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SPECIAL COMMITTEE ON ELECTORAL REFORM

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Chair: Kate White

SPECIAL COMMITTEE ON ELECTORAL REFORM

Members:

Kate White, Chair
Brad Cathers, Vice-Chair
Hon. John Streicker

Clerk:

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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.