life, I have been observing and reporting on innovation and IT for over 20 years, and I don't know; today it wasn't the topic here of electronic voting or e-voting. I don't know if it has been a topic in your previous hearings that you've had across the territory. If it has, I suppose you have met with IT experts who have told you

about IT security issues, and where we stand today, “IT security” is a contradiction in terms. We have to assume that every IT system is broken, has been hacked already.

There are two types of IT systems: those that are hacked and those that we don’t know yet that they’ve been hacked. That is a sad truth, but that’s not my main point. If we were able to solve it, if we somehow, in the Yukon, were the first ones to design a secure computer that makes people vote, I think we are still beside the problem.

In our society, important events always have a ceremonial aspect to them. We swear oaths; we exchange rings; we pour water over little babies — we do things in public and in a ceremonial aspect. Why? To underscore the importance of it, to say hey, look, something is happening. If we have people voting at home through their computer, it becomes like liking something on Facebook; I think we totally lose that importance. We lose the political act of voting.

Today voting is you get up, you get dressed, you go in public, you say, I’m here to vote. That’s a public act; it’s a community act; it’s a community celebration when we vote of our freedoms, of our political freedoms. If we just do it while we’re on the loo, just before ordering some food delivery, we totally lose that, and we lose the next generation of voters.

So, something I see — and it’s beautiful, as an elections officer — it’s beautiful, so many people bringing their children to vote. They learn about it; they see how it works. Again, if it’s just e-voting, that doesn’t happen, and the whole aspect of — the ceremonial aspect of the importance of it is lost. Thank you.

Chair: On that note, Mr. Sharp, I’m sorry; we’re out of time.

On that note, I do appreciate that you joined us today. Some people have appreciated the ceremony of public hearings, and some people have not, but we value your being here, your attendance, and the amount of information that has been sent in.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee. I would also like to thank the Yukoners who are listening and watching this hearing live and in the future.

The Committee will be hearing from Yukoners at more community hearings next week in both Mayo and Carmacks. Information on those public hearings, as well as transcripts and recordings, will be available on the Committee’s webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at HowYukonVotes.ca

This hearing is now adjourned.

The Committee adjourned at 7:53 p.m.



Yukon Legislative Assembly

Issue 21

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Tuesday, September 13, 2022 — 6:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Speaker: Mark O'Donoghue

EVIDENCE**Mayo, Yukon****Tuesday, September 13, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the territory of the First Nation of Na-Cho Nyäk Dun. This public hearing is scheduled for 6:00 to 8:00 p.m. The Committee has been holding hearings in communities across Yukon. Our final community hearing will be in Carmacks tomorrow evening.

The Committee would like to remind Yukoners that they may also provide their input by e-mail or letter mail or by using the comment form on HowYukonVotes.ca. The deadline for written submissions is September 30, 2022.

Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge, and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage at yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included on a brochure that was sent to all Yukoners. Copies of that pamphlet are here tonight.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and the world, through 14 video conference hearings held between January and April of this year. Transcripts and recordings of the hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey; that's 17.1 percent of Yukoners age 16 and older. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly; the Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from Yukoners. We will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table, and please note that this hearing is being recorded and transcribed; everything you say will be on the public record and posted on the Committee's website. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters. If you need technical help with Zoom, please call 867-334-2448.

Individual presentations to the Committee may be limited to five minutes, and if there is time remaining at the end of the presentations, presenters may be invited to speak for longer.

I would like to welcome everyone in the audience and ask that you please respect the rules for this hearing. Visitors are not allowed to disrupt or interfere in the proceedings. Please mute any electronic devices and refrain from making noise, including comments, during the presentations.

When you are called to speak, please come up to the microphone.

Mark.

Mr. O'Donoghue: Thanks very much for coming to Mayo. I'm Mark O'Donoghue. I'm not an expert on electoral reform or anything; I would just like to present some of my views. I'm an immigrant to Canada. I am a proud Canadian who has voted in every election since becoming a citizen in 1997 — every election that has been available to me. I'm not a member of any political party, and I have voted for candidates from a number of different parties.

I would just like to make several observations. First, I would say that, in most elections, especially federal elections, I found myself voting strategically for a candidate running for a party that I felt was more likely to form a government than a candidate whose views were closest to mine. I was mostly voting to prevent a party whose views I did not support from getting into party than voting for the candidate I supported. This is a direct result of the first-past-the-post voting system.

Second, I guess I find it frustrating and undemocratic that we have had successive majority governments at a federal level when they've only gotten 35 to 40 percent of the vote, yet they have 100 percent of the power, and I find that something frustrating and something that I don't think is very democratic.

Third, I think that the first-past-the-post system encourages partisan politics among parties over working together that's needed to run minority governments. I just find there's a huge amount of time, energy, and goodwill wasted on developing sound bites and mounting attacks on governments instead of looking for solutions. I think partisan politics is getting more and more aggressive, to the point where I think they are becoming a danger to democracy, and I will touch on that a little bit later.

So, when I hear — when I read about the different ways of voting, I definitely support reform to get rid of the first-past-the-post system. When I look at the options that have been discussed, my preference is for the ranked ballot system, in which voters list their preferences for candidates in order when they vote, rather than just choosing their top choice. I do prefer this over the proportional representation systems, in which votes are allocated according to the parties' proportions of the

votes. There are several reasons for this that I will just describe briefly.

For the ranked ballot system, I'll just briefly describe my understanding of that. It's if a candidate with the most votes has more than 50 percent, he or she is a winner; if no candidate has more than half the votes, then the lowest candidate is dropped and his or her votes are allocated among the other candidates, according to the second choices of the voters, and this process continues until one candidate has more than 50 percent.

Intrinsically, I think that's more democratic than the first-past-the-post system, in that you can vote for the candidate you prefer and yet explicitly identify who you'd like to win, if that candidate is not successful. Also, I find it more fair than the first-past-the-post system, in that the results would better reflect overall voter preferences in cases where votes are fairly evenly split among the candidates. For example, if votes were split 35, 33, 32 percent among left, right, centrist candidates based on first choices and most voters for the centrist candidate were by far right leaning, the first-past-the-post system would elect the left-leaning candidate in that situation, even though they only received 35 percent of the vote, whereas the ranked ballot system would elect the right-leaning candidate, which I think more accurately reflects the views of the voters.

I think the ranked ballot system would also tend to eliminate more extreme candidates, who are sometimes able to attract the most votes, but not the majority of the votes. Finally, I find that ranked ballots are easier to understand than some of the proportional representation systems, and also, candidates are directly elected, rather than selected by parties. A system like this, I think, would be more likely to be approved by voters, and we would not end up with representatives that we did not vote for.

I think proportional representation systems directly affect voter preferences by allocating seats among the parties; however, a lot of these systems are really complicated, especially the mixed member proportional system, and I think voters are much less likely to approve of a change to those kinds of systems when they don't understand them. Secondly, I really don't like the idea of getting representatives that we did not elect, who were selected by the parties.

In conclusion, I would like to say several things. First, I do support replacing our first-past-the-post voting system, and my preference would be for a system of ranked ballots. One criticism that we've heard of the ranked ballot system is that [inaudible] because the second choice of both right- and left-leaning voters will typically be the centrist candidate. Actually, I have two things to say about this. I think, first, the most voters in a given area tend toward more centrist views, and I think the candidate elected should reflect that and that the seat should not go to a candidate of either right or left who can scrape up a slim majority.

I'm not a member of any party, so I don't particularly care, really, which party is favoured by which system. I think it's more important to me that democracy is the priority here. Second, if most voters in a given area are either right- or left-leaning, the preferential voting system, or the ranked ballot

system, rather, would still tend to elect candidates who reflect those views.

Another criticism of alternative voting systems is that we may end up with more minority governments that are less stable and efficient. In my view, if the views of Canadians are very split, then I think we should end up with more minority governments. I think this will force parties to work together, rather than wasting so much time on partisan politics. I don't think efficiency that's unfair should be considered more desirable than what's fair and democratic.

Finally here, I think people who I have heard who are opposed to changing the way we vote say we shouldn't fix what's not broken and should keep our present system for that reason alone. I would argue that democracy in Canada and in the world in general is in great danger right now. We have seen a big increase in hyper-partisan politics to the point where politicians are getting death threats; they're getting shouted down for stating their views, and we're seeing extremes, like the FU Trudeau parades here in Whitehorse. I think it has gotten really nasty. We have media outlets springing up spouting extreme political views, and there's a wave of disinformation and conspiracy theories on social media and other Internet sites.

Where I came from in the US, families can't even talk to each other anymore, because that's how polarized politics have gotten. I don't think we can say that things aren't broken right now. I think we are in desperate need of anything that can increase people's confidence and participation in democracy, make the system more fair, and to lower the temperature of this hyper-partisanship that we're getting. I think electoral reform is one thing that can help us do that. Thank you.

Chair: Thank you, Mr. O'Donoghue. Please, don't go too far away. I'm sure there are going to be questions. Mr. Streicker? Mr. Cathers? Do either of you have questions?

Hon. Mr. Streicker: I'm happy to start. Thank you, Mark; thanks, in particular, for your statement: Democracy is the priority.

Just building on that, one of the questions that we have been trying to ask ourselves is not just where we might land as a territory, but how we might get there. What would process look like for you? If we were to change our system, do you believe that it should be the choice of the Legislature, the choice of Yukoners? How do you imagine that we get to that?

Mr. O'Donoghue: Yes, I know the criticisms of going with a referendum to get to this sort of thing, because the existing system has all the inertia — I guess, it's hard to change a system through a referendum. I think if the change is big enough that it is something that would have to be something that would be approved by people in general, I would support a referendum. There have been referenda in BC, in New Brunswick, Ontario — I think they have all had referenda, and it has been really hard to do public education on this, because these systems are so complicated. I think we need to learn from the experiences in those different provinces and present options to voters that are really simple, not present them with very complex systems, which is one of the reasons I support the ranked ballot system, because I just think it's much easier to understand than those other ones — and a really big education

campaign to go along with it and, again, try to keep the partisan politics out of that, because those campaigns have been unsuccessful in most jurisdictions where they have tried it.

Hon. Mr. Streicker: Thank you. I have other questions, but —

Chair: I'm going to jump in then — sorry, Mr. Cathers. So, Alaska is our nearest example of a ranked ballot, and I'm sure you, like many of us, were paying close attention. How do you feel the first go-around in Alaska went with the ranked ballot?

Mr. Donoghue: I didn't follow that closely. I knew some of the more high-profile candidates in that one made it. It seems to have worked; I know the system got criticisms, especially from one of the candidates there. I don't know how it was, as far as public acceptance and whether people felt comfortable with it.

Chair: One of the things that the Alaska media was reporting on was the importance of education ahead of time, and something that you referenced before was the importance of people understanding what the issues are if, for example, it goes to a referendum, so they understand what they're voting for. So, for you, education, no matter what the decision is, is going to be key, so people can follow along?

Mr. Donoghue: It will be, and it seems like people opposed to changing really took advantage of the complexity of the choices that voters were being given and took advantage of that, and that's something we shouldn't do for that reason alone. Yes, I think public education would be key.

Chair: Thank you. Mr. Cathers?

Mr. Cathers: Actually, I'll defer to John.

Hon. Mr. Streicker: Mark, you talked about the importance of the simplicity of the system. One of the things that we've had, other themes in our conversations, especially in communities, is local representation. You mentioned about that. Another one is the balance of the makeup of the Legislature for ridings that are within Whitehorse and ridings that are outside of Whitehorse — the communities. If we were to go with a ranked ballot system, then presumably we don't necessarily need to adjust that current set-up, but of course, it could, as well, and I'm just wondering if you have any thoughts about the importance of local representation, about the importance of the makeup of the Legislature vis-à-vis our communities.

Mr. O'Donoghue: I do think local representation is critical. Anyone who has lived in a community knows that the concerns and the issues are different from what they are in Whitehorse, and that's one of my main reasons that some of the proportional representation systems that I don't like, is that some of them do not include local representation. I think that is key. The balance of rural and Whitehorse seats in the Legislature — I think, right now, it's reasonable, and I think it is really important to keep these rural ridings, even though some of them don't have tons of people in them. I think it's really important to keep them so they can bring those views forward.

Hon. Mr. Streicker: Thank you.

Chair: So, I'm going to jump in here with a completely different question. We started hearing from some younger folk, and one of the things that they want brought forward is lowering the voting age. So, right now, it's a group of young people petitioning to lower the voting age to 16. Do you have any thoughts about the voting age? As it stands right now, it's —

Mr. O'Donoghue: Yes, I would support that. I think, especially right now — I'm a biologist. I see climate change as being a massive issue for the world as a whole, and I think the young people are expressing that the most clearly, because they're going to be living in the world we leave for them, and I would love to hear that view coming forward more strongly, and I think it would be good for increasing involvement in democracy, as they get to be older citizens.

Chair: Thank you. Any further questions?

All right.

Mr. Cathers: I would just say — I don't really have a question, Mark. I appreciate you explaining your thoughts around the ranked ballots and taking the time to come out here this evening and sharing your thoughts and responses to additional questions.

Mr. O'Donoghue: Thanks very much for listening.

Chair: Thank you, Mr. O'Donoghue. At this point, I'll ask the room if anyone would like to present.

All right, seeing none, at this point I will call a recess, and I'll call us back to order, as required.

Recess

Chair: Before I adjourn this hearing, I would like to say a few words on behalf of the Committee.

First, I would like to thank everyone who presented their thoughts to the Committee, and I would also like to thank the Yukoners who are listening and watching this hearing.

Information on the Committee's public hearings, as well as transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at HowYukonVotes.ca.

This hearing is now adjourned.

The Committee adjourned at 7:53 p.m.



Yukon Legislative Assembly

Issue 22

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Wednesday, September 14, 2022 — 6:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members: Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk: Allison Lloyd, Clerk of Committees

Speakers: Ben Sanders
Vince Slotte
Dave Meslin

EVIDENCE**Carmacks, Yukon****Wednesday, September 14, 2022 — 6:00 p.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. I would like to begin by respectfully acknowledging that we are meeting on the traditional territory of the Little Salmon Carmacks First Nation. The Committee has been holding hearings in communities across Yukon, and this hearing, our final community hearing, is scheduled for 6:00 to 8:00 p.m. tonight. The Committee would like to remind Yukoners that they can also provide their input by e-mail or letter mail, or by using the comment form on HowYukonVotes.ca. The deadline for written submissions is September 30, 2022.

Allow me to introduce the members of the Committee: My name is Kate White, I am Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; he is joining us by videoconference. Finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations. In our study of potential changes to the voting system, the Committee first sought to identify what options may be available. The Committee hired Dr. Keith Archer to prepare a report on electoral systems. Dr. Archer's full 76-page report and an executive summary are available on the Committee's webpage at yukonassembly.ca/SCER.

The information from Dr. Archer's report has been summarized on the website HowYukonVotes.ca. Summaries of some of the potential voting systems are included on a brochure that was sent to all Yukoners, and copies of that pamphlet are available here today.

To deepen its understanding of the topic, the Committee heard from subject matter experts, including Dr. Archer and academics from across Canada and around the world, through 14 videoconference hearings held between January and April of this year. Transcripts and recordings of the hearings are available on the Committee's webpage.

It is important to the Committee to know what Yukoners think about electoral reform. From February 15 to April 10, 2022, the Yukon Bureau of Statistics administered a public survey for the Committee. The Committee would like to thank the 6,129 Yukoners who completed that survey — that's 17.1 percent of Yukoners age 16 and older. A report on the results of the survey is available on the Committee's webpage.

We have not yet decided on our recommendations to the Legislative Assembly — the Committee is collecting opinions and ideas from Yukoners on electoral reform. The time allotted for this hearing will be devoted to hearing from Yukoners, and we will not be answering questions or presenting information on electoral reform today.

If you would like to present your opinion to the Committee, please ensure that you have registered at the registration table, and please note that this hearing is being recorded and transcribed — everything you say will be on the public record and posted on the Committee's website. If you are participating by Zoom, you can send a chat message to the Clerk to be added to the list of presenters, and if you need technical help with Zoom, please call 867-334-2448.

Individual presentations to the Committee will be limited to five minutes. If there is time remaining at the end of the presentations, presenters may be invited to speak longer.

I would like to welcome everyone in the audience and ask that you please respect the rules for this hearing. Visitors are not allowed to disrupt or interfere in the proceedings. Please mute any electronic devices, and refrain from making noise, including comments, during the presentations.

When you are called to speak, please come up to the microphone.

We're going to start with Mr. Ben Sanders, joining us via Zoom.

Mr. Sanders: Thank you, Kate. Can you hear me okay?

Chair: Yes, excellent.

Mr. Sanders: Perfect, okay. Thank you, I appreciate the opportunity to speak tonight. I was unable to attend the hearing in Whitehorse, and so I appreciate the opportunity to speak remotely. I'm calling from my home in Fish Lake, and though it may not be on the record, my son, Theo, in the background, you might hear his noise — apologies in advance.

I would like to start by saying thank you for having this conversation; thank you for the opportunity to be part of it, and for including Yukoners in the process of collaboration and consultation. I think that's really healthy in any democracy, and I think that's really vibrant and exciting to see that the Yukon is exploring this together.

There are two pieces that I'd like to speak on today: one is my thoughts around electoral reform and the mechanics of our voting system, and the other is specifically around the age at which people are eligible to vote. I'll start in that particular order.

I had the opportunity, many years ago, of running, or putting my name forward for nomination federally for the Yukon, and one of the pieces that I advanced at that time was the idea of changing our electoral system federally. I was excited, at the time, that that was a promise and a commitment that the government that became government was planning to explore and to try to solve. Unfortunately, they didn't, and I'm still sad that that hasn't happened, and I hope that we don't make the same mistake here in the Yukon, that if we're exploring this, and if it is the conclusion that the majority of Yukoners and the voices that you have heard are interested in moving forward with this process, that it happens, whatever the outcome may be from there.

At the time, I was a proponent of a ranked ballot, though I'm not advocating specifically for that here. I do believe, though, that the first-past-the-post system that we have here today prevents the electorate at large from being represented properly. I came today from Yellowknife, where I learned and

was excited to see, thought I don't believe they've adopted a different voting system, that they have a female premier. They have more women than men in Cabinet and in caucus, which, throughout their legislature, I think that's the first in Canada — more indigenous representatives as well, a majority of that, and that's really exciting to see.

I think that the first-past-the-post system is preventing us from seeing more of that. I'm excited to see today that Alaska has elected its first woman to Congress, who happens to also be an Alaskan native, and that's really exciting too. Why has it taken so long? I think first-past-the-post is part of the problem.

So, I'm really excited that you're exploring ranked ballots, proportional, and different options. I think it's interesting that many parties here territorially use a ranked ballot to elect their leaders. So, if we're already doing that internally in the parties here, why aren't we making that available more broadly for the electorate? Clearly, there's a rationale for it being worth it, and we should be exploring that as well.

I think we've been a leader, in the Yukon, when it comes to other things, like self-government agreements with the indigenous governments here, and many other things. I think it's inevitable that this change will happen, that we will make the voting system better. The Yukon has an opportunity to either follow, or to be a leader, and we're poised to be a lead on this right now, so thanks for exploring that.

On the second piece, lowering the voting age, I've been really excited to work with a number of youth in the Yukon throughout the summer who are really passionate about seeing this change, Yukoners who are 16 and 17 who believe that they should have a voice as well. We're already saying that they're old enough to drive, and old enough to pay taxes, so why aren't they able to help choose how those taxes are allocated and distributed?

I think actually the onus should be on the rest of us, for all the fallacies and problems that exist for those of us above 18, to come up with a better answer as to why 16 and 17-year olds shouldn't vote. I'll put forward a few that I think are reasonable. My own experience, when I went away for university, after 18, through 21, it was a terrible time to try to figure out how to vote for the first time, remotely and away from my home. There are all sorts of challenges fraught with that experience. I think there are studies that show that, if young people are involved in their first three electoral opportunities as voters, the habits will form and they will stick with it, so it's not surprise that we've seen a decline in participation in voting, so why not make it available before our young Yukoners go away for university, when they're still in a stable place and can benefit from being part of school and being at home to be supported in learning about that for the first time.

I believe that, too, is an unstoppable wave that's already happening in other parts of the world, even in North America, and this is something that should be strongly considered. There's a petition that has been formed, and young Yukoners have been part of the media in the last weeks, and at the very least, they should have an opportunity to meet with representatives to share that. I know some of them in Whitehorse did last week. There's an opportunity for our

Premier today, our current Premier, who was a high school teacher, who would understand very much, and understand that young people at that age have the cognition and the wherewithal to have a voice. I hope that there is some boldness with this entire government, not just the governing parties, to step forward and explore that issue in particular, and at least give it a voice in the Legislature for further consideration.

There are currently bills in Ottawa, in the Senate, in the House of Commons, that have gone further than ever before on this, so again, I would close by saying this is an inevitable thing. I believe it's obviously going to change, and we will look back on it, as we did with same-sex marriage and many other things that, at the time, seemed controversial, and now, in retrospect, we very much accepted them as status quo and wonder why we didn't do them sooner.

So, rather than follow, Yukon could be a leader, and I would implore all of you to use the powers vested in you to take this opportunity and this moment to take us in the right direction forward on those two issues.

Thank you again for the opportunity, I really appreciate it, and thanks for making this opportunity available to all Yukoners.

Chair: Thank you, Mr. Sanders. Mr. Cathers, do you have any questions?

Mr. Cathers: I guess I would just start out, first of all, before asking any questions, just by apologizing to those who were there in Carmacks that I wasn't able to attend in person tonight. There was a welcome back event at Hidden Valley school this evening, and I hope that you'll understand, considering the year they've had, that I felt that I should also attend that.

I guess I would just ask, Mr. Sanders, you indicated earlier that you at one time favoured a ranked ballot. Is that still your preferred model, or have your views on that changed?

Mr. Sanders: Thanks for the opportunity to reply. I believe there's some really exciting things around that model that are exciting and worth exploring. I do think that should be one of the top two we consider — the top two or three — and I'm open, frankly, to other solutions, as well, because I think that a number that you are exploring, including some of the proportional flavours, they are all of them better, so much better, than what we have today, and though I have a preference for the ranked ballot, I understand why it's not perfect either, but we shouldn't be seeking perfection here. We should be trying to improve, and all of these are better than what we currently have.

Chair: Thank you, Mr. Sanders. Mr. Streicker?

Hon. Mr. Streicker: Thanks, Ben; thanks, Madam Chair. Ben, can I ask you about what you believe process should look like? We're going to give a report to the Legislative Assembly. There are various things that have been proposed — for example, a citizens' assembly — and we often get into conversations about a referendum, or how Yukoners ultimately choose the system, if there is a recommendation for a specific system, and I'm just wondering what you think process should look like in order to establish, if we were to change the current voting system.

Mr. Sanders: Thanks for the question. I think it's an important one, right? Because we're talking about fundamentally, with the first piece, changing the way that votes occur. In Alaska, I believe the changes that occurred for this recent special ballot didn't require a full referendum. So, on the one hand, there's an opportunity for the government that exists today, that has been brought forward under the current system, to house the power and the responsibility to make that change on their own. I think that is certainly possible and should be considered.

I think it's a big enough change that if there wasn't a strong enough support for that, that a referendum could and should be considered. I think the experience, unfortunately, with referendums is that, often, they're not done particularly well, and sometimes, they're done not necessarily with the intention of actually making the change possible, the way the questions are phrased and whatnot.

So, I'm a big fan in support of a referendum. I don't understand the costs involved in doing so, or the timing of that, but I think that one makes the most sense for this type of big fundamental change, but not opposed to the current government making it, and having the electorate, at the next election, say hey, we didn't like that, we're going to change who is in power to change it back. There is that opportunity that also exists.

With respect to lowering the voting age, I think that is something that should not require a referendum, that could proceed and could be something put forward as a bill in this Sitting this fall. I don't think that we need something bigger or broader than that.

So, my hope is that this is something where we do see change occur, that we don't delay it forever, and that, whatever path is taken, that there is a clear process to move it forward and to do so relatively quickly so that it doesn't fall away or disappear off the time table, or agenda, certainly understanding it's a minority government, and the timings involved in when the next election could be — fixed dates, understandably.

So, to recap, open to the government collectively doing it now; I think a referendum would be my top choice, if it didn't take too long and didn't cost too much for changing the voting system; but we should proceed on lowering the voting age and not need to wait for that.

Chair: Thank you, Mr. Sanders. Just a follow-up on your proposal on lowering the voting age, one thing that we have heard from folks is a concern that young people aren't well informed enough to vote. What would you say in response to that?

Mr. Sanders: It's interesting that in the Yukon — I think it's for a federal election, but it may occur for a territorial one too — very often there is a process where young people can do a test, or unofficial vote, in school, and often predict, with a great degree of accuracy, how the outcomes actually occur. I think that we are doing a disservice to our young people by believing the double standard that we would trust them to be responsible for their own lives and the lives of others driving before they're 18, but not believe that they would have the cognition and the maturity to be able to vote. I think they're exposed to all the same kind of media and influences that we

are, probably even more on social media than an older demographic, and I think we need to give them a shot. We need to believe in them. I think that they might really surprise us.

They have more of a stake than any of us in the future of climate change and all of these other policies, because they're more likely statistically to live longer than older voters. Let's get them involved early enough so that they feel empowered and feel included and build some positive habits to reverse the trend that we're perpetuating with the decline in participation in our democracy.

Chair: Thank you, Mr. Sanders. Any further questions from the Committee?

All right, thank you, Mr. Sanders. Next up, I will ask that Vince Slotte come to the microphone.

Mr. Slotte: Thanks. I guess you can hear me okay like this?

Chair: Yes.

Mr. Slotte: This is upside-down. Actually, since — I'm going to say that I'm a little bit nervous. I have some time for preamble, thank you very much.

Chair: Just to make you feel at ease, you're talking to the five of us in the room, and take your time and don't be nervous. We're interested in what you have to say.

Mr. Slotte: This was written originally thinking there might be a few more people around, so this is going to be a little bit odd. I'm going to stick to it, though.

Dear members of the special committee, I have travelled from Faro today, because I believe electoral reform is an important topic to the territory. I have a lot of thoughts on the topic, but I plan to focus on a few and the important first step. I guess, just recent news, in June, Ontario held a provincial election that resulted in a majority government. This is despite obtaining votes less than one in five eligible votes. It happened because nearly half of the eligible voters didn't bother to show up to vote — it's dismal.

So, *The Globe and Mail* prints out two essays regarding this odd situation. One is a proponent for electoral reform, and one is a proponent for the status quo. Just focusing on the status quo, that essay proposed that the low voter turnout was because the system was working so well that no one feels the need to vote. That's absurd. I have a different word for it, but I'm using absurd.

I have never heard someone suggest they didn't vote because they thought their vote mattered too much. If that is the best argument for status quo, then we clearly need electoral reform. I know we're near the end of the special committee meetings, so what can I really tell you about the need for that? I guess what I'm saying is that it's also evidence that the public is ready for electoral change.

I also realize I can't tell you much about citizens' assemblies that you haven't already heard, so I quickly address the gallery — my wife. The purpose of the citizens' assembly will be to consider a number of electoral systems and recommend a better one. It doesn't have to be the best one, just a better one. If you want to be involved, you put your name forward. You don't have to be a scholar; you don't need to be

a political scientist; you're just choosing a better system for your territory, and as it's your territory, your thoughts matter.

Back to the special committee, I ask that you vote beyond just recommending the citizens' assembly: I'd like to see you advocate for it. Kind of consider how often the government will be asking the public to join in on a fight in a special situation, to be part of the solution. You say, don't take any salmon until we've figured out where they all went, and go plant a tree and save the world; and meanwhile, the governments do little to nothing about a couple of dozen identified threats to salmon, and climate policy is moving slower than the Alsek glacier. People want to be part of the solution, but it's time you treat the patient and not the symptoms.

That's how I feel. So, as I conclude, I just ask the members of the special committee to remember why you entered politics, embrace the youthful idealism that brought you there, plant your tree, and it's a seedling called a citizens' assembly for electoral reform. I truly believe you're going to get some good fruit from that tree. Thank you.

Chair: Thank you, Vince. I appreciate you very much presenting today. It is really important, and actually, I want to start off the questions. When did you start your own education about citizens' assemblies? When did you start looking into that topic?

Mr. Slotte: I hadn't really come across it until about a year ago. I understand Scotland has one going. I understand that Chile, after a long time of a lot of other meddling, is rewriting their constitution on something similar to a citizens' assembly. There's about 150 people working there, putting together a constitution, and I think less than a third are actual politicians. A lot of them are just other people from the community, representing different voices.

The idea of a citizens' assembly, to me — but not answering your question anymore —

Chair: It's okay, go ahead and expand on that idea.

Mr. Slotte: I've been interested in ideas like proportional representation, social value accounting, and all kinds of odd things — I don't know why — but I work a fair bit in BC as well, with a lot of people from BC. They went the referendum method, and it didn't fly. Referendums have a horrible history of people saying, wait a minute, I'm going no, I don't want change, because change scares me. Change scares everybody, but the people I talked to before that sounded really positive. I went, you guys are going to do really well. Everybody is saying we need to change this, but that's not how it turned out.

So, I think the idea of a citizens' assembly will come back with one choice, maybe two choices, but not a whole menu board that will just scare people. This isn't rocket science, but it's difficult to get people to come out for some free fruit and crackers, and now you're going to ask me to put in four or five hours of research, and possibly more, if you really wanted to get your elbows dirty.

Chair: I'm just going to expand a little bit on that. So, one of the experts we had actually presented about citizens' assemblies, and one thing they said that was really important is that it be resourced, so that there is a scholarly type person who

is helping with the education, that people be reimbursed so that everyone is able to participate, that it's not a volunteer, that it is someone who is being paid to be in attendance, and they said the most important part was the education portion.

So, do you think, if Yukon was to go the way of a citizens' assembly, if we were to follow the positive examples we've seen, both nationally and internationally — so, reimbursement, the education portion, and then full support — do you think it would be more successful in that way?

Mr. Slotte: Yes, absolutely.

Chair: Okay. Thank you.

Mr. Slotte: You'd need to have a little bit of outside influence. There are a few experts out there. Bring them in from all different vantage points and let the people decide, but it's also important that it's not just people who can afford to have the time off, or afford to travel around, be involved — understand that.

Chair: Great. Mr. Streicker, do you have any questions?

Hon. Mr. Streicker: Yes, first of all, thanks for coming from Faro. Really appreciate that you're here to present to us. I'll just keep following up on the notion of a citizens' assembly for the moment. We've heard lots of thinking around what it might look like, how it would — a cross-section of Yukoners, and things like that. I just wonder, when you envision it, what do you picture? What do you think might work for the Yukon?

Mr. Slotte: I'm happy with the lottery.

Hon. Mr. Streicker: The lottery?

Mr. Slotte: I believe that everybody has something to add, and this isn't rocket science, really. It's just choosing among — it will take a little bit of research, because you have so many different — you never have the right boat. As soon as you buy a boat, it's two feet too short, and you buy another, and it's two feet too short, until finally you have this big boat, and you sell it and get a 12-foot aluminum and start over again.

There's nothing that suits every need, but it takes quite a few people getting involved who want to consider a better system. I would trust them to find a better system.

Chair: Mr. Streicker, you had a follow-up?

Hon. Mr. Streicker: Yes, and Vince, thank you. One of the things that we've had lots of conversation about is the difference between the communities and Whitehorse. So, if you were thinking of a citizens' assembly, would you want to try to make sure that both those perspectives were represented? Would that be important from your perspective?

Mr. Slotte: I hadn't given it that much thought, but it would make sense. If you just held a lottery, Whitehorse would be so overpowering that you might not have the view from Old Crow, or Faro.

Chair: Yes, so trying to make sure that those views are equally represented between the urban and rural is important then.

Mr. Slotte: Yes, because it will be when the system is put together, but that's still not to say that, just because you live near a Starbucks, you're not thinking of the rural communities.

Chair: We appreciate that. Mr. Cathers, you have a question?

Mr. Cathers: Thank you, and thank you for sharing your thoughts on this, as well as travelling to the meeting from Faro. My question for you would be just on your preference for a citizens' assembly, do you have thoughts on the size of that? The Committee has heard from some people advocating for a citizens' assembly that envisioned it being the same size as the current Assembly of 19 members; some have suggested two people for each riding. There has also been a suggestion, in one of the submissions, of a citizens' assembly of 107 people. What size would you envision, and do you have thoughts on how that should be structured, if that path is taken, to properly represent rural areas and Whitehorse?

Mr. Slotte: Thanks. I hadn't really gotten down to the mechanics of it, but you definitely don't want too few, and you don't want too many, either. I don't know how to answer other than that. I think there are people who have spent more time with it than I have. It wouldn't be the first citizens' assembly around the world, so there would be some advice there, I think, for what has worked elsewhere.

Chair: Mr. Cathers, do you have a follow-up?

Mr. Cathers: No, I don't. Thank you for your thoughts on that.

Mr. Slotte: Thanks.

Chair: I actually have another question, Vince. You mentioned referendum, and you used some of the examples where they have failed with complications. One of the things we have heard from an expert is, for example, in British Columbia, they had to meet two requirements: there was a certain percentage over 60 percent where people had to vote in favour, and a certain number of ridings where they had to vote in favour, but it has been suggested by some experts that the threshold could maybe be 50 percent plus, that it doesn't need to be 75 percent.

Do you have any thoughts, if it was to go to a referendum, what you would like to see that look like?

Mr. Slotte: I think the most important part of the referendum is the ability to ask a simple question so you get a simple answer back, but where the threshold would be? I guess I had always thought it might be 50-50, but I can understand for asking for something like 60. I didn't know that about BC. That sounds like a pretty high threshold, because of the double threshold. I believe when New Zealand changed over, there was around 80 percent, which is really rare for a referendum to come in that high for change.

It's difficult to get to 50 percent when you're asking people to change.

Chair: I think you said it really beautifully, when you said it was the ability to ask a simple question and get a simple answer. So, I have written that down. I'm probably going to go through the Hansard to find your quote, because I feel that that is one that will ring true for lots of folks. I'm just going to ask my fellow Committee members if there are any other questions.

Hon. Mr. Streicker: Somewhere toward the end of your presentation, you encouraged us to embrace our youthful selves. Given that we heard from Mr. Sanders earlier, and he had this notion of supporting the voting age coming down to 16, I'm just wondering if you have any thoughts on that.

Mr. Slotte: I don't have any.

Chair: It's okay; you didn't need to come prepared with the full spectrum of questions.

Mr. Slotte: I've heard it, but I haven't really spent the time to give 'er.

Chair: The best news is that you have until September 30 to give it more thought and send in additional comments.

So, Vince, now that you're warmed up and relaxed, are there any closing comments you'd like to share with us? The answer can be no; there's no pressure.

Mr. Slotte: I think of a bunch of things; I hear things all the time, and I go, hey, wait a minute, but no, I think I've used up my time and I should get out while —

Chair: We're delighted that you joined us today. Thank you very much for coming.

Mr. Slotte: No, thank you. This is great.

Chair: Lisa, did you want to speak?

So, at this point in time, I'm going to call a recess, and we will come back, as required.

Recess

Chair: Thank you for joining us. I see that we have just been joined online by Dave Meslin. Dave, if you'd like to turn off your mute, and please, go ahead and present.

Mr. Meslin: Thank you so much, can you hear me okay?

Chair: We can.

Mr. Meslin: Great. Thanks so much for the opportunity. I won't take up too much of your time. I'm in Ontario, many miles away from you, so I don't want to take time away from Yukoners. The reason I'm interested in what you're doing is because the various movements across the country advocating for a better democracy are looking for a province or territory to be a pioneer, to be a leader, to be brave and implement changes that no one else has been able to do. Justin Trudeau infamously said that he was going to change the voting system, and he wasn't able to negotiate that path in Ottawa. We've had various referendums across Canada, in Ontario, PEI, and BC, and there's a wave happening all across the world right now to lower the voting age to 16 with very positive results.

So, I just wanted to encourage you to be bold, to show Canada how things could be done better. Someone needs to break the mould; we're stuck in a rut of tradition, where people say, let's just keep doing it this way, because we've been doing it this way for generations. We wouldn't tolerate that in any other part of our lives.

We update the operating systems of our phones every few months, and it has been a very long time since we updated the operating system of our democracy, and the results — we all know what they are: polarization, hostility, low voter turnout, and people just getting frustrated at the level to which Question Periods have devolved into animosity, and people are losing faith.

So, I'm urging Yukon and all the panelists and everyone involved to be bold and show the rest of this country how we could do it better. That's all. Thank you so much.

Chair: Thank you, Mr. Meslin. Just before you — don't go offline, because I imagine there are going to be questions. I will start before I ask my colleagues.

Knowing that you've just joined in from Ontario, which I appreciate — don't worry about taking away time; we're delighted to have you — do you have recommendations or preferences? You did mention lowering the voting age to 16, but if we talk about voting systems, do you have any thoughts on specific voting systems that you would like to see?

Mr. Meslin: Any system that strives to deliver proportionality, or semi-proportionality, is really the goal. There are lots of ways to do that. My personal recommendation is that, if you have the right process, you'll end up with the best system for Yukon.

I personally like the process where you have a citizens' assembly, followed by a referendum. I do believe, at the end of the day, the people should decide what their voting system is, but I also think we need to take the process from the hands of politicians, who, sadly, have proven, whether in Ottawa or otherwise, that there is just too much partisan interest to come together and choose the best systems.

Citizens' assemblies in Ontario, BC, and PEI have all come up with similar solutions. Whether it's MMP or STV, they're all systems that are very much aligned with other western democracies all across Europe, Australia, New Zealand, where there is semi-proportionality.

That's kind of the gold standard, and the beautiful thing about both MMP and STV is that they maintain geographic local representation, while also introducing an element of proportionality.

So, I would urge you to have a citizens' assembly, and what would be really cool — no one has ever done this before — a citizens' assembly followed by a one-time implementation of the recommendation of the assembly, then followed by a referendum. So, if the assembly says, we think MMP would be great for Yukon, try it once, see how it goes, and that way, when people are voting on a referendum, they know what they're talking about. They have tried first-past-the-post, they have tried MMP, and then leave it up to them to decide which one they like better.

Chair: Thank you, Mr. Meslin.

Mr. Streicker or Mr. Cathers?

Hon. Mr. Streicker: Thanks, Dave. Can I ask you, just going back to the voting age at 16 — sorry, I know I should look here to talk to you, but I'm looking at you over there — just some of your thoughts about why it's better; like, what are the pros in your mind, or the cons, of the existing system?

Mr. Meslin: Yes, sure, thanks for asking, and I love that you're wearing a T-shirt. That would never fly in Ontario. I should move up there.

So, my son is 17, so I'm speaking personally from experience. I'm sure many other of you have experienced 16 or 17-year olds in your life. For me, from a personal level, I just think they're ready; I know they're ready; I see it in their eyes; I see it in the way they talk. I think that today's teens, despite the mythology and some of the pop culture mythology about

them, I think they're way more mature and informed than I was when I was 16 or 17.

Social media, for all of its drawbacks, does expose people to a lot of information outside of their home and outside of their school. For example, when I was a young teenager, I wasn't marching in the streets against climate change or anything. We weren't marching; we didn't march; we just played video games. The fact that young people are marching out of schools because they care about the future of climate policies is just incredible.

But the main reason I support this has to do with voting habits. We know that, if people vote in their first election, they've now developed a positive relationship with voting, and they've created a habit of self-identifying as a voter. On the flip side, if you miss your first election and you don't vote, you've now created a habit of not voting. Eighteen, 19, and 20 are the worst ages you could introduce voting to people, when very often people have left home, they're living in a new town, they're in a riding they don't really care about, they're not connected to, they're not on the voting list, and they have no opportunity to go to the polling station with their family.

If you introduce voting at the age of 16, it's the exact opposite. You're in high school, you can vote with your parents at the local library, or in a riding that you have a connection to, so the likelihood of you voting in your first election, if we drop the voting age to 16, expands exponentially. So, for that reason alone, I think it's so valuable.

Most importantly, we've seen it done now in countries and cities all across the world, and the sky hasn't fallen; everything is fine.

I'll add one more thing: we do have a program in Canada called Student Vote, and Student Vote allows high school students to vote in a mock parallel election. If you look at the results, it shows that these kids are incredibly thoughtful and they're all different; they're not voting as a mob for the left or the right. In fact, in the most recent federal Student Vote election, the kids voted in equal measure for Conservatives, Liberals, New Democrats, and Greens, right across the board.

So, I guess the question I throw back to you is, why wouldn't we do it?

Hon. Mr. Streicker: Unfortunately, I'm not allowed to answer questions, but appreciate it.

Mr. Meslin: Fair enough.

Chair: Mr. Cathers, do you have a question?

Mr. Cathers: Thank you, and thank you for taking the time to share your thoughts with us. The one thing I would just note is that people may find it interesting to look at what the public survey results were, in terms of Yukoners' opinions on whether the voting age should be lowered to 16. You'll find that on pages 23 and 36 of the report that was done by the Bureau of Statistics. It was interesting that actually, of 16 and 17-year olds, 46.9 percent either agreed or strongly agreed the voting age should remain the same, with 37 percent indicating they disagreed with that statement.

On the specific question of whether the age should be lowered to 16, the numbers were roughly similar, with 37.7 percent of 16 and 17-year olds disagreeing, and 38 percent and

change agreeing, and the overall number from Yukon citizens as a whole was again 68 percent.

I'm not speaking of conclusions at this point, I just think it's worth drawing attention to that. I do appreciate that you've shared your thoughts on that with us, and your thoughts on the benefits of changing the system.

Chair: I'm just going to interrupt for a second, Dave. Do you have a question in that, Mr. Cathers?

Mr. Cathers: I don't really have a question at this point. I appreciate your presentation of your views this evening.

Chair: Thank you. Mr. Meslin, you can absolutely follow that up, if you like.

Mr. Meslin: Yes, I'll just briefly say that I'm not surprised. I think older generations often feel that way about younger generations. I think it's a form of ageism, which, in my sense, is similar in other ways to other forms of discrimination, whether it's based on gender or race. The data doesn't match the preconceived notions that we have of what kids are capable of. I think it's mostly just a kind of a myth that kids are foolish and reckless.

I'll point out that, scientifically, there are two types of cognition: hot cognition and cold cognition. Absolutely, teens are not ready for hot cognition, which is having to make decisions quickly, in the moment, under peer pressure. They have proven to be pretty lousy at that. That type of cognition isn't fully formed until your 20s, but when you give people information and give them time to process that information, and make decisions based on that information, a 16-year old has the capacity as you or me.

In terms of young people self-deprecating themselves and thinking they're not ready, I think that's based on an interesting idea they have that all of their parents are incredibly politically informed. Sadly, it's not true, so, I think they're imagining a level of expertise that they think adults have, and as we all know, political literacy is very low for all levels.

I'll just give one example of how this misconception plays out. Often one of the examples I hear about how kids are so stupid and not ready is this idea that they were eating Tide pods as a joke, because on social media, people were encouraging them to eat Tide pods. If you actually look at the data, hardly any teens did it. It was more of a viral social media sensation; however, hundreds of grown adults did try to drink Lysol after a man in his 70s encouraged them to do so.

So, in terms of who is poisoning themselves by consuming stupid things, it was actually older people being convinced by a senior to do it, not teens.

In so many ways, the reality never matches up with unfair mythology we place upon our own children.

Chair: Mr. Meslin, can I follow up on your referendum? So, you recommended, or suggested, that we look toward a citizens' assembly, to be followed by a referendum. We do have examples in Canada of referendums that have gone forward, and we know that they have never achieved those changes.

One of the things we've heard from an expert witness was the suggestion that the referendum amount is essentially set by the decision-makers, and they use the example of, if first-past-

the-post can elect a government, then why can't similar numbers change a referendum.

Do you have any thoughts on what you think a referendum should look like?

Mr. Meslin: I have a chapter — so, I wrote a book about democracy, called *Teardown: Rebuilding Democracy from the Ground Up*. In it, I describe seven different traits of a well-designed referendum. I can't go into all of it now, because it would take too much time — I could forward you a PDF of that section — but everything from who writes the question to how many options are on the question — is it a binary yes no, or are there options — the time period of the campaign, is there funding for the various campaigns, is it on the same day as an election, or is it organized as a separate stand-alone referendum — all of those factors play into it.

I definitely do like the referendums where you have a few options and you use a ranked ballot, which PEI has tried, and BC has also tried, to varying degrees of success, but I think the details are really important in how you design a referendum. If you decide to have a referendum, I would be very happy to give you lots of advice and ideas about how to make it deliberative and constructive.

Chair: We appreciate that. I would say, on behalf of me, if you wanted to send that excerpt, we're accepting written submissions until September 30 of this year, and I'll ask the Clerk to email you that address, but I think it would be great to have that as part of the public record.

Are there any further questions?

All right, thank you, Mr. Meslin, for joining us today.

Mr. Sanders, as you're back online and there is not a stampede of people joining us, did you have any further comments you would like to share with the Committee?

Mr. Sanders: No further comments. I just really appreciate your time, again, so thank you.

Chair: Thank you.

At this point, we will again take a recess, and we'll come back, as required.

Recess

Chair: Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank everyone who presented their thoughts to the Committee in Carmacks, in Mayo, in Dawson City, Watson Lake, and Whitehorse. I would also like to thank the Yukoners who are listening and watching this hearing now and into the future.

I would like to send a big thank you to Hansard for transcribing these proceedings, and of course, I would like to thank Gúnta Business for facilitating these community hearings.

Information on the Committee's public hearings, including transcripts and recordings, will be available on the Committee's webpage at yukonassembly.ca/SCER. The public can learn more about potential voting systems at HowYukonVotes.ca

This hearing is now adjourned.

The Committee adjourned at 7:56 p.m.

January 26, 2022

Kate White
Chair, Special Committee on Electoral Reform
35th Legislative Assembly

Dear Madame Chair,

SUPPLEMENTARY INFORMATION – REFERENDUM VOTING

This letter is to thank you for the opportunity to present to the Special Committee and provide input into your deliberations.

I also would like to provide supplementary information regarding considerations for any potential referendum vote regarding electoral reform. As noted during the hearing, there is no *Elections Act* or other statutory instrument regarding a mandate for Elections Yukon to oversee or administer a referendum or plebiscite vote.

The one mention of referendum and plebiscite in the *Elections Act* relate to Part 1.01, Register and List of Electors. Section 49.01 (1), Interpretation, indicates that Part 1.01 (Register and List of Electors) authorizes, under an enactment, the use of the register for “official electoral purposes”. This includes elections, referendum and plebiscites.

As such, it authorizes a list of electors to be used for a referendum or plebiscite. There is no chief electoral officer authority or responsibility for the oversight and conduct of a referendum or plebiscite vote.

This was not always the case. The *Public Government Act*, which received assent in 1992, provided for the chief electoral officer to be responsible for the conduct of referenda. It provided direction for resolutions, qualification of electors, concurrency with elections, and regulation authority. It also repealed the *Plebiscites Act*. The *Public Government Act* was repealed in 1995. It was not replaced.

The current *Plebiscites Act (2002)* provides for the Commissioner-in – Executive Council to make regulations for a plebiscite including procedures and defining the public for the purposes of a plebiscite. It makes no reference to referendum nor does it assign any responsibility for the conduct of the vote.

Notwithstanding, if a referendum or plebiscite vote was enacted, it would likely fall to Elections Yukon to administer. The electoral bodies of British Columbia, Prince Edward Island, and Ontario were responsible to administer referendum votes in their jurisdiction.

For Elections Yukon, the permanent register and the expanded list of electors, improved and referendum-friendly technology, a flexible electoral management system, and established processes all serve to support the mandate for referendum administration. A network of stakeholders and channels of communication are in place. With the ongoing school referendums, there is now territorial field testing of referendum vote administration.

Elections Yukon offers the following considerations if a tasking for a referendum vote is contemplated.

- **Authority:** Notwithstanding statutory provisions regarding mandate, authority and direction to the chief electoral officer would be in the form of an Act or regulation.

The referendum in PEI was established in 2018 under an Electoral System Referendum Act. It is a 24-page document which provides detailed direction for the conduct of the referendum vote. In their case, a Referendum Commissioner was appointed by the Legislative Assembly to guide the referendum process. Engaging the public, public education, and registration of third party advertisers was part of their mandate. The Commissioner could not override the chief electoral officer's authority.

The Chief Electoral Officer was responsible for the conduct of the vote and the count.

In BC, the Electoral Reform Referendum Act 2018 and Referendum Regulation provided the administrative framework and direction regarding the conduct of the election. It indicated Elections BC was responsible for the administration of the referendum vote and the reporting of results. Elections BC was also responsible for public awareness. This included non-partisan and neutral information about the vote and the voting systems on the ballot.

The 2007, the Ontario referendum on electoral reform was conducted by Elections Ontario. Elections Ontario was also responsible for public information and instructed to ensure electors receive clear and impartial information about the referendum.

For Elections Yukon, the public awareness responsibility is an option given existing communication channels, neutrality in engaging with proponents and opponents, and the non-partisan nature of the office. For the current school referendum vote, electors look to a credible non-biased and single point of contact for information regarding what the vote means.

- Referendum or Plebiscite: Referendums and plebiscites are different statutory tools and may have different processes and methods of voting. Determination of a plebiscite or referendum is a consideration.

A referendum gives people (in this case electors) the opportunity to vote directly on a specific issue. It is typically binding.

A plebiscite, sometimes called an advisory referendum, gives people (may be restricted to electors) the opportunity for an expression of opinion. It is not binding but may be used to influence policy.

PEI held a plebiscite vote on election reform in 2016. It was held between elections and was not binding. In 2019 PEI held a referendum vote in 2019 during their provincial election. The results were binding on government only if a threshold of more than 50% of ballots received voted the same way and, in at least 60% for the districts, more than 50% of the ballots cast voted in the same way.

- Eligibility to Vote: Eligibly to vote in a territorial election is based on being an elector meeting the qualifications on polling day. In the Yukon, elector qualifications for age are based on polling day. Polling day is the day fixed for the election; typically, the Monday 31 days after the issue of the writ. For eligibility, the final day of referendum voting could be considered polling day.

A plebiscite vote may offer additional eligibility. PEI held a plebiscite vote on election reform in 2016. It was not binding and looked for an expression of opinion. The enactments allowed otherwise qualified 16 and 17 year olds could vote in that plebiscite. This was based on the fact they would be aged 18 for the next territorial election which could potentially be held using the voting systems subject to the referendum.

For the Yukon, plebiscite eligibility could consider otherwise qualified 16/17 year olds and/or Yukon residents who not meet the 12-month residency period. This recognizes that during a minority or coalition

government, a fixed election date may not represent the duration of the legislature. As such, any additional eligibility should not be based on the fixed election date.

- Ways to Vote: If a referendum was held during a general election, two separate ballots would typically be issued. Both ballots would be provided – for special ballots, at Advance Polls, and on Polling Day. The PEI referendum in 2019 used a perforated ballot. Referendum voting followed the same process and criteria as their provincial vote.

Elections BC held a referendum vote in 2018 outside an election period using a mail-in vote. Mailed ballots were sent to all registered electors. Over 1.4 million ballots were returned by the deadline (42.6% of electors).

During the lead up to the vote, a campaign promoted awareness and registration. Unique voting packages sent to all registered electors with pre-printed certification envelopes. Ballots could be mailed back or dropped off at a number of locations. Additional options to register to update or receive mail in ballots were available.

Elections Yukon is familiar with the Elections BC referendum process as part of inter-jurisdictional exchanges. Mail in referendum voting is currently being used in Yukon for the eight school attendance areas where referendums are being held.

For a referendum vote outside the election period, mail-in ballot process should be considered. This allows central, clear, expedient and cost-effective administration.

- Timelines for a Referendum Vote: For Elections Yukon, the conduct of a referendum vote would typically follow four phases: referendum regulation development, readiness planning, pre-event public awareness and registration, and the referendum period.
 - Referendum Regulation Development (As required): During this phase, Elections Yukon would provide input and support to regulators and committees as appropriate in the development of any regulations. Internal planning would commence.
 - Readiness Planning (6 months): This would follow any enactment and include training, process and supporting material review, communication and awareness planning, and stakeholder engagement.
 - Pre-Event Awareness (2 months): This lead up would focus on the registration of electors and awareness of the referendum – processes to vote, the question(s), and the non-partisan explanation of the options on the ballot. Readiness work would continue. This could include a mail out to all electors as a Referendum Information Card and Voters Guide.

Mail out of packages to all registered electors (rural areas first) would begin just prior to the start of the referendum period and continue over the first week.
 - Referendum Period (6 weeks): During this period the focus is on the administration of the ballots, service to electors (ongoing awareness), and compiling and release of results.

- Thresholds: In both the recent PEI and BC referendums, thresholds were established to make the referendum binding. It provided thresholds for both an overall percentage of valid votes needed (50% + 1 voters) on the same question and either a percentage of the electoral districts (60%) or number of districts with ballots votes the same way. Plebiscites would not require thresholds.

- Referendum Advertisers: Many jurisdictions have regulations for third party advertising. This is to provide a level playing field for those who wish to support or oppose a change in the electoral system.

Elections BC and Elections PEI, among others, have extensive regulations for registered and non-registered advertisers during a referendum; this includes eligibility to register, contribution limits, expense limits, residency requirements of contributors, social media, financial agents, and reporting.

There are no statutory provisions or other requirements in Yukon regarding referendum advertisers. For a potentially binding referendum vote, some element of regulation may be a consideration.

Early notification of any potential Elections Yukon involvement or input in the administration of a referendum vote would be appreciated. If you require additional information, please do not hesitate contact me at (867) 667-8683

For your information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Max Harvey", with a horizontal line underneath it.

Max Harvey
Chief Electoral Officer



Submission to the Yukon Special Committee on Electoral Reform



Table of Contents

Referendums: a poor choice for quality decision-making	4
Citizens' Assemblies: best practice for representative, informed, deliberative decision-making	8
Appropriate applications	8
Mandate & facilitation	9
Another approach to a citizens' assembly on electoral reform: citizens and politicians together	10
The case for proportional representation	12
Defining the problem	12
Why proportional representation?	13
Examples of proportional representation in remote areas and/or regions of low population density	14
Relevant comparisons for the Yukon: Arctic Council Northern Territories	15
Comparator countries in report by Kenneth Archer	17
	1

Electoral systems used in OECD countries	19
Made-in-Yukon proportional solutions	21
Proposal 1: Open List Proportional in multimember districts (OLPR)	22
Proposal 2: Mixed Member Proportional Representation (MMP)	24
Additional considerations	27
Yukon-specific benefits of proportional representation	27
Protection from wipeouts	27
Substantive representation for minorities and Indigenous People	27
Special note on Vuntut Gwitchin	28
Open lists, voter choice and lessening party control	28
Option to use Single Transferable Vote (PR-STV)	29
Special considerations on effective number of parties and size of legislature	31
Legislature size	31
No expected increase in effective number of parties in the Yukon with PR	31
Additional suggested experts	33
General experts on electoral systems and electoral reform	33
Citizens' assemblies and referendums	33
Proportional systems for Yukon	33
References	34

Fair Vote Canada Submission to the Yukon Special Committee on Electoral Reform



Fair Vote Canada (FVC) is a citizens' campaign for proportional representation. Established as a non-profit in 2001, we have chapters and volunteers across the country, and are funded virtually entirely by donations from individual supporters.

The process matters

What are best practices for informed, deliberative and representative decision-making?

Consulting with citizens before enacting electoral reform is essential.

Given that the electoral system is the mechanism whereby people elect their representatives, gathering input from citizens should be the first step when reform is being considered. **The quality, and hence the value, of the input received is determined in great measure by the process used to gather it.**

What type of process can produce informed, evidence-based, and truly representative feedback from citizens? What kind of process is centered on a thoughtful consideration of the well-being of all voters and good governance, rather than driven by partisan motivations or misinformation?



Referendums: a poor choice for quality decision-making

Over 80% of OECD countries use proportional representation, and most have adopted PR without recourse to referendums. In fact, only two of 38 OECD countries have brought in proportional representation by referendum: Switzerland in 1918 and New Zealand in 1992.

Canada has a long history of electoral system changes without referendums. This has been the case for the expansion of the franchise to previously excluded populations including women and indigenous peoples, major reforms to election financing and other important features of our electoral system, as well as major changes to the voting system itself in Manitoba, Alberta and BC.

In the ERRE consultations, **67% of the 84 experts who pronounced themselves on referendums [recommended against their use](#) on the subject of electoral reform.**

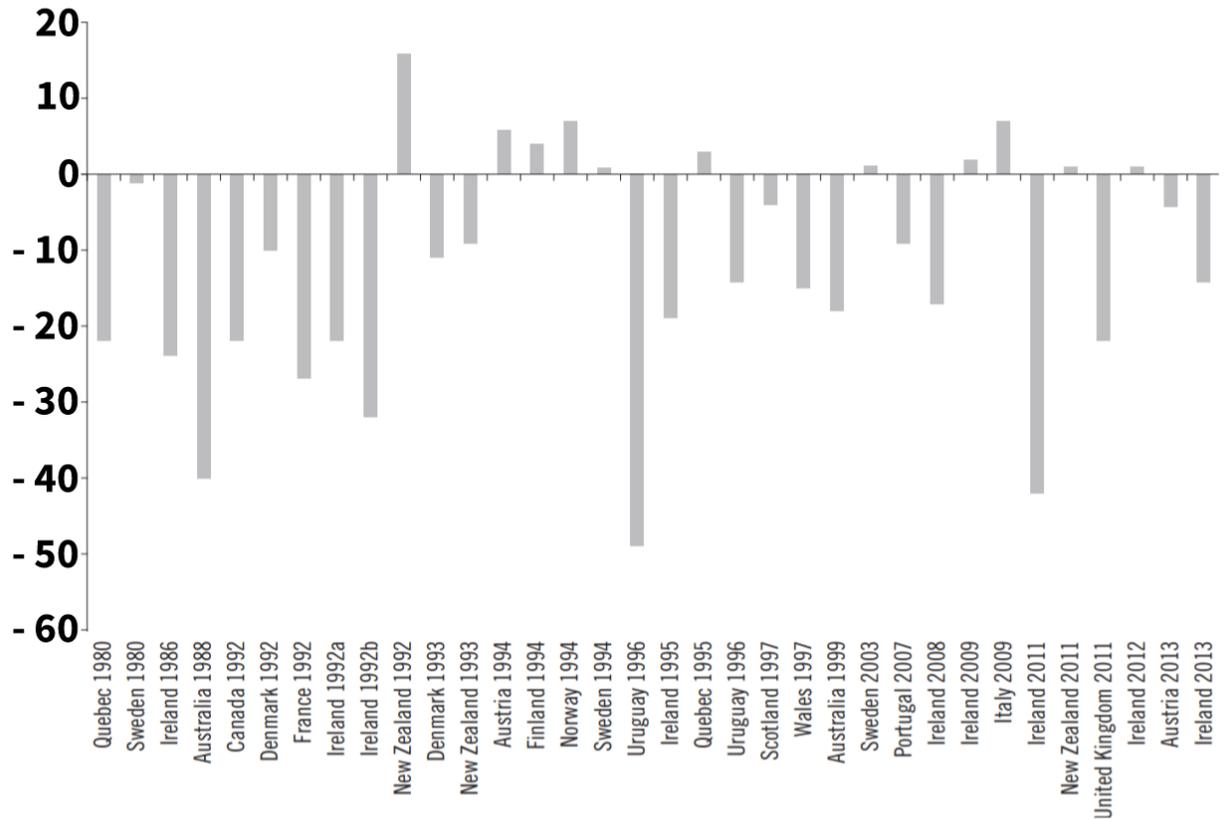
There have now been eight electoral referendums in Canada and the UK. These referendums have revealed some key lessons, which are backed up by a considerable body of published research from around the world.

Studies confirm that referendums are not inherently neutral: they are flawed by a consistent and substantial [bias towards the status quo](#).

The side advocating for change, in this case changes to the voting system, must convince voters that life will be better in an imagined future with a new voting system, while the advocates for the status quo can easily [capitalize](#) on anxiety, doubt and fear.

[Research](#) shows that voter support for change can be expected to drop significantly—often massively—between pre-election polling and voting day.

Difference between support for “yes” in pre-referendum opinion polls and support in the referendum (%)



Renwick, A. (2014) Don't trust your poll lead: how public opinion changes during referendum campaigns.

Grossly misleading or completely inaccurate information disseminated by opponents can have a profound impact on voter decisions, [regardless](#) of the availability of official information and fact checkers. In BC, an [exit poll](#) showed that huge proportions of “No” voters attributed their decision to vote “No” to various pieces of objectively false information systematically pushed out by opponents. As referendum expert Arthur Lupia [states](#):

“No’ campaigns can stay within applicable campaign laws and yet distribute very frightening tales about the consequences of voting ‘Yes’. This is, in fact, the M.O. of ‘No’ campaigns around the world.”

Voters in electoral reform referendums are almost inevitably [confused](#) and feel they do

not have enough information.

When referendums are held on complex topics, research shows that voters naturally [take their cues](#) from opinion leaders. In the case of electoral reform referendums, that usually means party leaders and campaigns motivated by partisanship.

Partisan interests lie at the core of the problem, including:

- the partisan interests of political parties which traditionally benefit from “seat bonuses” under first-past-the-post
- the partisan interests of incumbents who fear losing their seats if the electoral system were to be changed, and
- the partisan preferences of voters themselves.

Referendums exacerbate rather than overcome these challenges, pitting partisan forces against each other with “opponent” and “proponent” groups expected to “duke it out” in a parody of what passes for public education.

In the real world, those calling for referendums on electoral reform are most often those who oppose electoral reform or are ambivalent. This may include political parties and governments whose own caucuses are divided on the issue of electoral reform.

A referendum can be attractive as a neutral-looking political tool for opponents of change, or an escape valve for those who merely wish to be seen as acting on the issue.

Not only will a referendum likely deliver the status quo, but unlike other processes, a referendum can also serve to shut down conversation on electoral reform in a given jurisdiction for decades, since the issue is now perceived as “decided.”

This perception is misleading, however. When asked thoughtful questions even immediately after a referendum, a genuine majority of voters continue to want change and [continue to support](#) the core principles of proportional representation.

As Dennis Pilon, one of Canada’s top experts in electoral reform, [stated](#):

Referendum advocates would have us believe that referendums will lead to reasoned debates and decisions on this question, but evidence suggests otherwise. Academic research on the recent provincial use of referendums in voting system reform processes

*has found chronically low levels of public knowledge and engagement and excessive partisanship in the debate. **Choosing a policy consultation approach that evidence suggests will fail is hardly responsible or legitimate.** (emphasis added)*

For a more detailed look at the factors that drive the vote in electoral reform referendums, **please see [this presentation](#)** given to the Yukon Special Committee on Electoral Reform. **It includes slides that were omitted from the live presentation due to time constraints.**



Citizens' Assemblies: best practice for representative, informed, deliberative decision-making

Citizens' assemblies are a representative, inclusive, evidence-based way to put citizens' voices front and centre in complex policy decisions.

Over the past 20 years, the use of [citizens' assemblies and similar processes](#) has grown exponentially around the world. They are used at every level of government to tackle topics ranging from [local](#) or [provincial/territorial/state](#) level issues to national policy on issues such as [climate change](#).

In October 2021, the PEI legislature [voted](#) to conduct a Citizens' Assembly on Proportional Representation.

Research looking at three full-scale citizens' assemblies [shows](#) that citizens' assemblies produce consensus recommendations that are relatively free of partisan considerations.

In 2020, the OECD released a [report on best practices](#) looking at 289 deliberative citizens' processes in OECD countries.

Appropriate applications

The experts recommended using deliberative processes for:

- **Value-driven dilemmas.** Policy issues where there is no clear right and wrong—the goal is to find the common ground.
- **Complex problems that require trade offs.**
- **Long-term issues that go beyond the short-term incentives of electoral cycles.** Citizens' assemblies take political self-interest out of the equation.

Participants make decisions based on the public good.

The OECD outlines the benefits to the government and the public of using citizens' assemblies:

1) Better policy recommendations arise from informed citizen judgments based on quality information and deliberation.

2) Greater legitimacy for hard choices because the recommendations come from the people themselves.

3) Enhanced public trust when citizens see 'folks just like us' having an effective role in decision-making.

4) Independence - no "special interests" means a focus on the common good (removing the undue influence of money and power).

5) Diversity of views leads to better policy making.

6) An evidence-based process can help counteract polarization and misinformation.

Mandate & facilitation

To enhance trust and legitimacy, we recommend that a citizens' assembly on electoral reform for Yukon be given the freedom to examine all options, including keeping the status quo, other winner-take-all systems, and proportional representation.

A successful citizens' assembly would be fully funded by the government but run by an independent, impartial organization that specializes in deliberative processes. Equitable access would be ensured by covering costs related to travel, lost wages, and childcare.

[MassLBP](#) is a private firm which conducts many deliberative processes in Canada, and makes available [guides](#) for public agencies wishing to procure such processes or who wish to conduct their own [civic lottery](#). In the case of the Yukon, as part of the random selection process, we strongly recommend that care be taken to include participants from the diversity of Yukon's First Nations.



Irish Convention on the Constitution

Another approach to a citizens' assembly on electoral reform: citizens and politicians together

Most recommendations for a citizens' assembly on electoral reform emphasize the importance of the independence of the assembly from political influence. This is understandable, considering that one of the reasons to undertake a citizens' assembly on this topic—in addition to best practices for meaningful citizen engagement—is to ensure the process is not influenced by politicians who are naturally in conflict of interest when it comes to designing the system that elects them.

A challenge with this approach, however, is that any recommendation for electoral reform that is not subject to an (ill-advised) referendum must go through the legislature. As Ken Carty testified, political leadership is crucial. If politicians don't buy into what is recommended, no reform will happen.

A novel way to tackle this problem was used in Ireland during their [Convention on the Constitution](#). Established in 2012, the Convention was the precursor to the Irish Citizens' Assemblies that followed. The Convention followed the deliberative democracy model of citizens' assemblies. It was tasked with considering a number of possible changes to the Constitution and making recommendations, including on the topic of electoral reform.

Ireland uses Single Transferable Vote. During the Convention, 66 [randomly selected](#), representative Irish citizens, 34 Teachtaí Dála (TDs - the equivalent of MPs), and an independent Chair participated together. They engaged in the work of learning from experts about alternative electoral systems (such as first-past-the-post, MMP, Alternative Vote and List PR), deliberating, consulting in communities, and coming to a consensus recommendation.

In this case, there was an unexpectedly high degree of congruence, with 79% of the

participants in [favour](#) of keeping the Single Transferable Vote system. They also recommended (86% in favour) that the system be made slightly more proportional, with districts of at least five members (rather than the current 3-5).

The process was, at the time, “uncharted territory” that turned out to be a resounding success. As the Chairman commented in their [final report](#):

“The establishment of the Convention with citizens and politicians was an innovative experiment in deliberative democracy. One interesting outcome was the increased level of mutual respect that developed between citizens and politicians as they worked together.”

The Constitutional Convention paved the way for the Irish Citizens’ Assembly, which in turn set off a domino effect for deliberative democracy around the world.

Although future assemblies in Ireland followed the now well-established model that does not include elected representatives, the experience of the Convention showed how citizens and elected representatives could work together on electoral reform.



The case for proportional representation

Defining the problem

Elections are the heart of a representative democracy. A fundamental test of a healthy democracy is whether what voters say with their ballots is reflected in the legislature. This condition is not satisfied by Yukon's first-past-the-post system (FPTP).

The winners in each riding are elected by plurality, meaning that the ballots cast for other candidates are not reflected in the composition of the legislature. **On April 12 2021, over [9924](#) voters (52.2%) cast ballots which elected no one—they were unable to make their votes count.**

This ratio is typical of first-past-the-post elections across Canada, the US and UK (the only major Western democracies still using this system). The vast majority of modern democracies use more inclusive, proportional voting systems.

Under first-past-the-post, false majorities based on 39-40% of the vote, as Yukon had in 2011 and 2016, are endemic. Since 1978, every election except 2021 has produced a "majority" government elected with less than 50% of the vote.

Yukon's democratic deficit manifests itself in many other ways as well:

- Voters may feel compelled to vote strategically to block the election of a less desired candidate.
- Shifts from one majority government to another can lead to expensive "policy lurch," as new governments undo policies enacted by the previous one.
- Majoritarian voting systems create short-term thinking and force parties to focus their policy decisions on four-year electoral cycles. Constant campaigning aimed

at winning the next 39% majority sidelines long-term solutions in favour of inaction or quick fixes.

Why proportional representation?

Proportional representation ensures that the composition of the legislature as well as the policies enacted reasonably reflect the values and choices of a voting majority by providing representation in proportion to votes cast.

PR provides positive voter choice and changes the dynamic of government by replacing the combative discourse of winner-take-all systems like first-past-the-post and Alternative Vote (ranked ballot in single-member ridings) with inter-party collaboration and consensus building.

Over 90 countries globally and over 80% of OECD countries use some form of proportional representation. Included in that number are a few jurisdictions which face challenges of geography or small population comparable to Yukon, which we will examine more closely, below.

Comparative research [shows](#) that PR countries enjoy stable governments and successful democracies. They tend to outperform winner-take-all countries in terms of environmental outcomes, equality, health and fiscal responsibility; in addition, voters have a more favourable perception of their democratic institutions.

Results from past consultations

Since 1977, [18 separate processes](#) in Canada have studied the same question that Yukon's Special Committee on Electoral Reform is examining now, including identifying the core [values](#) important to voters. All of them concluded that we need to make our electoral system more proportional.



PR and low population density

Examples of proportional representation in remote areas and/or regions of low population density

The Yukon's challenges in designing an electoral system are significant, but not unique. Jurisdictions which have wrestled with similar issues have arrived at different, tailor-made solutions which can inform the discussion in Yukon.

In addition to the values listed above, we believe that questions of geography and density are critically salient to system design.

Our analysis of Arctic Council countries and territories, below, complements the jurisdictions highlighted in Dr. Archer's [report](#), which confines itself to jurisdictions with similar sized *legislatures*. Including jurisdictions with similar *populations or geography* shifts the focus to places which are perhaps more easily comparable to Yukon.

In addition, many of the countries and territories referenced by Dr. Archer have serious democratic deficits. For example, in the last two elections in Barbados, the Labour party swept all the seats, leaving opposition parties completely unrepresented in parliament despite having won significant vote share—a situation which is clearly less than desirable. In Grenada in 2018, the same situation occurred with the New National Party winning 100% of the seats with 59% of the vote in parliament.

Dr. Archer's report also excludes sub-national territories which have representation in their national legislatures. This criteria would exclude the Yukon itself and many other similar territories.

Other Arctic Council members, particularly those recognized to have strong democratic institutions, illustrate alternative approaches to governing outlying and autonomous regions and territories which warrant consideration by this committee. Not all jurisdictions are perfect analogues to the Yukon's situation, but then again every region is different in some way.

Relevant comparisons for the Yukon: Arctic Council Northern Territories

Greenland

Population 56,367

Area 2.166 million km²

Distance from Capital 3,532 km

No road access between communities or capital

90% Indigenous

Legislature: Inatsisartut

31 members

Open-list proportional representation

Faroe Islands

Population 53,358

Area 1,339 km²

Distance from Capital 1,308 km

No road access to some communities and none to the capital.

Legislature: Løgting

33 members

Open-list proportional representation

Norwegian Finnmark

Population 75,540

Area 48,618 km²

Distance from Capital 1397 km

Road access to most communities and to the capital

Legislature: Finnmark Fylkestinget (recently reinstated)

35 members

Open list proportional representation

Swedish Norrbotten County

Population 251,080

Area 98,244.8 km²

Distance from Capital 726 km

Road access to all communities and to the capital

Legislature: County Administrative Board of Norrbotten County
71 members
Open list proportional representation

Finnish Lapland

Population 177,161
Area 100,366 km²
Distance from Capital 698 km
Road access to all communities and to the capital

Legislature: Lapland Regional Council,
59 members
Open-list proportional representation

Additionally, Norway, Finland and Sweden each have their own Sámi Parliament for the self-governance of the Indigenous Sámi peoples.

Sámi Parliament of Norway

39 members
Open-list proportional representation

Sámi Parliament of Sweden

31 members
Open-list proportional representation

Sámi Parliament of Finland

21 members
Open-list proportional representation

For comparison, the countries/territories included in Dr. Archer's analysis are listed below. Fully half of these countries/territories are smaller in area than the City of Whitehorse, and one is just one third the population of the riding of Vuntut Gwitchin.

Comparator countries in report by Kenneth Archer

Country/Territory	Elected Members	Electoral System	Population	Area (km2)
ANDORRA	28	Parallel	77,265	468
ANGUILLA	7	FPTP	15,094	102
ANTIGUA AND BARBUDA	17	FPTP	96,286	440
ARUBA	21	List PR	106,766	180
BARBADOS	30	FPTP	287,371	439
BELIZE	29	FPTP	397,621	22,965
BRITISH VIRGIN ISLANDS	13	FPTP	30,237	153
CAYMAN ISLANDS	15	Bloc Voting	65,720	264
COMOROS	18	TRS	869,595	1,862
COOK ISLANDS	24	FPTP	17,459	236.7
DOMINICA	21	FPTP	71,991	751
FALKLAND ISLANDS	8	Bloc Voting	12,000	2,840
GIBRALTAR	15	Limited Voting	33,691	6.8
LIECHTENSTEIN	25	List PR	38,137	160.5
MONACO	24	Parallel	39,244	2.2
MONTserrat	9	TRS	4,992	102
MICRONESIA	14	FPTP	115,021	702
NAURU	18	Majoritarian Borda Count	10,834	21

NETHERLANDS ANTILLES	22	List PR	26,223	999
NIUE	20	FPTP & Bloc	1,620	261.5
PALAU	22	FPTP	18,092	458.4
PITCAIRN ISLANDS	4	SNTV	67	47
SAINT HELENA	12	FPTP & Bloc	5,633	394
SAINT KITTS AND NEVIS	10	FPTP	53,192	269.4
SAINT LUCIA	17	FPTP	183,629	617
SAINT VINCENT AND THE GRENADINES	15	FPTP	110,947	389
TONGA	9	Bloc Voting	105,697	748.5
TURKS & CAICOS ISLANDS	13	FPTP	38,718	948
TUVALU	15	FPTP	11,792	25.9
YUKON	19	FPTP	43095	482,443

We also offer a summary of what Canada's OECD peers use for electoral systems at the **national** level, below.

Electoral systems used in OECD countries

<u>Country</u>	<u>System</u>
Australia	Majoritarian
Austria	PR
Belgium	PR
Canada	Majoritarian
Chile	PR
Czech Republic	PR
Denmark	PR
Estonia	PR
Finland	PR
France	Majoritarian
Germany	PR
Greece	Mixed
Hungary	Mixed
Iceland	PR
Ireland	PR
Israel	PR

Italy	Mixed
Japan	Mixed
Korea	Mixed
Latvia	PR
Luxembourg	PR
Mexico	Mixed
Netherlands	PR
New Zealand	PR
Norway	PR
Poland	PR
Portugal	PR
Slovak Republic	PR
Slovenia	PR
Spain	PR
Sweden	PR
Switzerland	PR
Turkey	Mixed
United Kingdom	Majoritarian
United States	Majoritarian



Made-in-Yukon proportional solutions

The Yukon's challenge is to create a PR system based on the territory's geography, historical traditions, and values of special importance. Fortunately, there are many examples around the world to draw on.

All models of proportional representation that we support feature:

- Proportional results (30% of the vote = about 30% of the seats)
- Local representation
- Regional representation
- More voter choice
- **Direct election of representatives and accountability to voters** (no closed party lists).

With proportional representation:

- Almost every vote will count to define the makeup of the legislature
- Almost every voter will help elect a representative who shares their values
- All regions will usually have representation in both government and as part of the opposition
- A single party will no longer be able to attain a majority government with just 40% of the vote
- Cooperation and compromise will become the norm.

In 2016, Fair Vote Canada recommended that the federal electoral reform committee consider three possible types of PR systems. **We continue to endorse these three options, any of which could be tailored for the Yukon:**

- [MMP](#)
- [PR-STV](#)
- [Rural-Urban PR](#)

Since geography and low population density is a challenge in Yukon, we would like to present some information on how PR works in comparable situations and offer some suggestions of specific PR models which may be a good fit.

Proposal #1:



Sweden



Finland



Denmark



Greenland



Faroe Islands

**Open List PR in Multimember Districts,
used in Scandinavia**

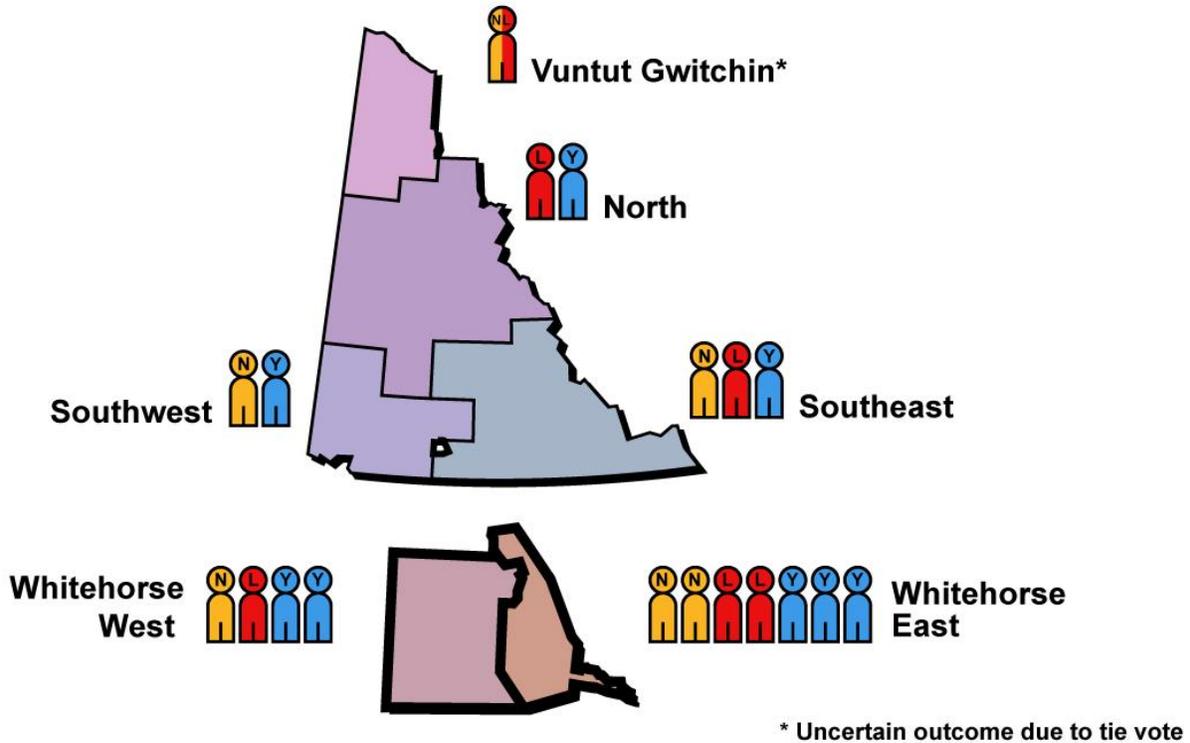
Proposal 1: Open List Proportional in multimember districts (OLPR)

International Use: Nordic Countries (including Greenland and Faroe Islands)

Description:

- Parties nominate multiple candidates in a riding.
- Voters make a mark next to the candidate of their choice.
- If a party's candidates get a given X% of the vote, that party gets X% of the seats.
- The candidates with the most votes for that party take the awarded seats.
- Any independents that get the requisite share of the vote are also elected.

Open List Proportional



Outcome based on 2021 votes.
Most current ridings are merged to create
multimember districts. No increase in MLAs.

Note that this is based on merging existing ridings, and keeps the legislature at 19 members. New boundaries could be drawn by a boundary commission, and MLAs could be added either to improve proportionality or reduce riding sizes.

Open List PR: Sample ballot

Open List Ballot

Mark an X beside one candidate from the party of your choice. A vote for a candidate also counts as a vote for the candidate's party.

PARTY A	PARTY B	PARTY C	PARTY D	
<input type="radio"/> Candidate A	<input type="radio"/> Independent			
<input type="radio"/> Candidate B				
<input type="radio"/> Candidate C	<input type="radio"/> Candidate C	<input type="radio"/> Candidate C		
<input type="radio"/> Candidate C				

Proposal #2:



Scotland Germany New Zealand Wales

Mixed Member Proportional, used in Scotland, Germany, New Zealand, Wales

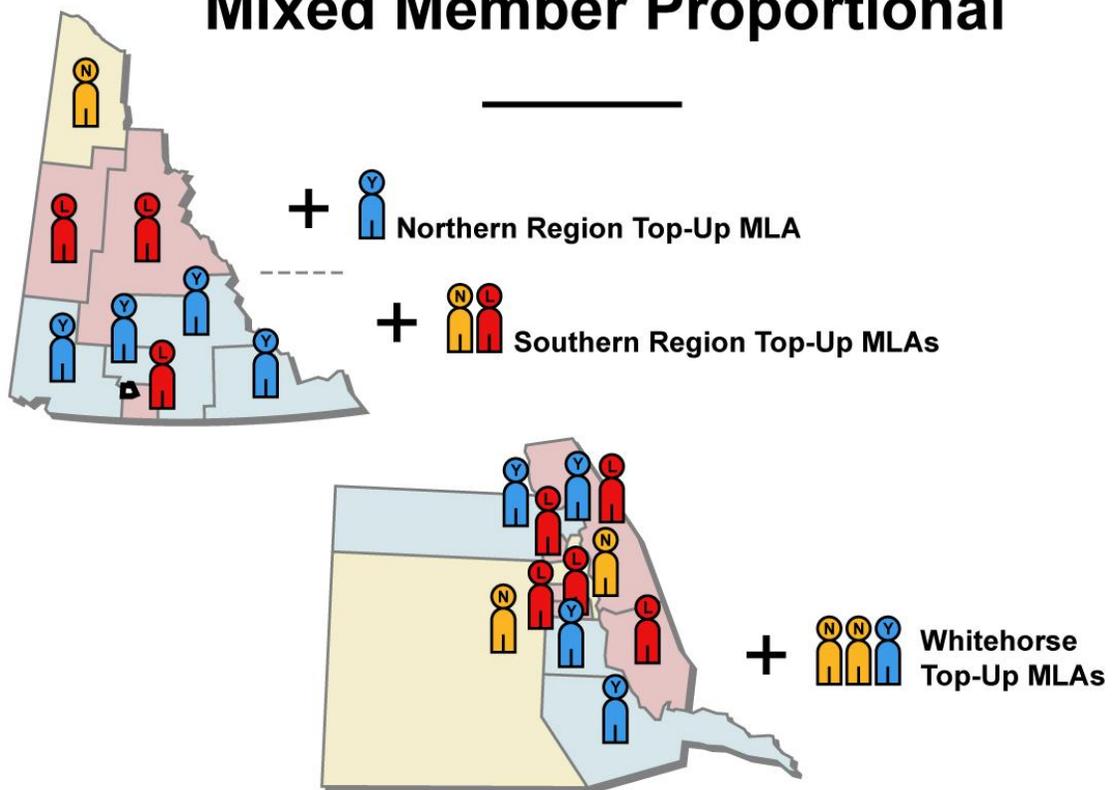
Proposal 2: Mixed Member Proportional Representation (MMP)

International Use: Germany, New Zealand, Scotland, Wales

Description:

- Parties nominate a single candidate for each local riding and multiple candidates for each region.
- Voters make a mark next to the local candidate of their choice, and make another mark next to the regional candidate of their choice.
- Counting proceeds unchanged from the status quo in local ridings.
- In a region, if a party's candidates get a given X% of the vote, that party gets X% of the seats.
- The candidates with the most votes for that party win the regional seats.
- Any regional or local independents that get the requisite share of the vote are also elected.

Mixed Member Proportional



MMP outcome based on 2021 votes.
All ridings stay the same size.
Six regional top-up seats are added.

Note that this is based on grouping existing ridings into regions, and grows the legislature to 25 members. New boundaries could be drawn by a boundary commission, and MLAs could be added or subtracted as desired.

MMP: Sample ballot

You have two votes

Riding vote

Please mark one X beside one candidate for your local MLA.

- Candidate Party A Candidate Party B Candidate Party C Candidate Party D Candidate Independent

Party vote

Please mark one X beside one candidate for a regional MLA.
A vote for a candidate counts as a vote for that candidate's party.
This vote helps select regional MLAs for top-up seats.

PARTY A

- Candidate A
 Candidate B
 Candidate C

PARTY B

- Candidate A
 Candidate B
 Candidate C

PARTY C

- Candidate A
 Candidate B
 Candidate C

PARTY D

- Candidate A
 Candidate B
 Candidate C

Additional considerations

Yukon-specific benefits of proportional representation

Protection from wipeouts

One advantage of greater proportionality that Yukon parties should be aware of relates to wipe-out and near-wipeout situations. Due to the tension between Yukoners' diverse voting preferences and the current electoral system that does not support that diversity, each party has experienced wipe-outs or near-wipeouts, where despite getting a large (~25%+) share of the vote they are reduced to a rump caucus of 1-2 seats. Examples of this include:

- NDP 2016 (26% vs 2 seats)
- Liberals 2011 (25% vs 2 seats)
- Liberals 2002 (29% vs 1 seat)
- Yukon Party 2000 (24% vs 1 seat)
- Liberals & NDP 1978 (28% vs 2 seats & 20% vs 1 seat)

Proportional representation would protect parties and their voters from these undeserved near-wipeouts, preserving institutional memory/capacity and giving opposition parties a stronger voice, regardless of who is in government.

This does not mean that there would be MLAs that could not be removed by voters, but rather that removal would be caused by a rejection from voters rather than a quirk of boundaries and the voting system.

Substantive representation for minorities and Indigenous People

Dr. Archer rightfully focuses a great deal on defining *descriptive representation* (described in his report as the degree to which the populace's demographic diversity is reflected in the legislature), but neglects the issue of *substantive representation*, which is the degree to which each segment of the populace is represented by elected officials. This is more difficult to measure, but studies have shown that proportional voting systems promote greater substantive representation for minority groups than first-past-the-post, even when controlling for equal descriptive representation.

Put simply, Indigenous issues would be given [greater weight](#) under proportional representation.

Special note on Vuntut Gwitchin

We recognize the special circumstances surrounding this district and community, and do not propose any alterations to this district. However, we do note that under our mixed member proposal, residents of Vuntut Gwitchin would also have their votes included in the selection of the northernmost region's **regional** representative.



Open lists, voter choice and lessening party control

Many voters and politicians alike express concerns about excessive central party control both under the current first past the post electoral system and under potential alternative systems. We feel these concerns are valid, and as an organization we have a stated preference for reforms that strengthen the link between MLAs and voters, and weaken the amount of control central party organizations can exert over voters' options and politicians' careers.

Scholars such as Shugart, Carey, Farrell and McAllister have categorized electoral systems not only by proportionality, but also by how candidate or party-centred an electoral system is. Without going into excessive detail, candidate-centred systems are generally those that reward candidates for having a high profile, allowing them to dissent when needed, whereas party-centred systems put greater weight on conformity.

Open-list systems are generally rated as among the most candidate-centred voting systems, along with single transferable vote, and more so than the existing first past the post system.

Open lists afford voters greater choice while improving their ability to hold MLAs to account. They have also been shown to facilitate the growth of "bigger tents" within parties than closed lists, with a wider diversity of views represented in every party.

Voting with an open list is simple and familiar to voters, since both open lists and first-past-the-post involve making a mark next to the candidate of your choice.

Open lists also serve to reduce central party control both compared to closed lists and first past the post, allowing dissident MPs to directly make their case to voters rather than be deprioritized on a closed list. This again promotes more within-party diversity, as well as voter choice, and has been found to improve voter satisfaction.

The lower barriers to entry of a proportional system can also give dissident MLAs a better chance of success when running for re-election as an independent, serving as an additional “relief valve” for within-party dissent.



Option to use Single Transferable Vote (PR-STV)

Instead of using an Open List ballot, candidates in the multimember districts described in the Open List PR model can be elected using Single Transferable Vote, providing voters with even greater flexibility.

Instead of marking one “X” with an open list (which counts for one individual candidate and also as a vote for a party), with STV voters can rank as few or as many individuals as they want, in any order they want across the ballot.

The most popular candidates in any given district will be elected.

STV delivers proportional results while giving voters a greater ability to express their preferences for candidates and see those preferences reflected in their legislature.

STV was recommended by the [British Columbia Citizens Assembly](#) (2004), who identified their most important values as proportional representation, local representation and voter choice. It is used nationally in Ireland, in the Australian Capital

Territory (ACT) and Tasmania. It is also used in Scotland for all local elections and New Zealand for some local elections.

In Canada, STV was used to elect provincial MLAs in Winnipeg, Calgary and Edmonton for 30 years.

While some experts may dismiss STV out of hand as too complicated (“the option for voting system nerds”), as the original proportional system, it is quite simple for voters to use. As the New Zealand government’s [website](#) describes it, STV means “Simple to Vote”. The rate of spoiled ballots in Ireland was lower in their last election than in Canada’s.

Counting the STV ballots does require more steps than other electoral systems. Although voters will easily understand that the results are roughly proportional, how the votes for individual candidates translate into seats is more complex than other PR systems.

Simple animations such as this one from [Ireland](#) or from the [Tasmanian Electoral Commission](#) are helpful. Ireland’s electoral commission provides voters with animations ([press the Play button above the graph](#)) showing how the counting progressed in their districts.

STV: Sample Ballot

STV Ballot

Rank as few or as many candidates as you wish.
1 for your first choice, 2 for your second choice and so on.

PARTY A	PARTY B	PARTY C	PARTY D	
<input type="radio"/> Candidate A	<input type="radio"/> Independent			
<input type="radio"/> Candidate B				
<input type="radio"/> Candidate C	<input type="radio"/> Candidate C	<input type="radio"/> Candidate C		
<input type="radio"/> Candidate C				



Effective number of parties and legislature size

Special considerations on effective number of parties and size of legislature

Legislature size

Dr. Rein Taagepera noted that legislatures in the world typically follow a simple rule in terms of the size of their membership, which is that legislatures typically have members equal to the cube root of the jurisdiction's population. For example, in Canada this would correspond to having 336 MPs, compared to the 338 actually in the House of Commons. The major outliers to this law are generally former British colonies and their subnational legislatures, with fewer representatives than the international average. In Canada and in US states, 55% of the Cube Root Law is typical for state and provincial legislatures.

Applied to the Yukon, the Cube Root Law would suggest 35 MLAs. 55% of the cube root would be 19 MLAs. Therefore, 19 MLAs could be said to reflect Canadian norms, and 35 MLAs international norms. **We recommend that the legislature size fall within those two bounds and have kept our models within this range.**

No expected increase in effective number of parties in the Yukon with PR

Dr. Rein Taagepera, Dr. Huey Li and Dr. Matthew Shugart developed a [Seats Product Model](#) to predict the effect of the design of electoral institutions on the party system that develops from them. We will not review their work in depth as it is rather complicated, but should this interest the committee we encourage you to reach out to them to provide their input directly.

They use a term called the [effective number of parties](#) to characterize the level of diversity in a legislature and among voter preferences. Currently, the effective number of parties by votes cast in the Yukon is 2.95, and by seats is 2.64. However, based on the Seats Product Model one would expect values of 1.92 and 1.64. Put simply, Yukoners

are voting for and electing a much more diverse legislature than would be expected based on the legislature's structure.

In practical terms, this means that neither a modest increase in the size of the legislature nor the adoption of a proportional method of elections would be expected to substantially increase the number of parties elected. While there are no guarantees in politics, and indeed the party system will continue to evolve regardless, it is worth noting that the increase in the number of parties in New Zealand after the implementation of electoral reform in 1996 was temporary: voting patterns had reverted to pre-reform norms by 2005. In fact there has been greater stability in the party system in the last 15 years than in the 15 years leading up to reform.

If the desire is to increase the number of parties represented in Yukon's legislature, we expect that the number of seats would need to increase to at least 40, regardless of whether or not a proportional system is implemented.

Additional suggested experts

The Yukon Special Committee on Electoral Reform may wish to call additional subject matter experts to testify. We highlight the following for your consideration.

General experts on electoral systems and electoral reform

Matthew Shuggart, Professor Emeritus, University of California, San Diego. Professor Shuggart's research focuses on how the details of political institutions affect the quality of democratic governance. Expert on electoral system design. [Full biography](#).

John Carey, Professor of Government, Dartmouth College. Expert on electoral system design. [Full biography](#).

Citizens' assemblies and referendums

David Farrell, Professor of Politics at University College Dublin. Expert on electoral systems and deliberative democracy, particularly the Irish Convention on the Constitution and Irish Citizens' Assemblies. [CV here](#).

Lawrence LeDuc, Professor Emeritus, University of Toronto. Expert on referendums, deliberative democracy, electoral reform and citizens' assemblies. Full CV [here](#).

Jonathan Rose, Professor of Political Science, Queen's University. Academic Director for the Ontario Citizens' Assembly on Electoral Reform and co-author of *When Citizens Decide: Lessons from Citizens' Assemblies on Electoral Reform* (Oxford, 2011). [Full biography](#).

Proportional systems for Yukon

Ryan Campbell, electoral system design expert, board member Fair Vote Canada

Byron Weber Becker, electoral system design expert. Engaged by the federal ERRE committee to do [simulations](#) for them. [Full biography](#).

References

Carty, K., Cutler, F. and Fournier, P. (2009). [Who Killed BC-STV? UBC Study Explains.](#)

Citizens' Reference Panel on Pharmacare in Canada (2016). [Necessary Medicines : Recommendations of the Citizens' Reference Panel on Pharmacare in Canada : Final Report.](#)

Canadian Citizens' Assembly on Democratic Expression. (2022) "[Canadian Citizens' Assembly on Democratic Expression: Recommendations to strengthen Canada's response to the spread of disinformation online.](#)" Ottawa, Public Policy Forum.

Fair Vote Canada (2021). [A look at the evidence for proportional representation: summary of research.](#)

Goss, Zander and Renwick, Alan (2016) [Fact-checking and the EU referendum.](#) The Constitution Unit Blog.

[Fact-checking and the EU referendum.](#)

Hoff, George. Covering Democracy: The coverage of FPTP vs. MMP in the Ontario Referendum on Electoral Reform, Canadian Journal of Media Studies, Vol. 5(1) 2009. <http://cjms.fims.uwo.ca/issues/05-01/hoff.pdf>

Leduc, Lawrence (2022). [Affidavit of Lawrence Leduc in the Charter Challenge by Springtide and Fair Voting BC.](#) **NOTE:** Full resume of Lawrence Leduc including numerous articles on referendums, deliberative democracy and electoral reform can be found on pages 29-62.

Leduc, Lawrence (2007). Voting NO: The Negative Bias in Referendum Campaigns. Prepared for presentation at the ECPR Joint Sessions Workshops Helsinki, 7-12 May 2007.

Leduc, Lawrence (2009). The Failure of Electoral Reform Proposals in Canada. *Political Science* 2009 61: 21. <https://doi.org/10.1177%2F00323187090610020301>

Leduc, Lawrence and Baquero, Catherine. (2008). [The Quiet Referendum: Why Electoral Reform Failed in Ontario.](#) Prepared for presentation at the annual meeting of

the Canadian Political Science Association, University of British Columbia, June 4-6, 2008

Leduc, Lawrence (2002). Opinion change and voting behaviour in referendums. *European Journal of Political Research* 41: 711–732.
<https://doi.org/10.1111/1475-6765.00027>

Leduc, Lawrence (2009). Campaign tactics and outcomes in Referendums: A comparative analysis. Chapter in Maija Setälä and Theo Schiller (eds.), *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation* (London, Routledge, 2009)

LeDuc, Lawrence. “Referendums and Elections: How Do Campaigns Differ?”, in David M. Farrell and Rüdiger Schmitt-Beck, *Do Political Campaigns Matter? Campaign Effects in Elections and Referendums* (London: Routledge, 2001), pp. 145–62.

Lupia, Arthur and Johnston, Richard (2001). Are Voters to Blame? Voter Competence and Elite Maneuvers in Referendums. In Mendelsohn, M. Parkin, A., Editors. (2001). [Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns](#) (pp. 191-210). New York: Palgrave.

Lupia, Arthur (2016). [What Citizens Know about Referenda: Facts and Implications](#) (submission to the federal electoral reform committee). (Arthur Lupia’s work can be found [here](#)).

MassLBP (2019). [How to commission a Citizens’ Assembly or Reference Panel: Advice for public agencies procuring long-form deliberative processes.](#)

MassLBP (2017). [How to run a civic lottery: Designing fair selection mechanisms for deliberative public processes.](#)

MassLBP (2020). [The Deliberative Wave: Securing a future for democratic politics.](#)

MIT Media Lab (2018). [Project: The spread of true and false information online.](#)

OECD (2020) [Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave.](#)

OECD (2021). [Good Practice Principles for Deliberative Processes for Public Decision Making.](#)

PEI Legislative Assembly (2020). [Motion 71: Establishing a Citizens' Assembly for Proportional Representation](#).

Pilon, Dennis (2016). [A referendum on the voting system would be undemocratic and immoral](#). *Hill Times*

Pilon, Dennis. "Investigating Media as a Deliberative Space: Newspaper Opinions about Voting Systems in the 2007 Ontario Provincial Referendum," *Canadian Political Science Review*, 3: 3 (September 2009): 1-23.

Pilon, Dennis. "The 2005 and 2009 Referenda on Voting System Change in British Columbia," *Canadian Political Science Review*, 4: 2-3 (June-September 2010), 73-89.

Pilon, Dennis. *The Politics of Voting: Reforming Canada's Electoral System*, (Toronto: Emond Montgomery, 2007), 209pp.

Pilon, Dennis. *Wrestling with Democracy: Voting Systems as Politics in the Twentieth Century West*, (Toronto: University of Toronto Press, 2013), 394pp.

Renwick, A. (2014) [Don't trust your poll lead: how public opinion changes during referendum campaigns](#). In: Cowley, P. and Ford, R. (eds.) *Sex, lies and the ballot box: 50 things you need to know about British elections*. Biteback, London, pp. 79-84.

Renwick, Alan. (2014). [Scotland's Independence Referendum: Do We Already Know the Result?](#) Open Democracy.

Research Co (2018). [BC Referendum Exit Poll](#).

Russell, Leonard. Special Committee on Electoral Reform, October 6, 2016. Retrieved July 6, 2017 from <https://www.ourcommons.ca/DocumentViewer/en/42-1/ERRE/meeting-38/evidence>

Sass, T.R. and Mehay, S.L. (2003), Minority representation, election method, and policy influence. *Economics & Politics*, 15: 323-339. <https://doi.org/10.1111/1468-0343.00127>

Soderland, Peter. [Candidate-centred electoral systems and change in incumbent vote share: A cross-national and longitudinal analysis](#). *European Journal of Political Research*, 55:321-339.

Stevens, Daniel and Banducci, Susan (2013). One voter and two choices: The impact of electoral context on the 2011 UK referendum. *Electoral Studies*, 32, 274-284.

Tanguay, Brian and Stephenson, Laura. Ontario's Referendum on Proportional Representation: Why Citizens Said No. *Institute for Research on Public Policy Choices*, Vol. 15, no. 10.

<http://irpp.org/wp-content/uploads/assets/research/strengthening-canadian-democracy/why-do-canadians-say-no-to-electoral-reform/vol15no10.pdf>

Trueblood, Leah. Yes and No. The Problems with Bad Referendums. On CBC's *Ideas*. Retrieved July 7, 2017 from <http://www.cbc.ca/listen/shows/ideas/episode/12680953>

Vowles, Jack (2012). Campaign claims, partisan cues, and media effects in the 2011 British Electoral System Referendum. *Electoral Studies*, 32, 253-264.

Wiseman, Nelson (2016). [Testimony to the federal ERRE committee](#).

To: Special Committee on Electoral Reform, Yukon.

Dave Brekke's Alternate Proposal for Electoral Reform 2022-01-22

Dear Special Committee on Electoral Reform Members,

We are submitting Dave Brekke's Proposal today as a team who have been helping and learning from Mr. Brekke and the wider Fair Vote Yukon group since 2012.

A Case for Inclusion – Simplify the Choice

Your committee previously commissioned a report titled, *Options for Yukon's Electoral System*, prepared by Dr. Keith Archer and dated October 31, 2021.

This 75-page report presents thorough details on past Yukon elections, electoral system options and their characteristics and challenges on changing electoral systems. Some particularly valuable information was found – examples:

“What are the characteristics of the system that is being offered as an alternative? And, offering many alternatives to voters is a recipe for information overload..... What about the representation of women and minorities, or groups that have been historically under-represented in the legislature?” (pp. 70, 71).

Past unsuccessful electoral reform committees and citizens assemblies have started the electoral change review process with learning about several systems from which to choose. This approach is fraught with confusion and excessive information for the typical voter. In our view, a large amount of taxpayers' time and money has been wasted with these unnecessary processes. These long-winded dialogues divide and confuse community.

Dave Brekke's Proposal puts the importance of community involvement in decision making at the forefront.

PROPOSAL: To establish a Citizen's Assembly to focus the electoral change process by contrasting Dave Brekke's proven, effective mixed-member proportional system with the Yukon's present first-past-the-post system. Our team has developed a ballot for the Yukon voter to test. We feel that this ballot could be tested by the Citizen's Assembly through many virtual events like mock-elections.

We also feel it is important that Yukon's next election should be carried out with the new ballot, as part of its adoption. This more simple and effective process will improve Yukon's electoral system by engaging the community with a tangible ballot that gives representation to their votes.

Background

Attached to this proposal are 3 documents that outline how Mr. Brekke became concerned about First-Past-the-Post system, a possible ballot, analysis of how the MMP aspect of the Preferential Ridings Proportional (PRP) system that he is proposing would have affected the 2016 and 2021 territorial elections, and a series of electoral maps and graphs to illustrate the concepts of his system.

Mr. Brekke has an extensive body of research supporting this work that he has yet to publish. Our hope is that this Special Committee will be able to help this 83-year-old brittle diabetic publish and share his 16-year effort on electoral reform in the Yukon.

Benefits of the PRP System

For example, contrasted data for the two systems from Yukon's 2021 election shows that inclusion, empowerment, and representation of voters went from 45% using the present FPTP system to 95% using his proposed PRP system.

The PRP system was developed with the assistance of many Yukoners and other interested voters. PRP is basically an MMP system with a simple to count

preferential vote. With PRP, it is possible for **all voters** to take their concerns to an MLA/MP who was helped to be elected by their vote.

With PRP, minority governments that require collaborative governance are almost assured. Elected representatives will be the candidate chosen ahead of another candidate the most times. Only one vote count is required and would be made electronically like Whitehorse elections.

The PRP system can allow the candidate with the least first choice votes to be elected, being the candidate connected to the most voters. In the other preferential systems such a candidate is the first to be eliminated.

Under Canada's present electoral system only the votes cast for the riding winners are represented in the legislature. Under the proposed system, almost all votes are represented. Also, the proposed system maintains the aspect of elections that Canada's present FPTP system is very effective at: connecting voters to candidates and political parties before elections is a very valuable aspect for an electoral system to have.

International Examples

The PRP system is basically very similar to the Mixed Member Proportional (MMP) systems in New Zealand, Scotland, Norway, Denmark, and many other countries. In their elections, voters are almost certain that their votes will be represented. Minority governments that require collaborative governance are almost assured.

Before changing their voting system in 1996, New Zealand's history was very similar to Canada's. Now New Zealand is a positively engaged democracy. Political parties with different perspectives all belong to and work together for the New Zealand people. Scotland has seen similar results and even has a permanent Citizens Assembly that Parliament consults when needed.

PRP System Details

PRP pairs ridings to have the result of approximately the same number of riding seats as proportional seats. Almost always, no additional seats are required. For comparison of election results, data can be used directly, without the need to estimate results.

When used, the PRP system will have an additional second choice on the ballot. That second-choice vote can give representation to the votes of the 5% of voters not included or represented under the MMP system. Currently, we are not aware of another proportional electoral system that has a way to give possible representation to 100% of the voters.

Recent Discussions with Special Committee Member

In late 2021, Special Committee on Electoral Reform member, Minister John Streiker and Dave Brekke met privately to discuss this proposal. At that time, Minister Streiker raised a question and proposed a solution that appears very effective to Mr. Brekke.

“What if a party received 75% of the popular vote in a paired-riding electoral area with 4 seats and the party had no candidates to fill the proportional seat?”

Minister Streiker’s solution: *“Have political parties run two candidates in each paired riding. The candidate with the highest ranking would win the party seat in question.”*

When a proportional seat is won by a party, the connected same party candidates have the satisfaction of their votes being represented.

A Citizens’ Assembly would be the best way to tackle these types of questions and discussions.

Conclusion

Learning about several proportional systems from which to choose can be an overwhelming process. We are confident that simplifying the electoral reform process by just comparing the two systems would be more effective and satisfying. The descriptions of the various systems would be valuable for reference for the Citizen's Assembly but simply too complicated to be effective for choosing a system.

Thank you for attending to this important issue, and we look forward to Mr. Brekke presenting his submission more fully in the community sessions and ideally before a Citizen's Assembly.

Respectfully,

Dave Brekke, retired Yukon teacher, principal, school counsellor and Federal Returning Officer.

Sally Wright, artist, filmmaker, former political candidate 2016 YT Election.

Jean-Paul Pinard, PhD, PEng, husband of former political candidate, Concerned Yukoner.

How I Became Concerned About Canada's Electoral System

How many people today think like I did before 2005? Awareness is so important to life.

As you may know, in 2004-2005 Canada's Government acted on the growing concern about the dropping number of voters in elections. It responded by calling for proposals to increase voter turnout throughout Canada. Government wanted apolitical evaluation for funding of the proposals, so it became the responsibility of Elections Canada (EC) who decided to have grassroots involvement. Eighteen Returning Officers (RO) from across Canada were brought together to do the evaluations.

Being the longest serving RO in northern Canada and having served on previous election reviews, I was called in to serve on that project.

At the first meeting, just after introductions, one RO stood up and angrily said, "What are we looking at this *&^%\$# stuff for? Why aren't we looking at our voting system?" I was shocked and found it hard to believe that anyone could question Canada's electoral system. Canada is such a wonderful country, and the candidate with the most votes wins the seat and the party with the most votes becomes Government.

That RO's comment was followed immediately by an EC official stating "That's a political statement! That comment cannot even be recorded, let alone discussed." It was in the evenings that I learned about how Canada's system works and could be much more inclusive, yet there was no perfect system. The rarely asked question was "Is my vote going to count?". Over time I felt very uncomfortable with my response that I used to feel comfortable with, "I can't promise that your vote will count, but I do promise that your vote will be counted."

My resignation was accepted after validating the vote in Canada's 2006 election. I thought that there must be an effective combination system that voters would like. I started asking people what they thought was important in an electoral system, and over the years with considerable help, I think that I now have a very inclusive system that could help build community rather than divide community as Canada's present system does.

Yours truly,

Dave Brekke, Very concerned former Federal Returning Officer for Yukon

COLLABORATION: the key to BETTER GOVERNANCE & The BALLOT that could help it happen in Yukon's next election

Proportional Representation Ballot with Second Choice Vote

- Mark 1 by your first-choice Candidate
- Mark 2 by your second-choice Candidate
- Mark 1 by your choice of Party for Popular Vote

CANDIDATE NAMES	CHOICE	POINTS	PARTY	CHOICE	POINTS
Helen	A		Party A		
Dick	B		Party B		
Jane	C	2	Party C		
Robert	D	1	Party D	1	'1'
Josephene			Independent		

EXAMPLE of PREFERENTIAL BALLOT for CHANGE

More choices could be added for future elections 2021 02 15

Offers all party Candidates two ways to win a seat:

- 1) own votes' points or
- 2) with additional points of same party candidates' votes

The candidate with the most points wins each seat. Only one count is needed to elect the winner. The winner could be the candidate with the least 1st choice votes – the most wanted and/or accepted candidate (most often chosen ahead of another candidate). This Mixed-Member-Proportional (MMP) system has increased vote representation under the present First-Past-the-Post (FPTP) system from less than 50% to over 90%.

In Yukon's 2016 election, 54% of ballots cast were not represented under FPTP. Whitehorse Star 2021 02 05 has a center page ad on this ballot. If you like this ballot and think that it could enliven change to more truly representative democracy with minority governments that require collaboration, see what a friend thinks of the ballot.

Respectfully,

Dave Brekke, genuinely concerned former Yukon Returning Officer

Majority Governments don't need Opposition votes! Would your MLA like her/his votes in the House meaningfully valued, whether in Opposition or Government?

Enlightening book: **TEARDOWN DEMOCRACY Rebuilding from the Ground Up** by

More info: electoralchange.ca

Dave Meslin

Example:

2016 YUKON ELECTION

WHITEHORSE Electoral Area
or Region

TOTAL SEATS: 10
TOTAL VOTERS: 10,946
Popular Vote of Area

Value of 1 seat: 1095 votes
10% of votes

Political Parties	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
	32%	41%	27 %	1%

UNDER CANADA'S PRESENT FPTP ELECTORAL SYSTEM

Total seats in the Area:	10	1	7	2	0
% Whitehorse voting power		10.00%	70.00%	20.00%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	435	3,156	1,092	-
TOTAL Effective voters:	REPRESENTED VOTES				4,683
% REPRESENTED VOTES				43%	of voters

UNDER THE PROPOSED Preferential Ridings Proportional (PRP) SYSTEM

Total seats in the Area:	10	3	4	3	0
% Whitehorse voting power		27%	45%	27%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	3,284	4,378	2,972	-
TOTAL Effective voters:	REPRESENTED VOTES				10,634
% REPRESENTED VOTES				97%	of voters

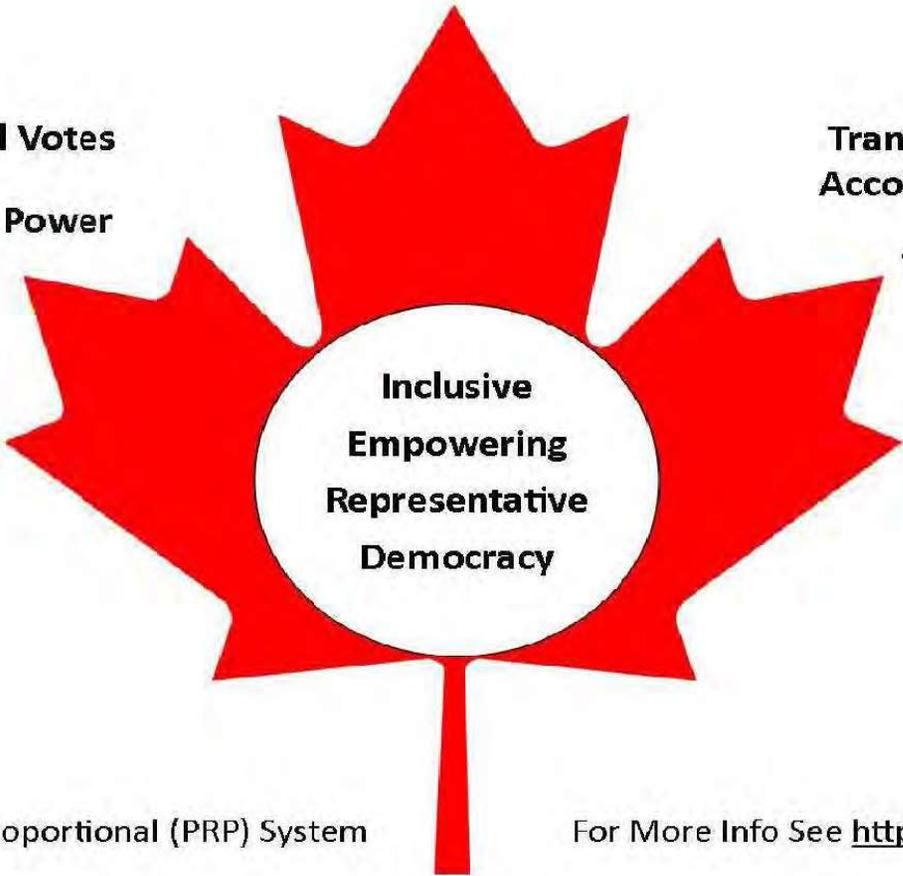
HOW PROPORTIONAL SEATS ARE DETERMINED

Number of Paired-riding seats	5	1	3	1	0
% Rep Value of Riding Seats		10%	30%	10%	0%
Percent of popular vote remaining for Additional proportional seats		Popular vote minus percent value of Paired-riding seats			
		22%	11%	17%	1%
Fully supported proportional seats	4	2	1	1	0
Percentage remaining for partially supported seats.		Previous value minus percent value of proportional seats			
		2%	1%	7%	1%
Partially supported seats	1	0	0	1	0
Total percent of unrepresented First-choice votes		Previous value minus percent value of proportional seats			
		2%	1%	0%	1%
Total Seats	10	3	4	3	0
% Whitehorse voting power		30%	40%	30%	0.00%

NEW COMBINATION ELECTORAL SYSTEM

Meaningful Votes
and
Balance of Power

Transparency
Accountability
and
Trust

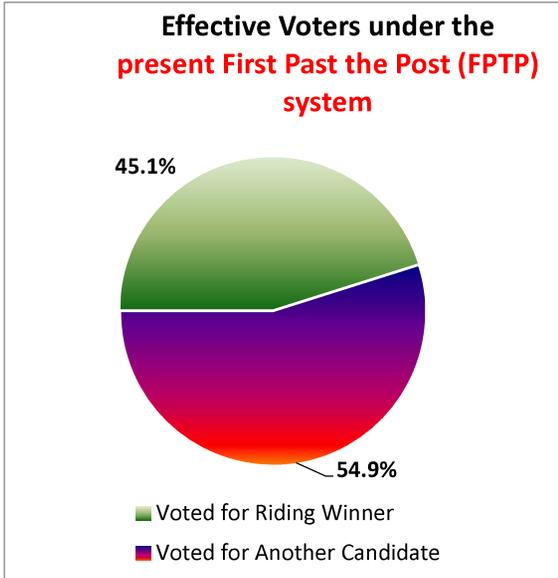


Inclusive
Empowering
Representative
Democracy

Preferential Ridings Proportional (PRP) System

For More Info See <http://electoralchange.ca/>

If Canadians/Yukoners like Inclusion and Collaboration, Why not improve the electoral system, the first step in democracy?

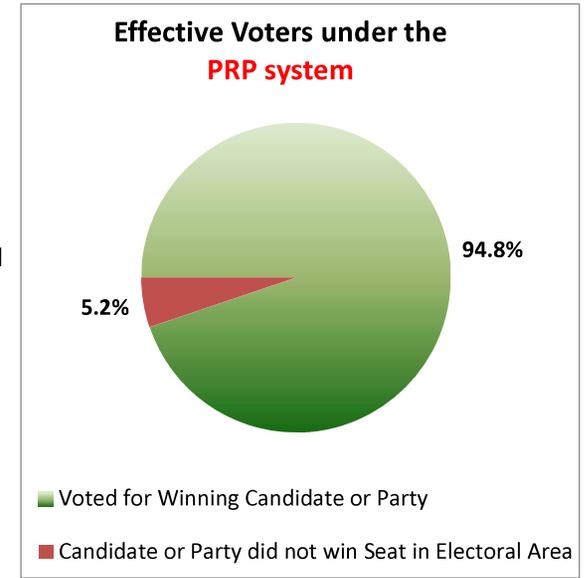


Effective Voters are voters who can point to someone their vote helped to elect

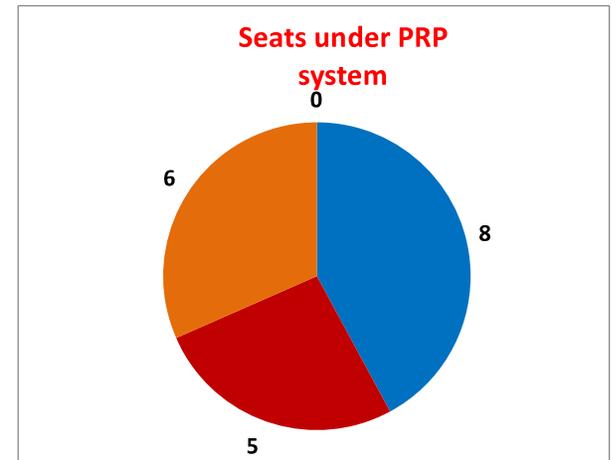
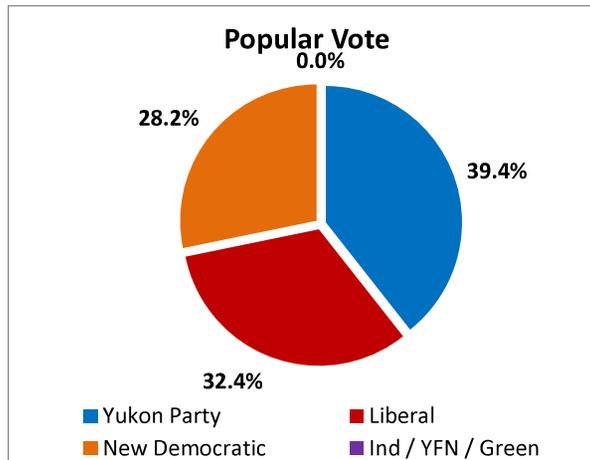
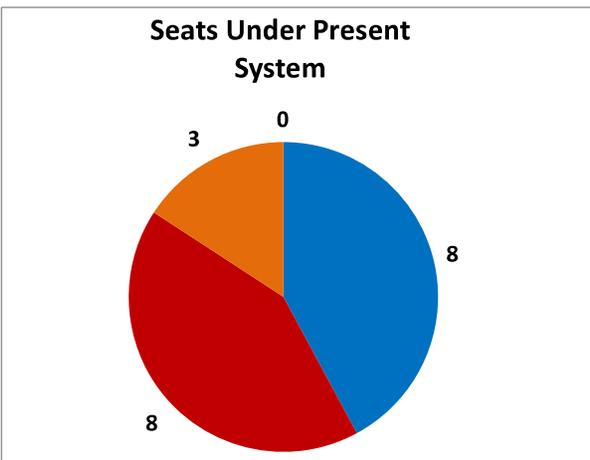
Under the **Preferential Ridings Proportional (PRP)** system, candidates have two ways to win a seat. Candidates can win riding seats through **single count** preferential voting. If not, with so far unrepresented proportional votes in their electoral area, the most popular party candidates can win proportional seats.

When voting is inclusive, false (illusory) majority governments don't happen. In their place, are inclusive minority governments that require collaboration.

Canadians can have Inclusion and Collaboration



System Comparison of Yukon's Total 2021 Election Results: Above - vote effectiveness; Below - elected seats



Further

The proposed (alternate) system used in this comparison of electoral system results is the Preferential Ridings Proportional (PRP) system. With the PRP system, voters can make a 2nd choice vote. Riding seats are won by the candidate most times chosen ahead of another candidate. The winning candidate can be the candidate with the least 1st choice votes.

Candidates representing a political party have two ways to win a seat: 1. A preferential riding seat with their own votes, or 2. A proportional seat with the additional same party's other candidates' 1st choice votes.

To facilitate connection between voters and their elected representative, proportional seats are determined in **ELECTORAL AREAS** with between 4 and 10 representatives. In each electoral area, half the seats represent ridings and half the seats represent the entire electoral area, being proportional seats.

Under PRP, the Yukon would be composed of 3 "**Electoral Areas**"

South East 2 paired-riding seats and 2 proportional seats

Whitehorse 5 paired-riding seats and 5 proportional seats

North West 2 paired-riding seats, 2 proportional seats plus the single Vuntut Gwitchin limited riding seat (Not eligible to win a proportional seat)

Yukon 2021 Election

	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote	7,477	6,155	5,356	-
	39.38%	32.42%	28.21%	0.00%
<i>Value of 1 Seat</i>	5.26%	999 votes		

UNDER CANADA'S PRESENT

Total Seats in the Area:	19			
Seats Under Present System	8	8	3	0
Effective voters	42.11%	42.11%	15.79%	0.00%
in the area out of a total of:				
18,988	voters	3,114	4,195	1,261
				0
TOTAL Effective <u>Voters</u> :				8,570
			45.13%	of voters

UNDER THE PROPOSED PRP ELECTORAL SYSTEM

Total seats in the Area:	19			
Seats With Proposed System	8	5	6	0
Effective voters	42.11%	26.32%	31.58%	0.00%
the area out of a total of:				
18,988	voters	7,477	5,314	5,216
				0
TOTAL Effective <u>voters</u> :				18,007
			94.83%	of voters

UNDER PROPOSED SYSTEM FOR YUKON

THREE ELECTORAL AREAS AND THEIR PAIRED-RIDINGS +

I South Centre and East Yukon Area

Two Paired-riding seats plus Two Proportional seats

Mount Lorne - Southern Lakes and Copperbelt South

Pelly-Nisutlin and Watson Lake

II Whitehorse Area

Five Paired-riding seats plus Five Proportional seats

Riverdale South and Riverdale North

Copperbelt North and Whitehorse West

Porter Creek North and Porter Creek Centre

Porter Creek South and Takhini - Copper King

Whitehorse Centre and Mountain View

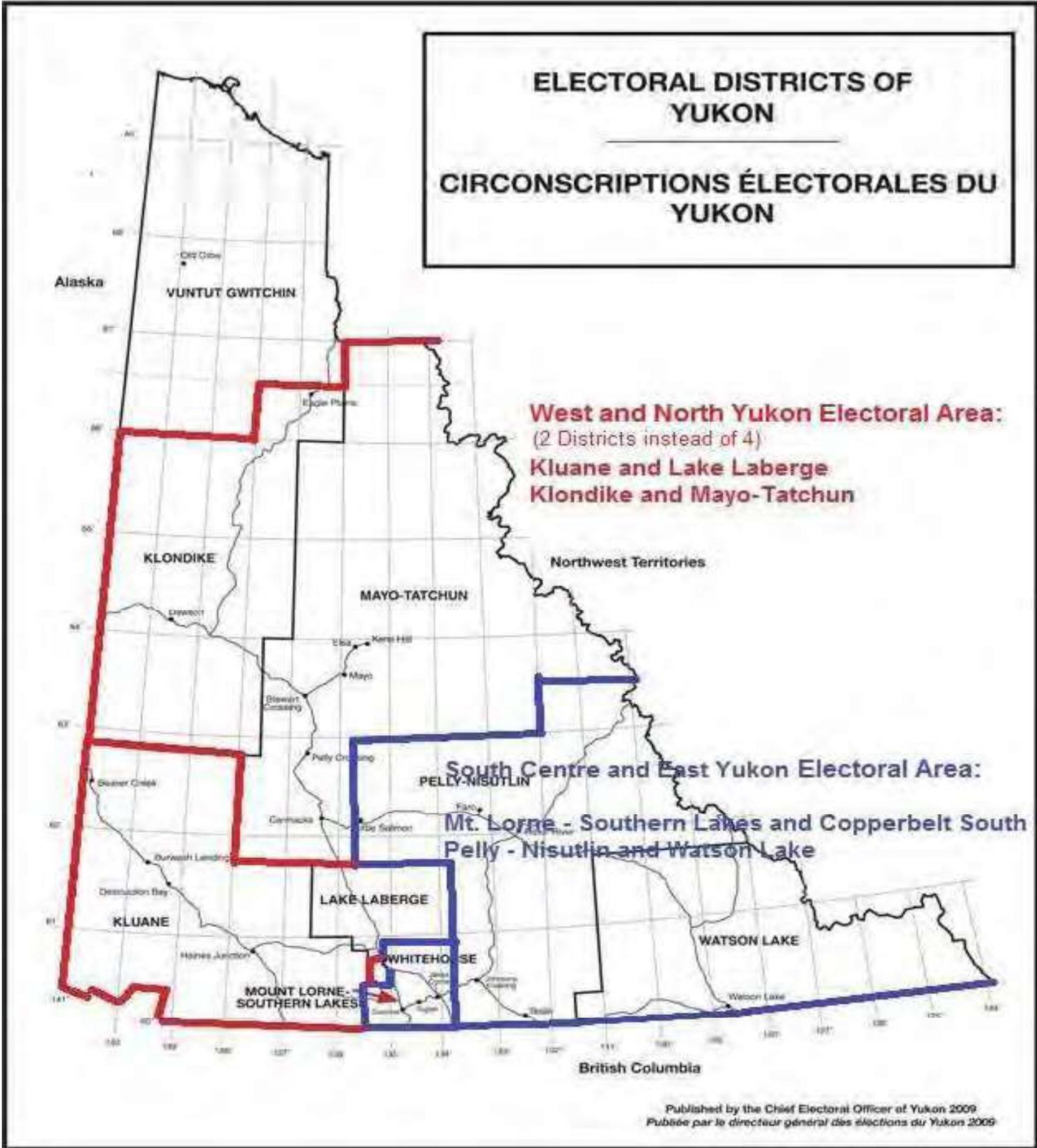
III West and North Yukon Area

Two Paired-riding seats plus Two Proportional seats

Kluane and Lake Laberge

Klondike and Mayo-Tatchun PLUS Party Votes from Vuntut Gwitchin for Proportional Seats

ELECTORAL DISTRICTS OF YUKON
CIRCONSCRIPTIONS ÉLECTORALES DU YUKON



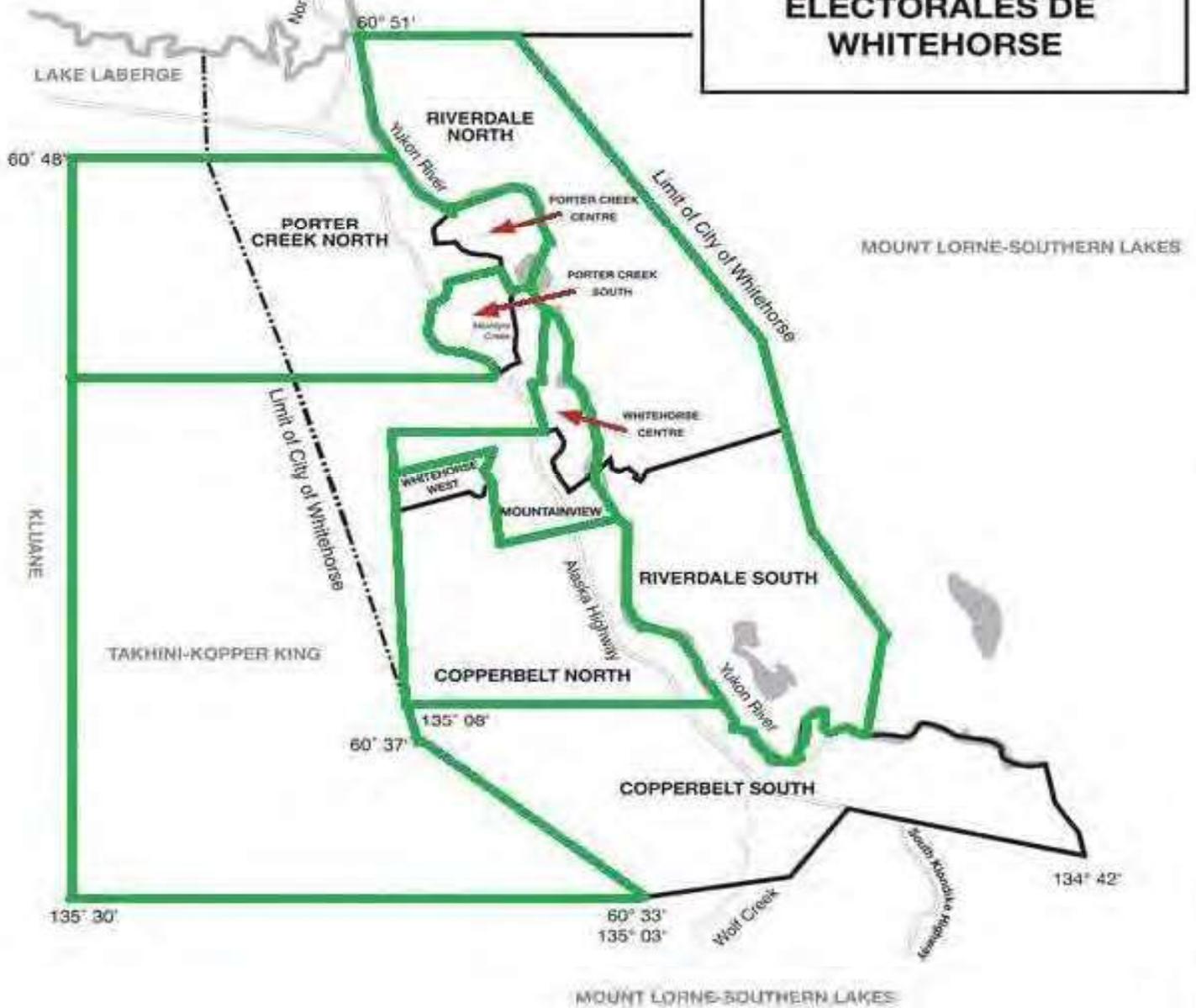
Whitehorse Electoral Area:

(5 Districts instead of 10)

Riverdale South and Riverdale North
Copperbelt North and Whitehorse West
Porter Crk North and Porter Crk Centre
Porter Crk South and Takhini-Copper King
Whitehorse Centre and Mountain View

WHITEHORSE ELECTORAL DISTRICTS

CIRCONSCRIPTIONS ÉLECTORALES DE WHITEHORSE

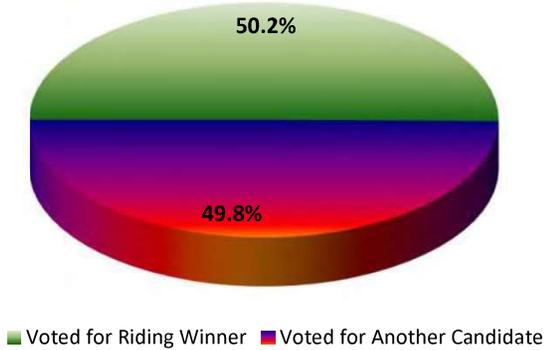


SOUTHEAST YUKON ELECTORAL AREA

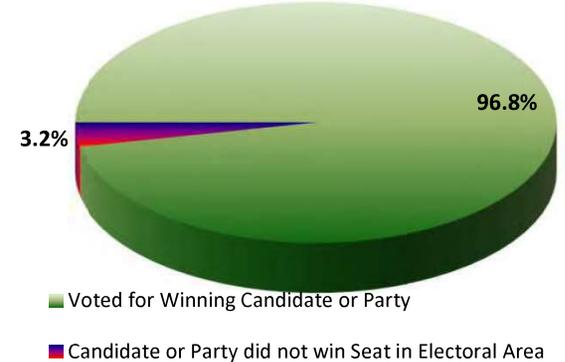
Effective voters are

Voters who can point to someone
their vote helped to elect.

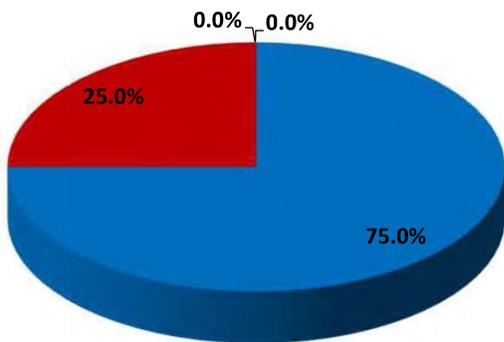
Effective Voters Under the Present System



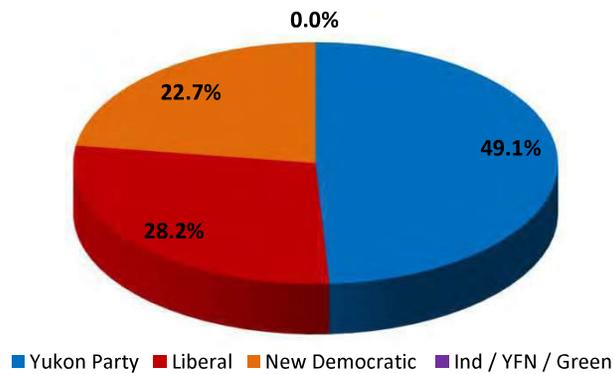
Effective Voters Under this Alternate System



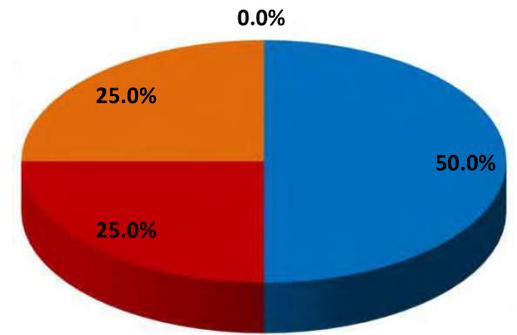
Seats Under Present System



Popular Vote

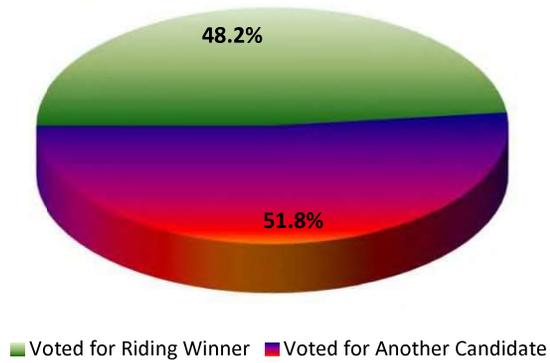


Seats With Proposed System



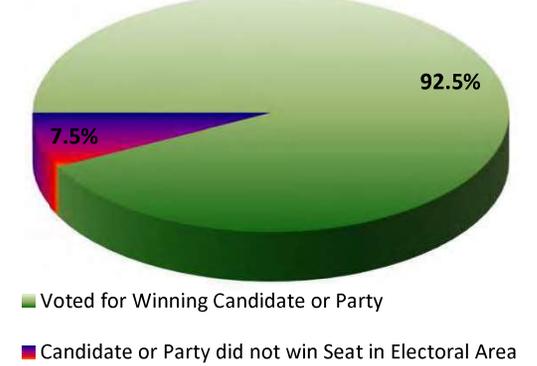
NORTHWEST YUKON ELECTORAL AREA

**Effective Voters
Under the Present System**

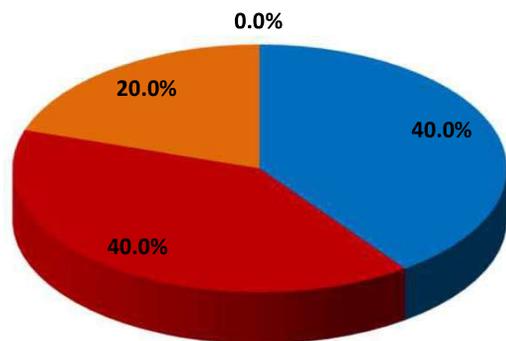


Effective voters are
Voters who can point to someone
their vote helped to elect.

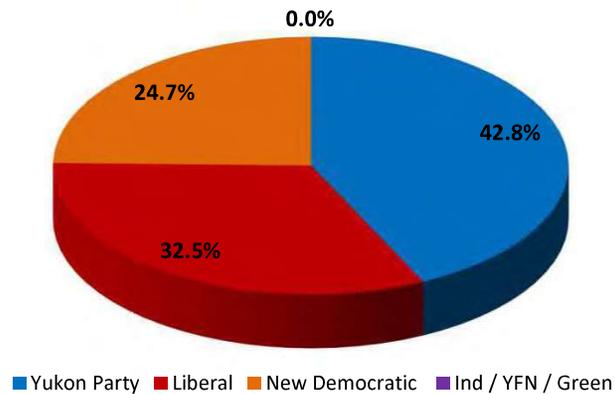
**Effective Voters
Under this Alternate System**



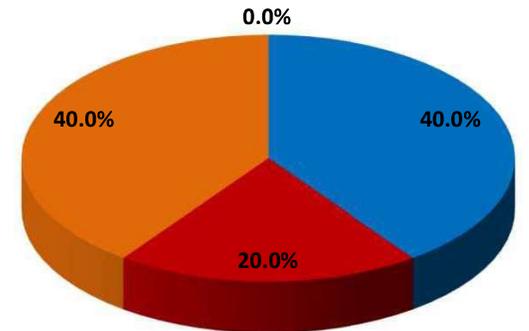
Seats Under Present System



Popular Vote

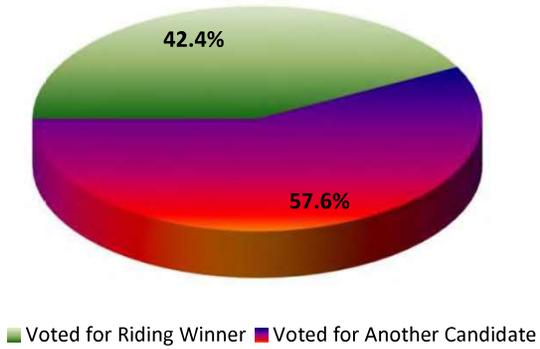


Seats With Proposed System



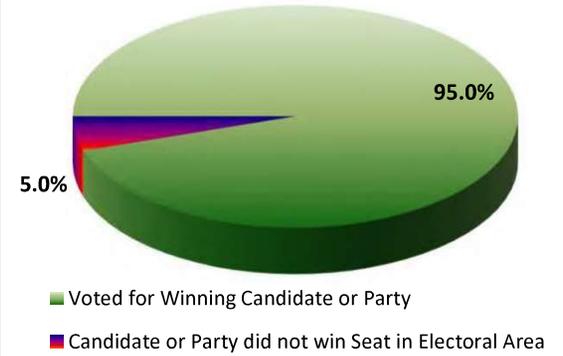
WHITEHORSE ELECTORAL AREA

**Effective Voters
Under the Present System**

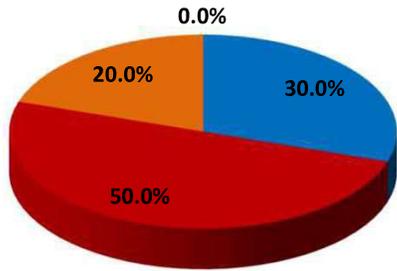


Effective voters are
Voters who can point to someone
their vote helped to elect.

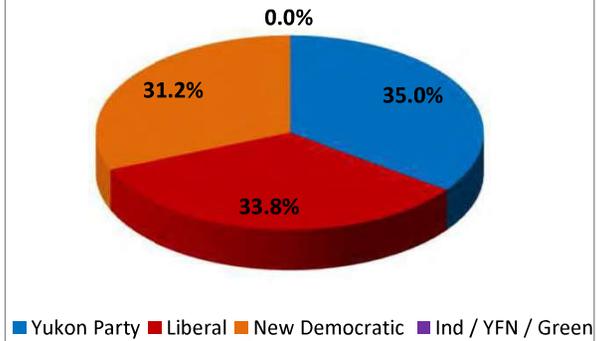
**Effective Voters
Under this Alternate System**



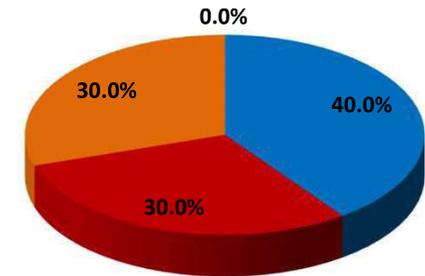
Seats Under Present System



Popular Vote



Seats With Proposed System



Whitehorse electoral area

2021 Election

	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote of Area	35.01%	33.75%	31.24%	0.00%
Value of 1 Seat		10.00%	1,134	votes

UNDER CANADA'S PRESENT FPTP ELECTORAL SYSTEM

Total seats in the Area:	10	3	5	2	0
		30.00%	50.00%	20.00%	0.00%
Effective voters in the area out of a total of:	11,336	voters	562	2,985	1,261
					-
					4,808
					42.41% of voters

UNDER THE PROPOSED PRP ELECTORAL SYSTEM

Total seats in the Area:	10	4	3	3	0
		40.00%	30.00%	30.00%	0.00%
Effective voters in the area out of a total of:	11,336	voters	3,969	3,401	3,401
					-
					10,771
					95.01% of voters

HOW PROPORTIONAL SEATS ARE DETERMINED

# Paired-riding seats	5	2	1	2	0
% Rep Value of Riding Seats		20.00%	10.00%	20.00%	0.00%
Percent of popular vote remaining for Additional proportional seats		Popular vote minus percent value of Paired-riding seats			
		15.01%	23.75%	11.24%	0.00%
Fully supported proportional seats	4	1	2	1	0
Percentage remaining for partially supported seats.		Previous value minus percent value of proportional seats			
		5.01%	3.75%	1.24%	0.00%
Partially supported seats	1	1	0	0	0
Total percent of unrepresented First -choice votes		Previous value minus percent value of proportional seats			
		0.00%	3.75%	1.24%	0.00%
Total Seats	10	4	3	3	0
		40.00%	30.00%	30.00%	0.00%

From: Richard Lung

Sent: Wednesday, January 26, 2022 3:51 PM

Subject: Former submitter to Citizens Assemblies

Dear Yukon Special Committee on Electoral Reform,

I am a British Citizen, 16 of us submitted to the British Columbia Citizens Assembly. I also submitted to the Ontario CA.

My experiences of these events are recorded in my first e-book on electoral reform, Peace-making Power-sharing.

I have written perhaps a dozen e-books on the subject (one booklet is in French).

The original and best or most diligent reform enterprise was the BC CA. The first referendum achieved 57.7% votes for the Single Transferable Vote. BC only does not now use STV because of a 60% threshold making votes for first past the post count one and a half times those for STV. The first referendum only allowed truthful information (tho receiving little funding). The second referendum allowed partisan passion to successfully deceive the electorate into keeping fptp. Australians call STV the quota-preferential method. It is a preferential reform of the vote, as well as a proportional count. Voters give their order of choice, 1,2,3, etc so they elect their favorite candidates to three or more seats. Voters are not stuck with an illiterate x-vote, which cannot prefer one candidate over another.

I would not be frightened by the opponents of reform, who usually claim that districts have to be as small as possible single districts, in the vast Canadian wildernesses, like BC and the Yukon.

Single districts monopolise representation, often by a minority candidate. STV shares representation by voters personal preferences, independent of control by party lists.

Generally, in multi-member constituencies, voters have a better choice of candidates, and the main social groups are all represented. What is less appreciated is that candidates have more choice of the communities they will cultivate support from. The vastness of the multimember district can be an asset to candidates, who know how to use it, not an obstacle.

I have studied electoral reform and research, all my life (am now an old man) and welcome questions. My profile page of over 30 books contains a dozen or so books on elections, all free from Smashwords:

<https://www.smashwords.com/profile/view/democracyscience>

Regards,
Richard Lung.

From: Sue Greetham

Sent: Thursday, January 27, 2022 9:51 AM

Subject: Proportional representation

Do to the unDemocratic outcome of Yukon Elections in the past resulting from a first past the post electoral process, change is long overdue. Delays are no longer acceptable for any reason. People are angry. Every citizens vote needs to count.

Several proportional voting processes have been created to enable a fair outcome for voters. Those citizens most engaged have been disregarded and not included in any collaboration to present options for honest consideration.

Proportional Options need to be tested in the Yukon. Voters must be given an opportunity on priority issues to 'experience' fair election options. Give us a little credit, most understand fair. Global examples are there for us.

Today, was the first I heard of this effort for change.
Make it worthwhile, transparent and effective.

Respectfully

Sue Greetham

Share the spirit

Acknowledging, with gratitude, that we live and work within the Traditional Territories of the Kwanlin Dün First Nation and the Ta'an Kwäch'än Council.

From: Michael Lauer
Sent: Thursday, January 27, 2022 12:50 PM
Subject: Yukon Electoral Reform comments

Hello,

I have been listening in on the presentations and have the following thoughts on this as a starting point.

What problem are we trying to solve?

Is it gender equity?

Is it minority representation?

Is it share of vote to number of seats a party gets?

Is it that a party may get the opportunity to govern without getting the majority of the votes cast or the majority of the seats?

Is it the type of government that we have?

What are the important values to us in the electoral system?

Is it local representatives?

Is it a reasonable number of MLAs in the legislature?

Is it Urban/Rural split of seats?

Is it more balanced number of voters per Electoral District?

Until we know what we are trying to solve we cannot come up with a solution, and a solution to one problem may create other problems which may or may not be worse than the original problems.

Michael Lauer

Whitehorse Yukon

From: Graham White

Sent: Wednesday, February 9, 2022 6:46 PM

Subject: Electoral Reform

Members of the Special Committee:

Graham White, retired University of Toronto professor, here. I've watched several of your meetings with presentations from expert witnesses (almost all of whom I know). Although I don't consider myself especially "expert" on electoral reform, I do have some familiarity with the issues, for example, having served for three years as a member of the Ontario Democratic Renewal Secretariat's Academic Advisory Group. As well, I believe I am the only academic you will have heard from who has written on elections and legislative institutions in the territories (a few such publications are listed at the end of this submission).

In over three decades of studying and writing about the North, I have always made it a practice not to tell Northerners what to do; a guy from Toronto has no business telling Northerners how to run their governments. However, since you have invited comments from southern academics, please permit me some observations.

In my view, citizens assemblies are very useful in approaching issues such as electoral reform. However, it is important to bear in mind the inherent bias that citizens' assemblies (CAs) entail. I don't mean that those who take part come in biased; very few people know much about or care about electoral systems and those who do can readily be screened out. Rather, CAs are naturally inclined to recommend change. How could it be other, being composed of busy people who devote substantial time and effort to learning about electoral systems and to discussing possible courses of action? It is only to be expected that many – not all, but many – will, consciously or unconsciously, see that investment of time and effort as wasted should the end result be the status quo: 'why did I bother if nothing is going to happen?'

I did not watch all the presentations but I suggest that those I did watch, save that of my friend and colleague Peter Loewen, gave insufficient attention to the unique demography and geography of Yukon. Other than some forms of STV, most alternatives to first-past-the-post, and certainly full PR or MMP, would require either a significant increase in the number of MLAs or very substantial consolidation of existing riding boundaries, making for much larger constituencies. You know the views of Yukoners far better than I, but I suspect that neither alternative would find much political support.

I agree with those who have argued to you that if any significant change is to be made, consent of the people through a referendum is essential. However, as you have also been told by others, a serious, well-funded public education campaign is also essential. This should be a clear, neutral setting out of the various options up for consideration. My experience during the 2007 Ontario referendum on electoral reform suggests that such neutrality is achievable. In the run-up to the vote, I spoke to a number of seniors' and community groups about FPTP and MMP. At the end of an hour or longer session, I would often be asked which I preferred, which I took as a strong indication that my presentation had been quite objective.

However, ‘neutral’ or ‘objective’ does not mean vacuous. In 2007, Elections Ontario, which runs the province’s elections and referenda, was abysmally inadequate. It sponsored TV ads telling voters that they had an important choice to make but offered no useful information or explanation as to what that choice entailed.

Further, publication education should include a decent amount of public funding, with an option for private funding, for the two sides of the question (I very much agree that one clear choice, rather than a set of options is the way to go).

A related, crucial point: while referenda can be costly (mail-in or electronic voting can cut costs substantially, though both have downsides), if you’re truly interested in determining the views of the public, do not hold the referendum at the same time as an election (as occurred in PEI, Ontario and two of the three BC referenda). In Ontario, the case I know best, discussion of and attention to the election all but completely overwhelmed the referendum. The parties and party leaders said almost nothing about it and the media pretty much ignored it as well; the ‘yes’ and ‘no’ campaigns were poorly organized and funded. Together with Elections Ontario being almost totally MIA, the result was that most Ontarians had little if any understanding of the pros and cons of FPTP or MMP.

Finally, I don’t believe that any of the presentations covered important ‘list’ options in PR/MMP, though perhaps some did. In any event, if you’re not already, you should be aware that there are two, quite different methods of determining lists. In most instances, lists are “closed” in the sense that the parties not only determine who is on the lists for “top-up” members, but they also determine where candidates rank on the list. Advocates of PR/MMP argue that this enables better representation of otherwise underrepresented groups, such as women, Indigenous people, minority ethnic groups and the like. Critics point out that closed lists permit parties to place otherwise unelectable candidates high on the list, giving them a strong chance of winning a seat. It doesn’t have to be that way. Under an “open” list system, parties compile the lists (possibly though through in-party elections) but the voters get to indicate which candidates on the party list they prefer.

In closing, although the comments above represent my views as a political scientist, you deserve to know my views as a citizen. Overall, while I am aware of its shortcomings, I believe that MMP would be preferable to FPTP in Canada nationally and provincially. Given its uniqueness, however, I am not at all sure I would favour it for Yukon.

I hope you find these ramblings of some value. Best wishes for your deliberations. I look forward to your report.

Graham

Graham White
Professor Emeritus
Department of Political Science
University of Toronto

PS Quite unrelated to questions of electoral reform, I must tell you that since her first election, I have followed the career of your Chair with interest. This has no political basis: my elder daughter is Kathleen White, who usually goes by “Katie” but I exercise father’s prerogative and call her “Kate” ...

Selected publications:

“Westminster in the Arctic: The Adaptation of British Parliamentaryism in the Legislative Assembly of the Northwest Territories,” *Canadian Journal of Political Science*, XXIV (September, 1991), 499-523.

“And Now for Something Completely Northern: Institutions of Governance in the Territorial North,” *Journal of Canadian Studies*, 35 (Winter 2000-01), 80-99.

“Traditional Aboriginal Values in a Westminster Parliament: The Legislative Assembly of Nunavut,” *Journal of Legislative Studies* 12 (March, 2006), 8 -31.

“In the Presence of Northern Aboriginal Women? Women in Territorial Politics,” in Linda Trimble, Jane Arscott and Manon Tremblay, eds., *Stalled: The Representation of Women in Canadian Governments* (Vancouver: UBCPress, 2013), 233-52.

“The Territories,” in Jared J. Wesley. ed., *Big Worlds: Politics and Elections in the Canadian Provinces and Territories* (Toronto: University of Toronto Press, 2016), 184-205.

14/02/22
P.O. Box 204
Sydenham, Ontario
K0H 2T0

Special Committee on Electoral Reform
Yukon Legislative Building
Box 2703, Whitehorse,
Yukon Canada
Y1A 2C6
SCER@yukon.ca

Brad Cathers, Hon. John Streicher, and Kate White (Chair)

"Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has." Margaret Mead
Your Committee has that opportunity!

Hello Committee Members:

You have an opportunity to introduce an interim Proportional Representation system which will ensure everybody's vote will count.

The question is what type of PR might be best for Yukon? How about a straight forward system which would allow you to "try out PR" and see if it works for your Territory without a great deal of expense and disruption to your electors? After it works as a concept, you could then move to adapting a system which works best for your demography and geography. The best thing about this system is that you don't have to 'get it right' the first time.

Where do we situate a PR system to do the most good? We have two choices: at the Electoral District level – the local level/riding; or, at the Legislative Building – the Territorial level.

If we keep the premise that one Member of the Legislative Assembly must have one vote then we are locked to two possible systems:

- 1) have a system at the local level where the cast votes are manipulated to allow an elected MLA to have a winning majority; or
- 2) manipulate the number of elected MLAs to mirror their party's Territorial vote.

The first one moves votes to candidates for whom an elector may not have voted; while the second may have 'regional' MLAs, or appointed MLAs for whom the voters didn't elect. Neither of these are really great solutions.

What if we had a Straightforward Solution?

One that doesn't require the Territory's 29,637 electors to change their voting habits and recognizes your Territorial wide votes, and it makes every vote count. It is a Proportional Voting System called **Single Member – Party Proportional Voting or (SM-PPV)**. It has two parts.

The first part is at the local level where the MP is elected using FPTP. It is a simple system and all the electors and candidates know how it works. This gives us a knowable and knowledgeable local representative.

The second part is also straightforward! It moves proportionality to the Legislative Assembly. The MLAs still get to vote to support their particular party, but it would be amended slightly. Instead of just one vote, an MP may have several votes or perhaps just a portion of one vote. How can this happen, you say! Voting in the Legislative Assembly would then depend upon the number of votes each party received across the Territory, not just on the number of MPs elected for that party.

Here's How It Works

If party A received 39.32% of the votes across the Territory, then they would get 39.32% of the Legislative Assembly votes. Currently with 19 MLAs in the Legislative Assembly, so 39.32% of 19 votes is 7.47 or 7.5 votes. How each party distributes the Legislative Votes is left to that party. Put on a purely mathematical basis, with 8 MLAs, each MLA would have 9.3 Legislative votes. And so on for each party.

Voting inside the Legislature would be quite simple: the MLA would have a key which would unlock an electronic (not internet driven) system with two buttons - yes/no.

Advantages

The votes in the Territory Legislature would more accurately represent the choice of the electorate across the Territory – not just in selected ridings.

Political parties would have to be aware of appealing to Territory wide policies rather than 'safe seats'.

29,637 electors would not have to change the way they vote.

And more importantly, each elector would know that their vote will actually count.

Disadvantages

19 MLAs would have to modify their manner in which they vote.

The parties would have to have Territory wide policies and would not be able to focus on individual ridings.

No longer would just the number of seats won be so important or so heavily weighted.

Conclusion

With this system you'll not be asking the 29,637 voters in your Territory to change, but rather just 19 people. From my years of teaching adults, we learn best when we are adding information or modifying information to what we already know, as in the First Past The Post voting system.

(FPTP) works well for horse races, but not in elections, as many electoral voices are not heard. SM-PPV lets us hear those lost voices! To quote William of Ockham, "All things being equal, the simplest solution tends to be the best"; and that is the Single Member – Party Proportional Voting system!

With thanks for your time and effort, Norm Hart
Printed copy to follow.



FAIR VOTE YUKON SUBMISSION TO THE SPECIAL COMMITTEE ON ELECTORAL REFORM

Fair Vote Yukon is a group of Yukoners advocating for electoral reform in Yukon. We believe that the current First Past the Post electoral system is broken for the following reasons:

- Governments whose make up does not reflect the popular vote and the will of the people
- A minority of voters often electing majority governments
- Vote splitting; where the vote is split between two major parties which share similar mandates, leaving the door open for a third party to win a majority government despite having a broadly unpopular mandate.
- Strategic voting; where electors vote against candidates and parties in order to keep an unpopular party or candidate out of power
- Public scepticism about democracy
- Poor government solutions to real world problems based on political jockeying for advantage
- Boutique vote shopping; where political parties pander only to certain sections of society while ignoring broad swaths of the electorate. They are gambling that they might only need 36 to 40 percent of the popular vote to form a majority government
- Fostering of social, religious, racial and economic divisions for partisan advantage is a particularly unsavory form of boutique vote shopping.
- Disproportionate influence by special interest groups leading to policies that may not be in the best interest of the jurisdiction.

Throughout the world there are many electoral systems that more effectively represent the will of citizens. All of the successful systems are carefully tailored to the unique circumstances of the particular country or jurisdiction.

Yukon poses a unique problem when thinking about designing a fairer electoral system. The large disparity of population size between the urban electoral districts of Whitehorse and those of more remote communities complicates the project. Furthermore, there are big differences between cultures and economics amongst these smaller and often remote communities. And there is a difference between the needs and desires of those who live in the communities and those from urban Whitehorse.

How will Yukon go about solving this problem of determining which electoral system, or systems, will best serve its citizens? What existing tools can be used? The first step must be to determine the process by which Yukoners determine how they will be governed.

Fair Vote Yukon believes that this challenge cannot be successfully met by the existing Special Committee on Electoral Reform alone. Even with the best intentions, jockeying for political advantage is inevitable amongst politicians. And there will always be a problem with public trust in the Committee's process and resulting decisions.

Public surveys could be helpful if an independent survey company is given the subject and allowed, without political interference, to create the questions. Survey questions directed by government committees or bureaucrats will be leading. Surveys cannot be a substitute for genuine public consultation.

Further, what is the point of a survey on electoral reform when there hasn't been any attempt at public education? Any survey must be preceded by a well-funded awareness and education program, again, not directed by politicians.

(Fair Vote Yukon noticed that the January hearings to the Special Committee were not advertised. Public education is clearly not top of mind for the Special Committee.)

Mammoth Agency is "a holistic business, marketing and creative agency". It has been hired to be a communication company for the Special Committee on Electoral Reform. Their job is to make the report by Committee researcher, Dr. Archer, digestible. Mammoth is a branding and marketing agency. Their job is public influence. It is not in their job description to consult with Yukoners.

Fair Vote Yukon believes that the answer to finding a workable electoral system to fairly serve all Yukoners lies in the creation of a two-prong approach; a Citizens' Assembly on Electoral Reform in the Yukon and an independent commission or other equivalent body to both educate Yukoners and consult with Yukoners.

CITIZENS ASSEMBLY:

According to Wikipedia, "Assemblies aim to increase public trust in the convening government by remedying the 'divergence of interests' that arises between elected representatives and the electorate."

Citizens Assemblies consists of ordinary people, chosen by lottery from each electoral district. In the best models, Citizens Assembly members are given enough resources; time, research assistants, ability to call for submissions from experts, remuneration, a budget for travel and other expenses, to study and make thoughtful recommendations to solve large problems. The membership must have ethnic and gender proportionality. Transparency and openness regarding the activities of the Citizens Assembly are critical for public trust.

Successful Citizens' Assemblies require a commitment from the government to act on their recommendations. It cannot be an empty gesture.

The public must be kept up to date about both the activities of the Citizens Assembly and their recommendations. Transparency is important to both educate the public and to allow the public to make submissions to the Citizens Assembly thereby creating trust.

Fair Vote Yukon does not endorse a referendum on electoral reform. However, if it does come to a referendum, or plebiscite, voters must be able to make an informed choice.

The success of Citizens' Assemblies in other countries has demonstrated that ordinary citizens can arrive at consensus and come up with thoughtful and practical solutions to difficult problems.

There are several excellent examples of Citizens' Assemblies:

1. Recommendations by the BC Citizens' Assembly on Electoral Reform led to a referendum where 58% of citizens voted for a Single Transferable voting system in 2004. The BC Citizens' Assembly on Electoral Reform had a website explaining their process, how Single Transferable Vote works and why the assembly recommended this. The public was well informed.

Please see Dr. Kenneth Carty's excellent presentation to the Special Committee on Electoral Reform on January 4th, 2022. An important aspect of this Citizens Assembly is that there was a public education aspect to the process.

2. Ireland's Citizens' Assembly recommended the repealing of the Eighth Amendment of their Constitution on laws regarding reproductive rights. In May of 2018, citizens voted in a referendum "*whether or not to replace the Eighth Amendment, which banned abortion in almost all circumstances.*" The recommendations published in a report in 2017, were debated in the Irish parliament. In the 2018 referendum, 68% of voters agreed to replace the Eighth Amendment and Ireland's archaic abortion laws were removed. ¹ (It is worth noting that the Citizens Assembly struck for this project contained both pro-life, pro-choice and undecided members in their mix.)

The same Irish Citizens Assembly, also known as "We the Citizens", considered and made recommendations on several constitutional and political issues; how best to respond to the challenges and opportunities of an aging population, fixed term parliaments, the manner in which referenda are held and how the state can make Ireland a leader in tackling climate change.

On Climate Change, a special Parliamentary committee accepted the majority of the assembly's recommendations and all of the recommendations on CO2 emissions targets. The majority of these changes passed in legislature without a referendum. ²

¹ <https://www.involve.org.uk/resources/blog/opinion/citizens-assembly-behind-irish-abortion-referendum>

² <https://www.climatechangenews.com/2019/06/18/ireland-nudge-way-net-zero-emissions-2050/>

On the remaining issues, the government did not respond to the Citizen Assembly's recommendations indicating, perhaps, more a failure on the part of legislators than a failure of the Citizens Assembly. ³

3. The Scottish Citizens Assembly was established in 2019 *“as a democratic process designed to bring people together to hear evidence; deliberate on what they heard; and to make recommendations for action.”* Their area of study and recommendation is large, covering diverse topics such taxes, youth, sustainability health and more. ⁴ Many of the Citizens Assembly recommendations dealing with taxes, immigration and international trade are reliant on agreement from the government of the United Kingdom and had no teeth.

On other internal matters such as sustainability, the Scottish government has responded to the Citizens Assembly recommendations with plans to promote energy efficiency, increase wind power and a just decarbonization of industry. ⁵

One unfortunate aspect of the Scottish Citizens Assembly is that there has been very little information given to ordinary citizens about the work of the assembly. There hasn't been much effort to educate the public, a failure we hope the Yukon can avoid.

INDEPENDENT BODY CHARGED WITH PUBLIC EDUCATION AND CONSULTATION

Dr. Paul Howe made an important observation during his submission to the Special Committee on Electoral Reform. He said that it shouldn't be the mandate of a Citizens Assembly on Electoral Reform in Yukon to educate the public. Certainly, the Assembly should ask for public submissions as a part of their own self-education. Certainly, their reports must be published and the public given updates of the Assembly's progress. While members would be chosen from all of the districts and each member would be familiar with the needs of their own districts, their job is to inform themselves, study the issue and make recommendations based on their own personal conclusions. The job of consulting with and educating the public must come from another body.

The BC Citizens Assembly website would be a good model to follow. Here is the link:
<https://citizensassembly.arts.ubc.ca>

³<https://www.climatechangenews.com/2019/06/27/irelands-world-leading-citizens-climate-assembly-worked-didnt/>

⁴ <https://www.gov.scot/publications/citizens-assembly-scotland-scottish-government-response-doing-politics-differently/pages/13/>

⁵ <https://www.gov.scot/publications/citizens-assembly-scotland-scottish-government-response-doing-politics-differently/pages/11/>

There is another model that could be emulated. Commission on the Peel River Watershed Land Use Plan held town halls and meetings with all of the affected stake holders and communities. Could this model be used to educate and generate interest among Yukoners on the subject of electoral reform?

The Commission approached stakeholder communities in three iterations. The first was informal and scoped out the topic of land use. The second was informational, containing a synopsis of research to date to present to stakeholders. In the third iteration, the nature of the meetings evolved, and stake holders gave submissions to the Committee.

In New Zealand, a Royal Commission on Electoral Systems, *“Towards a Better Democracy”*, reported to the public in 1986. It weighed the value of First Past the Post, Single Transferable Vote, Supplementary Vote, Alternative vote against ten criteria.

Here are the Royal Commission’s criteria:

- Fairness between political parties
The number of seats in the House should roughly reflect the number of votes received
- Effective representation of minority and special interest groups
The membership of Parliament should reflect the divisions of society
- Effective Māori representation
Māori should be fairly and effectively represented in House
Treaty of Waitangi & aboriginal rights should be respected
- Political Integration
All groups should respect views taken by others in society
- Effective representation of constituents
An electoral system should encourage close links and accountability to the community
- Effective voter participation
The voting system should be understandable
Power should be hands of voters to make/unmake governments
- Effective government
Governments should be able to act decisively and fulfil their responsibilities to their voters
- Effective Parliament
Parliament should be independent from government control
Parliament should be able to authorise spending and taxation as well as legislate
- Effective parties
Political parties should be formulating policy and providing representation
- Legitimacy
Fair and reasonable to the community

Fair Vote Yukon Submission
to the Special Committee on Electoral Reform in Yukon

Based on the well-publicized report from the Royal Commission on Electoral Systems, New Zealanders voted for Mixed Member Proportional Representation in both of the following referendums.⁶

In closing, electoral reform in Yukon is a project worthy of careful planning and practical action. Fair Vote Yukon hopes that the Special Committee on Electoral Reform will consider our recommendation for the creation of both a Citizens Assembly and an independent body tasked with educating and consulting with Yukoners on the subject of electoral reform.

Fair Vote Yukon thanks the Special Committee on Electoral Reform for the opportunity to make a submission.

Linda Leon
Fair Vote Yukon Spokesperson



⁶ https://en.wikipedia.org/wiki/Royal_Commission_on_the_Electoral_System

Climate Change and Electoral Reform

Prepared by Sarah Newton
9-100 Lewes Blvd
Whitehorse YT

For Electoral Reform Committee

The need for electoral reform has never been greater as the political divides within our country have been growing for years. The current protests in Ottawa and a number of border crossings in Canada highlight the types of disruptions we can experience when different needs and voices within our communities feel they have not been heard and acknowledged. Our community here in the Yukon is facing numerous crises that include COVID 19, affordable housing, the opioid epidemic and climate change. We require our elected officials and governments to work together in an evidence-based manner to address these challenges and create solutions that will benefit all of us. Within the crisis, there lies an opportunity to make changes that create much better social and economic conditions for everyone. These opportunities have been referred to a 'just transition', a green recovery from COVID 19, housing as a basic human necessity and a net zero carbon economy. We need people from across the political spectrum to come together around common goals to build a better future for the next generations.

This submission will focus on the current climate crisis, recognizing that there are many parallels in dealing with the other crises I have mentioned above. These challenges have implications on our community's economy, social well being and health. There are many different legislative tools available to us to work on addressing these issues. There is a large and growing body of evidence about why these issues are so critically important to our community. Many of us have been personally impacted by these challenges through the impacts on our businesses, struggling with housing or losing loved ones.

Climate change denial is on the decline because the number of extreme weather events has increased dramatically in the last few years. For example, the heat wave last summer in BC caused a severe wildfire season and left much of the interior vulnerable to the series of atmospheric rivers that hit in late November. (CBC, 2021) The highway washouts exacerbated supply chain issues and consumer panic buying across the province and into our own territory. The cost of insuring housing, especially multi unit residential, has been increasing and many insurance companies are no longer willing to insure these types of property. According to the Canadian Insurance Institute's Climate Risks report, the insurance industry is expecting severe weather-related claims to more than double in the next 10 years (Kovacs, 2020). The floods alone in BC are expected to cost insurance companies over \$500 million dollars, with additional costs to uninsured assets. Within the Yukon, our infrastructure is further impacted by melting permafrost and temperatures rising much faster than other areas of Canada.

Proportional representation particularly has many benefits to addressing the complex nature of the climate crisis and the other challenges facing Yukon. Representatives are encouraged to work together to find long term solutions beyond our four-year electoral terms. In the 2022 Climate Change

Performance Index, 12 of the top 15 highest ranking countries have proportional representative electoral systems (Burke, 2021). Between 1997 and 2003 out of 17 countries that were able to reduce their carbon emissions, 16 of them use proportional representation. (Cohen, 2010). Consistently, the countries that perform the best on the UN Sustainable Development Goals have proportional representation.

As in any crisis, there are also areas of opportunity and in order for Yukon to take full advantage of these, collaboration across political lines is needed. The World Bank acknowledges that economic development needs to integrate climate and social goals in order to be sustainable (World Bank Group, 2021). In order for strong measures to be successful at reducing emissions and building a just post-COVID world, we will need effective and innovative financial tools and legislative mechanisms that require cooperation, knowledge and willpower from all across the political spectrum.

In many ways, the Yukon is approaching a number of pinch points with a rapidly growing urban population and a number of pressures that include land use facilitated by the Umbrella Final Agreement, health care capacity, and infrastructure including housing. All of these issues have important relationships with climate change, both contributing to or mitigating our emissions as well as exposing our vulnerabilities. The Yukon is a landscape that encompasses so many strengths to address these challenges and I believe that electoral reform can help us rise to meet them.

References:

- 1) Front Burner, CBC, B.C. climate change and what's coming for Canada [B.C., climate change and what's coming for Canada | CBC Radio](#)
- 2) Kovacs Paul, (2020), "Climate Risks: Implications for the Insurance Industry in Canada, The Insurance Institute of Canada,
- 3) Cohen, Darcie, (2010) Do Political Preconditions Affect Environmental Outcomes? Exploring the Linkages Between Proportional Representation, Green Parties and the Kyoto Protocol. Simon Fraser University
- 4) Burke, Jan et al, (2021), 2022 Climate Change Performance Index Results: Monitoring Climate Mitigation Efforts of 60 Countries plus the EU – covering 92% of the Global Greenhouse Gas Emissions. Accessed from: [CCPI-2022-Results-2021-12-02-A4.pdf](#)
- 5) World Bank Group. 2021. World Bank Group Climate Change Action Plan 2021–2025 : Supporting Green, Resilient, and Inclusive Development. World Bank, Washington, DC. © World Bank. Accessed from: <https://openknowledge.worldbank.org/handle/10986/35799> License: CC BY 3.0 IGO.

Dual Member Proportional: An Option for Yukon

Rhys Goldstein
Toronto, ON
February 16, 2022

What is Dual Member Proportional?

Dual Member Proportional (DMP) is a proportional voting system in which two local candidates are elected in every constituency. The first is elected by First Past the Post. The second is elected in a way that ensures a proportional election outcome across the territory.

Where does DMP come from?

DMP was invented in Canada, for Canadian jurisdictions. It was developed with funding from the University of Alberta, and has appeared on public votes in Prince Edward Island and British Columbia.

What problem does DMP solve?

DMP provides a relatively easy way for Canadian jurisdictions to take the step forward from non-proportional to proportional voting.

Like all proportional voting systems, DMP is based on the principle that a Legislative Assembly should reflect the views of the people in direct proportion to their numbers.

What sets DMP apart is that it maintains two of the most widely appreciated features of the current system. First, it maintains the simple “mark one X” voting experience that is familiar to Yukoners and all Canadians. Second, it keeps every representative local. With DMP, all of Yukon’s MLAs would serve the local constituency where they ran as local candidates.

How do Canadians respond to DMP?

By maintaining a single-vote ballot and 100% local MLAs, DMP is intended to broaden public support for proportional representation. Compared with other proportional voting systems, DMP tends to appeal to Canadians who are skeptical or uncertain about change.

- In the 2016 PEI Plebiscite, more Islanders ranked DMP above First Past the Post than the other way around. DMP also received more than twice as many 1st choice votes as Preferential Voting (ranked ballots in single-member constituencies). Finally, DMP received the most 2nd choice votes of all five systems in the plebiscite, suggesting it could be a consensus option.
- In the 2018 BC Referendum, DMP was the most popular of the three proportional voting systems among people who voted against change. It was also the clear favourite among British Columbians who chose not to answer the question of whether the system should change, but still ranked the alternative systems.

Is there any voting system like DMP in use?

Yes. The German state of Baden-Württemberg has used a system like DMP for roughly 70 years.

- All candidates in Baden-Württemberg run in a local constituency, just like DMP.
- Voters in Baden-Württemberg mark a single-vote ballot, just like DMP.
- The First Past the Post winner is elected in every constituency, just like DMP.
- The remaining local candidates are elected in a way that accounts for their local popularity, yet ensures a proportional outcome overall, just like DMP.

The difference is that in Baden-Württemberg, each constituency may end up sending 1, 2, 3, or 4 of its local candidates to the Assembly. The number of candidates elected from each constituency depends on how people vote, and varies from election to election. DMP improves on this existing system by ensuring that exactly two candidates are elected from every dual-member constituency.

What would DMP look like in Yukon?

The following is one concrete way DMP could be implemented for Yukon territorial elections.

- Both Whitehorse and Rural Yukon would gain 1 additional seat. This would increase the size of the Assembly from 19 seats to 21 seats.
- The current 11 constituencies in Whitehorse would become 6 dual-member constituencies.
- The current 8 constituencies in Rural Yukon would become 4 dual-member constituencies plus Vuntut Gwitchin, which would remain a single-member constituency.
- All voters, including those in Vuntut Gwitchin, would contribute equally to the territory-wide popular vote. The popular vote would determine the total number of seats for each party.

How proportional is DMP?

DMP is a highly proportional voting system. It would allow Yukoners everywhere to vote effectively for their preferred option, and have their views represented in the Legislative Assembly.

Other proportional voting systems, like Mixed Member Proportional and the Single Transferable Vote, would require the territory to be divided into regions to ensure a sufficient number of MLAs in rural areas. Elections would then be proportional only within each region. Because Rural Yukon has fewer seats than Whitehorse, these systems would offer a lower degree of proportionality in rural areas.

With DMP, voters in Rural Yukon would enjoy the same degree of proportionality as voters in Whitehorse. If implemented as outlined above, DMP would also increase the proportion of seats dedicated to rural areas. An increase in geographical representation for Rural Yukon would be easier to justify with DMP than with other voting systems, since DMP uses territory-wide proportionality to satisfy the principle that all voters are equal. All voters would have equal political representation, but rural voters would be overrepresented geographically as is the tradition in Yukon and Canada.

More information on DMP can be found at <https://dmpforcanada.com/>.

From: Colin Graham
Sent: Monday, February 28, 2022 10:54 AM
Subject: PR in the house

Dear Electoral Reform committee,

I'd like to suggest a different approach to proportional representation than the ones in your survey (which I completed on line) . I'll call this new approach, "weighted voting in the house". The idea is to have the results in the house reflect the actual vote percentages but to have each riding represented by a designated person who ran in that riding, plus, in certain instances, extra members. Under this system there is no shift of power if an MLA crosses the floor. If there is a tie vote in a riding, the winning of a coin toss does not affect voting power in the house.

This system has a number of virtues:

- each riding elects an MLA
- the government and official opposition cannot be determined by a coin toss
- every vote counts (as in all PR systems), even in ridings that go heavily to one party
- small parties with dispersed support can be represented in the house
- voting in the house always reflects the preferences of the voters
- by-elections lead to a revision of voting weights and thus have more than symbolic effect.

Weighted voting in the house works this way:

1. First past the post (or preferential ballot) in each riding, thus providing each citizen with "his/her/their" MLA.
2. Any party that gets more than 5% of the territorial vote is entitled to at least one seat in the house and another one for each additional 10%, thus increasing the house size if the party has not won sufficient FPTP seats. These numbers could be larger or smaller, but small numbers could lead to many one or two seat parties and a very large and expensive legislature and large ones could defeat part of the purpose of this system.
3. When voting occurs in the legislature (plenary or in committee), each MLA has a weighted vote equal to the percentage of the vote his/her party received divided by the number of members that party has. (This would be awful to implement without spreadsheets, but trivial with them).
4. By-elections. The vote counts of the previous general election are revised by replacing the previous count from the riding with the results of the by-election. The house size and voting weights would be adjusted accordingly. This could result in one or more of the MLAs added in paragraph 2 losing his/her/their seat or the addition of new members.

5. Crossing the floor.

a) If an MLA crosses the floor to join another party, the weights of each of the remaining MLAs of the party deserted go up and the weights of the MLAs of the receiving party go down. This creates an incentive for by-elections and a disincentive to poaching.

b) If someone becomes an independent, that MLA gets a weight of $y\%$ (say half the minimum weight before the crossing, to be subtracted from the party deserted - the Speaker to rule on whether the MLA is really independent or has functionally joined another party and is claiming to be "independent" to avoid the penalty of a). Voting weights would be recalculated. Alternatives are possible; I see this as the most difficult part of weighted voting in the house.

If this system had been in effect for 2021, the weighted votes of the MLAs would have been:

Each Yukon Party MLA would have 4.915 votes;

Each Liberal MLA would have 4.04625 votes; and

Each NDP MLA would have 9.37333... votes.

If Pauline Frost had won the coin toss, the NDP would still have 3 seats with weights 9.373333..., but the Liberal weights would have gone down to 3.5966666... This method has the virtue that winning a coin toss only determines the body count in the house and not the distribution of voting power, and is thus more reflective of the will of the voters.

Thank you for your consideration.

Colin Graham
Whitehorse

REMI SMITH

March 11, 2022

Special Committee on Electoral Reform

On the benefit of increasing the number of members in the Assembly:

I have followed the Committee's progress closely and did respond to the survey. However, I believe the effective number of MLAs needs to be increased.

Although the Yukon has a very small population which argues against increasing the number of members, I believe there are a number of other criteria that argue very strongly for an increase.

First, there is the size of the Territory: The present number of ridings forces many disparate and distant communities into the same riding. For example, Faro and Ross River might have more in common with Carmacks and area than their present situation. Also many of the ridings on the outer edges of Whitehorse are a hodge-podge of rural, exurban, suburban and urban. The flooding in Marsh Lake and area as well as that area's growth show the commonality of interest that exists in the Whitehorse outskirts. These areas surrounding Whitehorse might also benefit from being in a cohesive riding.

Second, there is the fast increasing complexity of governing modern democratic jurisdictions and the increasing demands on the elected representatives. Consider as some factors the increasing extra-jurisdictional demands such as national Ministers' Councils (ie. Environment, or Finance, or Justice as examples). Then there is the increasing direct demands on government which can be seen by the rapidly increasing number of agencies and civil servants.

Among other things we, as citizens, expect from our representatives is good governance and I would submit, based on my experience in the Yukon, that there is a serious governance problem in the Yukon and that it starts at the top, in the Assembly.

19 members is not enough to come close to meeting citizen expectations:

One is the speaker

Three are in one opposition party which attempts to fulfill its obligation of holding a whole government accountable.

Eight are in the Official Opposition, which of itself is possibly adequate at best.

Eight are the governing party and need to fulfill all the Executive functions. Not realistically possible in the modern context, leaving our representatives very subject to the bureaucracy and leaving the bureaucracy with weak policy and political direction.

I would submit that at least 4 members/ridings should be added. Although I do not have the resources to detail where and how these would be distributed, 3 could easily be set around and in Whitehorse and a further rural seat could alleviate some of the issues of distance and lack of commonality of interests between communities.

On another point, I personally prefer members that represent ridings directly as I believe there is a very personal contact between citizens and their MLAs in the Yukon that should be maintained.

I also lean to seeking a form of proportional representation though I have no present opinion on a method.

The Assembly, in my respectful view, needs more talent and “persons to carry the load”.

Remi Smith

Keno City

March 15, 2022

Special Committee on Yukon Electoral Reform

Re: Committee Initiative, and Survey

Hello, we are writing today to express our extreme disappointment and upset with and around the survey/invitations that recently arrived in our mailbox.

The survey arrived without any advance public notice or education around this significant initiative of great import to all Yukoners.

The survey documentation did not include any reference material, backgrounders, or information on the Committee's work and processes, including, on a go forward basis.

Perusing the survey document itself, we are of the view that it is of very poor quality, both in terms of layout/structure, and content.

The explanations offered for the various electoral models presented in the survey are not well-presented. Coupled with the lack of any examples, this presents a major challenge to discerning what and how various alternate models might actually 'work'.

We note as well that there are likely other, perhaps more nuanced or complex, models that are not even presented for consideration in the survey.

We find the orientation of the survey to be more focused on sussing out how political parties can best position themselves for the next election(s), and toward upholding the existing political party system in Yukon, and without any discussion on other electoral models (such as non-party, consensus style governments).

The lack of any space or opportunity to provide comments within the survey document is also limiting to solicitation of Yukoners' thoughts on a range of issues directly related to the survey itself, and to the commission's overall work undertakings.

In an effort to try and grasp any sense at all of the context for this survey, we went on a time-consuming journey to try and find 'something' that might delineate the Commission's purpose, activities to date, and intentions for bringing its work to conclusion.

We eventually found the Committee's website – buried within levels of the Legislative Assembly's website.

Imagine our complete shock and surprise to learn of the news releases previously issued, and public hearings already held.

For all intents and purposes, there have been NO communications with the Yukon public about the Committee's work, agendas, or plans, other than its intention to produce a report for the Legislative Assembly by Fall Session 2022. We can only assume that those who did make hearing

submissions/reports were those for whom this initiative was very 'close' and who were therefore in a position to engage on the subject at the time.

We feel the Committee has not accorded either the subject matter, or the Yukon citizenry, the respect deserving of such an important matter as electoral reform.

We have not yet had time/opportunity to review the report/submissions presently listed on the Committee's website. We will be undertaking to do so in an effort to better inform ourselves, before making a decision on when and how we might complete the survey.

In the meantime, we strongly urge the Committee to quickly undertake a comprehensive Yukon public education campaign, involving outreach by media, direct-to-home mailouts, and other means, toward ensuring Yukoners are better informed and equipped to engage on this matter, and can make meaningful contributions to these discussions.

Given the survey documentation did not identify a survey close deadline, we would also appreciate Committee confirmation of when, and how, the survey results will be shared with the Yukon public.

We look forward to your response.

Cathleen and David Lewis
Whitehorse, Yukon

Thoughts on Process and Reform Options

Now retired, I am a former academic and policy researcher. I was President of Fair Vote Canada from 2016 to 2021 and continue to be heavily involved in the movement for proportional representation in Canada. I have been monitoring the expert testimony before the special committee with considerable interest.

Abstract

This short submission puts forward three main ideas:

1. In thinking about the citizens' assembly (CA) option, you might consider how a CA could best complement the work of the special committee and draft the CA's mandate accordingly.
2. A proportional electoral system could be the best way to address Yukoners' aspiration for a more consensual approach to government.
3. It's important that whatever reform option the committee proposes should be **easy to implement and for voters to navigate**. I believe that the open-list system that FVC has put forward best fits the bill, with adjustments as you see fit.

A citizens' assembly, not a referendum

I was interested to learn from Ken Carty, during the March 25 hearing, that the rationale for a CA in BC was predicated on an explicit acknowledgement by the government that elected officials are in a conflict of interest when it came to electoral reform.

I salute the government of the day for acknowledging that and salute your committee for the serious attention you are paying to the CA idea.

An important question is how to connect your own work with that of a CA.

Assuming that the Yukon Special Committee on Electoral Reform will have produced its own set of recommendations already, the mandate of a citizens' assembly would need to be adjusted accordingly.

The CA's mandate could be to validate, amend or reject the Special Committee's recommendations. The mandate might include:

- validation of the committee's recommendations, with or without reservations or conditions;
- considerations relating to the timing and rolling out of the reform over time;
- recommendations on an ongoing citizens' review process to be envisaged to revisit and reassess the reform in the future.

A citizens' assembly, consisting of possibly two people per riding for a total of 38, could be seen as a much better way of garnering a citizens' perspective than a referendum, the perils of which are well known.

In making your recommendations, I can only echo the words of Prof. Pilon, and encourage you to take a non-partisan perspective as advocates for a more democratic electoral system in

Yukon. Doing this right in Yukon could have major repercussions by way of example elsewhere in Canada.

Towards a more consensual form of government

We know that a proportional system would yield a better match between vote shares and seat shares by party and have witnessed many elections in Yukon in which a party with 25% or more of the vote ends up with only one, two or three seats. The case for reform to eliminate such distortions is obvious.

However it has been argued that a PR system in Yukon would make it very difficult for a single party to form a majority government. The question is whether this would be a bad thing or not.

Were this a bad thing, we would find most countries with PR in the world producing bad policy and bad government. However, that is not what we observe. **On almost any indicator, constituencies with PR produce better policy and display a higher level of policy-continuity, than countries with first-past-the-post.** You'll find the evidence for this in Fair Vote Canada's literature review of comparative research, titled "[A Look at the Evidence.](#)"

The reason for this is that such countries are obliged to forge a majority consensus across parties representing a majority of the population in order to pass legislation. The route to a more consensual approach to decision-making while retaining a party system is to bring in some form of proportional representation.

PR options for Yukon

Wading through the various PR options that Yukon might consider can be challenging and confusing. However, some options are more straightforward than others, and not everything needs to happen at once. You might consider a model that is relatively easy to implement in the first instance, but that could be relatively easy to fine tune over time.

Going back to the issue of the CA's mandate, the legislation bringing in electoral reform might build in the creation of an ongoing CA process to review how well the reform is working and propose potential improvements.

In considering the options for Yukon, I would encourage you to look again at pages 14-16 and 22-26 of [the written submission from Fair Vote Canada](#), which contain material on systems design taking Yukon's specificity into account.

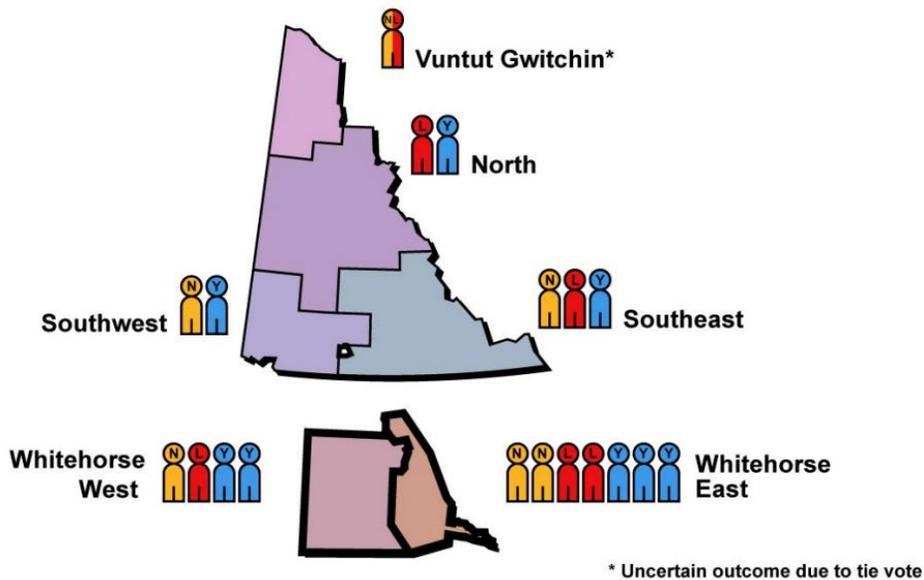
FVC proposes two relatively easy-to-implement options for Yukon.

Open-list PR

Worth noting on pages 15-16 is that almost all northern constituencies similar to Yukon have adopted open-list PR as an electoral system. A major reason for this is the simplicity of this model that can be achieved while retaining the direct accountability of elected representatives to the voters. Voters would continue to vote by marking a single X for the candidate of their choice. This vote would also count as their party vote.

FVC illustrates what an open-list PR system might look like in Yukon on p. 22 using the following graphic:

Open List Proportional



This is a regionally-based model with six regions varying in size from a single-member district for Vuntut Gwitchin in the north to seven members for Whitehorse East. The icons show the results of simulations of the expected result using the 2021 voting pattern.

An advantage of this model is that most voters elect a representative from a party that they voted for in each region rather than a single member who may not share the same political perspective.

The extent of proportionality in any system depends on the size of districts, ranging from single-member districts in first-past-the-post to “pure proportionality” in which all seats are pooled, like in the Netherlands.

FVC has proposed six regions, which is a lot for a small legislature like Yukon’s. The intent is to retain the community-based approach to elections alluded to in the hearing with Graham White on March 25, while correcting the worst aberrations of first-past-the-post.

Single-member districts outside of Whitehorse?

It’s possible that Yukon citizens would prefer to retain districts outside of Whitehorse as single-member districts. If so, that option need not be excluded.

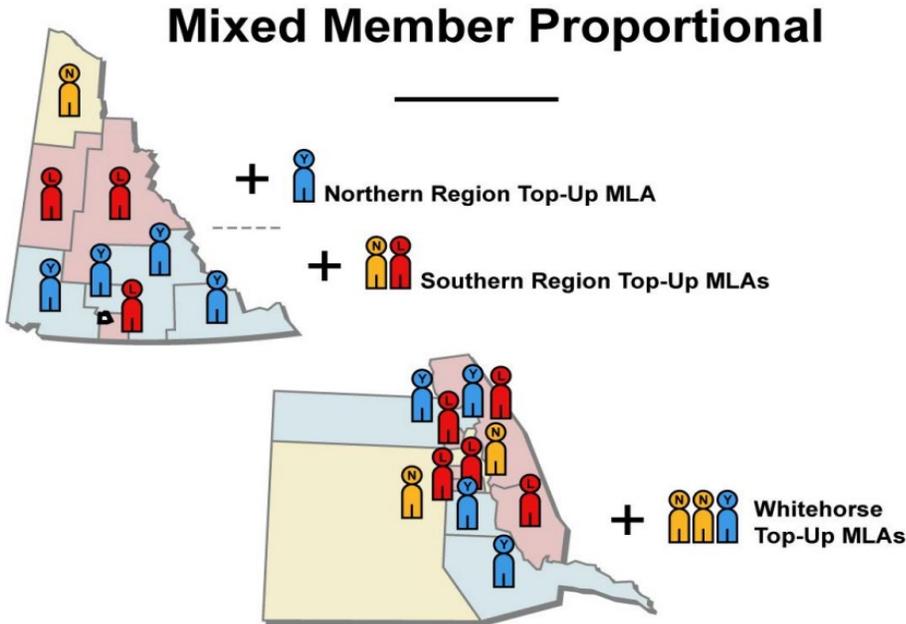
Should you decide to go that route, you might consider an approach used in some Scandinavian countries, which is to add a small number of “adjustment seats” on top of the regular ones. A total of three or four adjustment seats covering the whole of Yukon and allocated in a compensatory way would be enough to ensure a high level of overall proportionality.

The MMP option

The second option proposed by FVC is an MMP model described on pages 24-26 of their submission. In this model, Yukon could keep *all* of the existing single-member districts but add a larger number of adjustment seats to correct distortions. FVC proposes the addition of six adjustment seats in their submission. The MMP option requires more adjustment seats to be proportional than the open-list option, because the distortions to correct for are much larger in

this case . Six adjustment seats would be a small number by normal MMP standards, accounting for only 24% of total seats.

Here is what the projected result would have looked like in 2021 as shown in FVC's submission:



This model yields a similar result to open-list, but requires a greater number of adjustment seats to achieve that result.

If Yukon did not want to add seats, the alternative would be to carve out the required number of adjustment seats from the existing seats. This would require a redistricting exercise, and would increase the geographic size of each district.

David Brekke provides an excellent, if slightly more complicated, example of MMP that does this in [his submission](#). He presents a 50-50 MMP model by pairing up existing ridings. Each pair yields one constituency seat and one adjustment seat. Innovating further, Brekke adds a ballot in which each voter may mark two candidates as their first and second choice, using a Borda count that awards two points for a first choice and one point for a second choice, to determine the winner in each case. Adjustment seats are assigned as required to the best runners up in each region. This is a sophisticated model providing an enriched way for voters to express their preferences, while yielding a highly proportional result.

Conclusion

The choice of model to propose is yours to make but should ideally be put to a citizens' assembly to consider from an independent citizens' perspective. As you can see, there are some quite simple ways to proceed. The citizens' assembly would play an important role in providing the citizens' legitimacy that is required and would give citizens the opportunity to accept, reject or modify what the committee proposes.

From: Josh Schroeder
Sent: Tuesday, April 19, 2022 8:33 AM
Subject: Electoral reform survey feedback

Hello,

I completed the survey on electoral reform in the Yukon, but I would like to express my thoughts that were not captured by the survey format.

In my opinion, the divisiveness of party politics are serving as an ever greater wedge between people in our territory, and several of the proposed reforms (proportional and mixed) would serve to further entrench the importance of political parties. What I think we need is better representation of constituents and their interests, not those of the parties, their leaders and donors.

I would favour a system that downplays or eliminates party politics entirely. A system of consensus government, like that used by our neighbours in NWT should have been given consideration alongside the options presented by the committee.

I do welcome the idea of electoral reform in the territory, but am concerned about the alternatives that would move us farther away from direct representation, alienating voters and stoking toxic party divisions.

Thank you for your time.

--

Josh Schroeder

From: Ruth Hall

Sent: Tuesday, April 19, 2022 5:51 PM

I support a change to "Majority" voting, that is, a ranked vote where you indicate your #1, #2, #3 choices and a successful candidate must have 51% or more of the votes to win the seat.

From: Paul Baker

Sent: Friday, April 22, 2022 3:27 PM

I vote for alternative vote, majority system

I look forward to not wasting my vote to ensure the party I don't like does not get elected.

Fair Vote Yukon is a non-partisan citizen's movement advocating for electoral reform in the Yukon.

We are here today to recommend the formation of a Yukon Citizens Assembly on Electoral Reform.

This Special Committee is an important first step towards delivering an electoral system that better serves Yukoners. However, electoral reform is inherently a politically charged matter. To ensure public confidence in the reform process, and to create a truly democratic foundation to our electoral future, Fair Vote Yukon asks the Special Committee to recommend to the Yukon Legislative Assembly the formation of a Yukon Citizens Assembly on Electoral Reform.

Fair Vote Yukon believes that a Citizens Assembly, (CA), would have public confidence in the reform process and make un-biased recommendations on how to create a truly democratic foundation to our electoral future.

Throughout the world there are many electoral systems that more effectively represent the will of their citizens. All the successful systems are carefully tailored to the unique circumstances of the particular jurisdiction.

Yukon poses a unique challenge when thinking about designing a fairer electoral system. The large disparity of population size between the urban electoral districts of Whitehorse and those of more remote communities complicates the matter. Furthermore, there are big differences between cultures amongst these small remote communities.

Determining the electoral system best suited to effectively represent all Yukoners is not a simple or clear-cut task. There are many different voting systems to consider, each with a varying impact on key characteristics such as proportionality, regional representation, and the ability to vote for parties or candidates.

A recommendation developed by a Citizens Assembly would elegantly address these problems. Randomly chosen Citizens Assemblies are inherently open and non-partisan. Fair Vote Yukon believes that a properly resourced, arms-length Citizens Assembly could, along with a well-executed public education and consultation campaign, encourage public participation.

Peter Loewen from the Monk Institute, an opponent of electoral reform, grudgingly observed that the BC use of a Citizens' Assembly, "*gave it a bit more credence.*" Both the *Samara Centre for Democracy* and the *Organization for Economic Co-operation and Development, (OECD)*, found high levels of public trust in Citizens Assemblies. A poll published in the journal, *Irish Political Studies*, confirms these findings; "*Perhaps the first thing to note is that overall levels of*

support for CAs are relatively high. Over 75% of respondents agree that there are benefits in implementing Citizens Assemblies.”

Fair Vote Yukon believes that, with all the available technological advances brought on by the COVID Pandemic, a Citizen’s Assembly could be much more efficient today. Meetings could happen on-line. Presentations like this one can be shared on-line.

Fair Vote Yukon believes that Yukon is the perfect place for an effective Citizen’s Assembly to be created. All First Nations in the Yukon hold at least one General Assembly every year and many hold multiple Special Assemblies to decide on important matters for its Citizens. To gather, to be educated together on important matters, is an important part of Yukon culture. The Yukon is an international leader in First Nation’s self- governance development and ground-breaking Land Claims agreements that protect the rights of all Yukoners.

The time is ripe for Yukon to be leaders again, this time in transforming our electoral system. The Climate Emergency demands all voices be heard when it comes to the Climate Solutions that we need.

On this Earth Day we ask the Special Committee to be bold. Create a Citizen’s Assembly on Electoral Reform.

In closing, we would like to leave you with a plea from long-time Fair Vote Yukon member, Astrid Vogt.

“It would be great to finally dig in our heels and request a Yukon citizens assembly - even just for educational reasons so Yukon citizens would have a chance to learn about PR, (proportional representation), and what it means to be able to vote with your heart without having to constantly worry about the vote split!”

Fair Vote Yukon thanks the Special Committee on Electoral Reform for the opportunity to make a submission. Fair Vote Yukon

Fair Vote Yukon is a non-partisan citizens’ movement advocating for electoral reform in the Yukon, established by Danielle Daffe in 2009.

Sally Wright has been a member of Fair Vote Yukon since 2013 and has co-authored, with Dave Brekke and other members, dozens of locally published letters, advocating for fair and proportional electoral system in the Yukon.

Linda Leon is known for her letters to the press on political matters, most notably the series on Electoral Reform in Yukon published locally, and in rabble.ca, in 2018.

From: Don Hrehirchek

Sent: Saturday, April 23, 2022 9:31 AM

Electoral Reform

Submitted content

Message: I would like the Northwest Territories system of Governance . It may not be perfect, but is the best of the worst in My opinion!

From: Jim Cahill

Sent: Monday, April 25, 2022 5:48 PM

Electoral Reform

Submitted content

Message: April 25, 2022

Dear Special Committee on Electoral Reform, I would like to see mixed member proportional representation be put in place as our electoral system. Thank you.

Yours sincerely, Jim Cahill

From: Mike Ellis

Sent: Tuesday, April 26, 2022 10:21 PM

Subject: Support for larger ridings / districts

Hello

Thanks for the opportunity to comment. I have reviewed the brochure I received in the mail and have a few comments. Note first that I live in Riverdale South.

First, the current number of MLAs seems to be functioning well. It allows for enough cabinet members / healthy debate during question period / etc.

I start here, because with 19 MLAs, and a one-candidate-per-riding system, we get to the heart of what I believe to be the single biggest issue needing reform. Whitehorse-area MLAs have the ridings with the largest populations, and yet we still end up with artificial and ineffective riding divisions, simply due to needing to create so many Whitehorse ridings. My issues are no different than those in Riverdale North, yet we have different representatives. There is no perfect way to divide Whitehorse up into equal population groups, but larger ridings/districts would likely make this issue significantly less pronounced.

Neighbourhood-by-neighbourhood ridings also creates another problem of representation. The municipality uses an at-large system, which makes sense. Municipal issues are almost always better decided upon by elected officials who consider the perspectives of all residents, and don't give extra weight to a subset that they alone represent. However, this results in residents turning to their territorial representatives to bring up neighbourhood-specific issues. The large majority of issues that I share with my neighbours are municipal - parks, street cleaning, trails, curbside recycling, etc. Even things that seem territorial are arguably not - such as schools - although run by the territory, it is the municipality's planning and zoning that ultimately allows the school to be where it is. This results in confusing and sometimes messy overlap between territorial and municipal issues. Example: the current notion of applying a higher level of protection to McIntyre Creek park, despite the City of Whitehorse already affording this land, entirely within their jurisdiction, the highest level of protection that it has.

Finally, it seems very likely that population growth will continue to occur mostly in Whitehorse. This will only make the current problem worse. With such a large amount of semi-arbitrary riding boundaries, but growth concentrated in certain areas, ridings constantly need to be adjusted to try to keep the amount of people per (urban) riding approximately equal. The Electoral Boundaries Commission recommended several adjustments be done prior to the 2021 election to account for this, such as the creation of a Whistle Bend riding. However, it appears that not all of the recommendations were palatable, such as adding a 20th MLA, and so they were not implemented. If it is going to continue to be too difficult to adjust riding boundaries, then clearly the system is broken and needs adjustment.

I realize that the main focus of reform is less about riding size, and more about fairness. People are understandably frustrated with a system that results in majority rule without a majority of the vote. I also support reform that would eliminate the first past the post system in favour of a system that is employed elsewhere to demonstrably good results. In any situation, I wanted to voice support for larger ridings/districts as another issue that could provide significant benefits for multiple reasons.

Thank you for your work on this issue, and for receiving feedback

Mike Ellis

From: Kyle Smith

Sent: Tuesday, April 26, 2022 6:04 PM

Electoral Reform

I always liked Single Transferrable Vote, but not the large districts always discussed with it. Also not a fan of party lists. I've never heard of Alternative Vote until now, but it sounds like a great alternative. FTFP is not for me!

From: E Bradshaw

Sent: Tuesday, April 26, 2022 10:44 PM

I feel strongly that we should have direct, local representation - the candidates one votes should live/directly represent their district. We are a small territory and it's important our communities (and in Whitehorse, neighborhoods) have a voice. I'm very leery of proportional representation for this reason but open to models that keep direct local representatives.

E Bradshaw

From: Dorothea Talsma

Sent: Tuesday, April 26, 2022 3:26 PM

Electoral Reform

Message: If we change how our representatives are elected we should have a "run off" like they just did in France whereby those without enough votes are dropped from the ballot and we vote again. I believe it to be a much better choice than proportional or mixed and well worth the extra expense. Please include this option next time you do a mail out.

From: Tristan Newsome

Sent: Wednesday, April 27, 2022 8:07 AM

Electoral Reform

Proportional Representation! We are long past the days where Members of the Legislative Assembly are anything but extensions of the Party mantra. And that's fine; with politics becoming less local and more national, it's simply the way of things now. With this in mind, an electoral system based on proportional representation will better represent the interests of the electorate.

From: Verena Hardtke
Sent: Wednesday, April 27, 2022 5:27 PM
Subject: Input to Electoral Reform Process

Hello,
The contact form on your website was not working for me, so here are my thoughts.

I prefer the current system and don't believe that a change is required.

Thanks

Verena Hardtke

From: Paul McCarney

Sent: Thursday, April 28, 2022 7:45 AM

Electoral Reform

Hello, I strongly support a mixed electoral system, with either a parallel vote or a mixed member proportional arrangement. Canadian political systems need to be reformed to more accurately and meaningfully represent the diversity of perspectives of voters. We are also seeing too much partisanship in governance and decision-making and need to introduce a wider plurality of voices and discourse in government. Thank you, Paul McCarney

From: Karen Smallwood

Sent: Saturday, April 30, 2022 11:45 AM

Electoral Reform

Message: I like the Majority system because that way, most people in an area will support their representative.

From: Kristina Calhoun

Sent: Sunday, May 1, 2022 8:56 PM

Electoral Reform

Message: Yes, the Yukon needs an updated voting system. I would prefer to see either the alternative vote system for simplicity sake, or the mixed member proportional system for maximum fairness and a truer representation of actual votes cast.

From: Dave McDermott

Sent: Sunday, May 1, 2022 6:57 PM

Electoral Reform

Message: Proportional representation is definitely the worst option. It only strengthens Party politics and takes the power away from people to vote for the person they think best represents them. Candidates need to stand up for their constituents as they represent them. That is lost in the parties, and proportional representation exacerbates that. Getting away from formal party politics and vote whipping is probably best for democracy. I understand it can never be eliminated, but if we could damp it down it would help. Run off majority sounds like the system that people could complain about the least so that's the system I'd like to see.

From: Inga Petri

Sent: Monday, May 2, 2022 9:58 AM

Hello dear Special Committee Members,

I got this flyer about <https://www.howyukonvotes.ca/> . I find the info presented is rather poor, or perhaps it's just designed to lead back to first-past-the-post ? I mean mixed member proportional representation without having 2 votes - one for the person and one for the party - is inadequate at best, and willful misrepresentation at worst - the flyer even calls it a first-past-the-post- style vote! The graphics used are also extremely misleading. I would imagine the committee sees the communications sent on its behalf? In my way of thinking the two vote system for MMP should be presented accurately and as a true alternative. The person and the party are not identical in MMP systems - unlike Yukon's current way of electing and forming government - and voters have to be able to vote for each separately. Also, how we vote is only half the equation. There finally needs to be a conversation about how government is formed and how different electoral systems work better with different ways of forming government. E.g. any proportional voting method in a multi-party system will more likely than not require some mature political behaviours not merely predicated on obtaining power - this is a significant shift in the mind sets of parties (and it makes the current arrangement between Liberal and NDP to secure a stable government, even if only for half a mandate - a hopeful start). Ultimately, the negotiation of coalition governments to achieve stable, cooperative governments that work for the greater good more often than not, will be needed in a proportional system. And it needs a % hurdle to get over for the party vote - they still get any direct mandate in well-designed MMP systems! - or else many new tiny parties that invariably spring up can completely destabilize the legislature and create a non-functional one. Yes, I am drawing heavily on the post-WW2 system of elections and government formation in Germany that was adopted by New Zealand, which apparently Yukon's special committee on electoral reform heard from. It is superior to a multi-party first-past-the-post any day. I would very much welcome an opportunity to speak to the Committee should such an opportunity be available, to share my concerns from a communications stand point as well as the substantive discussions and weighing of options for effective, fair and just electoral reform.

Best regards, Inga Petri

From: Q Shane Skarnulis

Sent: Monday, May 2, 2022 7:44 PM

Electoral Reform

Message: I support electoral reform away from first past the post, and towards a form such as alternative vote majority system.

From: WILLIAM W. DUNN

Sent: Tuesday, May 3, 2022 4:25 PM

Electoral Reform

Message: I do NOT think we should change our voting practice. We should retain the existing system

From: Sue Greetham

Sent: Wednesday, May 4, 2022 10:02 AM

Dear Special Committee on Electoral Reform,

I would like to recommend a Yukon Citizen's Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.

I support the statement in the Fair Vote Yukon Chair made in the it's presentation to the Special Committee on Earth Day 2022 :

"I just think that it is really important that we change. A citizens' assembly of elders and youth working together at the hard work that it is to create a just society — I am speaking truth to power right now. We need a just society for us to be able to continue together at peace. This is what a citizens' assembly would do. It will tap into all of that knowledge that sits right here with us and will help us and lead us into a better way forward."

Yours sincerely,
Sue Greetham
Yukon, Y1A 7A1, Canada

From: Brian Laird

Sent: Saturday, May 7, 2022 6:17 PM

Electoral Reform

Message: this is complicated. But I think I lean toward the list PR option. I also suggest a change to the referendum. I suggest that we chose the favourite option, then after running an election based on it, run another referendum in conjunction with the subsequent election a few years later. We have to see how it goes, so the first run is actually a test. Thanks for the opportunity to comment. Brian Laird

From: Sally Wright

Sent: Monday, May 9, 2022 5:10 PM

Dear Special Committee on Electoral Reform,

I would like to recommend a Yukon Citizens' Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.

I support the Fair Vote Yukon presentation to the Special Committee on Earth Day 2022.

Please give Yukon people the opportunity to work together to learn about better voting systems through the creation of a Yukon Citizens' Assembly.

Yours sincerely,

Sally Wright

Yukon, Y1A 2P6, Canada

From: Marten Berkman
Sent: Monday, May 9, 2022 5:31 PM
Subject: How Yukon Votes - thoughts

Thank you for the brochure on How Should Yukon Vote.

I wish to express support for "Alternative Vote - Majority System", for several reasons:

This is the simplest to comprehend.

We vote specifically for the individuals in our riding - important for understanding local issues.

We are offered a second choice, which significantly increases the chance of the majority of voters having a representative whom they are happy with.

Thank you!

please put me on your mailing list for any news/updates/activities regarding Yukon Electoral Reform.

Marten Berkman

From: Erica Heuer

Sent: Friday, May 20, 2022 9:13 AM

Subject: Please create a Yukon Citizens' Assembly on Electoral Reform

Dear Special Committee on Electoral Reform,

I would like to recommend a Yukon Citizens' Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.

Yours sincerely,

Erica Heuer

From: Duncan Smith
Sent: Tuesday, May 24, 2022 8:39 AM
Subject: Electoral reform

Hello,

I saw an ad in the Yukon News showing what you guys are up to and read through the summary. I want to say that I think it's very important work you're doing and I strongly hope that we can get a system that more accurately reflects the population's wishes. Since moving to the Yukon ten years ago, I've voted strategically (not for my preferred candidate) more than once. This is a shame.

Thanks for your work.

Duncan Smith

Dawson City

From: James Saunders

Sent: Tuesday, May 24, 2022 9:31 AM

Electoral Reform

Message: I fully support a change to the outdated system that we currently have. However, it is critical, that in a large geographic region such as Yukon, local voices continue to be heard and represented, which makes a proportional system problematic. I would therefore support a something like the alternative vote system, which keeps the fidelity of the smaller ridings, but expresses the will of the people who do not get their first choice of candidate. It is critical that we promote a politics of inclusion rather than pandering to the extremes. Now more than ever political collaboration and compromise needs to be nurtured given the magnitude of the challenges that the region, country, and world is facing in the coming decades.

From: Ruth Lawrence

Sent: Thursday, May 26, 2022 7:56 AM

Message: Majority System as is now in place.

From: George Nassiopoulos
Sent: Thursday, May 26, 2022 7:57 AM

Message: Majority System as is.

From: Tanya Handley
Sent: Monday, May 30, 2022 3:28 PM
Subject: Please change the current system

Dear Special Committee on Electoral Reform,

I feel like each election sets me up to vote against something instead of for it.

I would like to recommend a Yukon Citizens' Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.

I support the Fair Vote Yukon presentation to the Special Committee on Earth Day 2022.

Please give Yukon people the opportunity to work together to learn about better voting systems through the creation of a Yukon Citizens' Assembly.

Yours sincerely,
Tanya Handley

Three Examples of Ballots

Earth Day Example: Proportional Representation Ballot

You have 3 votes
Mark One X under each Choice

CANDIDATE	1st CHOICE	2nd CHOICE	PARTY	Party CHOICE
Wally Beaver Tree Party	<input type="checkbox"/>	<input type="checkbox"/>	Tree	<input type="checkbox"/>
Gerald Bear Flower Party	<input type="checkbox"/>	<input type="checkbox"/>	Flower	<input type="checkbox"/>
Lucy Bluebird River Party	<input type="checkbox"/>	<input type="checkbox"/>	River	<input type="checkbox"/>
Alice Moose Mountain Party	<input type="checkbox"/>	<input type="checkbox"/>	Mountain	<input type="checkbox"/>
Johnny Cougar Independent	<input type="checkbox"/>	<input type="checkbox"/>	Independent	<input type="checkbox"/>

Example: First Past the Post

You have 1 vote
Mark X under Choice

CANDIDATE	CHOICE
Wally Beaver Tree Party	<input type="checkbox"/>
Gerald Bear Flower Party	<input type="checkbox"/>
Lucy Bluebird River Party	<input type="checkbox"/>
Alice Moose Mountain Party	<input type="checkbox"/>
Johnny Cougar Independent	<input type="checkbox"/>

Example: New Zealand Ballot

You have 2 votes
Mark One X under each Vote

CANDIDATE	Electorate CHOICE	PARTY	Party CHOICE
Wally Beaver Tree Party	<input type="checkbox"/>	Tree	<input type="checkbox"/>
Gerald Bear Flower Party	<input type="checkbox"/>	Flower	<input type="checkbox"/>
Lucy Bluebird River Party	<input type="checkbox"/>	River	<input type="checkbox"/>
Alice Moose Mountain Party	<input type="checkbox"/>	Mountain	<input type="checkbox"/>
Johnny Cougar Independent	<input type="checkbox"/>		

Feeling like your vote doesn't count?

Share your voice!

**Fair Vote
YUKON**

www.fairvoteyukon.ca

Ask for a Citizens' Assembly



Why are
Politicians
making the rules
for how we vote?

CALL FOR A CITIZENS' ASSEMBLY!

SHARE YOUR VOICE!

Fair Vote
YUKON

www.fairvoteyukon.ca



Feeling like your vote doesn't count?



www.fairvoteyukon.ca

Ask for a Citizens' Assembly

Avez-vous l'impression que votre vote
ne compte pas?



*Partage
votre
opinion!*

**Fair Vote
YUKON**

www.fairvoteyukon.ca

**DEMANDEZ UNE
ASSEMBLÉE CITOYENNE!**

Why are over 50% of
Yukon voters not
represented
after each
election?



Fair Vote
YUKON

Yukoners vote **First Past
The Post**...but have you
heard about **Proportional
Representation?**



Fair Vote
YUKON

How can voters make
our **MLAs** work
together instead of
fighting
all the
time?



Fair Vote
YUKON

From: Mike Fancie

Sent: Wednesday, June 1, 2022 8:57 AM

Electoral Reform

Message: I support proportional representation as the Yukon's next voting system

From: Sally Wright

Sent: Thursday, June 16, 2022 12:35 PM

Subject: Complaint about ongoing communications problems with SCER

Dear SCER,

The SCER is doing a community tour of hearings this summer and you have done such a pathetic job at educating Yukon people about Electoral Reform, I expect SCER Chair Kate White's apology for the lack of advertising at the beginning of the May 30 SCER Public Hearing, will not be followed up with action. It is apparent that once again Politicians and their Party Overlords are forcing electoral reform to fail by making it "too hard".

I find it shocking at times how closely the SCER process has been to Trudeau's 2017 Electoral Reform Pullout. The Archer report made the whole process look very hard. The Yukon Bureau of Statistics Survey was so hard and frustrating to do, that I am amazed that over 6,000 people managed to complete it! Many people quit and tried to comment on the survey but none of that was reported about in the Yukon Electoral Reform Survey Report.

Then there is the "How Should Yukon Vote" Purple Blob ads with carved up maps and stick people that is very hard to understand. None of your press releases have gone beyond the SCER website and your Legislative Clerk Administrator is obviously overwhelmed and regularly off on leave and the SCER website you have to dig and dig to find out what is going on. According to the SCER website SCER has received no public submissions since May 9th? Where are all the submissions sent to SCER asking for a Yukon Citizens' Assembly through the Fair Vote Yukon website? How are you accounting for this to the Yukon Citizens?

I am writing this submission as an individual.

Sincerely,
Sally Wright
Whitehorse

Citizen's Assembly Potential Makeup

There has been a lot of discussion around the idea of establishing a Citizen's Assembly to review electoral issues within Yukon including but not limited to how we vote be it the current First Past the Post (FPTP) system or through some other voting options. This could be ranked ballots, some form of Proportional Representation or a Mixed Member system or some other system. Should the decision of the Citizen's Assembly be final or be approved or rejected through a referendum. A number of the experts that presented to the Yukon Select Committee on Electoral Reform felt that if the electoral process was going to be changed that a referendum should be conducted to allow electors the opportunity to approve or reject the proposed changes. Some presenters are opposed to a referendum as they feel it makes it harder to make changes to the system of electing our government. Some think a referendum should be held following two elections with the new system asking electors if they want to continue with the new system or go back to the previous system. If a referendum were to be held, what constitutes approval, should it be a straight up vote with 50% plus 1 being the final decision, should it require to be approved by the majority of people in Whitehorse and the majority of people in rural Yukon as certain options could negatively affect the split of representation of MLAs throughout Yukon, should it require 55% instead of 50% plus 1 or some other level of support? Currently there are 19 MLA in Yukon, should that number stay the same or should there be a change in the number of MLAs elected to the Yukon Legislature. Some of the other election related topics that could be review is who gets to vote, currently you need to be 18 years of age, a Canadian Citizen, and a resident of Yukon for 1 year as of polling day. Some people think the voting age should be change, some think non-Canadians should be able to vote and some think a shorter residency requirement should be considered. Should every Electoral District be represented by a Male and a Female MLA to ensure Gender Parity, should there be some First Nation MLAs to ensure indigenous representation? There are like other issues around our election process that could be considered and proposed by the Citizen's Assembly.

The purpose of this submission is to look at some of the potential issues around a Citizen's Assembly and its possible makeup and issues around such an assembly.

General discussion around the makeup of a Citizen's Assembly is that it should be representative of Yukon, should not be through some type of a self-selection process but through a random selection. Also, to ensure that the majority of Yukoner's could participate in the process which will be time consuming that the members of the Assembly should be compensated to allow for all Yukoner's the ability to participate. One thing that was not mentioned was gender equity of the Citizen's Assembly which I am assumed will generally be equal with selections being made based on one self-described male and one self-described female per area. The 2021 Canadian Census asked two questions around sex/gender, the first was sex at birth and the second was current gender which allowed for Male, Female, and Other which was a write in option. Of those that identified as neither male or female represented 0.1% of the population, whether this is underrepresented or not we do not know but we do know that this is what was identified. In addition to those identifying as Male or Female, I have also included one non-binary in my calculations of the total number of Yukoners that could be on the Citizen's Assembly to ensure that demographic is represented. This person could be selected from a list of non-binary Yukoners as identified from Queer Yukon's membership list given the desire not to have individuals self-select for the Citizen's Assembly.

Selection of Citizen's Assembly members:

For the selection process to be random selection, likely the best way to do this would be in a similar manner to jury selection with people being randomly selected from the current voters list as the starting point would help with a general representation of the Yukon's population. Not all Yukoners are on the voter's list but most Yukoners who are Canadian Citizens and who qualified to vote at the time of the last election would be included as well as those new individuals who now qualify to vote in Yukon and have added themselves to the voter's list. As part of the communications prior to the selection of the Citizen's Assembly, new electors who were not on the last voter's list could be encouraged to register to ensure that they are part of the pool of potential Citizens Assembly members. There could be other processes used to add some members to the Assembly to represent other groups such as Youth or the non-binary community. The voter's list could be subdivided to help with some of the community selections which I will discuss below.

Yukon currently has 19 Electoral Districts, 11 of which are in greater Whitehorse and 8 of which are in rural Yukon, there are also 14 Yukon First Nations spread throughout Yukon. In addition to this, there are eight incorporated communities in Yukon as follows:

Carmacks
Dawson City
Faro
Haines Junction
Mayo
Teslin
Watson Lake
Whitehorse

In addition to the eight incorporated communities within Yukon, the Yukon Bureau of Statistics lists an additional ten communities in their population statistics for Yukon consisting of the following:

Beaver Creek
Burwash Landing
Carcross
Destruction Bay
Johnson's Crossing
Mendenhall
Old Crow
Pelly Crossing
Ross River
Tagish

There are also other communities within Yukon that should be considered communities as far as representation is concerned such as Marsh Lake, Ibex Valley, Lake Labarge, Hidden Valley, Hot Springs

Road, Lorne Mountain, as well as potentially several others with a number of these areas having populations larger than some of the above listed communities.

Some of the other communities within Yukon are likely too small for representation but that is a decision of the select committee. Communities such as Eagle Plains, Keno Hill, Elsa, and Stewart Crossing, there may also be several others that would fall into this category of being too small for representation directly on the Citizen's Assembly.

When dealing with Whitehorse which as of December 31st, 2021, had a population of 34,268 out of a total population of 43,575 or 86.64% of the total population of Yukon, Whitehorse should probably have 50% representation of the Citizen's Assembly.

The attached spreadsheet currently identifies a Citizen's Assembly made up of 107 Yukoners with 53 being male, 53 being female and 1 being non-binary. I have tried to ensure all communities of a reasonable size have been represented by a male and a female representative, some communities also identify a male and female first nations representative for communities. Communities that are mostly first nations would have two representatives who would likely be first nation members based on the size of their communities, larger communities with a mix of first nation and non-first nation have been allotted 4 members in my makeup. Communities that are primarily non first nation would have two members selected that would most likely be non-first nations. The communities listed with general Yukoners (not first nations or non-first nations would be comprised of the members from the community which could be either). I have tried to ensure reasonable representation from across the Yukon and based on my current proposed makeup of members on the Citizen's Assembly would have 60 rural Yukoners and 47 from Whitehorse for a total of 107 members. This also includes two Youth representatives that would randomly be selected from a list of grade 9 to 12 students in Whitehorse with one being male and one being female.

This makeup of the committee is less than the 50% for Whitehorse that I had originally proposed but is also trying to keep the size and cost of the committee reasonable. I would suggest that 107 people is too many for a committee to function properly but it is also a matter of trying to ensure representation from across the Yukon as well as cost of the committee and deciding who gets represented and who does not. We could select a smaller number of members for the committee and then randomly select from across Yukon to put on the committee but then we will not ensure representation from each community potentially but would allow for a more workable number of members on the Citizen's Assembly. As an example, if we decided that the committee would have 50 people being 25 male and 25 female and randomly selected from the voter's list, we could end up with 43 of those people being Whitehorse residents and 7 to represent all of rural Yukon which population wise may work but may not help to represent the views of those who could be most impacted by a change to the voting system.

If the committee members were to meet for 20 days with a daily per diem of \$200 per day which I believe is the current Yukon Government Boards and Committee Daily Rate, then those 20 days would incur a cost of \$428,000 in just per diem cost plus support costs, venue rentals, refreshments, Technology, and anything else needed by the committee. As close to 60% of these people would be from the communities there will also be costs to travel into Whitehorse as well as accommodations and meal costs. There may also be costs for childcare as well as some other unidentified costs to allow the Citizen's Assembly to function.

The committee or a portion of the committee will also be traveling around the Yukon to allow all Yukoners the opportunity to be heard in person on these important issues, this would incur additional costs relating to travel and additional days of per diem if beyond the initial 20 days.

The cost of the Citizen's Assembly could easily exceed \$1 million plus communications cost to communicate out whatever final decisions were made by the committee. If a referendum was held following the Assemblies work, then those costs to run the referendum as well as funds for the yes and no committees would be in addition to those costs identified above and could potentially add an additional million dollars to the cost of the committee. If the referendum was held in conjunction with a territorial or federal election, then some of the costs would be covered by the other election and bring this cost down.

Others may feel that the number of representatives and for the areas that I have identified is not enough representation or it is too much representation but is meant to be one potential makeup of a Yukon Citizen's Assembly to look at Electoral Reform ideas and could be used as a starting point.

I would be happy to discuss this further if you wish but I believe that this is a reasonable starting point and captures much of the sentiment that came out of the first public meeting held in Whitehorse.

Sincerely,

Michael Lauer
Whitehorse

Attachment (1)

Potential Makeup of Yukon Citizen's Assembly on Electoral Reform

Electoral District	Community	Population	First Nation	Comments	CA Members
Klondike	Dawson City	2327	Tr'ondëk Hwëch'in First Nation	2 FN and 2 non FN	4
Klondike	Eagle Plains			Too small of a community	0
Kluane	Beaver Creek	116	White River First Nation	Primarily Aboriginal Community	2
Kluane	Burwash Landing	101	Kluane First Nation	Primarily Aboriginal Community	2
Kluane	Champagne		Champagne and Aishihik First Nations		0
Kluane	Destruction Bay	56			2
Kluane	Haines Junction	995	Champagne and Aishihik First Nations	2 FN and 2 non FN	4
Lake Laberge	Braeburn			Too small of a community	0
Lake Laberge	Lake Laberge				2
Lake Laberge	Hot Springs Road				2
Lake Laberge	Ibex Valley	508			2
Lake Laberge	Mendenhall				2
Mayo-Tatchun	Carmacks	573	Little Salmon/Carmacks First Nation	2 FN and 2 non FN	4
Mayo-Tatchun	Elsa			Too small of a community	0
Mayo-Tatchun	Keno Hill			Too small of a community	0
Mayo-Tatchun	Mayo	455	Na-Cho Nyak Dün First Nation	2 FN and 2 non FN	4
Mayo-Tatchun	Pelly Crossing	395	Selkirk First Nation	Primarily Aboriginal Community	2
Mayo-Tatchun	Stewart Crossing			Too small of a community	0
Mount Lorne-Southern Lakes	Carcross	464	Carcross Tagish First Nation	2 FN and 2 non FN	4
Mount Lorne-Southern Lakes	Jakes Corner			Too small of a community	0
Mount Lorne-Southern Lakes	Marsh Lake	721			2
Mount Lorne-Southern Lakes	Mount Lorne	462			2
Mount Lorne-Southern Lakes	Tagish	378			2
Mount Lorne-Southern Lakes	Annie Lake Road				2
Pelly-Nisutlin	Faro	476			2
Pelly-Nisutlin	Johnsons Crossing	54			2
Pelly-Nisutlin	Little Salmon		Little Salmon/Carmacks First Nation	Too small of a community	0
Pelly-Nisutlin	Ross River	405	Ross River Dena Council	Primarily Aboriginal Community	2
Pelly-Nisutlin	Teslin	495	Teslin Tlingit Council	2 FN and 2 non FN	4
Vuntut Gwitchin	Old Crow	253	Vuntut Gwitchin	Primarily Aboriginal Community	2
Watson Lake	Swift River			Too small of a community	0
Watson Lake	Watson Lake	1522	Liard First Nation	2 FN and 2 non FN	4
Rural					60

Potential Makeup of Yukon Citizen's Assembly on Electoral Reform

Electoral District	Community	Population	First Nation	Comments	CA Members
WHSE - Porter Creek North					4
WHSE - Porter Creek South					4
WHSE - Porter Creek Centre					4
WHSE - Whitehorse Centre					4
WHSE - Mountainview					4
WHSE - Whitehorse West					4
WHSE - Copperbelt North					4
WHSE - Copperbelt South					4
WHSE - Riverdale North					4
WHSE - Riverdale South					4
WHSE - Takhini-Kopper King					4
Whitehorse					<u>44</u>
Others - Non Binary (if none already selected through random selection)					1
Others - Youth (Male and female from Whitehorse Highschools Grade 9 to 12)					<u>2</u>
Others					3
Total members					107
Government Board Daily Rate	\$	200.00	20 Days		\$ 428,000.00

Teslin Meeting of Yukon Special Committee on Electoral Reform

Comments on 2022 08 06

Teslin Presenters: Chief of Teslin Tlingit Council, Eric Morris; Mayor, Gord Curran; Jenny Roberts; Doug Martin; Juanita Kremer; and J.P. Pinard all spoke impressively to me.

It was interesting that all speakers expressed the high value of working together collaboratively in an inclusive community with a balance of power and respect for differences, beginning with Chief Eric Morris and Mayor Gord Curran. They expressed how dysfunctional governance was, without a balance of power – majority governments with 100% power, elected with 40% of votes cast, that cannot be held accountable until the end of their five-year term.

Jenny Roberts, young enough to remember her sixteenth year, also suggested seventeen as the age to begin voting. That sounded well thought out to me. How about you? Jenny also expressed the need to feel a connection with her MLA.

Doug Martin spoke of Switzerland and how engaged the Swiss are with direct democracy. He pointed out how the Swiss feel ownership of their democracy. This is something I have previously heard from treasured Swiss friends.

Juanita Kremer spoke strongly for at least one additional seat in Ross River and Faro so that constituents and MLAs do not need to drive several hundred kilometers to personally meet with each other. This proposal was presented by the most recent Boundaries Commission and rejected by a majority government who had the power and used their power to reject it.

JP Pinard spoke very highly about Michael Lauer's most recent submission to the Committee called CITIZENS ASSEMBLY POTENTIAL MAKEUP. After seeing Michael's thoroughness - even giving a proposed selection process similar to juries, a structure for the assembly and estimated costs, I can see why JP was so positive. Although I appreciated Michael's focus on inclusiveness, I believe that the assembly should have considerably more youth representation. I am confident that the assembly members will be collaborating more or less effectively with all members.

Inclusiveness of youth is a major concern of many voters with whom I have spoken, so I propose that the assembly be more inclusive of youth. The young people of today are going to inherit the proposed system. Some presently are aware of politics. Many more could benefit from increasing their awareness.

I am proposing that consideration be given to having two high school representatives from each high school in the Yukon. However, I want to avoid having too large an assembly, so I think that these representatives can be part of community/ constituency/ First Nation representation.

To encourage responsible teamwork engagement with all Yukoners, I recommend that all groups have at least two committee members. This will mean invite one more non-binary representative, two from the Individual Learning Centre, and two from late Nicole Edwards' BYTE (Bringing Youth Towards Equality).

Respectfully submitted.

Looking forward,
Dave Brekke, former Yukon Returning Officer

Ps. This Teslin meeting brought forward relative ideas expressed in former Governor General David Johnston's book, **TRUST** TWENTY WAYS TO BUILD A BETTER COUNTRY. Quote: *"Organizations should not want merely to invite people to the dance. They should make every effort to get people out on the dance floor, engaged in a common activity and using that activity to build trust."*

As you may know, our present First-Past-The-Post (FPTP) electoral system reduces trust. It invites all qualified voters to vote, but only gives their vote representation when they vote for the elected MLA in their riding. Less than half the voters who cast ballots in federal, provincial and territorial elections are represented in their Parliament / Legislature. Truly representative democracy??

Also, for more inclusive representation in community elections, communities might want to reconsider party politics to ensure balance of power and collaboration using a mixed-member-proportional electoral system.

From: Chris Caldwell

Sent: September 5, 2022 1:32 PM

Subject: Proportional representational voting and lowering the voting age to 16

Dear Committee Members,

I have recently discovered that Fair Vote Yukon is not an unaffiliated citizens organization as they purport themselves to be, but is actually a group of NDP/Green Party supporters seeking to convolute our voting system to the benefit of the aforementioned political parties.

Fair Vote Yukon has recently, and publicly, disclosed via one of their members letters to the editor in last week's Whitehorse Star (Wednesday August 31, 2022) their true intention is to lobby your committee to lower the voting age to 16 as, according to other countries who have done this, it will allow the NDP and Green Parties to use inexperienced youth as a voting block for promoting their political agendas of fear mongering over global climate change. We all have learned from the studies of our very own and world esteemed Yukon Department of Paleontology the Last Great ice Age (meaning; our most recently passing ice age) is still in the process of ending as evinced by natural global warming and naturally occurring climactic changes that have happened and will continue to happen throughout Earth's geologic history in perpetuity with or without human involvement. If you are unfamiliar with this science please visit the Yukon Beringia Centre by the Whitehorse International Airport to learn more.

I'm writing to you to request my survey submission be removed from your records as I do not support proportional representation now I have a clearer understanding of Fair Vote Yukon's underhanded intentions to use frightened youth and convoluted voting methods to bolster nefarious political agendas.

Thank you for your consideration of my request.

Sincerely,

Chris Caldwell
Whitehorse, Yukon

From: Ben Sanders

If nothing else, legislation should be tabled this fall to empower municipalities in the Yukon (like Whitehorse & Dawson City whose mayors & councils I've been in touch with and have expressed an interest in this) to be able to make their own changes around electoral reform (including lowering the voting age) at the municipal level. Even if they don't immediately do it, it should be within their power - currently it is not.

A similar change in Ontario paved the way for London (Ontario) to introduce ranked ballots for their own municipal elections. This change isn't even effectively a change, it's just delegating a bit more responsibility/ownership to these smaller (and important) other levels of government.

To: Special Committee on Electoral Reform, Yukon.

Dear Special Committee on Electoral Reform Members:

Re: Dave Brekke's Alternate Proposal for Electoral Reform 2022-01-22
Preferential Ridings Proportional (PRP) system

We are submitting Dave Brekke's Proposal as a team who have been helping and learning from Mr. Brekke and the wider Fair Vote Yukon group since 2012.

The submission is divided into three parts to make it more accessible.

Part 1: A Case for Inclusion – To begin, simplify the Choice. Please see our attached letter below: 2022-01-25 group letter to Special Committee on Electoral Reform with How I Became Concerned About Canada's Electoral System. Two attachments.

Part 2: Election Results Comparison of present First-Past-The-Post system and the proposed Preferential-Ridings-Proportional system. Two attachments.

Part 3: How we could start change, experiment and improve our system: COLLABORATION: The Key to Better Governance and the BALLOT that can help make it happen. One attachment.

Dave Brekke's Alternate Proposal for Electoral Reform 2022-01-22 Preferential Ridings Proportional (PRP) system

A Case for Inclusion – To begin, simplify the choice.

Yukon's committee previously commissioned a report titled, Options for Yukon's Electoral System, prepared by Dr. Keith Archer and dated October 31, 2021.

This 75-page report presents thorough details on past Yukon elections, electoral system options and their characteristics and challenges on changing electoral systems. Some particularly valuable information was found – examples:

“What are the characteristics of the system that is being offered as an alternative? And, offering many alternatives to voters is a recipe for information overload..... What about the representation of women and minorities, or groups that have been historically under-represented in the legislature?” (pp. 70, 71).

Past unsuccessful electoral reform committees and citizens assemblies have started the electoral change review process with learning about several systems from which to choose. This approach is fraught with confusion and excessive information for the typical voter. In our view, a large amount of taxpayers' time and money has been wasted with these unnecessary processes. These long-winded dialogues divide and confuse community.

Dave Brekke's Proposal puts the importance of community involvement in decision making at the forefront.

PROPOSAL: To establish a Citizen's Assembly to focus the electoral change process by contrasting Dave Brekke's proven effective mixed-member proportional system, similar to New Zealand's, with the Yukon's present first-past-the-post system. Our team has developed a ballot for the Yukon voter to test. We feel that this ballot could be tested by the Citizen's Assembly through many virtual events like mock-elections.

We also feel it is important that Yukon's next two elections should be

carried out with the new ballot, as part of its adoption. This more simple and effective process will improve Yukon's electoral system by engaging the community with a tangible ballot that gives representation to their votes – encouragement to vote. Improvements can be made in future.

Background

Attached to this proposal are 3 documents that outline how Mr. Brekke became concerned about the First-Past-the-Post system, a possible ballot, analysis of how the MMP aspect of the Preferential Ridings Proportional (PRP) system that he is proposing would have affected the 2016 territorial election, and a series of electoral maps and graphs to illustrate the concepts of his system.

Mr. Brekke has an extensive body of research supporting this work that he has yet to publish. Our hope is that this Special Committee will be able to help this 83-year-old long-time type 1 brittle diabetic publish and share his 16-year effort on electoral reform in the Yukon.

Example benefits of the PRP system:

Contrasted data for the two systems from Yukon's 2016 election shows that inclusion, empowerment, and representation of voters went from 45% using the present FPTP system to 95% using his proposed PRP system.

The PRP system was developed with the assistance of many Yukoners and other interested voters. Party lists are not needed. PRP is basically an MMP system with a simple to mark and count preferential vote – second choice only. With PRP, it is possible for all voters to take their concerns to an MLA / MP whom their vote helped to elect.

With PRP, minority governments that require collaborative governance (working together) are almost assured. Elected representatives will be the candidates chosen ahead of another candidate the most times. Only one point-based vote count is required and would be made electronically like Whitehorse elections. The PRP system allows the candidate with the least first choice votes to be elected, being the candidate connected to the most voters. In

other preferential systems, such a candidate is the first to be eliminated.

Under Canada's present electoral system only the votes cast for the riding winners are represented in the legislature. Under the PRP system, almost all votes are represented, encouraging voter turnout. Also, the proposed system maintains the aspect of elections that Canada's present FPTP system is very effective at: connecting voters to candidates and political parties before elections - a very valuable aspect for an electoral system to have.

International Examples

The PRP system is basically very similar to the Mixed Member Proportional (MMP) systems in New Zealand, Scotland, Norway, Denmark, and many other countries.

In their elections, voters are almost certain that their votes will be represented.

Minority governments that require collaborative governance are almost assured.

Before changing their voting system in 1996, New Zealand's history was very similar to Canada's. Now New Zealand is a positively engaged democracy.

Political parties with different perspectives all belong to and work together for the New Zealand people. Scotland has seen similar results and even has a permanent Citizens Assembly that Parliament consults when public feedback is needed.

PRP System Details

PRP pairs ridings (constituencies) to result in approximately the same number of riding seats as proportional seats. Almost always, no additional seats are required. For comparison of election results, data can be used directly, without the need to estimate results as in many systems.

NOTE: When applying the PRP system, Canada would require three additional seats to effectively represent voters in the northern third of Canada. At this time, it is difficult to justify those seats, but looking

forward, Northern Canada's population will justify those seats in the not-too-distant future.

No more additional seats would be required in Canada.

When used, the PRP system will have an additional second choice on the ballot.

That second-choice vote can give representation to the votes of the 5% of voters not included or represented under the MMP system. Currently, we are not aware of another proportional electoral system that effectively connects voters to candidates like FPTP and has a way to give possible representation to 100% of the voters.

Recent Discussions with Special Committee Member:

In late 2021, Special Committee on Electoral Reform member, Minister John Streiker and Dave Brekke met privately to discuss this proposal. At that time, Minister Streiker raised a question and proposed a solution that appears very effective to Mr. Brekke.

“What if a party received 75% of the popular vote in a paired-riding electoral area with 4 seats and the party had no candidates to fill the proportional seat?”

Minister Streiker’s solution: “Have political parties run two candidates in each paired riding. The candidate with the highest percent of votes would win the party seat in question.”

When a proportional seat is won by a party, the connected same party candidates have the satisfaction of their votes being represented.

A Citizens’ Assembly would be the best way to tackle these types of questions and discussions.

Conclusion

Learning about several proportional systems from which to choose can be an overwhelming process. We are confident that simplifying

the electoral reform process by just comparing the two systems would be more effective and satisfying. Future improvements can be made. The descriptions of the various systems would be valuable for reference for the Citizen's Assembly, but simply too complicated to be effective for choosing a system.

Thank you for attending to this important issue, and we look forward to Mr. Brekke presenting his submission before a Citizen's Assembly.

Respectfully,

Dave Brekke, retired Yukon teacher, school principal, school counsellor, former Federal Returning Officer and former member of the North Yukon Planning Commission.

Sally Wright, artist, filmmaker, former political candidate 2016 YT Election.

Jean-Paul Pinard, PhD, PEng, husband of former political candidate, Concerned Yukoner.

To: Special Committee on Electoral Reform, Yukon.

Dave Brekke's Alternate Proposal for Electoral Reform 2022-01-22 Preferential Ridings Proportional (PRP) system

Dear Special Committee on Electoral Reform Members,

We are submitting Dave Brekke's Proposal today as a team who have been helping and learning from Mr. Brekke and the wider Fair Vote Yukon group since 2012.

A Case for Inclusion – Simplify the Choice

Our committee previously commissioned a report titled, *Options for Yukon's Electoral System*, prepared by Dr. Keith Archer and dated October 31, 2021.

This 75-page report presents thorough details on past Yukon elections, electoral system options and their characteristics and challenges on changing electoral systems. Some particularly valuable information was found – examples:

“What are the characteristics of the system that is being offered as an alternative? And, offering many alternatives to voters is a recipe for information overload..... What about the representation of women and minorities, or groups that have been historically under-represented in the legislature?” (pp. 70, 71).

Past unsuccessful electoral reform committees and citizens assemblies have started the electoral change review process with learning about several systems from which to choose. This approach is fraught with confusion and excessive information for the typical voter. In our view, a large amount of taxpayers' time and money has been wasted with these unnecessary processes. These long-winded dialogues divide and confuse community.

Dave Brekke's Proposal puts the importance of community involvement in decision making at the forefront.

PROPOSAL: To establish a Citizen's Assembly to focus the electoral change process by contrasting Dave Brekke's proven effective mixed-member proportional (MMP) system, similar to New Zealand's, with the Yukon's present first-past-the-post system. Our team has developed a ballot for the Yukon voter to test. We feel that this ballot could be tested by the Citizen's Assembly through many virtual events like mock-elections.

We also feel it is important that Yukon's next two elections should be carried out with the new ballot, as part of its adoption. This more simple and effective process will improve Yukon's electoral system by engaging the community with a tangible ballot that gives representation to their votes. Let us experiment. Improvements can be made in future.

Background Attached to this proposal are 3 documents that outline how Mr. Brekke became concerned about First-Past-the-Post system, a possible ballot, analysis of how the MMP aspect of the Preferential Ridings Proportional (PRP) system that he is proposing would have affected the 2016 territorial election, Canada's most recent false majority, and a series of electoral maps and graphs to illustrate the concepts of his system.

Mr. Brekke has an extensive body of research supporting this work that he has yet to publish. Our hope is that this Special Committee will be able to help this 83-year-old brittle diabetic publish and share his 16-year effort on electoral reform in the Yukon.

Benefits of the PRP System

For example, contrasted data for the two systems from Yukon's 2016 election shows that inclusion, empowerment, and representation of voters went from 45% using the present FPTP system to 95% using his proposed PRP system.

The PRP system was developed with the assistance of many Yukoners and other interested voters. PRP is basically an MMP system with a simple to mark and count preferential vote. With PRP, it is possible for **all voters** to take their concerns to an MLA/MP who was helped to be elected by their vote.

With PRP, minority governments that require collaborative governance (working together) are almost assured. Elected representatives will be the candidate chosen ahead of another candidate the most times. Only one vote count is required and would be made electronically like Whitehorse elections.

The PRP system can allow the candidate with the least first choice votes to be elected, being the candidate connected to the most voters. In the other preferential systems such a candidate is the first to be eliminated.

Under Canada's present electoral system only the votes cast for the riding winners are represented in the legislature. Under the proposed system, almost all votes are represented, encouraging voter turnout and engagement in democracy. Also, the proposed system maintains the aspect of elections that Canada's present FPTP system is very effective at: connecting voters to candidates and political parties before elections – a very valuable aspect for an electoral system to have.

International Examples

The PRP system is basically very similar to the Mixed Member Proportional (MMP) systems in New Zealand, Scotland, Norway, Denmark, and many other countries. In their elections, voters are almost certain that their votes will be represented. Minority governments that require collaborative governance are almost assured.

Before changing their voting system in 1996, New Zealand's history was very similar to Canada's. Now New Zealand is a positively engaged democracy. Political parties with different perspectives all belong to and work together for the New Zealand people. Scotland has seen similar results and even has a permanent Citizens Assembly that Parliament consults when needed.

PRP System Details

PRP pairs ridings (constituencies) to have the result of approximately the same number of riding seats as proportional seats. Almost always, no additional seats are required. For comparison of election results, data can be used directly, without the need to estimate results.

Candidates representing a political party have two ways that they can win a seat:

1. A candidate can win their riding seat with their own votes by being chosen the most times ahead of another riding candidate.

2. A candidate can win a proportional seat with the additional party votes of the other same party candidates. To win, the candidate would have had the highest proportion of points in their riding compared to the other same party candidates.

The other same party candidates who did not win the seat would have the satisfaction of their votes helping to elect a same party candidate. Under the FPTP system, only the votes of the winning riding candidates are represented.

NOTE: When applying the PRP system, Canada would require three additional seats to effectively represent voters in the northern third of Canada. At this time, it is difficult to justify those seats, but looking forward, Northern Canada's population will justify those seats in the not-too-distant future.

No more additional seats would be required in Canada.

When used, the PRP system will have an additional second choice on the ballot. That second-choice vote can give representation to the votes of the 5% of voters not included or represented under the MMP system. Currently, we are not aware of another proportional electoral system in which voters can easily meet candidates with possible representation to 100% of the voters.

Recent Discussions with Special Committee Member

In late 2021, Special Committee on Electoral Reform member, Minister John Streiker and Dave Brekke met privately to discuss this proposal. At that time, Minister Streiker raised a question and proposed a solution that appears very effective to Mr. Brekke.

“What if a party received 75% of the popular vote in a paired-riding electoral area with 4 seats and the party had no candidates to fill the proportional seat?”

Minister Streiker’s solution: *“Have political parties run two candidates in each paired riding. The candidate with the highest ranking would win the party seat in question.”*

When a proportional seat is won by a party, the connected same party candidates have the satisfaction of helping and their votes being represented.

A Citizens' Assembly would be the best way to tackle these types of questions and discussions.

Conclusion

Learning about several proportional systems from which to choose can be an overwhelming process. We are confident that simplifying the electoral reform process by just comparing the two systems would be more effective and satisfying. The descriptions of the various systems would be valuable for reference for the Citizen's Assembly, but simply too complicated to be effective for choosing a system.

Thank you for attending to this important issue, and we look forward to Mr. Brekke presenting his submission more fully before a Citizen's Assembly.

Respectfully,

Dave Brekke, former Yukon teacher, principal, school counsellor, Yukon Federal Returning Officer, and member of North Yukon Planning Commission.

Sally Wright, artist, filmmaker, former political candidate 2016 YT Election.

Jean-Paul Pinard, PhD, PEng, husband of former political candidate, Concerned Yukoner.

How I Became Concerned About Canada's Electoral System

How many people today think like I did before 2005? Awareness is so important to life.

As you may know, in 2004-2005 Canada's Government acted on the growing concern about the dropping number of voters in elections. It responded by calling for proposals to increase voter turnout throughout Canada. Government wanted apolitical evaluation for funding of the proposals, so it became the responsibility of Elections Canada (EC) who decided to have grassroots involvement. Eighteen Returning Officers (RO) from across Canada were brought together to do the evaluations.

Being the longest serving RO in northern Canada and having served on previous election reviews, I was called in to serve on that project.

At the first meeting, just after introductions, one RO stood up and angrily said, "What are we looking at this *&^%\$# stuff for? Why aren't we looking at our voting system?" I was shocked and found it hard to believe that anyone could question Canada's electoral system. Canada is such a wonderful country, and the candidate with the most votes wins the seat and the party with the most votes becomes Government.

That RO's comment was followed immediately by an EC official stating "That's a political statement! That comment cannot even be recorded, let alone discussed." It was in the evenings that I learned about how Canada's system works and could be much more inclusive, yet there was no perfect system. The rarely asked question was "Is my vote going to count?". Over time I felt very uncomfortable with my response that I used to feel comfortable with, "I can't promise that your vote will count, but I do promise that your vote will be counted."

My resignation was accepted after validating the vote in Canada's 2006 election. I thought that there must be an effective combination system that voters would like. I started asking people what they thought was important in an electoral system, and over the years with considerable help, I think that I now have a very inclusive system that could help build community rather than divide community as Canada's present system does.

Nicole Edwards wrote a song, DO YOU WANT YOUR VOTE TO COUNT?

<https://youtu.be/OFduzUbv4ZE>

Yours truly,

Dave Brekke, Very concerned former Federal Returning Officer for Yukon

Edited part 2 of 2022 01 22 submission

Attached are the comparative results of Yukon's 2016 General Election.

The present First-Past-The-Post system resulted in a majority government with far less than half the votes cast.
Less than half the votes cast were represented.
Government had 100% power - Collaborative governance not required.

The Preferential Ridings Proportional system would have resulted in a minority government.
Almost all votes cast would have been represented.
Government, with less than half the seats, would have been required to work collaboratively (cooperatively).
Please accept this invitation to see how PRP works.

Looking forward,
Dave Brekke, former Yukon teacher, principal, school counsellor, returning officer, and member of Returning Officers Advisory Committee and North Yukon Planning Commission

2016 Yukon General Election Results for Whitehorse Area

	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote of Area	31.64%	40.54%	27.15%	0.67%
Value of 1 Seat		10.00%	1,095	votes

UNDER CANADA'S PRESENT First-Past-The-Post (FPTP) Electoral System

Total seats in the Area:	10	1	7	2	0
% vote power in Area		10.00%	70.00%	20.00%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	435	3,156	1,092	-
TOTAL Effective voters:				4,683	
				42.78%	of voters

UNDER PROPOSED Preferential-Ridings-Proportional (PRP) Electoral System

Total seats in the Area:	10	3	4	3	0
% vote power of area:		30%	40%	30%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	3,284	4,378	2,972	-
TOTAL Effective voters:				10,634	
				97.15%	of voters

HOW PROPORTIONAL SEATS ARE DETERMINED UNDER PRP

# Paired-riding seats	5	1	3	1	0
% Rep Value of Riding Seats		10.00%	30.00%	10.00%	0.00%
Percent of popular vote remaining for Additional proportional seats		Popular vote minus percent value of Paired-riding seats			
		21.64%	10.54%	17.15%	0.67%
Fully supported proportional seats	4	2	1	1	0
Percentage remaining for partially supported seats.		Previous value minus percent value of proportional seats			
		1.64%	0.54%	7.15%	0.67%
Partially supported seats	1	0	0	1	0
Total percent of unrepresented First-choice votes		Previous value minus percent value of proportional seats			
		1.64%	0.54%	0.00%	0.67%
Total Seats	10	3	4	3	0
		30%	40%	30%	0.00%

For more, see <https://electoralchange.ca/>

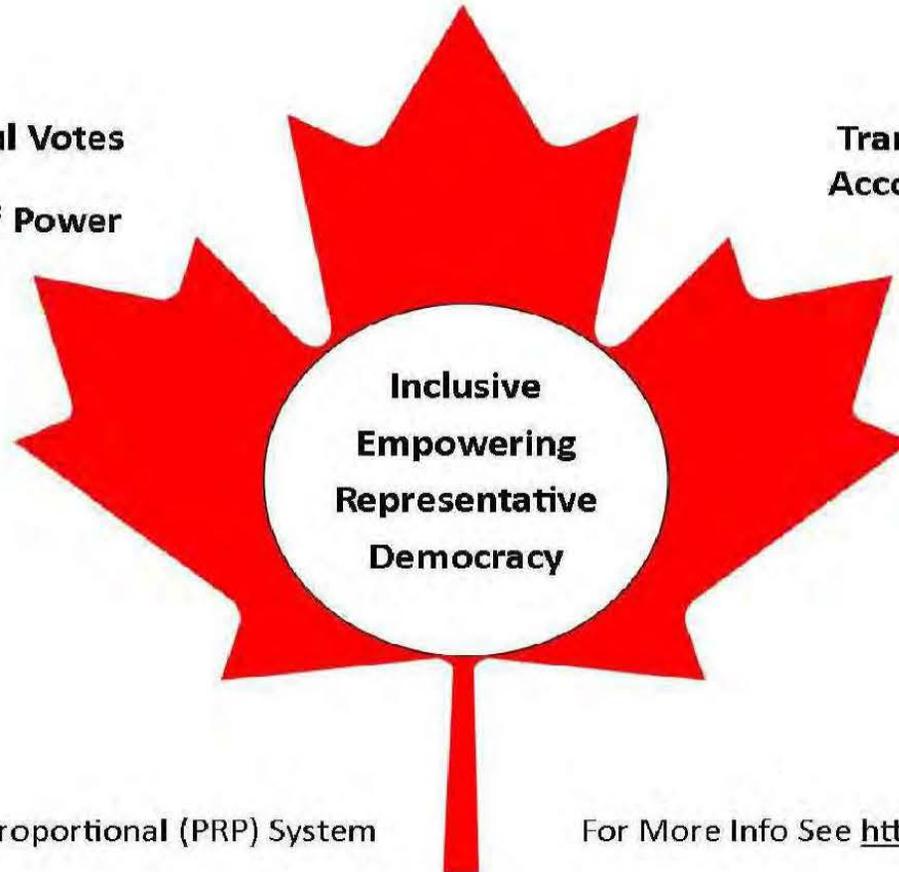
Elections Yukon Report of the Chief Electoral Officer of Yukon on the 2016 General Election

https://electionsyukon.ca/sites/elections/files/english_website_2016_election_report_1.56.55_pm.pdf

NEW COMBINATION ELECTORAL SYSTEM

Meaningful Votes
and
Balance of Power

Transparency
Accountability
and
Trust



Preferential Ridings Proportional (PRP) System

For More Info See <http://electoralchange.ca/>

See addendum for 2016 Yukon results

COLLABORATION: the key to BETTER GOVERNANCE & The BALLOT that could help it happen in Yukon's future elections

Proportional Representation Ballot with Second Choice Vote

- Mark 1 by your first-choice Candidate
- Mark 2 by your second-choice Candidate
- Mark 1 by your choice of Party for Government

CANDIDATE NAMES	CHOICE	POINTS	PARTY	CHOICE	POINTS
Helen	A		Party A		
Dick	B		Party B		
Jane	C	2	Party C		
Robert	D	1	Party D	1	1
Josephene			Independent		

An EXAMPLE of PREFERENTIAL PROPORTIONAL BALLOT for CHANGE

More choices could be added for future elections 2022 09 11

Offers all party Candidates two ways to win a seat:

1) own votes' points or 2) with additional points of same party candidates' votes

Each seat is won by the candidate with the highest percentage of points in the candidate's riding (constituency) (When understood, points for times chosen ahead of another candidate instead of '2' and '1' points). The winner could be the candidate with the least 1st choice votes – the most wanted and/or accepted candidate. Only one count is needed to elect the winner. This Mixed-Member-Proportional (MMP) system has increased vote representation under the present First-Past-the-Post (FPTP) system from less than 50% to over 90%. This could reach 100% with second choice votes.

In Yukon's 2016 election, 54% of ballots cast were not represented under FPTP.

If you like this ballot and think that it could enliven change to more truly representative democracy with minority governments that require collaboration, see what a friend thinks of the ballot.

Respectfully,

Dave Brekke, genuinely concerned former Yukon Returning Officer

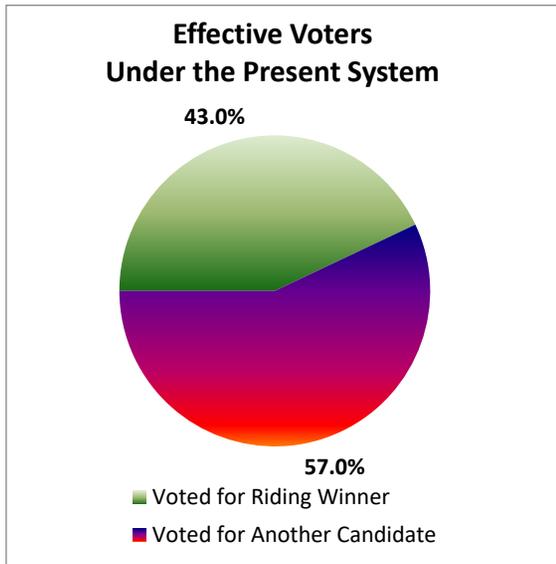
Majority Governments don't need Opposition votes! Would your MLA like her/his votes in the House meaningfully valued, whether in Opposition or Government?

Enlightening book: **TEARDOWN DEMOCRACY Rebuilding from the Ground Up** by

More info: electoralchange.ca

Dave Meslin

If Canadians like Inclusion and Collaboration, Why not improve the electoral system, the first step in democracy?

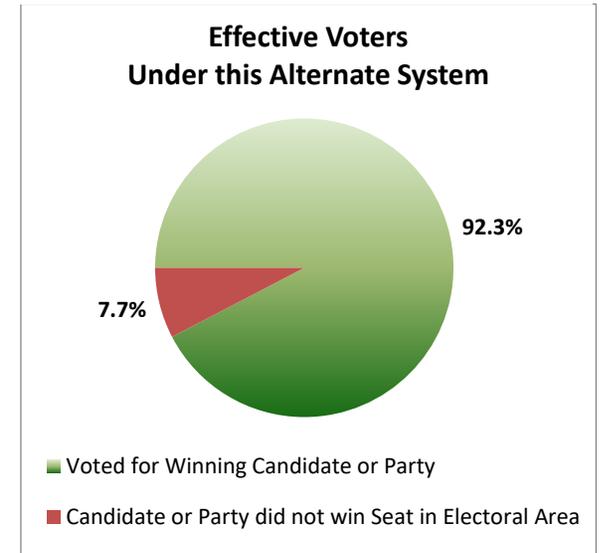


Effective Voters are voters who can point to someone their vote helped to elect.

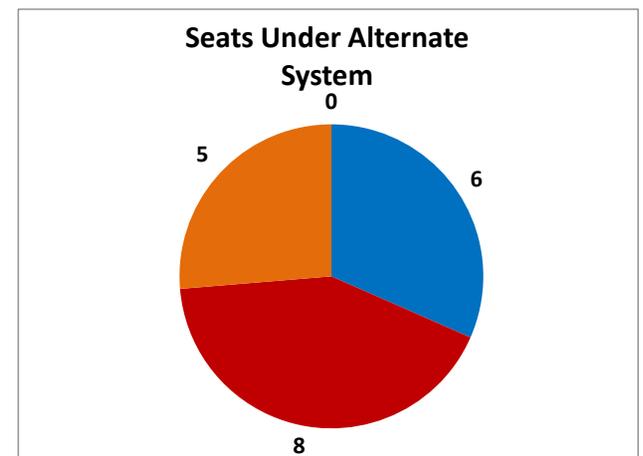
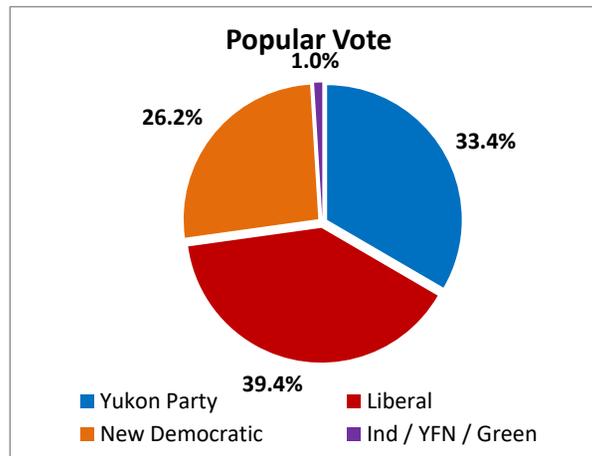
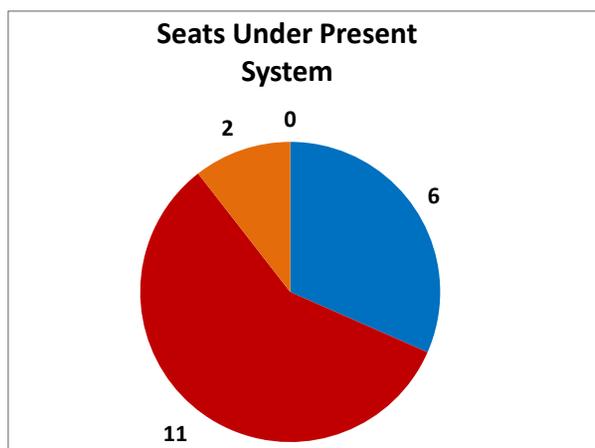
Under this Alternate System, candidates have two ways to win a seat. Candidates can win riding seats through preferential voting. If not, with so far unrepresented proportional votes in their electoral area, the most popular party candidates can win proportional seats.

When voting is inclusive, false (illusory) majority governments don't happen. In their place, are inclusive minority governments that require collaboration.

Canadians can have Inclusion and Collaboration
by improving their electoral system



System Comparison of Yukon's Total 2016 Election Results: Above - vote effectiveness; Below - elected seats



Further

The proposed (alternate) system used in this comparison of electoral system results is the Preferential Ridings Proportional (PRP) system.

Candidates representing a political party have two ways that they can win a seat:

1. A candidate can win their riding seat with their own votes' points (Future: by being chosen the most times ahead of another riding candidate).
2. A candidate can win a proportional seat with the additional party votes of the other same party candidates. To win, the candidate would have had the highest proportion of points in their riding compared to the other same party candidates.

The other same party candidates who did not win the seat would have the satisfaction of their votes helping to elect a same party candidate. Under the present FPTP system, only the votes of the winning riding candidates are represented (Usually less than half the votes cast).

To facilitate connection between voters and their elected representative, proportional seats are determined in **ELECTORAL AREAS** with between 4 and 10 representatives. In each electoral area, half the seats represent ridings and half the seats represent the entire electoral area, being proportional seats.

Under PRP, the Yukon would be composed of 3 "**Electoral Areas**"

South East 2 riding seats and 2 proportional seats
Whitehorse 5 riding seats and 5 proportional seats
North West 2 ridingseats, 2 proportional seats and the 1 Vuntut
Gwitchin limited riding seat (Not elligible to win a proportional seat)

The previous and following graphs show the summary and electoral area results. The graphs are followed by the details of how the PRP system would have worked in each electoral area.

Comparisons of other elections and other Canadian geographic areas can be found at:

<http://electoralchange.ca/more-info/>

Yukon 2016 Election

	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote	6,272	7,404	4,927	183
	33.39%	39.41%	26.23%	0.97%
<i>Value of 1 Seat</i>	<i>5.26%</i>	<i>989 votes</i>		

UNDER CANADA'S PRESENT FPTP ELECTORAL SYSTEM

Total Seats in the Area:	19	6	11	2	0
Seats Under Present System		31.58%	57.89%	10.53%	0.00%
Effective voters					
in the area out of a total of:					
18,786	voters	2,359	4,625	1,092	0
TOTAL Effective <u>Voters</u>:					8,076
					42.99% of voters

UNDER THE PROPOSED PRP ELECTORAL SYSTEM

Total seats in the Area:	19	6	8	5	0
Seats With Proposed System		31.58%	42.11%	26.32%	0.00%
Effective voters					
in the area out of a total of:					
18,786	voters	5,601	7,059	4,688	0
TOTAL Effective <u>voters</u>:					17,348
					92.34% of voters

UNDER PROPOSED PRP SYSTEM FOR YUKON

THREE ELECTORAL AREAS AND THEIR PAIRED-RIDINGS +

I South Centre and East Yukon Area

Two Paired-riding seats plus Two Proportional seats

Mount Lorne - Southern Lakes and Copperbelt South

Pelly-Nisutlin and Watson Lake

II Whitehorse Area

Five Paired-riding seats plus Five Proportional seats

Riverdale South and Riverdale North

Copperbelt North and Whitehorse West

Porter Creek North and Porter Creek Centre

Porter Creek South and Takhini - Copper King

Whitehorse Centre and Mountain View

III West and North Yukon Area

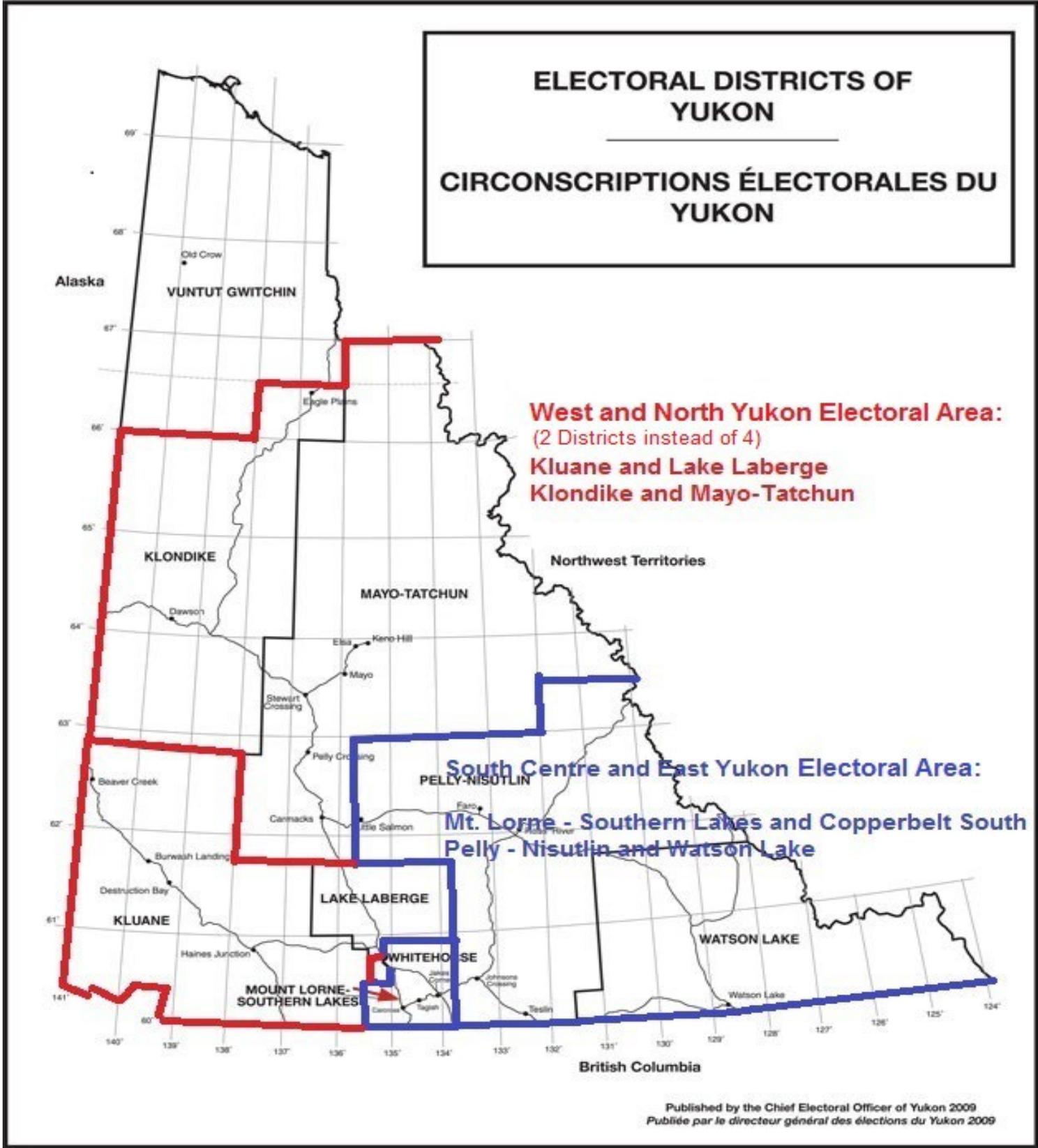
Two Paired-riding seats plus Two Proportional seats

Kluane and Lake Laberge

Klondike and Mayo-Tatchun PLUS Party Votes from Vuntut Gwitchin for Proportional Seats

**ELECTORAL DISTRICTS OF
YUKON**

**CIRCONSCRIPTIONS ÉLECTORALES DU
YUKON**



West and North Yukon Electoral Area:
(2 Districts instead of 4)
Kluane and Lake Laberge
Klondike and Mayo-Tatchun

South Centre and East Yukon Electoral Area:
Mt. Lorne - Southern Lakes and Copperbelt South
Pelly - Nisutlin and Watson Lake

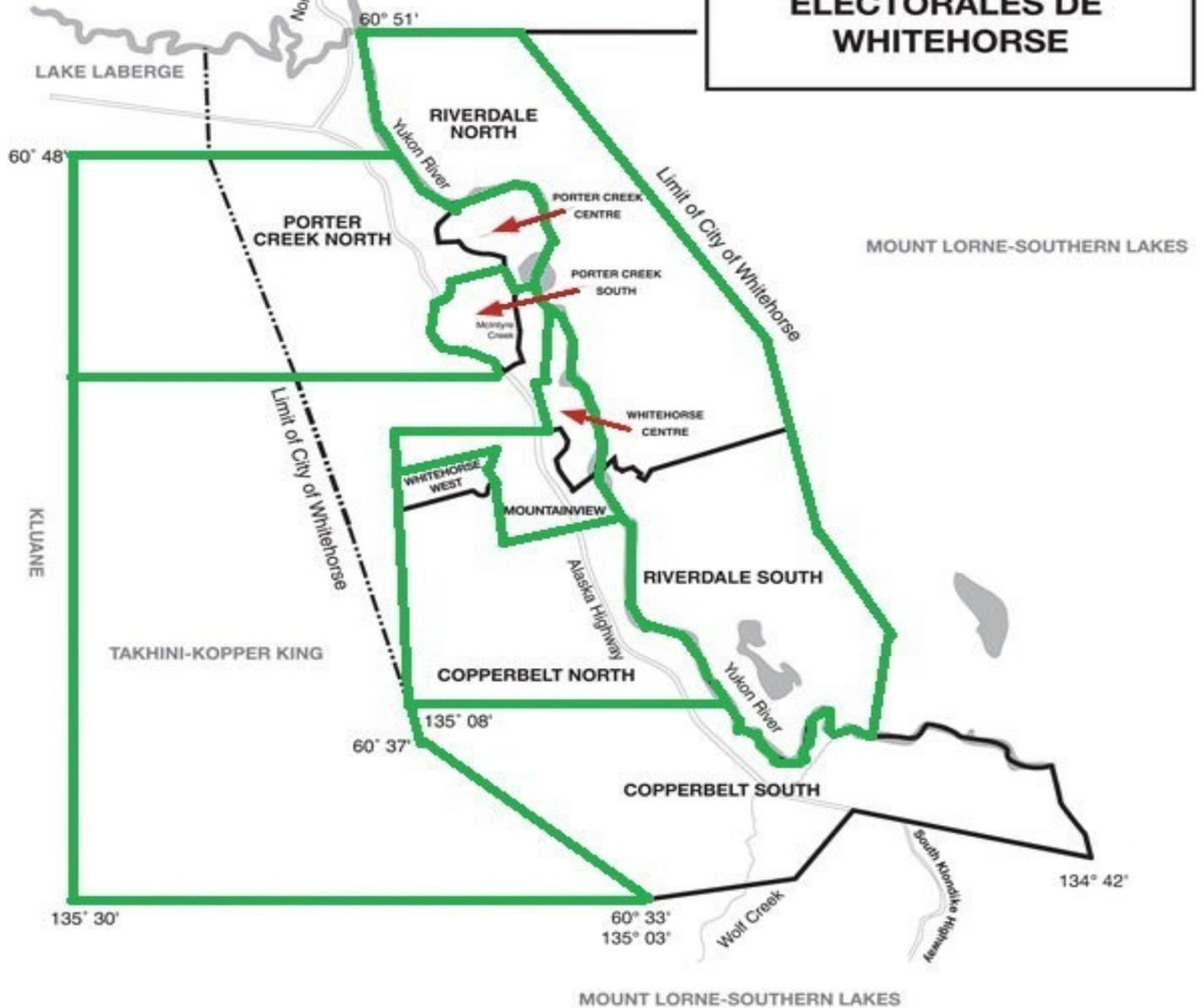
Whitehorse Electoral Area:

(5 Districts instead of 10)

Riverdale South and Riverdale North
Copperbelt North and Whitehorse West
Porter Crk North and Porter Crk Centre
Porter Crk South and Takhini-Copper King
Whitehorse Centre and Mountain View

WHITEHORSE ELECTORAL DISTRICTS

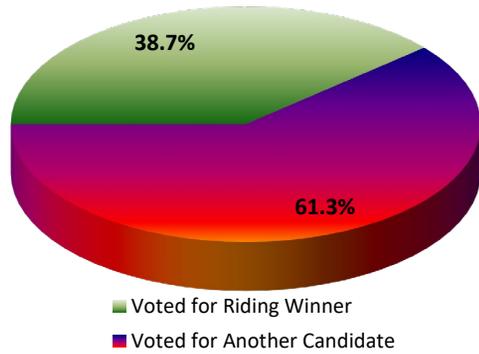
CIRCONSCRIPTIONS ÉLECTORALES DE WHITEHORSE



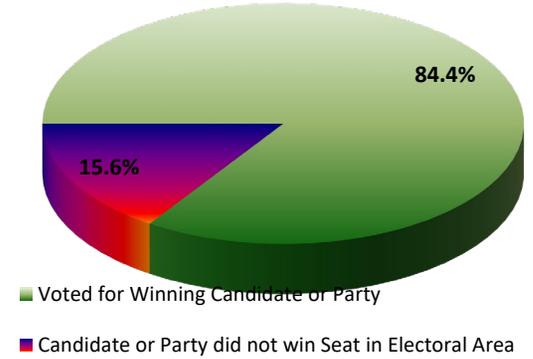
SOUTHEAST YUKON ELECTORAL AREA

Effective voters are
Voters who can point to someone
their vote helped to elect.

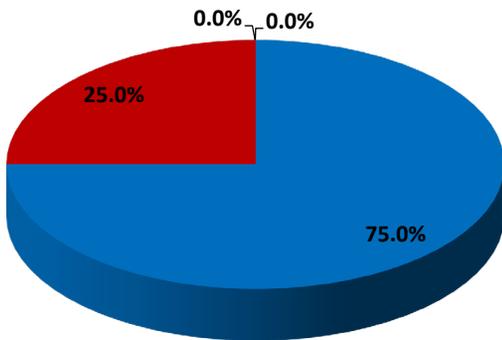
**Effective Voters
Under the Present System**



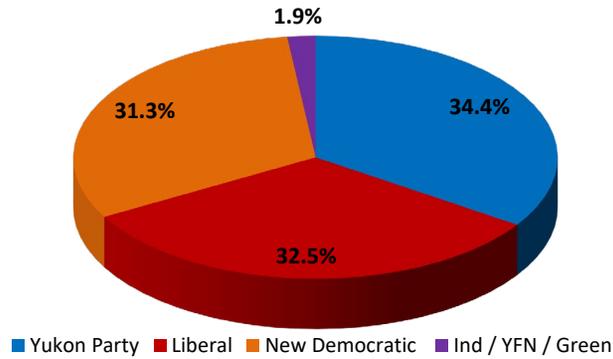
**Effective Voters
Under this Alternate System**



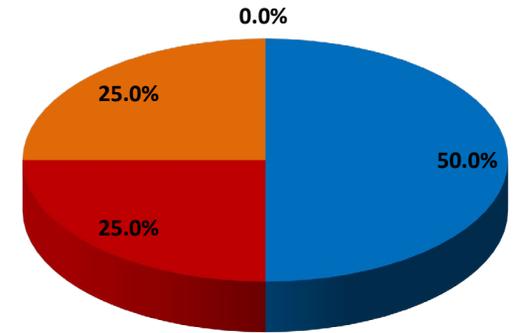
Seats Under Present System



Popular Vote



Seats With Proposed System



2016 Election

SOUTHEAST YUKON	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote of Area <i>Value of 1 Seat 25% 955 votes</i>	34.36%	32.48%	31.27%	1.89%

UNDER CANADA'S PRESENT FPTP ELECTORAL SYSTEM

Total seats in the Area:	4	3	1	0	0
		75%	25%	0%	0%
Effective voters					
in the area out of a total of:					
	3,818	voters	1,028	451	-
TOTAL Effective voters:					
				1,479	
				38.74%	of voters

UNDER THE PROPOSED PRP ELECTORAL SYSTEM

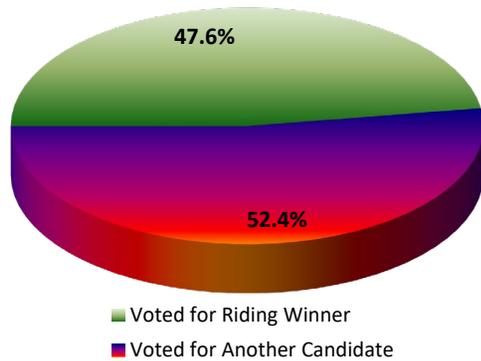
Total seats in the Area:	4	2	1	1	0
		50%	25%	25%	0%
Effective voters					
in the area out of a total of:					
	3,818	voters	1,312	955	955
TOTAL Effective voters:					
				3,221	
				84.36%	of voters

HOW PROPORTIONAL SEATS ARE DETERMINED

# Paired-riding seats	2	2	0	0	0
% Rep Value of Riding Seats		50%	0%	0%	0%
Percent of popular vote remaining for Additional proportional seats		-15.64%	32.48%	31.27%	1.89%
Fully supported proportional seats	2	0	1	1	0
Percentage remaining for partially supported seats.		-15.64%	7.48%	6.27%	1.89%
Partially supported seats	0	0	0	0	0
Total percent of unrepresented First -choice votes		0.00%	7.48%	6.27%	1.89%
Total Seats	4	2	1	1	0
		50%	25%	25%	0%

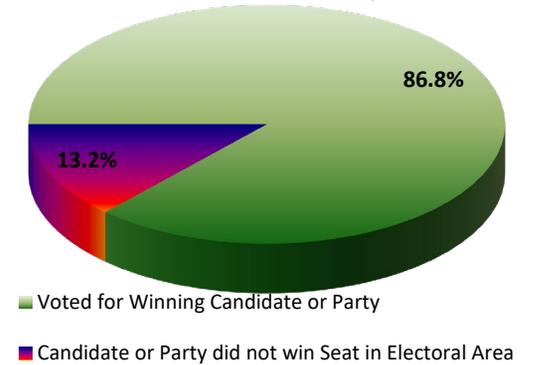
NORTHWEST YUKON ELECTORAL AREA

**Effective Voters
Under the Present System**

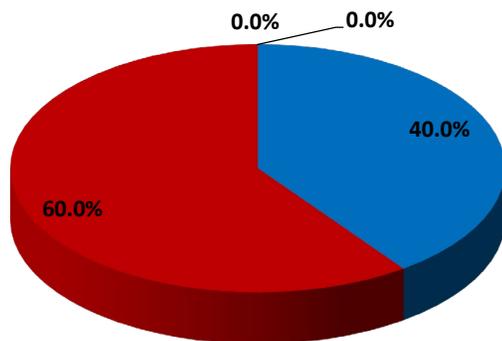


Effective voters are
Voters who can point to someone
their vote helped to elect.

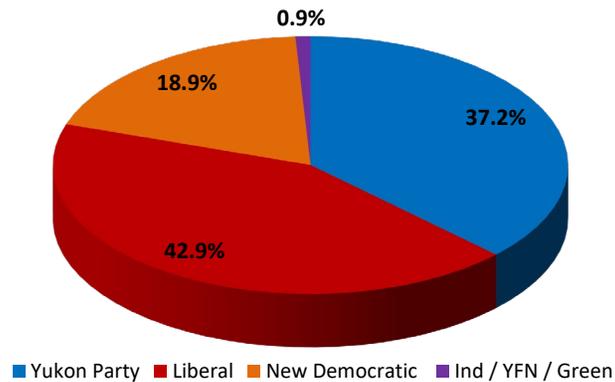
**Effective Voters
Under this Alternate System**



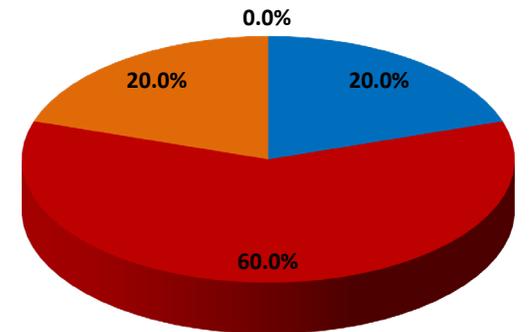
Seats Under Present System



Popular Vote



Seats With Proposed System



2016 Election

NORTHWEST YUKON

plus Vuntut Gwichin

Political Party

	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote of Area	37.22%	42.91%	18.92%	0.94%
Value of 1 Seat (PRPP) 25%	1,006 votes			
Value of 1 Seat (FPTP) 20%	804 votes			

UNDER CANADA'S PRESENT FPTP ELECTORAL SYSTEM

Total seats in the Area:	5	2	3	0	0
		40%	60%	0%	0%

**Effective voters
in the area out of a total of:**

4,022 voters	896	1,018	-	-
--------------	-----	-------	---	---

TOTAL Effective voters: 1,914
47.59% of voters

UNDER THE PROPOSED PRP ELECTORAL SYSTEM

Total PRP seats in Area:	4	1	2	1	0
<i>plus Vuntut Gwichin</i>	5	25%	50%	25%	0%

**Effective voters
in the area out of a total of:**

4,022 voters	1,006	1,726	761	-
--------------	-------	-------	-----	---

TOTAL Effective voters: 3,493
86.83% of voters

HOW PROPORTIONAL SEATS ARE DETERMINED

# Paired-riding seats	2	1	1	0	0
% Rep Value of Riding Seats		25%	25%	0%	0%

Percent of popular vote remaining for Additional proportional seats		Popular vote minus percent value of Paired-riding seats			
		12.22%	17.91%	18.92%	0.94%

Fully supported proportional seats	0	0	0	0
------------------------------------	---	---	---	---

Percentage remaining for partially supported seats.		Previous value minus percent value of proportional seats			
		12.22%	17.91%	18.92%	0.94%

Partially supported seats	2	0	1	1	0
---------------------------	---	---	---	---	---

Total percent of unrepresented First -choice votes		Previous value minus percent value of proportional seats			
		12.22%	0.00%	0.00%	0.94%

Total Paired Seats	4	1	2	1	0
		25%	50%	25%	0%

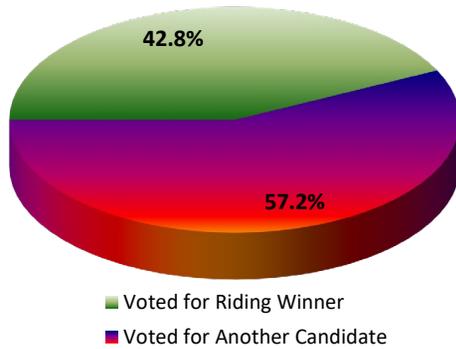
<i>Vuntut Gwichin Seat</i>	0	1	0	0
----------------------------	---	---	---	---

Total Seats in Area	5	1	3	1	0
		20%	60%	20%	0%

#

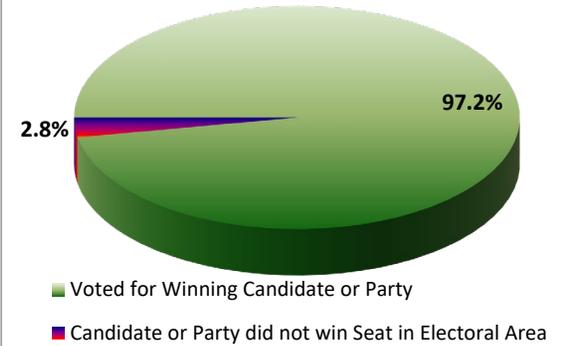
WHITEHORSE ELECTORAL AREA

Effective Voters Under the Present System

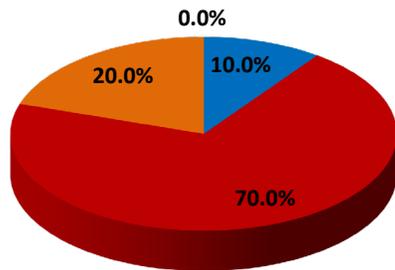


Effective voters are Voters who can point to someone their vote helped to elect.

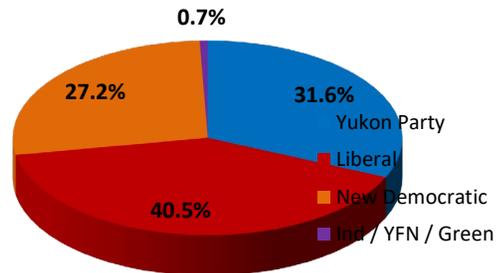
Effective Voters Under this Alternate System



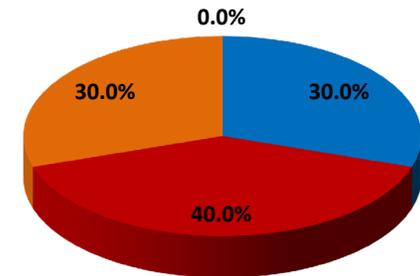
Seats Under Present System



Popular Vote



Seats With Proposed System



2016 Yukon General Election Results

	Political Party			
	Yukon Party	Liberal	New Democratic	Ind / YFN / Green
Popular Vote of Area	31.64%	40.54%	27.15%	0.67%
Value of 1 Seat		10.00%	1,095	votes

UNDER CANADA'S PRESENT FPTP EXCLUSIVE ELECTORAL SYSTEM

Total seats in the Area	10	1	7	2	0
% vote power of Area		10.00%	70.00%	20.00%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	435	3,156	1,092	-

TOTAL Effective voters : 4,683
42.78% of voters

UNDER THE PROPOSED PRP INCLUSIVE ELECTORAL SYSTEM

Total seats in the Area:	10	3	4	3	0
% voting power of area		30.00%	40.00%	30.00%	0.00%
Effective voters					
in the area out of a total of:					
10,946	voters	3,284	4,378	2,972	-

TOTAL Effective voters : 10,634
97.15% of voters

HOW PROPORTIONAL SEATS ARE DETERMINED

Popular Vote		32%	41%	27%	1%
# Paired-riding seats	5	1	3	1	0
% Rep Value of Riding Seats		10.00%	30.00%	10.00%	0.00%
Percent of popular vote remaining for Additional proportional seats		Popular vote minus percent value of Paired-riding seats			
		21.64%	10.54%	17.15%	0.67%
Fully supported proportional seats		2	1	1	0
	4				
Percentage remaining for partially supported seats.		Previous value minus percent value of proportional seats			
		1.64%	0.54%	7.15%	0.67%
Partially supported seats	1	0	0	1	0
Total percent of unrepresented First -choice votes		Previous value minus percent value of proportional seats			
		1.64%	0.54%	0.00%	0.67%
Total Seats	10	3	4	3	0

Association of Yukon Communities



#140-2237 2nd Avenue
Whitehorse, YT, Y1A 0K7

Phone: (867) 668-4388

Fax: (867) 668-7574

E-Mail: ayced@ayc-yukon.ca

Website: www.ayc-yk.ca

President

Councillor Ted Laking

1st Vice President

Councillor Lauren Hanchar

2nd Vice President

Councillor Doris Hansen

Past President

Mayor Gord Curran

Executive Director

Vacant

Manager of Operations

David Rózsa

Members of:



September 23, 2022

Kate White
MLA for Takhini & Kopper King
Yukon Legislative Assembly
PO Box 2703
Whitehorse, YT, Y1A 2C6

Dear Ms. White

We received your letter, dated September 15, 2022, and thank you for inviting The Association of Yukon Communities to participate in the ongoing work of the Special Committee on Electoral Reform. We discussed this letter as a collective and, while we believe we have input to provide, unfortunately the September 30th cut-off is too short of a deadline to properly consult with our membership regarding such a submission. It is due to this that we are not presently in a position to provide our direct input regarding this process.

Despite this, and while the issue of electoral boundaries may not be a primary question your committee is considering, I did want to take the opportunity bring some feedback I received on this topic to your attention. Over this past summer I had visited each municipality to meet with their council and in several of those communities the topic of the *Electoral Districts Boundaries Act* amendments that were defeated in 2018 arose. Specifically: several communities had questions and concerns about the defeat of those proposed amendments.

In closing, I would like to thank you and the Special Committee on Electoral Reform for their hard work over the past several months and for engaging with Yukoners on this topic.

We thank you again for seeking the views of the Association of Yukon Communities on this matter.

Yours sincerely,


Ted Laking
President
Association of Yukon Communities

Brief to the Special Committee on Electoral Reform (SCER)

Respectfully submitted September 2022 by

Daniel Sokolov
of Whitehorse

Honourable members of the Special Committee on Election Reform,

It is time to improve our democratic system in the Yukon. In many aspects, the voting system has yielded good results, but it frustrates and excludes a significant number of Yukoners.

Following are my suggestions for election reform in the Yukon.

Table of Contents

1. KISS – Keep It a Simple System.....	2
2. No E-Voting, Please.....	3
2.1. E-Voting Undermines Trust.....	3
2.2. Online Voting Fails to Celebrate the Importance of Voting.....	4
2.3. Let's Take a Breath – Speed of Voting Machines is Unnecessary.....	5
3. No Forced Voting.....	5
4. No Recalls.....	6
5. Let's Vote on Weekends.....	6
6. Let's Protect our Election Officers.....	7
7. Let's Provide Better Working Conditions for our Election Officers.....	7
8. Let's Upgrade to Fair Results – Proportional Representation.....	8
8.1. Proportional Representation – Open Party List.....	9
8.2. MMP.....	9
9. Thank you.....	10

1. KISS – Keep It a Simple System

I have had the opportunity to serve as an **election officer in numerous elections** on all levels (local, regional, provincial, territorial, federal, First Nations) from Coast to Coast in a range of roles. My submission draws on the lessons I was allowed to learn.

To be clear, I do not represent or speak for Election Yukon or any other election authority I have worked for in the past. My submission only sums up my personal point of view, informed by my own, first hand experience. Also, I have no membership in or allegiance to any political party.

The most important lesson I have learnt from serving tens of thousands of voters on the "front lines" over many years, it is this: Keep It a Simple System. That does not mean we have to keep the current system. We can, of course, have a simple system that leads to fair and proportional results.

But I **strongly advise against any voting system that involves the ranking of candidates**. While such systems have their advantages on paper, those are lost outside academic exercises. They do not lead to fairer results in real life.

For large parts of the electorate, a ranking system would be **too complicated** and may even lead to unintended results. For many voters, seniors and voters with disabilities, it is already a physical challenge to place one correct check mark on a ballot paper. If they had to rank candidates, they would be prone to mistakes, or might even **abstain from voting out of intimidation or frustration**.

Which would be a very sad outcome of any election reform.

An even larger number of electors would simply be **overwhelmed by the task** of deciding which party they oppose more than the next, so that they could rank them correctly. That, again, leads to frustration and eventually elector apathy.

Nobody wants to feel like an idiot. If a voter experiences that at the polls, against the best intentions of everyone involved, they will likely stay home the next time. Any ranking system increases that risk.

Fringe parties, which voters had never heard of, might be ranked in the middle, giving them more weight than voters actually intended to.

Keep in mind that we have a considerable number of electors who can not functionally read and write. Also, there is always a number of voters who are not sober. The best way to prevent random rankings is to **not have rankings**.

At the same time, some more involved voters might try to game the system, or rank some extreme fringe parties' candidates on second and third place, in a (futile) attempt to strengthen their first vote in comparison to a strong competitor, although they don't actually

regard the fringe parties as their second or third best choice. Such "strategic voting" could lead to the unintended (!) election of political extremes.

Worse yet, many voters would never find out how exactly their vote influenced the result, i.e. what party or candidate(s) their ballot ended up being counted for. That is highly **unsatisfactory** for any voter.

The concept of "Reduce to the max" applies perfectly to our elections.

Having said that, keeping it simple does **not** mean that the Yukon has to stick to the current first-past-the-post system. **Simple and fairer** options than the status quo are available (see chapter 8 Let's Upgrade to Fair Results – Proportional Representation).

2. No E-Voting, Please

In my civil life, I have been professionally observing and reporting on information technology inventions and innovations for over two decades. In my line of work, I have followed electronic voting and its particular application online voting.

Electronic voting machines and online voting come with many perils and very high cost. Today, "IT security" is a contradiction in terms. Any electronic system is insecure.

With online voting, there are problems with voter identification, checks and balances, lack of a paper trail and thus no real judicial recount, no guaranteed secrecy of the vote (who is watching over your shoulder while you vote, who is secretly monitoring your computer), undue outside influence (malware, family member, employer, vote buying, etc.) and so on.

And when it comes to the secrecy of the vote, the "protection" is only encryption. In the best of cases, encryption is not intended to and does not protect anything for the long run. Encryption imply buys time until the encryption is cracked. However, even in five or ten years from now, it is nobody's business who voted for whom in the past.

Also, the cost of acquiring, verifying, installing, protecting and updating the required IT systems and data connections would be enormous. We would only use them every few years, and IT gets old very quickly. In addition, we would have to train Election Officers in the use of these machines, which would make recruiting more difficult and require additional payment for additional training. All of that would be an inefficient use of tax payer's money.

2.1. E-Voting Undermines Trust

Even if we magically could solve all those problems, we would still face two insurmountable obstacles: Success of any democratic election depends on the **voter's trust** in the system. The opportunity to attend the counting of ballots, and raise alarm if improprieties are suspected, is paramount.

If the results come out of a black box that no mere mortal is able to control, voter's trust in the election process will plummet further than it already has. That not only lowers voter turnout, but **undermines the entire democratic process**.

Electronic machines open an attack surface to those who strive to undermine the democratic system. This would, again, lead to lower voter turnout, frustration and political apathy.

Furthermore, as a former resident of the Halifax Regional Municipality (HRM), I can attest to numerous shortcomings of an online voting process. Most visible were the many envelopes with voting codes that lay in the lobby of all apartment buildings during election time. Anyone could take those envelopes and use the codes to vote numerous times.

Former residents of those buildings are still on the electors list, and thus receive voting codes in the mail. Current inhabitants of the relevant apartments place the envelopes in the lobby, so that Canada Post returns them to the election authority. But that means that is very easy to collect dozens of voting codes from the lobby of any one apartment complex. Again, this undermines Canadian's confidence in a robust and trustworthy voting system.

As a result, voter turnout is very low. When E-Voting was introduced in Halifax in 2008, the voter turnout dropped from an average of 50% (1995, 2000, 2004) to an average of 36% in the four elections since (2008, 2012, 2016, 2020). So before e-voting, the voter turnout was higher by about 40% (14 percentage points).¹

As an election officer in Victoria, British Columbia, in 2018, I experienced first hand that the use of ballot scanners lead to hours long lineups for thousands of voters. While the scanners saved time after the close of the polls, a traditional manual count would have meant a vastly superior service experience for voters, higher voter turnout (because some electors came and left immediately when they saw the huge lineups), and less stress for election officers during the entire day.

Furthermore, some ballots were rejected by the ballot scanner as invalid that would have been perfectly valid in a manual count, simply because the wrong type of pen having been used to mark the ballot. These ballots could not be counted, because they would have been judged to a different standard than computer-readable ballots.

2.2. Online Voting Fails to Celebrate the Importance of Voting

In a human's life, **important events are regularly underscored by ceremonies.** We exchange rings, attend convocations, light candles, award plaques, swear oaths, pour water on babies or colour certain body parts, and so on. Most of our ceremonies are public acts. They bring Canadian families and neighbours together.

Elections are very important events, and they have traditionally been underscored by the **ceremonial act of casting a ballot.** These are community events. Although your choice is secret, the casting of your ballot is a public event. "I am here to vote" is a personal political statement, and, when done in the company of others, **a community celebration of freedom and democracy.**

1 HRM Mayoral Election results obtained from <https://www.halifax.ca/city-hall/elections/past-election-results>

If voting becomes as easy as liking something on Social Media, electors will, over time, perceive it as of similar insignificance.

Another aspect that is lost with online voting is the opportunity to teach children about voting by taking them along to a polling place. If voting becomes an "online experience", we stand the risk of losing a significant part of the next generation of voters, because they will not have shared in that experience as children.

The counting of paper ballots, likewise, has many ceremonial aspects. Every ballot is taken, by hand, inspected, and counted. Every voter's expression is awarded the same attention. Other people than the Deputy Returning Officer are watching. And, if shove comes to push, a judge can repeat the process to verify the result, or correct it, if necessary.

Moving to online voting would completely remove that ceremonial aspect, as well as the transparency it brings, and soon Canadians would forget how important the act of voting is. Likewise, the community celebration of freedom and democracy would be much diminished, if not lost entirely. Furthermore, with online voting, the public act of voting would be lost.

As there would be no paper trail, no judge could undertake a meaningful verification. All of that would **undermine public trust** in the election system.

2.3. Let's Take a Breath – Speed of Voting Machines is Unnecessary

With voting machines, ballot scanners, or online voting, there would also be no counting "ceremony", **so no-one could observe the counting of votes.**

Voting machines at polling stations would only solve some of the aforementioned aspects, but would carry additional risks compared to traditional paper ballots. Machines would be difficult to use for some voters; they might confuse some voters; they could be hacked; the polling station would have to close if electricity is lost; polling stations would need costly redundant broadband data connections, generally unavailable in the Yukon; distributed denial of service attacks (DDoS) over data connections could easily bring chaos to an election night; the machines might break down or run out of ink (for the paper trail) or have paper jams, etc. And, of course, these machines, their secured transport, secured storage, and secured installation would cost a lot of money, require additional vehicles, and Election Officer training.

The only advantage of an electronic system is a faster result at the end of the polling day. However, this speed is really unnecessary. After months of campaigning, we can very well wait a few extra hours for the result. It is really not worth the huge effort, expense, and risk required to introduce voting machines or online voting.

3. No Forced Voting

I oppose any fines for electors who do not vote. It is sad if a fellow citizen can not or does not want to vote. But there is no point in forcing them to do so. In the best of cases, they spoil a ballot. But they may vote for some extreme party they don't really support, simply because they are angry that they must vote. This helps no-one and skews the election result.

In a free, democratic society, voting should be a cherished right, not an imposed burden.

4. No Recalls

Recall elections are costly and a massive distraction. Where they exist, they are usually abused as an attempt to redo the election, rather than fix a grave and unexpected problem with an individual politician.

Given our small numbers of residents, it would be too easy to abuse a recall process.

The Yukon does not need recall elections.

5. Let's Vote on Weekends

From my experience as a recruiter and instructor of Election Officers, I can say that the current Section 221 of the Yukon's Elections Act is not ideal. It sets polling day to be a Monday, but not a holiday. While that is in line with historical custom, it is not the best rule for the 21st century.

In fact, a Sunday or holiday would be a much better polling day. That would make it easier (and probably cheaper) to find suitable locations for polling stations. It would make it much easier to find qualified Election Officers to work at polling locations. In select locations, it would make it easier and cheaper to find parking, thus increasing accessibility. For most Yukoners, it would be easier to find the time to vote, they would not have to take time off work, and voter turnout would be better distributed throughout the day, resulting in shorter lineups. Also, voters could more easily bring their children along, which provides for an important learning experience.

Election Canada's Chief Elections Officer has recommended #to move federal polling days to Sundays:²

Polling day

(...) Having polling day on a weekday has a number of consequences. Polls must be open before and after work to give people sufficient time to vote. This means that, for long periods of the day, the poll may be nearly empty and then there is a large rush at the end of the day, which, given the inflexibility of the present process, leads to problems for poll workers and frustration and delays for electors. Having polling day on a weekday also greatly reduces the number of qualified personnel available to operate polling stations.

Australia, New Zealand and a number of European countries have their polling day on a weekend, and Canada should consider a similar move. Weekend polling may make the vote more accessible for some Canadian electors — although it should be noted that Elections Canada's consultation with electors with disabilities underlined

² Quoted from: *An Electoral Framework for the 21st Century: Recommendations from the Chief Electoral Officer of Canada Following the 42nd General Election*, Chapter 1
https://www.elections.ca/content.aspx?section=res&dir=rep/off/rec_2016&document=p3&lang=e#p3_d

the importance of para-transportation services being available on a weekend polling day, were this change to be made.

Weekend voting would also increase the availability of qualified personnel to operate polling stations and of accessible buildings, such as schools and municipal offices, for use as polling places. While schools can present ideal locations for voting, concerns about student safety make it increasingly difficult for Returning Officers to obtain access to schools for voting while students are on the premises. For all these reasons, Elections Canada believes that having polling day on a weekend would better serve Canadians.

While we already offer both advance voting and special ballots in the Yukon, the official polling day still draws the largest turnout (60.2% of all votes in 2021). So the choice of day is of importance.

6. Let's Protect our Election Officers

Too often, Election Officers are subject to threats and abuse. That makes it more difficult to recruit Election Officers.

Federal law protects federal Election Officers in their line of duty. Section 479 (8) of the Canada Elections Act makes that clear:

Peace officer protection

(8) Every election officer has, while exercising their powers or performing their duties under this section, all the protection that a peace officer has by law.

To the extent legally possible, a new Yukon Election Act should include a clause to the same effect. In addition, the Yukon Government and Elections Yukon should liaison with the RCMP before every election to remind and inform all RCMP officers of their special duty to protect Election Officers.

7. Let's Provide Better Working Conditions for our Election Officers

Recruiting Election Officers is difficult for a variety of reasons. Polling on weekdays, unattractive pay, very long work hours, absence of childcare for the long hours, no provision of food or drink, no scheduled breaks, serious responsibilities, twelve month residence requirement, and too often verbal abuse and threats.

Work days for Election Officers are extremely long. Polling hours are typically twelve hours per day. However, Election Officers have to arrive much earlier to prepare the polling location, and they have to stay longer – not only to accommodate voters who arrived before closing time but are still in line (which can take hours), but also to complete documentation, secure ballots and ballot papers, and clean up. 15 hours are normal, if no unforeseen challenges arise – not counting time spent travelling to and from the polling location.

On Polling Day, the working hours are especially long, as ballots have to be counted after the last voter has voted at a polling location, then documentation has to be completed, materials

have to be packed up (or disposed of), then ballots, urns, and materials have to be returned to the Returning Office.

It is not helpful, that exhausted humans have to count the votes at the end of a series of very long days. A new Act should **allow for part-time Election Officers**. Why can't Election Officers take shorter shifts of maybe 7 or 8 hours, and then hand over to a rested colleague for the remainder of the day?

The general pay of minimum wage plus \$3/hour for Yukon Election Officers (without any benefits) is a far cry from the usual Yukon Government payment level. Even a Deputy Returning Officer is only paid \$275 per day – at 15 hours (not counting travel time), that is even less than minimum wage plus \$3/hour.

These pay levels are below the lowest entry pay level offered by the Yukon Government in real life, which come with much shorter hours, scheduled breaks, and added benefits.

The base hourly **wage for Election Officers should be at least double the minimum wage**.

Abolishing the residence requirement would allow Elections Yukon to hire recently arrived residents of the Yukon, as well as residents of other parts of Canada (especially Atlin and Lower Post).

8. Let's Upgrade to Fair Results – Proportional Representation

The current first-past-the-post system is unfair and undemocratic. It is not only unfair to voters who can not influence the composition of the legislature merely because they live in the wrong electoral district, it is also unfair to candidates and MLAs.

As the committee is well aware, in the most recent territorial election, the distribution of votes between the three political parties was very different from the distribution of seats.

Also, for example, one MLA was elected with 37.65% of valid votes in their electoral district. That means 62.35% of voters wanted a different candidate to represent them. At the same time, candidates in four other electoral districts received a higher percentage of votes but were not elected. Similar issues arise when we look at absolute numbers of votes.

We can conclude: **While all votes count in our current system, too many votes do not matter.**

This is undemocratic – not because a small number of voters can make a huge difference, but because it depends on where you happen to live if your vote is one of those that can make a huge difference.

It frustrates voters, but also citizens who consider running in an election. It is almost impossible for new political movements or parties to enter the legislature, even when they have sizable support from Yukoners. As a result, few political movements or parties come into

formal existence. To wit, there was only a single independent candidate in our most recent territorial election, Jan Prieditis.

That results in less competition in the political sphere. And competition has many benefits. In a political context, it makes most parties and politicians work harder and try harder to come up with better ideas and more inclusive proposals. As a society, we are at a loss if we do not have those smaller political forces to question the political mainstream, and to drive established parties and politicians to improve their game.

The perfect solution does not exist. The least bad system is Proportional Representation. I urge you to move democracy ahead and **bring us Proportional Representation**.

8.1. Proportional Representation – Open Party List

I prefer an open party list system. Voters would pick one party. Additionally, they would have the option to express their preference for a particular candidate from a party list; if one candidate receives a significant number of preferential votes, that candidate would move to the top of their party's list, likely securing them a seat.

In order to keep extreme fringe parties out and ensure efficient procedure in the legislature, lists that receive less than a certain percentage of the total vote, should not win any seats. I would set that level at least at 5%. As long as the legislature has less than 21 seats, the threshold level should be 6%.

To ensure representation of First Nations, a number of seats could be guaranteed to First Nations candidates. Alternatively, the Yukon could have a Chamber of Elders with strong First Nations representation and representatives from the communities, similar to the federal Senate.

The Open Party List system has many advantages: Every Yukoner's vote will have the same weight. Similarly, the number of votes required to win a seat would be more uniform, and, in any case, not depending on the voter's or candidate's exact address.

While we have not had by-elections in the Yukon, they may happen any time under our current system. A party list system removes that costly risk. If a seat becomes vacant, the next candidate on their party's list would take it.

That way, the legislature would always be fully "staffed" as no seats would be vacant for months at a time. Constituents would not miss out on representation just because an MP passes away or resigns. Also, the cost of by-elections would be saved.

8.2. MMP

A Mixed Member Proportional System would also be a good voting system. Every voter would receive two ballot papers: One to vote for a party list, and one to vote for an individual candidate from the voter's electoral district. The individual candidate chosen could be of a different party (or no party) than the party list chosen by the voter. Ideally, a run-off election would be held if a candidate received less than 50% of the votes in their riding.

This way, the Yukon's legislature would proportionally represent Yukoner's votes, while all Yukoners would have a local representative. The exact number of seats in the legislature would fluctuate slightly from election to election, but that is merely a problem of furnishing desks.

On the other hand, it makes voting slightly more complicated. It would be important to have these two votes on separate ballot papers, i.e. each voter would receive two ballot papers on which they would make one decision each.

Also, from my point of view, the importance of local representation is over-exaggerated in the discussion. From my experience as an Election Officer, I can attest to the fact that, even in the current system, most voters vote by party affiliation. Electors often don't even know the name of the person they want to vote for, but they know which party they prefer. The famous case of the 2011 federal election, where a candidate was elected in a riding they had never even set foot in, is the proof in the pudding.

Whichever of the two proportional representation systems you decide for, they will yield higher voter turnout in the long run than the current first-past-the-post system.

9. Thank you

Thank you for your attention and the hard work you have put in over the recent months.

Please give the Yukon an improved election system with proportional representation.

Daniel Sokolov

From: Ana Pineda

Sent: September 29, 2022 8:03 PM

Subject: Fair Vote Canada

The person with most votes should win.
It should be that simple!!

Ana Pineda

From: Michael White
Sent: September 30, 2022 10:11 AM
Subject: Call for citizens assembly on electoral reform

To the Special Committee on Electoral Reform,

I do not feel I have heard enough activity nor education from the SCER in the Yukon. And I am not surprised that the general public doesn't seem excited to become involved in or comment on what is just another political process. Having this committee linked to all three political parties in the Yukon might have been done for the perception of "balance" but has created a very rigid, impassionate and stalemated process.

I call on this committee to recommend that a Citizens' assembly be created to move electoral reform in the Yukon. As Fair Vote Yukon has written:

Citizens' assemblies are a representative, inclusive, evidence-based way to put citizens' voices front and centre in complex policy decisions.

As a proud Yukoner and Canadian, I am very excited about what electoral reform could do for both my territory and my country. We need to get beyond petty party politics and explore a greater wealth of ideas and solutions that are not available in a first past the post system. We are constantly asked to choose one colour of answers for all of our problems. But I don't want our territory to be restricted to red, blue or orange possibilities. I think the best, most progressive and creative political solutions come from the kind of consensus and compromise that occurs during minority governments.

I support a Citizens' Assembly on Electoral Reform and fear that without the creation of one the promise and possibility of ER will be once again sacrificed to political expediency and disinterest.

I support change. I support Fair Vote Yukon's recommendations to your committee without reservations.

Sincerely,
Michael White

From: Theo Stad

Sent: September 30, 2022 11:15 AM

Subject: Good Day Special Committee on Electoral Reform

Good Day Special Committee on Electoral Reform,

Thanks for this opportunity to give input on Electoral Reform in Yukon.

The present first past the post voting system in Yukon or in Canada, is simply a lousy simplistic system that allows governments to be made up of people who do not represent all Yukoners. In my opinion, that system has never come close to accurately representing all the different voter inputs from Yukoners.

Now, people vote to attempt to keep a person out of power. They vote to attempt to pitch a party out of power because of how they governed in their past term.

In North America, we need electoral reform. Obviously, that is not your mandate. But, in Yukon, I understand it is and as such, we need a system that allows Yukoners to vote for who they want to have represent them in government. That rarely or likely has never occurred with the present voting system.

I'd say Yukoners are smart and wise and can easily grasp the concept of an improved fairer voting system. I would like to see a Citizens Assembly set up that would do the work needed to change our present voting system to a more fair electoral system that represents all Yukoners. Please make that happen.

Thanks,
Theo Stad,
Carcross, Yukon

Submission to the Special Committee on Electoral Reform

By
Floyd McCormick

September 30, 2022

To the Members of the Special Committee on Electoral Reform:

Kate White, MLA, Chair

Brad Cathers, MLA, Vice-Chair

Hon. John Streicker, MLA

Dear Committee Members,

I believe that the Yukon should change the system it uses for electing members to the Yukon Legislative Assembly. The change should be to cease using the single-member plurality, first-past-the-post (FPTP) electoral system and adopt the single-member majority Alternative Vote (AV) system as described by Keith Archer in *Options for Yukon's Electoral System: A Report prepared for the Special Committee on Electoral Reform, Yukon*.¹

I will proceed in this submission by explaining why I believe an AV system would serve the Yukon better than FPTP. I will also explain why I favour an AV system over the Open List Proportional Representation (OLPR) electoral system and the Mixed Member Proportional (MMP) electoral system proposed in the Fair Vote Canada (FVC) written submission. I will also offer some brief thoughts on whether the Yukon should form a citizen's assembly to further consider electoral reform, whether the implementation of electoral reform should ultimately be decided by a referendum and whether such a decision should be subsequently reviewed.

I will not try to provide a comprehensive overview of all the strengths and weaknesses of all these electoral systems. I will focus, instead, on those features

¹ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> pages 27-29.

that I think are most important in explaining my support for an AV electoral system.

Contextual Comments

First, however, I will make some general contextual comments.

My first contextual comment is, I believe that the most important issue facing the Yukon Legislative Assembly is not the way in which its members are elected; it is improving the Legislative Assembly's ability to scrutinize and hold to account the cabinet and the executive branch of government. I will not go further into this subject in this submission. I mention it to highlight its importance and make the point that improving accountability is an issue that the Legislative Assembly will continue to face whether the Yukon adopts a new electoral system or not.

That being said, electoral system change is an important issue. It is an issue that has been discussed over a period of time and is deserving of the attention it has received from the special committee and the Yukon public.

My second contextual comment is, I believe that the Yukon is the most challenging jurisdiction in Canada when it comes to matters regarding the conduct of elections. As Archer notes in his report "the Yukon...covers 482,000 square kilometres"² making it larger than Newfoundland and Labrador and larger than Nova Scotia, New Brunswick and Prince Edward Island combined.³ Also,

According to the Yukon Bureau of Statistics, the population of the Yukon in March 2020 was 42,152 and the population of Whitehorse (within the municipal boundary) was 30,025. Therefore 71.2% of the residents of the Yukon reside in Whitehorse. Thus, from a population distribution perspective,

² <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 53.

³ <https://www150.statcan.gc.ca/n1/pub/11-402-x/2010000/chap/geo/tbl/tbl07-eng.htm>

the Yukon is a highly urbanized territory combined with areas of expansive land with low population density.⁴

The Northwest Territories and Nunavut also have vast geography and low populations but neither of those territories (or any province) have such a large proportion of their population living in one community. This combination of factors makes it more difficult to provide effective representation to all Yukoners while ensuring that electoral districts are not prohibitively large and that there is some measure of parity in terms of the number of voters in each electoral district.

My final contextual comment is, if there were an electoral system that could be all things to all people at all times it would already be in use. No such system exists. This means that there will be trade-offs involved whether we choose to keep the existing FPTP electoral system or adopt a different one. So, in choosing the right electoral system for the Yukon we need to decide which characteristic we want at the core of our electoral system and then flesh out the rest of the system's features from there.

Local Representation

As far as I am concerned, the idea which should be at the core of our electoral system is local representation. This is especially important because of the vast geography and sparse population that exists outside Whitehorse. Not only are most of these communities distant from Whitehorse, they are also distant from one another. The legitimacy of the Yukon Legislative Assembly as a representative institution rests, in part, on its ability to provide effective representation to Yukoners within the geographic and demographic constraints mentioned above and the comparatively small size of the legislative assembly (19 seats).

According to Archer, one of the advantages of constituency-based electoral systems like FPTP and AV is the

⁴ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 17.

Direct connection between voters and representative in their community...This means that each elector has his or her representative, who is responsible for providing a constituency service function within the constituency. The member of the legislature can serve as a conduit between electors and the more general system of government, and therefore provides an important liaison function.⁵

The final report of the most recent Electoral District Boundaries Commission (EDBC) (April 2018) addressed local representation in the Yukon. The section entitled “Providing reasonable and effective representation for electors in Pelly-Nisutlin” provides a concise description of the difficulties involved in providing effective representation for communities within the same electoral district that have small populations, are far from Whitehorse, are distant from one another and, in some cases, have little interaction with one another.⁶ This is why the EDBC recommended creating a new electoral district outside Whitehorse even though the number of voters in the proposed electoral district would fall below the +/- 25% variance from the average elector population per electoral district that the EDBC tried to follow.

Similar observations could be made about the electoral districts of Kluane and Mayo-Tatchun. The relevance of all this is that maintaining the maximum number of electoral districts is important to improving the legitimacy of the Legislative Assembly as a representative institution for Yukoners. An electoral system that reduces the number of electoral districts will do the opposite.

Alternative Vote

Adopting a single-member majority AV voting system will, I believe, help improve the ability of the Legislative Assembly to provide effective, local representation. As Archer describes it, “The Alternative Vote electoral system...Like the

⁵ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 25.

⁶ <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf> pages 28-31.

FPTP system...is based on single member constituencies.”⁷ So, like FPTP, an AV electoral system provides the direct connection described above and maximizes the number of electoral districts thereby maximizing local representation.

However, an AV electoral system improves upon our current FPTP system because “a candidate is required to receive a majority of votes in order to win the election”⁸ rather than just a plurality of votes.

With some exceptions, the Yukon Liberal Party, the Yukon Party and the Yukon NDP field candidates in all electoral districts during a general election. In electoral districts where the race is highly competitive a candidate can be elected with less, sometimes much less, than a majority of votes cast.⁹ According to Archer

Where a concern with FPTP is that in a multi-candidate contest it takes less than a majority vote to win, the Alternative Vote system solves this problem. Winning candidates, by definition, won with a majority. This has the practical effect of indicating that most voters indicated more support for the winning candidate than for the losing candidate, notwithstanding the fact that the winner may not have been their first choice. For most voters, the winning candidate was more preferred than the candidate finishing second.¹⁰

Requiring a winning candidate to receive a majority of the votes cast in their electoral district provides a stronger mandate to the member who is elected. There is also a second, less obvious, but potentially more profound advantage that Archer attributes to an AV voting system:

⁷ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

⁸ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

⁹ In the 2021 general election five of 19 winning candidates drew less than 40% of the votes cast in their electoral district. https://electionsyukon.ca/sites/elections/files/ge_2021_ceo_report_to_leg_assembly.pdf

¹⁰ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> pages 27-28.

Since it is possible, and in fact probable in many instances, that no candidate will win a majority of first preference votes, this system encourages parties and candidates to court one another and their supporters as possible second, third or fourth alternatives. In doing so, the system encourages parties to cooperate.¹¹

Giving parties and candidates incentives to co-operate during an election campaign is important. One of the greatest current threats to democracy is hyper-partisanship and the polarization and divisiveness that result from it. In Canadian federal elections we see that hyper-partisanship and polarization are not just unfortunate outcomes but are increasingly used as campaign tactics. Divisiveness can work as a campaign tactic in an electoral system where a candidate needs fewer than a majority of votes in their electoral district to get elected. Divisive tactics are less likely to be successful where a majority of votes is required. A voting system that encourages co-operation amongst those involved (even if the co-operation is based on political self-interest) has a chance of improving political behaviour during elections.

Moderation of behaviour may also have a positive effect on the policies offered by political parties. An electoral system that encourages political parties and candidates to solicit support from the supporters of other candidates and political parties is more likely to produce policy proposals that are designed to appeal to a broader range of voters, rather than just those who share a political party's philosophy or ideology. This means that parties have an incentive to move to where the voters are on matters of policy, rather than forcing voters to move to where the parties want them to be.

Proportional Representation (PR) systems can also promote co-operation amongst political parties. A general election using a PR system is less likely than a FPTP system (plurality or majority) to lead to a majority government. The result is usually a single-party minority government (which may or may not have a

¹¹ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

confidence and supply agreement with another party) or a coalition government. Either of these outcomes may require co-operation in order to provide a functioning government.¹² However, this co-operation takes place after the election is over and the results are known. Voters are not a part of this equation as they are under an AV system where co-operation is a feature of the election campaign.

So an AV system is more likely than a PR system to change the way candidates and parties conduct themselves during elections. Improved behaviour during elections can have knock-on positive effects on behaviour in the Legislative Assembly and throughout our political system.

I say all this knowing that trying to forecast future political behaviour based on electoral system change is always speculative no matter what system one prefers. We can't predict with 100% certainty how voters, candidates and parties will react to a new political environment. However, we can improve our odds of improved behaviour by adopting an electoral system whose built-in incentives encourage co-operation, rather than divisiveness, during election campaigns. That may sound idealistic, but I'd rather be an idealist than an ideologue.

Open List Proportional Representation

According to Archer "Proportional representation electoral systems have a single overarching rationale – to ensure that the seats in the legislative assembly are generally at or near the same proportion as the popular vote obtained by the parties."¹³ Achieving proportionality between votes and seats is not a bad thing. The questions to ask are, what features does a PR voting system have to have in order to achieve proportionality? And, how would these features fit into the Yukon's unique political context?

¹² Although in some situations coercion can also be used.

¹³ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 33.

Again, quoting Archer, “To accomplish this, parliamentary seats must have multiple members, and the degree of proportionality can increase as the number of seats in the district increases.”¹⁴

In its submission to the special committee Fair Vote Canada (FVC) offered two proposed electoral systems for the Yukon. The first is Open List Proportional Representation (OLPR). This proposal featured six electoral districts, two in Whitehorse (one with four members and one with seven members) and four outside Whitehorse. The proposed community electoral districts and their representation are:

- One member for Vuntut Gwitchin (the same as the current situation);
- Two members for North Yukon (combining the electoral districts of Klondike and Mayo-Tatchun),
- Two members for Southwest Yukon (combining the electoral districts of Kluane and Lake Laberge), and
- Three members for Southeast Yukon (combining the electoral districts of Watson Lake, Pelly-Nisutlin and Mount Lorne-Southern Lakes).¹⁵

So the number of community MLAs would remain the same (8) through there would be fewer electoral districts (4).¹⁶

If this electoral system were implemented it would, I don’t doubt, yield a greater proportionality between votes and seats than a single-member constituency system. However, in order to accomplish this, the Yukon would have to adopt much larger electoral districts outside Whitehorse. Enlarging these electoral districts risks worsening the difficulties involved in representing these communities, as highlighted in the EDBC report:

¹⁴ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 33.

¹⁵ <https://yukonassembly.ca/sites/default/files/2022-01/scer-35-submission-2022-01-26-fairvotecanada-writtensubmission.pdf> pages 22-23.

¹⁶ A historical note on multi-member districts in the Yukon: The general elections for the first four wholly-elected territorial councils (1909, 1912, 1915 and 1917) featured five two-member electoral districts. Single member districts came into use in 1920 when the council was reduced from 10 members to three. The Yukon has had single member districts since then. (Steve Smyth, *The Yukon’s Constitutional Foundations, Volume 1: The Yukon Chronology (1897-1999)* pages 8-10.)

Travel to rural communities is time-consuming and, for much of the year, is dependent on weather. Both are factors that affect the ability of MLAs to serve electors in the various communities.

Most of the electoral districts contain a number of small communities, increasing the likelihood that an MLA will struggle with competing interests for assistance and resources. These communities have varying degrees of dependence on territorial governance. While some have access to services and facilities provided by municipal or First Nations governance, others rely more on their MLA for assistance in identifying and accessing services.¹⁷

Large, multi-member districts would not improve this situation since each MLA would have to serve the entire electoral district.

There is also a risk that all the members elected for a given electoral district could come from the same community. Something similar to this occurred during the 1974 general election. The context was different in important ways: The Yukon had only 12 single-member electoral districts; this is was prior to responsible government; and before the formal recognition of political parties in our electoral and legislative systems, though some candidates made their partisan affiliations known. However, there is a rough parallel to the proposed North Yukon electoral district.

In 1974 the electoral district of Ogilvie included part of Dawson City, Clinton Creek, Eagle Plains and Old Crow. The electoral district of Klondike included part of Dawson City, Stewart Crossing, Pelly Crossing and Carmacks. The result of the election was that both electoral districts were won by candidates from Dawson City. So the entire central and northern part of the Yukon was served by two members from the same community. At least in this case they were separate electoral districts so each candidate was only responsible for serving their part of central and north Yukon.¹⁸

¹⁷ <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf> page 27.

¹⁸ Report of the Chief Electoral Officer (Canada), Yukon Territory Elections Held During The Year 1974. https://electionsyukon.ca/sites/elections/files/1974_general_election_0.pdf

In the OLPR proposal the two-member North Yukon electoral district would include Eagle Plains, Dawson City, Elsa, Keno Hill, Mayo, Stewart Crossing, Pelly Crossing and Carmacks. Having two seats in one district increases the odds that the result will be proportional, but this proportionality would come at the expense of local representation, especially if both members were from the same community. I don't think people in the rest of the electoral district would see that as providing effective representation.

It's also worth noting that the boundaries of the electoral district of Mayo-Tatchun were drawn prior to the 1992 general election specifically for the purpose of creating a riding where the Northern Tutchone would constitute a majority of the population. Combining Mayo-Tatchun with Klondike eliminates that factor.

FVC noted in its submission that this OLPR proposal model "is based on merging existing ridings, and keeps the legislature at 19 members. New boundaries could be drawn by a boundary commission, and MLAs could be added either to improve proportionality or reduce riding sizes."¹⁹ Such changes could, of course, moderate some of the potential problems. But we also can't guarantee that such changes would take place. How many more MLAs would have to be added to the Legislative Assembly to reduce the problems associated with larger electoral districts? Would Yukoners be willing to add this many seats (whatever number that may be) for this purpose?

Mixed Member Proportional

FVC also offers a mixed-member proportional (MMP) proposal.²⁰ Under this system the existing 19 single-member electoral districts would remain as they are and voters in them would elect a local MLA according to the existing system. The new feature is that voters would also get to elect six additional MLAs to regional top-up seats. There would be three top-up seats for Whitehorse, two for the southern region (Kluane, Lake Laberge, Mount Lorne-Southern Lakes, Pelly-

¹⁹ <https://yukonassembly.ca/sites/default/files/2022-01/scer-35-submission-2022-01-26-fairvotecanada-writtensubmission.pdf> pages 22-23.

²⁰ <https://yukonassembly.ca/sites/default/files/2022-01/scer-35-submission-2022-01-26-fairvotecanada-writtensubmission.pdf> pages 24-26.

Nisutlin and Watson Lake) and one for the northern region (Klondike, Mayo-Tatchun and Vuntut Gwitchin). The distribution of top-up seats would help achieve greater proportionality between the number of votes a given party receives and the number of seats it has in the Legislative Assembly.

The issue I have with the MMP proposal is the addition of the six top-up MLAs. This would expand the Legislative Assembly to 25 members. The *Yukon Electoral Reform Survey Report* addressed the issue of an expanded Legislative Assembly. It reported:

While 46.1% of respondents said they felt the Yukon Legislative Assembly should remain the same size, 45.1% said they thought it should increase, either to improve levels of representation (29.6%), or to support a different voting system (15.5%; Figure H1).²¹

I was pleasantly surprised to see that a substantial number of respondents would support expanding the legislative assembly for one reason or another. However, I wonder how many would support adding six additional members, none of them elected to represent an electoral district and, therefore, not having constituents to serve.

Adding MLAs without electoral districts would, for the first time, create two classes of MLAs in the Legislative Assembly: those with constituents and those without. As MLAs the special committee members may have some views about how this might affect the distribution of responsibilities within their caucuses and the operation of the Legislative Assembly.

Because I favour maximizing local representation, I would prefer that if the Legislative Assembly were to expand (to whatever number) that this expansion would provide additional electoral districts. In its final report the EDBC said

Throughout the course of the consultation with outlying communities, the Commission repeatedly heard concerns from rural residents that decisions affecting their livelihoods were disproportionately being influenced by the

²¹ <https://yukonassembley.ca/sites/default/files/2022-06/scer-35-survey-report-2022-05-31.pdf> page 22.

greater number of urban electoral districts. While the proportion of electors residing within the Whitehorse city limits is approaching three quarters of Yukon's total, the city accounts for less than 1% of the land mass.

The Commission believes that the proposed addition of a rural electoral district addresses these concerns and provides a measured ratio of urban to rural influence in the representation within the Legislative Assembly. The Commission is satisfied that these proposals reflect the considerations set out in the [Elections] Act, with the goal of effective representation for all electors in Yukon. Most rural electoral districts fall below the +/-25% variance, and the Commission agreed that greater variances were warranted in those cases.²²

One more community electoral district, as proposed by the EDBC, would provide additional representation for communities outside Whitehorse and bring greater parity between the number of Whitehorse MLAs and those who serve the communities. Adding one or more additional electoral districts in Whitehorse as well would bring greater parity between the average number of voters in community electoral districts and those in Whitehorse. This, I believe, would make for more effective, local representation.

In short, if there is interest in increasing the number of MLAs these members should each have an electoral district to represent.

Conclusion

As previously stated, my preference is for an AV electoral system that improves effective representation in the Yukon Legislative Assembly by prioritizing local representation and ensuring that those elected to the Legislative Assembly do so on the basis of majority support in their electoral district. I believe that such a system could prevent the hyper-partisanship, polarization and divisiveness we see elsewhere. Ultimately, the decision to keep the existing FPTP electoral system or replace it with an alternative it is a matter of choice, one that will prioritize

²² <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf> page 27.

certain core principles over others and may exclude certain features that we might otherwise like to see in a voting system.

Citizens' Assembly

Another issue related to electoral reform is whether the Yukon should, after the conclusion of the special committee process, establish a citizens' assembly to continue examination of the issue of electoral reform. I think there is value in the citizen's assembly as a democratic exercise. Once the special committee process ends there will be a lot of information for people to consider before a decision is made to either retain the FPTP electoral system or adopt a different system (however that decision is made). A citizen's assembly could facilitate a public dialogue on that question.

My only reservation is whether there is enough public interest (and support) for continuing the electoral reform process in this way. As FVC points out in their written submission doing a citizens' assembly properly will require resources

A successful citizens' assembly would be fully funded by the government but run by an independent, impartial organization that specializes in deliberative processes. Equitable access would be ensured by covering costs related to travel, lost wages, and childcare.²³

I'm not sure what "fully-funded" means in precise dollar terms. But I believe the Legislative Assembly needs to determine that there is adequate interest before making such a commitment. Adequate public interest, support and participation are necessary to make the citizens' assembly worthwhile.

If we do decide to establish a citizens' assembly there are also practical questions to be answered about how large it will be, how individuals will be named to the assembly and how long it will have to do its work. Most importantly is the kind of authority it will have. Will it be empowered to only make recommendations for

²³ <https://yukonassembly.ca/sites/default/files/2022-01/scer-35-submission-2022-01-26-fairvotecanada-writtensubmission.pdf> page 9.

electoral reform to the Legislative Assembly or will it be a decision-making body whose decisions are binding?

Referendum

Another related issue is whether the question of electoral reform should ultimately be put to Yukoners in the form of a referendum. FVC is unsparing in its condemnation of referendums as a means of deciding on whether to implement electoral reform. They state, for example, that

Studies confirm that referendums are not inherently neutral: they are flawed by a consistent and substantial bias towards the status quo.

The side advocating for change, in this case changes to the voting system, must convince voters that life will be better in an imagined future with a new voting system, while the advocates for the status quo can easily capitalize on anxiety, doubt and fear.²⁴

Advocates for the status quo can also capitalize on the fact that most people probably don't see the electoral system as a problem and so don't see changing it as a solution. But that's not always the case. Consider, for example, Archer's description of how New Zealand changed its electoral system:

Following [the National Party's] victory in the 1990 election, the party scheduled a non-binding "indicative" referendum. In the two-part poll, voters were asked first if they wanted to retain or change the current electoral system, and then asked to indicate which of four alternatives (MMP, STV, AV, or Supplementary member) they favoured. 84.7% of those voting wanted to change the electoral system, and 70.5% indicated they would like to replace it with MMP. The following year, the government held a second, binding, referendum between FPTP and MMP, with the latter

²⁴ <https://yukonassembley.ca/sites/default/files/2022-01/scer-35-submission-2022-01-26-fairvotecanada-writtensubmission.pdf> pages 4-7.

being favoured 53.9% to 46.1%. MMP was therefore implemented for the following general election in 1996.

The fact that 84.7% of those who voted in the indicative referendum supported changing the electoral system suggests there was a deep and wide antipathy to the electoral system then in use. It is easy to see how that would weaken the status quo and provide a basis for a successful referendum campaign.

The challenge for those of us who would like to see FPTP replaced by something else is to convince Yukoners that change is necessary and will be beneficial. According to the Yukon Electoral Reform Survey Report, 48.7% of respondents agreed or strongly agreed that the current electoral system should be changed²⁵ though there was no consensus on what system ought to replace it. Convincing Yukoners to accept a particular change will be a challenge because I have no reason to believe that Yukoners hold the same kind of antipathy to FPTP as New Zealanders did in 1990.

Despite FVC's criticism of electoral reform referendums, some of which I agree with, I don't see how the question of electoral reform can be decided without one. As much as we want the issue to be decided on an objective assessment of the merits of various proposals we also need to ensure that any change to the voting system is widely supported by Yukoners. The electoral system, after all, belongs to all Yukoners not just those of us who immerse ourselves in the subject. The onus is on us to convince other Yukoners that change is needed and that the results of change will be beneficial. It would be detrimental to our democracy for a new electoral system to be viewed as something that was 'imposed' upon the Yukon by a small number of self-nominated persons who were randomly-selected to be part of a citizens' assembly.

²⁵ <https://yukonassembly.ca/sites/default/files/2022-06/scer-35-survey-report-2022-05-31.pdf> page 12.

Review

Finally, I would like to briefly address the issue of reviewing the decision to change the electoral system, if a change does occur. According to Archer

New Zealand voters were provided the opportunity to reconsider whether they supported the MMP electoral system fifteen years after it was implemented. The National government that was elected in 2008 announced they would put the electoral system to a non-binding referendum, which was administered in conjunction with the 2011 general election. The referendum posed two questions. First, “Should New Zealand keep the Mixed Member Proportional (MMP) voting system?” and “If New Zealand were to change to another voting system, which voting system would you choose?” The options included FPTP, AV, STV and Supplementary member. On the first question, 57.8% opted to keep MMP, whereas 42.2% wanted to change to another system. With this definitive result, no change was made to the MMP system, and it remains in place.²⁶

Should the Yukon decide to change its electoral system I think Yukoner should have an opportunity to review that decision. I think the appropriate timing would be to review the new system after two general elections run under the new system to see if Yukoners are satisfied with it.

Thank you for considering my submission.

Floyd McCormick

²⁶ <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 61.

September 30, 2022

To: Yukon Special Committee on Electoral Reform

Dear Committee members:

To begin, I thank the Committee for the work it has done so far, and information it has gathered. I consider electoral reform, and more generally democracy, to be of critical importance to our continuing success as a society and I am glad this process has been undertaken. It was overdue.

Second, I need to state that I consider the basic process being followed to be inadequate. I note that this is the second Yukon electoral reform commission formed in the past five years. The first was criticized for not being independent enough from the Yukon Government. The second and current commission is comprised exclusively of members who are elected members of the Yukon Legislative Assembly. I do not consider this to have been a move in the right direction.

This Committee when formed in May 2021 was given an extremely simple/vague/broad mandate: to “examine electoral reform”. There were no objectives given to the Committee for such reform.

The Yukon is a geographically large territory with a tiny but diverse population. Electoral reform options – as you will know well – are many, and of course “the devil is in the details”. I have my own electoral system preference – mixed member proportional – but it’s plain for me to see that there is currently nothing resembling consensus in the Yukon citizenry on what electoral reform should look like - or even if there needs to be electoral reform.

I believe that the work undertaken by this Committee needs to be continued by a Citizens Assembly, who would (1) establish objectives for electoral reform in Yukon (2) study options (3) consult with Yukoners and (4) report with recommendations to the Yukon Legislative Assembly.

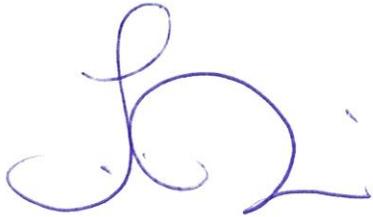
Such a direction change would not mean starting from scratch. The Committee has gathered a great deal of information and consulted widely, and the information and submissions would be available and considered by the Citizens Assembly members. The Citizens Assembly would continue consulting Yukoners as and to the extent they consider useful.

For any electoral reform to be successful there will need to be public trust. I believe that trust can better, perhaps only, be built by a body that is truly independent from government, non-partisan, and representative of a diversity of the Yukon population.

I am appreciative and grateful for the work the Committee has done to date. I believe however that to best continue electoral reform process, you need to hand off leadership of it to a Citizens Assembly.

Many Canadians presently look to other nations' democratic systems – New Zealand, Germany, the Scandinavian countries – for inspiration and ideas. I believe that the Yukon, with its wealth of resources, Indigenous culture, and small but engaged population, could create a made-in-Canada model democracy. And that that our best chance to do that is right now.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lenore Morris'. The signature is fluid and cursive, with a large initial 'L' and 'M'.

Lenore Morris

From: JP Pinard

Sent: September 30, 2022 12:08 PM

Subject: Electoral reform - Yukon vote with alternate ballot

To the members of the Special Committee on Electoral Reform,

Thank you very much for committing to hold this forum on a Yukon electoral reform. I very much appreciate your hard work serving Yukoners and showing up.

As you are fully aware Canada's first-past-the-post voting system is so antiquated that many political parties in Canada use other methods of electing their leaders.

So, it is time to try a new election ballot in the Yukon.

Being an elected member, you are in a perceived position of conflict because you may be choosing a ballot that favours how Yukoners elect your party. A citizens' assembly chosen randomly from a wide cross-section of Yukon citizens removes that perceived conflict.

I recommend that you refer to Michael Lauer's written submission of June 27, 2022 and form a citizens' assembly; and, that you mandate that the new ballot chosen through the citizens' assembly process be tested in the next Yukon election.

Thank you and have great day!

jp



Dr JP Pinard, PhD, PEng

Wind Heat North

Partner & Lead Investigator

Whitehorse, Yukon

“Too Windy? ~~~

~~~~ Heat with it!”

From: Mary Amerongen

Sent: September 30, 2022 2:20 PM

I strongly support proportional representation. First past the post is inherently unfair. I support having a citizen's assembly to discern whether and which system to trial. And I support extending the vote to 16 years of age.

From: Guiniveve Lalena
Sent: September 30, 2022 8:04 PM
Subject: Yukon Citizens' Assembly

Dear Special Committee on Electoral Reform,

I would like to recommend a Yukon Citizens' Assembly be created to study how Electoral Reform will help improve our voting system in the Yukon.

Thanks for your time.

Sincerely,
Guiniveve Lalena

Voting Systems

The following descriptions were prepared for the How Should Yukon Vote campaign.

HOW SHOULD YUKON VOTE?



PLURALITY SYSTEMS

Candidates win seats by having the highest number(s) of votes in their district.

First Past the Post

This is the system we currently use.

You vote for your preferred candidate in your district.

The candidate with the highest number of votes wins.

How It Works:

There are 19 electoral districts, each of which elect only one candidate.

How You Vote:

You vote for a single candidate in your district.

The candidate with the highest number of votes wins that district.

What Should I Consider:

Electoral districts have direct, local representation - the candidates they vote for live in their district.



Candidates can win with a minority of votes from their constituency, meaning parties may be disproportionately represented compared to the popular vote.

Block Vote

You vote for a number of candidates within a larger district.

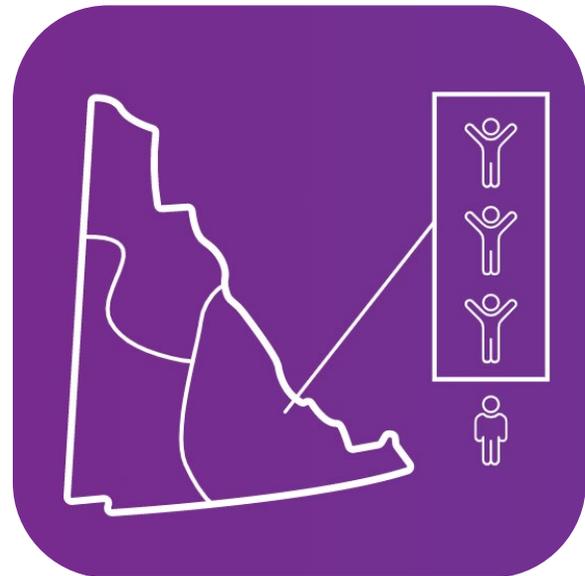
The candidates with the highest number of votes win.

How It Works:

There are fewer, or possibly only one, electoral districts, within which multiple candidates are elected.

How You Vote:

You vote for multiple candidates, up to the number of designated seats in your district.



The candidates with the highest number of votes win the district and fill that designated number of seats.

This system is similar to Yukon municipal elections, except that territorial candidates are associated with political parties.

What Should I Consider:

As there may be as few as one electoral district, the elected candidates may not accurately represent the variety of communities and populations of the Yukon.

Candidates run “at large”, meaning they are not only in competition with candidates from other parties, but also their own party. This can result in disproportionate representation of parties compared to the popular vote.

- Example: In an electoral district, Candidate A (Party A) receives 20 000 votes, the most of any candidate.
- Candidates B through G (Party A) split the vote, each receiving less than 400 votes.
- This means that if Party B and C’s candidates each receive 401 votes, Party A would end up with only one seat, despite having a plurality or majority of the popular vote.

MAJORITY SYSTEMS

Candidates win seats by having a majority of votes in their district.

Alternative Vote

You rank your preferred candidates in your district.

The candidate with a majority of votes wins.

If necessary, the lowest candidate is eliminated and secondary rankings are allocated.

How It Works:

There are 19 electoral districts, each of which elect only one candidate.

How You Vote:

You rank the candidates in your district by preference.

The candidate with a majority of votes wins.

What If There Is No Majority Winner:

If no candidate receives a majority of first-rank votes after the first round of voting, the candidate with the lowest number of first-rank votes is eliminated.

The second-rank votes from the eliminated candidate are allocated to the remaining candidates.

This continues until a candidate receives a majority of votes.

What Should I Consider:

Electoral districts have direct, local representation - the candidates they vote for live in their district.

Candidates ultimately win a majority of votes, however, a candidate could win without the highest number of 1st-choice votes, meaning that candidates and parties may disproportionately represent the desires of their constituency.

- Example: After the first round of voting, Candidate A has 250 votes, Candidate B has 400 votes, and Candidate C has 350 votes.
- Candidate A is eliminated and the 2nd-choice votes are allocated to candidates B and C.
- After the second round, Candidate B has 450 votes and Candidate C has 550 votes.
- Candidate C wins with a majority of votes, but not a majority of first-choice votes.



Two-Round System

You vote for your preferred candidate in your district.

The candidate with a majority of votes wins.

If necessary, the top two candidates participate in a run-off election.

How It Works:

There are 19 electoral districts, each of which elect only one candidate.

How You Vote:

You vote for a single candidate in your district.

The candidate with a majority of votes wins.

What If There is No Majority Winner:

If no candidate receives a majority of votes after the first round of voting, the top two candidates participate in a run-off election where the winner receives the majority of votes.

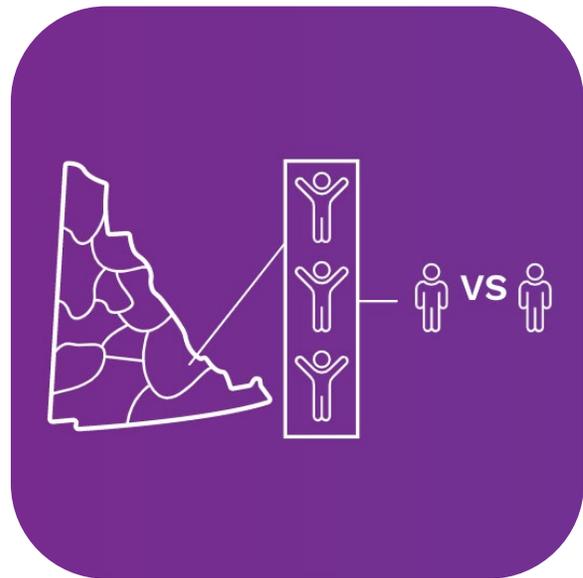
What Should I Consider:

Electoral districts have direct, local representation - the candidates they vote for live in their district.

Candidates ultimately win a majority of votes, and even though a candidate may be a voter's second choice, having a run-off election (as opposed to a ranked ballot) means that a candidate cannot win without directly receiving a majority of votes.

PROPORTIONAL REPRESENTATION

Candidates win seats as a function of the proportion of votes won by their party in their district.



List Proportional Representation

You vote for your preferred party or candidate.

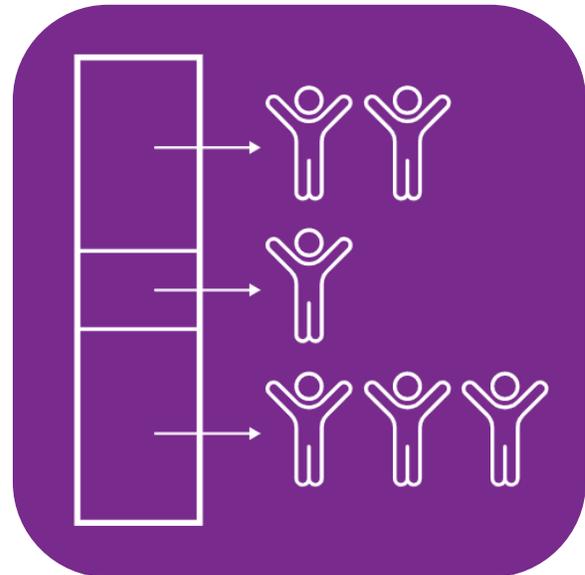
Seats are allocated by the proportion of votes received by each party.

How It Works:

There are fewer, or possibly only one, electoral districts, within which multiple candidates are elected.

How You Vote:

You cast a single vote for your preferred party, or in some cases your preferred candidate.



Political parties are awarded a proportion of seats based on the proportion of votes they received.

- Example: Party A receives 30% of the vote. They are awarded 30% of the seats in the legislature. Of Yukon's current 19 seats, Party A would receive 6 seats.

Who Decides Which Individual Candidates Win Seats:

There are two types of List Proportional Representation systems: Closed and Open.

- Closed: Each party ranks their potential candidates internally. Those ranked lists are not available to the public. As each party is awarded seats, they are allocated to candidates according to that party's rank order.
- Open: The parties' ranked lists are available to the public.

Alternatively, voters may vote for a single candidate. The party affiliation of that candidate contributes to the proportional vote, while the individual candidate's total votes determines their ranking within their party's list.

- Example: Candidate A (Party A) receives 10% of the vote, Yukon-wide, more than any other members of Party A.
- Their 10% contributes to Party A's total proportion of the vote.
- Having the highest individual vote count within Party A ranks them first and secures them one of Party A's proportional seats.

What Should I Consider:

As there may be as few as one electoral district, the elected candidates may not accurately represent the variety of communities and populations of the Yukon.

This system increases the likelihood of minority or coalition governments, as parties in a multi-party system are less likely to receive a majority of votes.

Single Transferable Vote

You rank a number of candidates within a larger district.

Candidates are elected when they cross a designated threshold of votes.

If necessary, the lowest candidate is eliminated and secondary rankings are allocated.

How It Works:

There are fewer, or possibly only one, electoral districts, within which multiple candidates are elected.

How You Vote:

You rank the candidates in your district by preference.

Candidates are elected when they cross a designated threshold of votes.

What Happens When A Candidate Passes the Electoral Threshold:

When a candidate crosses the electoral threshold after a round of voting, their surplus votes are reallocated to the other candidates based on the next-highest rankings.

This process continues each time a candidate crosses the threshold.

What If Candidates Do Not Pass the Electoral Threshold:

If no candidate receives enough votes to cross the electoral threshold after the first round of voting, the candidate with the lowest number of first-rank votes is eliminated.

The second-rank votes from the eliminated candidate are allocated to the remaining candidates.

This continues until the requisite number of candidates receive enough votes to cross the electoral threshold.

What Should I Consider:

As there may be as few as one electoral district, the elected candidates may not accurately represent the variety of communities and populations of the Yukon.



Candidates run “at large”, meaning they are not only in competition with candidates from other parties, but also their own party. Parties may opt to field fewer candidates in order to better ensure the likelihood of crossing the electoral threshold.

The vote counting system is incredibly complex, not only in terms of determining the electoral threshold, but also in determining how “surplus” votes are identified and reallocated. Which of a candidate’s votes are “surplus” and which are part of their threshold total - this question also determines which second-rank votes are reallocated.

Single Non-Transferable Vote

You vote for a single candidate out of many within a larger district.

The candidates with the highest number of votes win.

How It Works:

There are fewer, or possibly only one, electoral districts, within which multiple candidates are elected.

How You Vote:

You vote for a single candidate in your district.

The candidates with the highest number of votes win the district and fill that district’s designated number of seats.

What Should I Consider:

As there may be as few as one electoral district, the elected candidates may not accurately represent the variety of communities and populations of the Yukon.

It is possible that a single candidate from one party may receive a large number of votes, but multiple candidates from another party split fewer votes. If all three are elected, their parties would be disproportionately represented.

- Example: Candidate A (Party A) receives 500 votes, while other Party A candidates receive under 100.
- Candidates B and C (Party B) each receive 100 votes.
- Candidates A, B, and C are elected. Party A receives only one seat to Party B’s two, despite having more than double Party B’s number of votes.



MIXED ELECTORAL SYSTEMS

A portion of seats are awarded according to one electoral system (ie. plurality / majority), while another portion are awarded according to another (ie. proportional).

Parallel Vote

You cast one vote in a First Past The Post-style election and another in a List Proportional Representation-style election.

Only the List Proportional voting results determine the allocation of popular vote seats.

How It Works:

There are 19 electoral districts, each of which elect only one candidate.

There is an additional electoral district in which multiple additional candidates are elected.

How You Vote:

You vote for a single candidate in your district. You cast a second vote for your preferred party, or in some cases an additional candidate.

The candidate with the highest number (or possibly a majority) of votes wins their specific district.

Political parties are awarded a proportion of additional seats based on the proportion of votes they received in the secondary ballot.

What Should I Consider:

In order to accommodate a blend of local constituency and proportional representation, this system would likely require the addition of seats to the legislature.

Example: The current 19 seats would remain to be filled by a plurality/majority system, and an additional 11 seats would be added to accommodate seats assigned by proportional representation.



Mixed Member Proportional

You vote in a First Past The Post-style election.

Additional seats are allocated to parties based on proportions of the popular vote.

How It Works:

There are 19 electoral districts, each of which elect only one candidate.

There is an additional electoral district in which multiple additional candidates are elected.

How You Vote:

You vote for a single candidate in your district.

The candidate with the highest number (or possibly a majority) of votes wins their specific district.

Political parties are awarded a proportion of additional seats based on the proportion of votes they received.

What Should I Consider:

As the proportional representation seats are determined by the same votes as the plurality/majority seats, this system inherently compensates for any over- or under-representation of parties compared to their share of the vote.

In order to accommodate a blend of local constituency and proportional representation, this system would likely require the addition of seats to the legislature.

- Example: The current 19 seats would remain to be filled by a plurality/majority system, and an additional 11 seats would be added to accommodate seats assigned by proportional representation.

