

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