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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:

Allison Lloyd, Clerk of Committees

Witness:

Donald Desserud, Professor of Political Science, University of Prince Edward Island

EVIDENCE**Whitehorse, Yukon****Wednesday, January 26, 2022 — 10:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King. Brad Cathers is Vice-Chair of the Committee and Member for Lake Laberge; and finally, the Hon. John Streicker is the Member for Mount Lorne-Southern Lakes.

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its findings and recommendations.

In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts.

Today we have with us Don Desserud.

Dr. Desserud currently teaches political science — including courses on elections and electoral systems — at the University of Prince Edward Island. His research interests include parliaments and legislative assemblies, and he frequently comments on political issues on local and national media. Aside from being a professor, Dr. Desserud is a freelance columnist, creative writer, broadcaster, political analyst, and consultant. He has been published in journals such as the *Canadian Political Science Review*, the *Journal of Parliamentary and Political Law*, and the *International Journal of Canadian Studies*.

We have asked Dr. Desserud to speak to us from Prince Edward Island about their experience with electoral reform. We will start with a short presentation by Dr. Desserud, and then Committee members will have the opportunity to ask questions.

We will now proceed with Dr. Desserud's presentation.

Dr. Desserud.

Mr. Desserud: Thank you very much, and thanks so much for having me here. I'm quite pleased to be able to meet with you and speak to you on this subject, which I find very interesting. Just give me a second here while I share my screen.

I want to talk about electoral reform on Prince Edward Island. I'll give you a little bit of a context, first of all.

So, this is the current standings that we have here on Prince Edward Island. Prince Edward Island is a small province, as you know, and we have 27 ridings. Currently, the Progressive Conservative Party is the governing party, and they have 15 ridings. They had 13 at the last election, but they gained two in subsequent by-elections. The Green Party is our Official Opposition, and they have eight seats, and the Liberal Party, which was the incumbent and governing party back in 2019, have been reduced down to four seats.

What I'm showing you is a map of Prince Edward Island, just to give you a sense of the electoral distribution, and if you can't see it, the Progressive Conservative Party's strength is in rural Prince Edward Island, and most of their seats — in fact, none of their seats in the last election were in one of either of our two cities, Charlottetown or Summerside, and most of their

seats were therefore distributed across what we call the rural part of the island.

The Liberals had pockets of support in west Prince Edward Island and also in Charlottetown and in Cornwall — where I live, in fact — which is a suburb of Charlottetown, and the Green Party was focused, primarily its strength, in Charlottetown and in Summerside and in ridings nearby. But by-elections, as I said, have changed that a little bit, and now the Liberal Party has been pushed out to west Prince Edward Island; the Green Party is all on in their own, but the PC party now has representation in Charlottetown as well.

Another thing I want to point out, because it's an important part of the context of why electoral reform initiatives perhaps did not succeed, is our voter turnout. Our voter turnout in Prince Edward Island is historically very high. The first year that we adopted the single-member riding system was 1996, so I'm using those numbers as the beginning of it. Our voting turnout since 1996 has hovered around 85 percent, which is very good, when you look at Canadian averages.

There were some dips. In 2011, it did dip down to 77 percent, and then in 2019, the last election, it looks like it dipped down — it went down to 77.6 percent — but, in fact, we had a population increase between 2015 and 2019 of about 20,000 people, and so, in actual fact, in 2019, we had more people voting than we did in 2015, but the percentage was reduced, because there were more people on the roll, and new Islanders were not voting, and that is something that should be looked at, but that was responsible for that turnout.

We have had three major initiatives on electoral reform, going back in the past 20 years. We had more — as I mentioned, in 1996, we adopted single-member ridings. That was a change, as well, but the ones, looking at the electoral system, moving away from the first-past-the-post system — three initiatives in the last 20 years, the first one starting in 2003, when we had a commission of one, a retired Chief Justice by the name of Norman Carruthers, who wrote a report on electoral reform at the behest of the government of the day. He recommended that Prince Edward Island adopt a mixed member proportional system.

Two years later, that was put to a vote, a plebiscite, with a simple question: Should Prince Edward Island change to the mixed member proportional system, as presented by the Commission on Prince Edward Island's Electoral Future? The no vote won quite handily, almost double the number of votes for no — that we would not change the system — than people had voted yes. When you divide it up over the 27 districts, only two districts in Prince Edward Island supported the initiative, and 25 said no, but the voting turnout was only 33 percent, so this became an issue. Why was the voting turnout so low in a province where we have such high voting turnout? There has been lots of controversy about what exactly happened in that plebiscite.

I'll just give you a couple of examples. The traditional polling stations that people know very well, where you always go to vote, were changed, so you had to find new ones. There were far fewer polls per electoral district than people were used to before, and both parties at the time — the Liberals and the

PCs were the dominant parties — they stayed out of the campaign, but they made it pretty clear that they were not supportive of the initiative. So, there was no support from the two major parties. That suggested that this might not be an accurate indication of Islanders' interest in voting reform.

I'm going to jump ahead now to 2015. The Liberals now had been in power for a while, and as it is in provinces like Prince Edward Island, you get sort of a normal turnover, where governments stay in power for a couple of terms and then it's another party's turn in power. For all of our history, it has been either the Liberals or the PCs. The Liberals looked like their shelf life was coming up, but they came with a new leader, Wade MacLauchlan, who had been the president of the University of Prince Edward Island, and he became the new Liberal leader and launched a campaign for the 2015 election where he promised electoral reform as one of his major platform items.

What he said was, if the Liberals were returned, he would set forth a committee to look at electoral reform and then come up with a proposal on what we should do about that. Sure enough, that's what happened. There was white paper on democratic renewal that came out in July of 2015, and it recommended that a vote be held to look at a choice between five different options. The five different options — and I won't go into them in great detail here, since I only have a certain amount of time — and two of them, by the way, are hard to explain, even for a political scientist — were dual member proportional; first-past-the-post; first-past-the-post plus leaders; mixed member proportional; and preferential voting were the options that were put forward, and they were put forward on a preferential ballot. The idea was that it would be a rank ballot, and voters could rank them on which choice they wanted, and then the calculation would be made to see which one would win.

I'm just going to skip over the different options here, because I'm not sure that's important and I can come back to it in the question period, but more to the point, the plebiscite on the preferential ballot did not give a constituency threshold; it did not say that it had to be supported by a certain number of ridings in the province or that there was a certain margin of vote — like a 60-percent margin — in order to pass. It simply said that whatever option won would be the one that was adopted, with 50 percent, but through a preferential ballot.

The government, by the way, did not say that it would be bound by the result. It did not promise, even though it was asked many times. They said that it was a vote; they were trying to find out what the people thought. There was a pretty aggressive campaign to educate the island about what these options were. A lot of our students at UPEI were hired to go out in the summer and set up booths in shopping malls and places like that to explain to people what the different options were and how they would work, even how the rank ballot itself would work in order to choose those options; there's always some confusion when we have these different voting systems.

The other thing that was interesting was that they said that 16-year-olds would be allowed to vote in this referendum, 18 being the voting age. So, that was kind of interesting, and it

helped get the high schools involved and the high school students with an idea that, if you got students involved in something like this at a younger age, they would be more interested in politics when they got to 18, the legal age for a general election.

The voting was spread out over 10 days. You could vote anytime in that 10 days. You could vote online; you could vote by telephone; you could vote in person. In other words, they made it as easy as possible for people to come forward and cast their vote, but it was not clear, right up until the votes were counted, which side would win. The polls were suggesting, getting right up to the voting time, that people were pretty well divided on whether electoral reform was even needed.

One poll, a CRA poll, reported that 46 percent said that the current voting system should continue, and only 39 percent thought that there should be a change, and 14 percent had no opinion at all, so it didn't look that good for those who were advocating for electoral reform, quite frankly.

The other thing was that the politicians — the parties — decided that they would not play a role, and that's interesting, and you can understand why. There's no real win for a political party to be involved in a referendum or plebiscite of this sort when the issues are not directly connected to anything on their own platform. They risk alienating their supporters, and it would be rare if they were able to get new supporters as a consequence of being a part of it. They kind of stayed out of it altogether, including the Green Party, by the way, which had been advocating for electoral reform as part of its platform right from the beginning, when they first became a presence here on Prince Edward Island.

But, lo and behold, when it was finally calculated, the mixed member proportional option won, and it went through four ballots as options were dropped off, but nevertheless, it was the one that was voted on in favour, with a 52.42-percent vote, so therefore, everybody thought that was incredible. So, Prince Edward Island has now voted in favour of changing the electoral system to a mixed member proportional.

Mixed member proportional, by the way, would have said that we would keep 17 seats of the 27 as regular constituency seats, so, redivide the province into 17, rather than 27, but add an additional 10, which would be allocated to the provinces, according to the proportion of votes that a party received, on a list that would be part of the ballot itself. So, you would vote for the people you wanted to be in those 10 seats.

We think of those 10 members as members at large, if you like, which is not unusual, for example, on some city councils. So, that was the option that won, but here you go again: 36.46-percent voting turnout, and that was after, as I said, a lot of effort to get the vote out and to make sure that people had every opportunity to vote.

So, the government of the day — I'm sorry, something else I thought you might find interesting. When Elections PEI started breaking down the vote by age, what they found out was that support for first-past-the-post, the current status quo system that we have, not surprisingly, goes up, depending on how old you are. So, the older you are, the more likely you are to support the status quo system.

The younger you are, the more likely you are to be open to looking at reform, and that was something that was probably predictable but also rather interesting. There was no real pattern or at least none that I could find. For those of you who can't see my graph, I'm showing a map of Prince Edward Island broken down by which option did well and which option did not do well, and basically, I don't see a particular pattern: rural versus urban, west versus east — it didn't seem to matter. It was mixed results right across the province.

Anyway, the consequence of that low voting turnout, and perhaps other factors, led Premier MacLauchlan to say that he would not respect the results of the vote, and he said that he did not think that the plebiscite reflected the will of the people; the voting turnout was just too low. He said that, with a voting turnout that low, that's not enough of a mandate to make such a change that would be required to alter the entire electoral system in the province, so he said he would not respect the results.

That did not go over well. People were pretty upset. It was interesting that people were upset not simply — this is my analysis — because they were pining for electoral reform; they didn't like the fact that we had a government that was not respecting the results of a vote that was a long, complicated process and which we had been hearing about for some time. The protests became quite strident and quite strong, and there was a lot of anger there. It seemed to tie into something else, by the way, which was basically what happens to parties in power, when they have been in there for a while, where the public starts to wonder whether the party has lost touch with the public; have they become too aloof? This was almost like a flash point, as opposed to an issue itself. There were other things that had taken place subsequent to this and before this that said that — well, the public saw it as the Premier and his government not listening to the people. This was kind of like more of an example of that, as opposed to a crucial issue, but it was something that people took very seriously.

So, polls that came out right after that, not asking: "Do you support electoral reform?" but "Should the plebiscite results be honoured?" — 56 percent in this poll said that absolutely, it should be, and only 30 percent said no. So, you see the sort of swing in support, as I said, not so much for electoral reform itself but for the fact that, if you're going to have a plebiscite, follow through on it and respect those results.

So, what the government did is said, "Well, if turnout is the problem, and we have excellent turnout for our provincial elections, how about we tie another referendum on electoral reform to the next provincial election and we ask that question? The last plebiscite said we would support mixed member proportional. Let's vote on that: yes or no, do we want mixed member proportional? And we'll tie that to the next election, because we'll be guaranteed of having a strong voting turnout" — and that's basically what they did.

They said it was going to be a binding referendum, but you know, it's not simple. We don't have referendums or plebiscites in our constitution. It's binding to the extent that the government accepts the result; it's not binding in the sense that they would be forced to accept the results, and they had to sort

of back-track on that quite quickly, but they did make some conditions this time, and they set a threshold. They said that 17 districts — so, 60 percent of the 27 districts — would have to vote in favour and there would have to be an overall majority of votes cast, 50 percent plus one, before they would consider it binding and follow through. They were assuming, of course, that they would win the election, which they did not.

As I said, they did back off on saying that it was legally binding, but they did promise that they would follow it. Interestingly enough, in the candidates' debate, the leaders' debate, in that 2019 election — so, we had the Liberal leader, the Green leader, the PC leader, and the NDP leader — all but the Liberal leader said in the debate that they would accept the results of the vote, they would consider it binding, and the PC leader, Dennis King, said that he had voted in favour of electoral reform, so people were pretty optimistic that the results of that election would bring something positive in that respect.

So, anyway, we went into the 2019 election, and lo and behold, the Liberals lost. The PCs won; they ended up with 13 seats — 12 seats on election night, and one election was deferred. The Greens took their eight seats, and the Liberals, at that point, had six. So, now we had a new regime and a new government, but the results of the referendum, which were very simple — on whether Prince Edward Island should change its voting system to mixed member proportional — yes or no — it did not succeed. So, with a threshold of 17 districts — in other words, 60 percent — the no side won 13 districts, and the yes side won 14, but they didn't win 17. The overall vote, in any case — the no side was at 52 percent and the yes side was at 48 percent.

Basically, the question failed.

Again, now when we look at the pattern of where that support is, it's a little more interesting, because what happens is the centre part of Prince Edward Island — so basically Queens County where Charlottetown is and some of the ridings around that city — they all voted in favour of proportional representation, and Summerside, the only other city on the island, also voted in favour of this mixed member proportional representation, but the rest of the island voted against it, which may have some significance. It's one of those things that you like to dig in and see exactly what happened.

I couldn't find any relationship, by the way, with the parties' support and the support for mixed member proportional, and that's not surprising, because the parties didn't play a role in that part of the debate. In fact, they weren't allowed to, under the legislation, but the leaders made it clear that they were in favour of it. Only the Liberals were not aggressively saying the same thing, that they were in favour of it.

So, that was the end of that, but it's not the end of electoral reform. Just last fall, the PEI Legislature voted unanimously to form a citizens' assembly on proportional representation. So, we're going to go through another process now of — this is loosely based on the BC model, which I'm sure some of you are familiar with. We'll have a citizens' assembly with people chosen from across the province, apparently at random, to form

an assembly and then to discuss electoral reform, but particularly looking at proportional representation.

So, that is my very short presentation on electoral reform on Prince Edward Island.

Chair: Thank you very much, Dr. Desserud. That was fantastic, and you are correct; we heard from Dr. Carty out of British Columbia about the citizens' assembly there already, so folks have had a chance.

The Committee has come up with four questions that I believe, in some cases, you have touched on, and I'll allow the members to make that decision. Mr. Streicker, would you like to go first today?

Hon. Mr. Streicker: Thank you, Madam Chair, and thank you very much, Dr. Desserud. I really appreciate it. I have a whole bunch of very specific questions, but I'll start with the more general question. You've talked already about how this has evolved on Prince Edward Island, but is the feeling from the province that there is still a question to be had? Like, what's the feeling like right now, after that sort of roller coaster of close votes and then not? I would also be curious whether the last referendum during the election is considered more important, because it did get a higher voter turnout. So, just if you could fill in some of that story for us a bit.

Mr. Desserud: I'll start with your last question, which is that, yes, that was seen as far more definitive because of the high voting turnout. It wasn't identical, by the way, so some people voted and did not choose to cast a ballot on the referendum, but it was pretty close. It definitely is, but as a consequence, it is overall a no, so therefore, if it's definitive, there's no sense if there's this great wave of support for it.

The main reason behind the fact that it's still going on, I would suggest, is that there is significant support for it, probably not a majority of the population right now, but significant support in one party, the Green Party, which is quite aggressively in favour of it, and certain members of the PC party, including the Premier himself.

So, that seems to be a lot of where the initiative comes from. The vote on forming the citizens' assembly was moved by the Green Party, but it was unanimously supported, by the way. It got unanimous support, but it was seconded by a member — I think the Premier himself — of the PC party.

The bigger question you're asking: What is the mood? This is kind of a cop-out, but under the pandemic, there's not much move to do anything right now that looks like change. People are just hunkering down and just hoping that this gets over. So, I do not have a sense of any kind of excitement being built here, but that could be, and probably is, because of the unusual circumstances that we're in right now.

Chair: Thank you, Dr. Desserud. Mr. Streicker, do you have a follow-up question?

Hon. Mr. Streicker: Yes, thank you, Madam Chair. Can I ask — one of the things — in a little bit, we'll ask questions about the Yukon, but Prince Edward Island is the closest to us in terms of the size of the legislature in these hearings that we're holding. One of the things that you talked about when the MMP system was being considered was these 17 seats out of the original 27, with 10 going to the list. Can

you just describe a bit how those 17 were chosen? And in particular, I'm interested in kind of the urban-rural divide, because I could see, on the last vote, that Charlottetown and Summerside were basically there saying: "Yes, we're for this," and the more rural areas were maybe less supportive.

Was what the boundaries would look like already decided? What was the thinking about that rural-urban interface?

Mr. Desserud: Sure, so the 17 seats would be a reapportionment of the ridings on Prince Edward Island to divide it into 17 rather than 27. So, we would redraw the boundaries so we would only have 17 constituencies on Prince Edward Island. Elections PEI did come up with some proposals on what that would look like. So, there were maps out there that they gave to people to get a sense of what that would be.

The 10 seats would be at-large seats, so if you're elected to one of those seats, you would theoretically be representing the entire province. As I said, there are city councils — Saint John, where I used to live, does that, where they have members-at-large, plus members in wards. It's not so unusual, but people did have a hard time getting their head around that, by the way, and in the campaign that ran parallel to the election campaign, the no side was pretty aggressive about talking about how confusing this new system would be and who was going to get those 10 seats and even suggesting things that were frankly not true, which was the fact that the party would get to decide who would go in those seats after the fact — you know, pick people who had maybe lost, didn't win their seat, and put them into that seat; that's not what the proposal was at all. It would have been a list system, where you would rank the people that you thought would be in those 10 seats, and that's what they would be chosen from.

That aside, the urban-rural thing on Prince Edward Island is a bit tricky, and maybe in Yukon you would get it better than my colleagues in Ontario do. What we call "urban" is Charlottetown, with a population of 40,000. Summerside, the second city, has 10,000 people. So, these are really small centres and wouldn't be considered really urban in most other ones.

So, the divide is not nearly as striking as you would see, but there are some consequences to that. So, a lot of rural Prince Edward Island is still unincorporated, so the idea of having local government is not something that people are that familiar with, but as a consequence of that, their constituency MLA is hugely important to them, because that's their one point of contact with government. The idea of expanding that — our ridings are roughly 4,000 voters per riding, and that's pretty small, when you look across Canada, but as a consequence — you make jokes about how everyone knows everybody, but everybody does know everybody. Again, I'm guessing you can appreciate this.

So, when an MLA says that he or she knows everyone in their riding, they know everyone in their riding, and people fear losing that connection; they're afraid of losing that connection. Their MLA is the person they go to for things that probably have nothing to do with their provincial responsibilities, but it doesn't matter. I think that has a lot to do with the rural concern about electoral reform.

How am I going to contact this person who's elected at large — what does that even mean? Why is my riding now a lot larger, there are a lot more people in it, and will I have the same contact? I suspect that has a lot to do with what their concerns were.

Chair: Thank you, Dr. Desserud. Mr. Cathers, do you have a question?

Mr. Cathers: Sure, thank you, Madam Chair, and thank you, Dr. Desserud, for sharing your thoughts this morning, or this afternoon, in PEI.

I'm interested in what you could tell us in terms of — are there any particular lessons that you think could be learned from PEI's experience that might be applicable here in the Yukon as the Committee and the territory consider whether or not to proceed with electoral reform?

Mr. Desserud: Thank you for that question. I don't want to be presumptuous, because I don't want to pretend that I know the Yukon, so take this with a grain of salt. This is my perspective here in Prince Edward Island on what I think we did wrong.

The first one is: Don't over-complicate the questions. That's always an issue. That was the problem with the referendum, the plebiscite, that preceded the one we had tied to our election. Five options, two of which were incomprehensible, didn't make a whole lot of sense. The preferential ballot, even to pick those, is not that difficult to understand, but people misunderstood it. They thought that when you were eliminating options and moving to people's second choices, that everyone's second choice, even the people who had picked the first-past-the-post and were ahead on that first round, that their second choices were being tabulated; they weren't. The only people whose options were lost was gone because it was the lowest option — only their second choices and so forth, as a preferential ballot operates. But it wasn't understood as that, and I think there was sometimes disingenuous information being put out there that convinced people of that. So, keep it simple.

The second thing is to ask yourself the question that my public policy professor, when I was undergraduate, used to bang into our heads in every class: What is the problem for which this is the solution? Make it really clear that you know exactly why you want to do this, and make that obvious. I think that was always problematic here in Prince Edward Island. Because it's so small, when you say things like, "Well, the smaller parties are not getting a fair shake," and they're not — I would argue that they do not, under our system — the public does not always see it that way. They see it as: "Well, these are folks we know; they run; we vote for them. What's the problem?" So, make sure that you have a very clear understanding of exactly what you're trying to accomplish with this and not simply doing something because it will get some attention, and I think this was happening here.

The final one is — and I think this is the Wade MacLauchlan lesson, which I think tripped up his government — follow through on whatever happens, because my sense of the public's reaction against the MacLauchlan Liberals was not so much about the fact that they weren't doing a good job — in

fact, they were doing an excellent job of governing. Our economy, at that point, was the hottest in the country, but because the public started saying: "Wait a second; you're saying you're going to do this, and then you're not doing it." There were other things that were going on, like a big program to rationalize rural schools and close down rural schools and concentrate the resources — very unpopular. People were really upset about it, but after going through all the trauma of the hearings and so forth and then coming out with the recommendations and then having the government say that they wouldn't do that after all, people were upset because they had gone through a process with no results. I think that was more disturbing to them than whether electoral reform was adopted.

Chair: Thank you, Dr. Desserud. Mr. Cathers, do you have a follow-up question?

Mr. Cathers: Thank you for your thoughts on that, and I do have a follow-up question, Madam Chair. Would it also be fair to say, based on your description, that if the Committee were to recommend electoral reform and if it proceeds to referendum, that it's important to be clear about what the thresholds are? Is that a fair characterization? I'm not trying to put words in your mouth; I'm just taking off what I thought you were indicating earlier.

Mr. Desserud: That's actually an interesting question, because there is a lot of controversy, and a lot of literature, on whether or not having pre-published thresholds helps or hurts the process, where people say that the threshold is too high so they are not going to bother to vote. I think overall that, yes, it should be clear.

The 2005 one — no thresholds were discussed. After the fact, even though the no vote was overwhelming, the government said, "Oh, by the way, this is the threshold we had in mind." People found that disingenuous.

So, a clear threshold — but an explanation of why that threshold matters. The idea of having a threshold, where you say you're going to have a certain percentage of the ridings, plus an overall vote, makes sense if you say that Prince Edward Island still has a considerable amount of its population in the rural part of the province, even though it's shifting and more than 50 percent are now living in incorporated areas, and we want to make sure that they are adequately recognized in this process, and therefore, this is why we have that threshold. You can debate that, but at least it's clear that's what you're doing.

So, yes, I think having thresholds before and making those clear is important, but don't make them insurmountable, obviously, but make them something so that people can understand why they're doing it. If you do have that, then you can campaign toward the threshold. People will understand that this is what they have to accomplish.

Chair: Thank you, Dr. Desserud. I have a question. You had the one slide up and it had the campaign signs for the election at the time, but it also had the sign against no, against the mixed member proportional. What organization or who was behind that campaign? Was it clear, as it was happening, who was campaigning on the no side?

Mr. Desserud: Yes, and that's a wonderful question, and we could do a whole other presentation on that alone.

So, here's what happened. It's not unusual for a plebiscite to have political parties step aside. As I said, there's usually nothing to gain. Quite often, the reason why governments have plebiscites in the first place is because they don't have a stake in this; they just want to know what's going on. So, that's not unusual.

And it's not unusual in Canada to have plebiscite legislation in which political parties are supposed to stay out of it, although it's controversial and it has gone to court cases, as a consequence of that. What happened here was a bit odd, because the legislation they passed was quite restrictive. They invited people to form organizations and to put forward a proposal to be the official no side or the official yes side, and then they were chosen. A commissioner was chosen to oversee that process. Once those were chosen, those were the only people who were allowed to campaign on the no side or campaign on the yes side, and the political parties were forbidden from being involved in either the no or the yes campaign.

Why that is significant is because the Green Party — one of the major planks in their platform was electoral reform, so now they're running in a provincial election where they have taken one of the major planks of their platform out and they can't use it. It was bizarre, but that's what ended up happening. So, yes, who was behind it was transparent, although I suspect not transparent enough, because the no side seemed to be a lot better funded and a lot better organized than the yes side, which really struggled.

It was supposed to be seen as separate from the election itself, and the parties kept hands-off.

Chair: Thank you. That is actually really fascinating. I guess it's important that it had that transparency, but it is still — plenty of questions.

Mr. Streicker, do you have any questions?

Hon. Mr. Streicker: Yes, Madam Chair, and before I move on to our questions which pertain more to us as a territory, could I just ask one more follow-up?

Dr. Desserud, early on, when you were talking about some of the voter turnout history, I think it was, on one of your early slides, you said something like, in the 90s, you started with a single member system. I didn't know that you had changed your system. What was the system before, and what led to that change?

Mr. Desserud: How much time do we have?

Hon. Mr. Streicker: Oh, I'm sorry, if it's too long, I can go and —

Mr. Desserud: I can give you a very short version. Like other British North American colonies on this side of the country, in the 19th century, we had a bicameral assembly — a legislative assembly and an executive assembly. When Confederation took place, New Brunswick eventually got rid of their upper house, Nova Scotia eventually got rid of their upper house, and Prince Edward Island, before it even joined the Confederation, merged the two houses together and made them both elected. So, we had, up until 1996, two members representing each riding, but one was called an “assembly

man”, and one was called a “councillor”, and they were both elected.

It was an odd hybrid system. It functioned like a dual member system, but there were actually two separate elections for two separate offices, each representing the same riding.

What happened was that, as the province's population shifted — we used to allocate our ridings according to the three counties, so Kings, Queens, and Prince — so 10, 10, 10 for 30 — but as the population shifted, it became obvious that the variance was pretty extreme. So, court cases emerged where people said, “This is totally unfair; my riding has way more than double what that one was,” and those court cases were successful. The province was ordered to come up with some process to reallocate riding boundaries that were equitable.

To do that in a dual member system was really complicated, so it was much simpler to simply go to a single member system, and that's why we ended up with that.

Chair: Thank you, Dr. Desserud. Mr. Streicker?

Hon. Mr. Streicker: Thank you very much for that. Dr. Desserud, of course, we're doing this for the Yukon, and you have already mentioned that you're not an expert on the Yukon, but there are some things that we would like, that we're thinking about, and one of them has to do with the fact that we have 19 ridings, and I will also just mention that we have one large city, even more pronounced than on Prince Edward Island. For example, Whitehorse, our capital, has roughly three-quarters of the population, and we have roughly one-quarter in rural Yukon, in our smaller communities, and similar sizes — I'm sure we were all smiling when you talked about the size of Charlottetown and Summerside.

We also have a balance in our Legislature with 11 ridings representing Whitehorse and eight ridings representing rural Yukon. Just with that in mind, because you're saying how PEI is different from other provinces, but it's similar to us in that sense. I'm just wondering about your perspectives on, if we were to have any form of electoral change, or even to look at a referendum to consider it, what that might mean for a place with an even smaller population than Prince Edward Island.

Mr. Desserud: So, are you looking for a model or just what —

Hon. Mr. Streicker: No — well sure, I'm happy if you have a model —

Mr. Desserud: I don't.

Hon. Mr. Streicker: I'm more about what you think the issues are that we need to be watching for.

Mr. Desserud: Yes, okay. Well, I mentioned one already. In small jurisdictions like we have, the relationship between the MLA and the constituent is vastly different from what it is in large centres; it's very personal. Everyone knows who that person is. The ability to contact them is considered to be an absolute right. They're the person you see at the grocery store, the person you see at the market, and people expect that, want that, and cherish that. Anything that takes that away, I think, would result in pushback, but I also think it would diminish the robust nature of the politics of our respective province and territory.

The other one, though, is that when you're small, like we are, you can make these changes, I think, more easily. It's easier to make these changes than it might be in a very large place, because you're not making a huge number of changes. We were thinking of 17 plus 10 for a 27-seat legislature, but it could have been five seats at large, and even a small number makes a big difference. You don't have to do a whole lot to increase the dynamic nature of the legislative process. You already have an interesting distribution of seats in the Yukon now.

We, up until very recently, were strictly a PC-Liberal legislature, and that was part of the incentive and motivation to change that, because it was understood that there were other voices out there that were not being heard, but under the current system, we now have the Green Party as the Official Opposition, which interestingly enough, got pretty well close to the same number of seats that they had in terms of their proportion of the popular vote.

People will say, "Yeah, it's kind of working. I guess it's not as bad as we thought it was going to be." But you can make a small change, and it just seemed to take that little bit. Getting the leader of the Green Party, Peter Bevan-Baker, elected in 2015 and then getting Hannah Bell elected in the by-election two years later, which put two members of the Green Party in the Legislature, and things took off. It doesn't take much to change the culture. So, in a small place, you can make a small change and have huge consequences.

Chair: Thank you, Dr. Desserud. Mr. Cathers?

Mr. Cathers: Thanks, I appreciate that. I'm just trying to find my place and which question we're on here. I think the next one was what the advantages and disadvantages of a potential electoral system change might be for a jurisdiction like the Yukon, from your perspective.

Mr. Desserud: I think I've talked about the advantages. The disadvantage is that political engagement — the decreasing interest of people to be political engaged is a problem in modern electoral systems across the globe but in Canada as well. If what happened as a result of change gets people more engaged, more involved, more interested, if they start thinking that their voices are being respected and represented and that they have more of a say now, that's an advantage, but if it looks to be going in the other direction, if people say that they don't understand anymore and that it doesn't make sense, that they've lost contact with their representatives, that's a disadvantage.

You have to find the balance between those two, because it's not simply that all reforms will make things better. You're going to change things, and you need to ask yourself exactly what those changes are. We all know that political parties dominate the electoral system; that doesn't seem to be a profound statement, but we still have a system where we each go with the fiction that we're electing people and not parties, and if you move to a system in which parties are the dominant force, then you have conceded something, and that may be a good thing, but it also is a different thing and people will react to that as a consequence.

Chair: Thank you, Dr. Desserud. I actually am going to interject with a question or two of my own.

So, I appreciate that PEI has just decided to create a citizens' assembly, but what we were told about British Columbia — so it was a long, engaged process, it was resource- and energy-intensive for those who participated, and didn't come up with a result in a way that necessarily would want to be mirrored across.

We learned about other citizens' assemblies. Why do you think that PEI has decided to go toward a citizens' assembly as a next step?

Mr. Desserud: Well, I'm not sure, because it came as a surprise. I didn't see it coming, and when it was proposed, it was clear to me that they hadn't actually consulted with British Columbia. In fact, I did contact Ken — he's an old friend of mind — and said, "Do you know what's going on here, and would you like to be involved?" And he said, "Absolutely, please have them call me." I passed his name along, and don't think he has been.

So, I'm a little concerned that this was basically a gesture without a lot of substance behind it. The citizens' assembly in British Columbia was very clear that they were going to have gender balance, they were going to have special places for First Nation people and so forth, and they were going to have this — and did have — a very comprehensive education program that went with it, and it was going to be a long process.

Right now, all we have is this proposal to pick one person per riding, and it had that constitute an assembly without any infrastructure attached to it.

I'll wait and see and I'll keep my fingers crossed that something will happen to it, but I think it's at least an indication that people are still interested in it, but I don't know that we have thought this through and made this realistic. Again, it just could be something that speaks to our time right now.

Chair: Thank you for that, and it is, again, about those lessons learned.

So, we did have a presentation from Dr. Everitt from the University of New Brunswick, and one of her cautionary tales was that the process had been taken; people have targeted this process multiple times in Canada, and it has failed, and so she said that maybe it was about looking at the small changes that could make the big impacts.

What is your sense on that? Should a system aim for the big, you know, electoral system reform, or should we consider the smaller incremental steps?

Mr. Desserud: So, I can answer without you introducing me again? I worked with Dr. Everitt on the New Brunswick thing sometime ago, so I know what she's talking about. We were part of an electoral reform commission in New Brunswick back in the early 2000s. My role on that one was to look at fixed date election legislation, by the way, not changing the electoral reform system, but I did recommend that they not go ahead with the proposal that they had, which was incredibly complicated. So, it was a mixed member proportional, but they would divide the province into four super districts, as well as the regular constituencies, and that the seats in those super districts would be allocated through a D'Hondt formula — that I cannot explain to you without looking back at my notes because it is so complicated — as a way of allocating votes.

When it went forward to the Legislature, no one understood it, and it was basically put on the shelf and nothing came out of it.

So, yes, small changes leading up to it — I still think a preferential ballot is a really interesting idea, and I don't know why we don't use preferential ballots more often than we do, even to elect MLAs.

When we had the public hearings on electoral reform, those in favour of the proportional representation system were arguing against using a rank ballot as electoral reform, because they said, quite rightly, that it still favours the mainline parties. And that's true, because people's second choices — if you're supportive of a smaller party like the NDP here in Prince Edward Island, your second choice is probably one of the mainline parties.

That's fair, but nevertheless, it gives people a different sense of how their voice is going to be heard, because the results show a stronger support for a party that you would not have known, because under our current system, maybe the second choice is the only one that you have, because you're so afraid of someone else's first choice being elected.

Things like that generally don't solve the problem overnight, but they give better voice to people who have other interests than the mainline parties, and it also gives them a sense that, okay, things could be different, but it doesn't always have to be the exact same way. I think — you know, this is still a small-c conservative province, and change is not something people jump on, and they're suspicious of it and sometimes — most times — reluctant to embrace it.

So, little things like that — you could do it at the municipal level, for example, and get people to start differently about the way in which choices are made; it can, in the end, lead to really interesting results.

Chair: Thank you, Dr. Desserud. We have two final questions. Mr. Cathers?

Mr. Cathers: Thank you, Madam Chair, and Dr. Desserud. My question is — you made reference to legal action that had led to a change in the system back in the 1990s. I was just wondering what the current maximum population variance is above and below the standard in PEI. We do also have a situation where there is a significant difference between the smallest riding of Vuntut Gwitchin and the largest riding and the number of voters in those two. There hasn't been any legal action in the Yukon related to it, but I'm just wondering about the PEI experience of that and what was the problem that prompted the court case and what was the end result, in terms of the maximum population variance above and below the standard.

Mr. Desserud: The problem was that the variance, in some cases, was 50 or 60 percent, so quite huge. I don't know the exact number of what the variance is now, but overall, it's in the five to 10 percent range, but there are some ridings that could be as high as 25 percent, but it's much lower than it was before.

Chair: Thank you, Dr. Desserud. Mr. Streicker, do you have a final question today?

Hon. Mr. Streicker: Dr. Desserud, earlier you said that, in the referendum process, you had 16-year-olds participating,

and I'm just wondering what the experience was with that and whether there was ever any thought to whether the voting age might be one of those things that you considered adjusting.

Mr. Desserud: Yes, first of all, the voting turnout was very, very low for 16-year-olds, which was really disappointing, because the people who were assigned — like I said, they were university students, my students, in fact — went out to the schools and worked really hard to get people involved. It's not the same thing. Voting on a question is not the same thing as voting in an election, but still, it at least got the conversation going. There is a Green Party proposal to lower the voting age to 16 that is currently in the process, right now. It comes and goes. It doesn't seem to go anywhere anytime soon, but it's persistent.

So, the Green Party has been saying that we should consider lowering the voting age to 16, and there is interesting debate about that in the House. No one wants to come out and say, you know, that they're against it, because you risk alienating people who are going to be voters someday pretty soon, but it's the question of whether it's necessary or whether this is the time for it and things like that.

So, there's not a lot of momentum behind it, but nevertheless, it is there, it has been raised in the Legislature, and I expect it will be raised again.

Chair: Thank you, Dr. Desserud. Just before we wrap up, do you have any final thoughts that you would like to share with us here in the Yukon?

Mr. Desserud: No, just to say good luck with the process. It's really interesting, and the public engagement aspect of it is the best part. You already know this, but you'll be surprised how passionate people are about the electoral process and what it means to them. That was really interesting, to see people responding about what matters to them and why they're voting, when we did it here on the island.

Chair: Thank you very much for that.

Before I adjourn this hearing, I'd like to say a few words on behalf of the Committee. First, I would like to thank the witness, Dr. Desserud. I would also like to thank the Yukoners who are listening to and watching this hearing or who will listen to and watch this hearing in the future.

Several more hearings with experts from across the country are scheduled for this week. Transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at yukonassembly.ca/scer.

The Special Committee on Electoral Reform will soon be launching a survey to collect feedback from the public, and the Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 11:00 a.m.