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SPECIAL COMMITTEE ON ELECTORAL REFORM

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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.