



Yukon Legislative Assembly

Issue 8

35th Legislature

SPECIAL COMMITTEE ON ELECTORAL REFORM

Public Proceedings: Evidence

Thursday, January 27, 2022 — 1:00 p.m.

Chair: Kate White

**SPECIAL COMMITTEE
ON ELECTORAL REFORM**

Members:

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

Clerk:

Allison Lloyd, Clerk of Committees

Witness:

Therese Arseneau, Senior Fellow in Political Science, University of Canterbury

EVIDENCE**Whitehorse, Yukon****Thursday, January 27, 2022 — 1:00 p.m.**

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

This Committee was established by the Yukon Legislative Assembly on May 26, 2021. The Committee's purpose is to examine electoral reform and report to the Assembly its finding and recommendations. In our study of potential changes to the voting system, the Committee is seeking input from subject matter experts and today we have with us Therese Arseneau.

Dr. Arseneau is a political scientist with a particular interest in elections and the electoral systems of New Zealand, Canada, Australia, and the United States. She has lectured in Canadian and New Zealand universities and is currently a senior research fellow in political science at the University of Canterbury in Christchurch, New Zealand. Dr. Arseneau was a member of the New Zealand Electoral Commission's Expert Advisory Panel for the 2011 referendum on the electoral system, assisting the commission in the preparation and delivery of its public education campaign, including the development of an interactive toolkit to help voters choose their preferred voting system. Dr. Arseneau was also an expert advisor to the Commission on its review of the mixed-member proportional system, participating in public consultations and helping to draft the final report. More recently, she has advised the New Zealand commission on its voter participation strategy and Elections BC on its electoral reform public education campaign.

We have asked Dr. Arseneau to speak to us about New Zealand's experience with electoral reform and its mixed-member proportional system. We will start with a short presentation by Dr. Arseneau and then Committee members will have the opportunity to ask questions. We will now proceed to Dr. Arseneau's presentation.

Ms. Arseneau: Thank you everyone — a real treat. Thank you very much for asking me to join you here today. I am going to share my screen with you so that I can give you some sight of the presentation that I am going to give. I recognize that there will be people just listening to the presentation and won't be able to see the slides, but I gather that they will be available on the website. So, hopefully, you can look those up and see them.

I am just doublechecking that my screen is indeed being shared.

Chair: It is not yet.

Ms. Arseneau: One second — we tried this before and it was working, and it is not at this stage. Let me have another go.

Is it being shared now?

Chair: Not yet, no.

Ms. Arseneau: I am going to start from scratch then. Apologies; we did do a trial run and of course it worked when we did the trial run.

Chair: We will not take from your time, so it is okay to get it sorted out.

Dr. Arseneau, have you started with the "share screen" button on the bottom of your panel?

Ms. Arseneau: Yes, I did. One second. Is that working?

Chair: It is not. Dr. Arseneau, I can ask Allison Lloyd, who is the Clerk of our Committee to share it, so it will just take a second for her to find it and she will back you up and share the slides as you go through them.

We thank everyone for their patience as we deal with our technical difficulty.

Hon. Mr. Streicker: Yay.

Ms. Arseneau: Have we got it?

Hon. Mr. Streicker: It's close.

Ms. Arseneau: That looks close.

Chair: We will just give the Clerk an additional second. Okay, I have been told that we are ready to go, so if you want to take it over, Dr. Arseneau, and Allison will support you.

Ms. Arseneau: Great. Thank you very much and apologies — technology.

New Zealand is an interesting case study. In the 1990s, it did something quite extraordinary; it changed its voting system and that is actually exceedingly rare, especially in a well-established and stable democracy like New Zealand. I think that the other extraordinary thing was that it broke with Westminster parliamentary tradition and opted for a proportional representation system and, more specifically, a proportional system — mixed-member proportional — that had never before been used in the Westminster world. I think that the other extraordinary thing about it was that the reform was driven, really, from outside of parliament. It came from a groundswell of public support for electoral reform.

So, what happened was three referendums over a time period of roughly 30 years and, in all three referendums, the public supported a move to MMP. In 1992 and 1993, back-to-back referendums, the decision was to get rid of first-past-the-post and then to adopt MMP, and in 2011, almost roughly 20 years after the first referendum, New Zealanders were given a chance just to reconfirm that they wished to stick with MMP. It is interesting that the percentage of support actually had gone up for MMP.

So, why the extraordinary move to MMP? The only thing that I can describe this as, the circumstances being so unusual, is that it is almost comparable to the planets being aligned. To start with is the constitutional backdrop that we have in New Zealand, which is that we don't have a written or entrenched constitution. We don't have an upper house and it is a unitary system — so, not a federal system. With first-past-the-post, we had single-party majority governments and very strong governments that were very difficult to stop in between elections.

Then what happened through the 1970s, 1980s, and early 1990s was really — the only thing you could describe it as is

more or less a voters' revolt — anger at back-to-back what they saw as stolen elections where the party that won the most votes didn't get to form government and, in fact, the party that got the second-most votes was rewarded with a single-party majority government.

Voters also at times felt betrayed by parties with very unpopular, very substantial policy changes that hadn't been properly signalled in the election. So, what began to develop among the voters was a sense that if changing governments and if elections, which they always saw as the ultimate check on government, were no longer effective at controlling governments, then maybe the voting system itself needed to be changed.

There were also some political miscalculations by parties. In the heat of a televised election debate, the Prime Minister promised a referendum on the voting system, even though, actually, the policy was the exact opposite. Then the following Prime Minister reinforced and made that offer again, to give people the opportunity to vote, and I think probably pretty much expecting that the referendum would not be successful, but, in fact, the referendum was. The people roared and the people voted to change the voting system. But I would say the critical piece in all this that helps to explain why we ended up with a voting system change was a royal commission report. It did an incredible job and if you haven't seen it, it is really worth a look — delivered a really highly respected, neutral, evidence-based review on not just New Zealand's first-past-the-post but various other systems. It systematically identified what their preferred alternative system should be for New Zealand, and what they said was that it would be MMP. That became really important because you will see, when people are talking about electoral reform, it is not enough to just feel dissatisfied with the system that you have; you have to have general consensus around what you want to move to. The royal commission provided electoral reformers a system around which they would rally, and that was MMP.

The royal commission was also important because it went into great detail about what MMP should look like — several of the details of how it would operate, like thresholds and how votes would be counted. Again, that was really helpful in the public education campaign. So, when people were considering what voting system they wanted, they had a really clear picture of what MMP would look like and what the impact of MMP would likely be. Again, that was absolutely critical, I think, to the referendum's results.

So, a brief overview — the nuts and bolts of MMP. I won't go into much detail because Keith Archer's paper on this does a really excellent job. But, basically, the name "mixed-member proportional" pretty much explains what it is. "Mixed-member" being that we have two types of MPs — electorate MPs and list MPs. Voters have two votes: for the political party of their choice and the other vote is for the candidate to represent the electorate in which the voter lives. So, in 2020, for example, our most recent election, there were 72 electorate MPs elected by first-past-the-post. Sixty-five were in general electorates and we also had seven Maori electorate MPs, but it is the party vote that really is the crucial one; it is the party vote

that decides what the overall distribution of seats will be. So, the total number of seats that each party will win in the election is more or less comparable to what the party vote is. In order to win seats, though, a party must clear one of two thresholds — so, either get five percent of the party vote or win one electorate seat. The point is that any party that passes either one of these thresholds is then entitled to a share of all 120 seats in the New Zealand Parliament, reflecting the proportion of the party votes that party receives.

Thresholds are important and it is something that we will come back to because what they do is establish MMP as a moderate form of proportional representation. This was on the recommendation of the royal commission because it was clear to them that New Zealanders wanted greater fairness for small parties, closer to proportionality, but while maintaining effective parliaments and stable governments. So, the thresholds provide that sort of balancing act that we are talking about so that New Zealand's form of proportional representation is best described as "moderate".

So, if the system was moderate, but if you look at the ripple effects of introducing a new voting system, I think that it is fair to say that when you throw a stone into a still pond, the ripple effects can spread quite far. I think that it would be fair to say that there is not a single part of our governing system that hasn't been touched in some way by the move to MMP. I don't have time to go through all of that but would be very happy to discuss that at some other point. But I guess that the crucial question is: Has it delivered on what the voters were expecting? That is what I really want to spend some time on now. What were the voters' expectations of the move to MMP and did they actually achieve it?

The first thing that was very clear and was promised of MMP was that it would lead to a more diverse House. So, the idea was that, with MMP, the House of Representatives would actually look like the society that they were representing — so, greater diversity, descriptive representation, in the House of Representatives. I think it is fair to say that it has had a significant impact and, as expected, the House is far more diverse now than it was under first-past-the-post, starting with greater diversity in terms of the number of women elected. Under first-past-the-post, if you go back one slide, if you look at this, women elected under first-past-the-post — despite New Zealand being the first country in the world with full suffrage and women being eligible to run for parliament for quite some time — it really wasn't until we moved to MMP that you see a really sharp rise in the percentage of women elected to parliament. In fact, currently, New Zealand ranks fifth in the world in terms of representation of women in parliament. The critical thing about this is that the whole boat rises on an incoming tide, so it is not only that there are more women MPs; we see more women in Cabinet. And I guess probably what makes this really clear, the impact, and probably the clearest thing, is to note that under all those years of first-past-the-post, we never had a woman Prime Minister. Jacinda Ardern, our current Prime Minister, is the third woman to hold the role. All three were elected under MMP and, in fact, in the amount of time that New Zealand has elected their Parliament under

MMP, we have spent more time with a woman as a Prime Minister than a man. So, it has led to real change in women's representation in the House.

The next slide shows a really interesting piece and because it is a mixed system, you can actually look at what happens in the first-past-the-post elected electorate seats versus the PR, party list, seats. What is really clear is where and how the women are elected to parliament; the diversity is coming very much from the party lists. So, of the 58 women elected in 2020, 44 percent, roughly, of all electorate MPs were women, while over 54 percent of all list MPs were women.

So, you have to ask yourself: Why is that? What is it about the party lists that are significant? The thing to remember is that diversity comes when those candidates have access to winnable candidacies, and a list is quite effective at being able to achieve that because there is an incentive in New Zealand — the party list is in a nation-wide electorate. These lists are published and it becomes really a strong statement for a political party, when they publish these lists, that they value representation and also because they are also trying to attract women to vote for their party. So, the lists have been a far more effective way of bringing women into parliament than the electorate seats, although you would note that those are improving as well.

The other thing that has happened because of MMP is that smaller parties, and particularly parties of the left, have been really good in terms of bringing in more women, and the spill-on effect of MMP is that these parties have actually done better under MMP than they did under first-past-the-post. So, it is an interesting mix of things that have led to greater diversity and women in parliament under MMP.

Diversity in terms of ethnic share in New Zealand — similar story — greatly increased under MMP, including for our indigenous people, the Maori of New Zealand. The Maori of New Zealand have, since 1867, had at least four representatives in parliament — the four Maori electorate seats — but the reality is that the level of representation of Maori MPs in Parliament has significantly risen under MMP. In the last first-past-the-post election, eight percent of MPs were of Maori descent, and in 2020, that has gone up to over 20 percent — about 20.8 percent — which is actually a near mirror of their population percentage.

Again, though, the interesting thing — this has come through the party lists, predominantly through the party lists. The same thing can be said for MPs of Asian descent and Pacifica descent. Again, more representation in parliament and, again, through the party list. Again, you can see that minorities benefit from the party list because it is like one large electorate, and when you are publishing these lists, you are trying to make sure that the list has a diverse and attractive list of people to try to get a diverse voters voting for you, so it has been very effective.

A second thing that was expected of MMP was that perhaps it would help voter turnout. The reasons for that are that every vote counts, there are wider choices of parties, and elections tend to be closer. All these are things that tend to help raise voter turnout.

The reality, I guess, is a bit more mixed. Voting turnout still remains fairly high in New Zealand. But despite an initial bump in 1996 when it went up, since then, it had been falling fairly consistently, even under MMP. But what is different now — people who can see the slides — in the last three elections, we are seeing a turnaround. In the last three elections, voter turnout is climbing again. Back to back to back, three times now, our voter turnout has increased. If we look at the next slide, what is really interesting about this is where the increase has come. The slide looks at voter turnout by age, and similar to elsewhere, in New Zealand, the younger voters have tended to vote at a lower rate than older voters. But the really interesting thing about what happened in 2014, 2017, and 2020 is that the youngest group of voters — particularly the 18- to 24-year-olds — have very much been on the increase. In 2020, when you look at that, the voting turnout rate for the youngest group, 18 to 24, was actually higher than the voting rates for the 20- to 29-year-olds, the 30- to 34-year-olds, and the 35- to 39-year-olds, which is a really significant turnaround. Now, why is that so important? Well, we know that voting is a habit and we know that it is a habit that is developed young. We know that if voters vote in their first election, they are more likely to vote in their second and their third. So, watch this space. We are really intrigued about this increase in voter turnout in the last three elections.

What explains this change in the last three elections? If we look at the next slide, this slide actually looks at where/what part of the vote actually increased? It has the voting turnout, but what is really interesting is that the growth in the last three elections in New Zealand was really driven by an increase in advance voting. So, what happened in 2011 was there was a change in our rules, in terms of voting, that you didn't need an excuse, you didn't need to have a reason to vote early, simply for convenience sake was enough to vote early. With that change, we have seen exponential growth so that, in the last election, 68 percent of voters voted before the election — that is a ratio of 2:1 voting in advance versus on election day.

The other change that happened was that polling booths were made more available — these advance polling booths were in shopping centres, grocery stores, universities, and so it was very convenient for people to vote. In 2017, we also added another change where, at these advance polling booths, it was one stop — you could enrol and vote at the same time — and that made a huge difference. In 2020, the other change that was brought into place was that you could actually enrol on election day.

I raise this because this is an important thing to remember. It is not electoral reform alone that matters; it was MMP, in combination with some tweaks in terms of how we go about voting that, combined, really had a real impact on the turnaround in terms of voter turnout.

The third thing that people were looking for was more proportionality, greater proportionality, and I think that it is pretty clear that this has come about. When political scientists measure proportionality, perversely, we actually measure disproportionality. So, the slide shows very much that, under first-past-the-post, we had very high disproportionality. What

you see, since the move to MMP, is very high proportionality. Partly, again, it is really interesting — the details matter. So, it is not just that we moved to MMP, and even though we had the thresholds, we used the Sainte-Laguë formula for translating votes into seats, and it is known to be one of the most proportional mechanisms to do that and that was a big reason why the royal commission recommended that one. The result of that is that there are more political parties in parliament. We were very much a two-party system; that is not the case anymore. We regularly have four, five, six, or seven parties elected to parliament. In the current parliament, we have five parties, but what I would say is that New Zealand is settling down into almost a three-tiered party system. We still have the two major parties — Labour and National — and they consistently cross the five-percent threshold and consistently win almost all of the electorate seats. We have currently two medium-sized parties — the Greens and ACT — who cross the five-percent threshold. We have one party — the Maori Party — who is there because they crossed the electorate seat threshold and also have one list MP. So, it is a far more proportional and multi-party system than what we had under first-past-the-post.

The next slide talks very clearly about, if you look at the last nine first-past-the-post elections compared to the nine MMP elections, small parties have done much better on a more accurate translation of their vote into seats than we had under first-past-the-post. But the hold of the two major parties is still pretty strong. If you look at share of party votes overall under the MMP elections, in the first three MMP elections, things got really shook up. We had lots of parties. We were like kids in a candy store, going from two parties to lots of parties, and in the first three elections at least, the smaller parties raised, or increased, their share of the vote. That settled down a bit. It is sort of like one of those snow globes — you know, you shake them and the snow stays up in the air for a bit, but then it settles down. The two major parties are still very strong in New Zealand and this is in keeping with what we see and with experiences elsewhere in the world. Electoral reform tends to lead to a period of flux and then things settle, followed by the major parties re-establishing, I guess, their dominance. But still, we have smaller parties represented in ways that we did not have under first-past-the-post.

So, the last impact that I want to talk about — and it can be kind of a difficult one to sort of visualize — and that is the governing arrangements that have taken place since the move to MMP. We had gone from a very straightforward, very simple two-party system — either Labour or National had majority governments through the modern first-past-the-post era. It is not like that anymore and the interesting thing is — the expectation, I think — looking at Europe with PR systems, was that we would have coalition governments and, in fact, at first, expecting majority coalitions. By “coalition”, we mean specifically that you have more than one party formally in government and sitting around the Cabinet table. In fact, in New Zealand, only the first government that we had, after the first MMP election in 1996, was the classic majority coalition government. The interesting thing was that it was also our

shortest lived governing arrangement; it collapsed after less than two years. The government itself didn't collapse — it carried on through to election time — but since then, New Zealanders — Kiwi ingenuity — have invented, I suppose, different governing arrangements that may look extremely complex, and they certainly look complex compared to what we used to have, but they have been developed because they actually provide stability and certainty but in a way that meets the needs of New Zealand governing arrangements and it suits the New Zealand psyche in terms of our governing arrangements.

If people are just listening to this presentation, this is a slide that would really be worth looking at because what I have tried to do is draw what these governments look like. So, after that initial majority coalition government, we had three terms of a Labour-led government and each one of those did have a coalition, but they were minority coalitions — Labour and the Progressives — and I have put up 2005 as an example of this — but they gained support outside of Cabinet. So, they had a series of support arrangements with other parties, and in 2005, in fact, there were five parties connected in some way to government. You had Labour and the Progressives in a minority coalition with a Progressive minister, and they shared the Cabinet table. You then had two other parties — New Zealand First and United Future — who were more at arm's length from government, but they promised support on confidence and supply to the government in exchange for certain policy arrangements and support for certain policies that they were looking to pass, but more importantly, they also had ministers, but ministers outside of Cabinet. The Leader of New Zealand First was actually New Zealand's foreign minister but technically did not sit around Cabinet. He came to Cabinet meetings when it was on a topic related to his portfolio, but otherwise was at arm's length. United Future similarly had a minister but outside of Cabinet, and they had what was called “selective Cabinet responsibility”. So, in other words, those two parties only promised to stick with the whole Cabinet collective decision-making on particular areas. Outside of those areas, they were able to disagree with the government. The Greens, you will see, have a dotted line because their arrangement was even one step further removed; they agreed to abstain on confidence and supply so they would not defeat the government, ensuring that it would run full term, and in exchange, the Greens got support for certain policies.

So, New Zealand has chosen its own path, and this is what the Labour governments did. We then had three National government terms and they arranged sort of the same but took it one step further. In these three terms — 2008, 2011, and 2014 — National sat as a minority government but had arrangements with three parties. Again, it was three parties where they had ministers but outside of Cabinet, and again, they had made arrangements so that they would always keep the government in power. They would never defeat the government on a confidence or supply vote, and in exchange, they had ministers, but they also had agreement around certain key policies that they wanted to pass.

So, what do we make of these? Well, the current government is probably the most surprising government of all, something that we never expected we would get under MMP. We actually have a single-party majority government in 2020. The current Labour government was the first party to receive over 50 percent of the vote since 1951. So, it does show that, in proportional representation, that if the majority of people want one party to be government, you can get majority government. But it is interesting that, even though they didn't need it, they still actually arranged support with the Greens — a cooperation agreement with the Greens — and the Greens have two ministers but, again, outside of Cabinet.

Now, this obviously is really confusing and National, for example, and Labour, at the moment, have actually brought parties into the relationship that, strictly speaking, they didn't require because they could have had numbers — in Labour's case — on their own. And National, they could have had majority support with just some of those parties, but it has become very common to bring parties into your governing arrangements to not only secure the surety of the government lasting the full distance, but also to set yourself up strategically for future governments, to make sure that — because we know now, under MMP, that single-party majority governments are extremely rare, so you have to count on developing good relationships with other parties in order to hold government.

Is this complex? Yes, it is, but the interesting thing is that it is a unique New Zealand response and they have been stable. None have come even close to losing a confidence vote. Every government has lasted the full term and the other thing to remember is that it is done partly as a way — designed to protect small parties.

The problem with coalition governments, we found in New Zealand — the smaller parties — is that if they are within the cloak of collective Cabinet responsibility and the secrecy of Cabinet and all sticking together on all things — where they are always outnumbered — it can lead to real difficulties for small parties. So, this multi-tiered approach to government — it is not just that we're multi-party; it is multi-tiered. Parties are within Cabinet, at one arm's length away, or sometimes even two arms' lengths away. It allows them to have some impact in terms of key policies, and in exchange, the major party gets a commitment that they will be stable and can get their program through as well. So, it is seen as sort of a win-win for both the major party and the smaller parties. What it also does is that it differentiates between getting policy passed — in other words, having an effective, stable government — without threatening the life of the government.

So, let me finish now with lessons. I think, you know, with the benefit of hindsight and some distance, what are the key lessons from New Zealand's experience with electoral reform? I always see electoral reform — you can go back up to the previous slide. Richard Katz describes electoral reform as being about who you are, where you are, and where you want to go. To me, electoral reform is the ultimate in strategic democratic planning. When I look at New Zealand, I think that New Zealand was pretty clear on where they wanted to go and what they wanted to achieve. Overall, did they get what they

expected? I think so. We also got some things that were unexpected. The governing arrangements probably didn't really turn out the way people were expecting, but they work and it is a pragmatic solution.

In summary, what I would say is that it is neither Nirvana nor Armageddon, is my assessment. Neither the harshest critics of MMP nor its most ardent supporters got it exactly right. Changing a voting system doesn't cure all the ills of what might ail your parliamentary system, and we are still a Westminster parliamentary system, the government versus opposition. There are more parties there. The major parties may not have as tight a hold, but overall, they still get their work program through. I guess that, on balance, so far, is that a lot of the things that people had hoped for have been delivered. Some of the things have been surprising, but overall, it is a system that works.

So, if I were to talk to you in your position, what are the lessons learned — a Kiwi user's guide — to electoral reform? These are sort of tongue in cheek and you can see them there, but I think what I would say to the Committee is that there is no perfect electoral system. Every system has strengths. It's about choosing what your priority is. What is the problem that you are trying to solve and what are your priorities? What is really important to you? The process matters. It is not enough just to be a legal process in terms of electoral reform; it has to be seen as legitimate.

So, technically in New Zealand, the decision could have been made within parliament — 75 percent of MPs together making a decision around the voting system. Very early on that was seen as not likely to be legitimate because the voting system belongs to the people; elections belong to the people. So, it was very clear that, in order to be legitimate, referendums were required.

Take the time to get it right at the very beginning. Get independent, expert, neutral advice early on. The royal commission set up New Zealand really well toward electoral reform. And they established the electoral commission, which also had an education function, which becomes really important, and it allows you to have an authoritative, independent voice and a trustworthy voice so that when people are voting or trying — if they do have a chance to vote in a referendum — they have a source of information that they can trust, and I think that has been really important.

The referendum rules do matter. So, for example, let's not forget that BC's 2005 referendum had a higher percentage of people voting for change than New Zealand's did. The rules around what percentage you would need to have change really does matter.

In New Zealand, the theme for the original electoral reform was: "Let the people decide". That became important not only in terms of the final decision but also important in terms of choosing what the alternate system would be. So, make sure that the public is involved early on and all through the system, not just the final referendum, which can be a blunt instrument to be fair. You could mix it up and have a citizens' assembly at the start to decide, for example, what the alternate system should be. Invest in the highest quality public education campaign available, and give them licence to be brave — that

is key. In New Zealand, the education campaign went beyond just explaining how the system works; it actually talked about what the likely impacts would be so people could picture what the system would look like afterward and even used criteria — democratic criteria — to evaluate those systems.

Remember, electoral reform is not for the faint of heart. It causes a lot of change and it is quite a long journey as well. Remember that, for us, we have been on a decades-long journey with electoral reform. Expect the unexpected and you have to roll with the punches. Blind luck, like the Prime Minister promising — misreading his notes — and promising on national TV to have a referendum on the voting system in New Zealand or plain bad luck, like Canada Post going on strike during the most recent BC electoral mail-in referendum — all these things will play a part, but remember to stay calm and carry on, and good luck.

Chair: Thank you so much for that presentation, Dr. Arseneau. I was delighted when I saw it initially because I said: “There is a sense of humour here and it is going to make this hard topic so much easier to digest.” So, understanding that we had those technical difficulties, I am extending today’s hearing by 15 minutes just to make sure that we have that opportunity to ask questions. As a Committee, we came up with four questions that we thought would be relevant.

Mr. Cathers, do you want to take that first question, please?

Mr. Cathers: Thank you, Madam Chair, and thank you, Dr. Arseneau, for your presentation. I very much appreciated your perspective on that and the process. The first of the prepared questions we have is: What is your perspective on how a potential electoral system change would apply to a jurisdiction with a small population like the Yukon?

Ms. Arseneau: Interesting. So, the royal commission had recommended, when we were looking at electoral reform — at that point, we were a House of 99, and they upped it to 120. To be fair, they argued that they would have recommended that, even if it wasn’t MMP, it wasn’t simply the move to MMP that caused them to recommend that. But certainly, I guess, the question for a smaller House would be specifically: Could you have proportional representation in any size? The mixed-member system — I guess, the beauty of it — it allows you to have that local electorate as well as providing some proportionality, but the point is that you have to have a certain ratio, and in order for the system — political scientists around the world say that basically 75:25 would be the absolute limit in terms of percent. So, 75 percent electorate and 25 percent party list — if we are talking about MMP. Anything past that, you couldn’t guarantee that it would really be considered a proportional system.

The other thing to remember, if you are doing that split, is that if you are really looking to try to get more diversity into your House — in New Zealand the experience very much is that diversity has come through the party lists. If you are doing a split, you want to be able to keep your party list numbers great enough that you can actually bring that diversity in.

I think that, with the smaller system, MMP might bring some challenges in terms of getting that ratio, that split, right. In which case, I would recommend that what you need to do is

step back and ask yourself again that crucial question that Katz asked: Who are we, where are we, and where do we want to go?

When we were doing our review of MMP and I talked about that toolkit that we developed, really, one of the big essential things that you need to decide early on is: Are you looking for proportionality, or are you looking to keep the first-past-the-post or majoritarian systems? Once you make that call, then you decide — for example, you decide it is proportional representation that you want, you may well decide that MMP is not the one, because for a smaller number of MPs, perhaps it is more complicated or difficult to get that ratio right, but there are lots of other versions of PR that you could look at.

What I would suggest is that you make the important decision first — you know, what the outcomes are that you are looking for — and then choose and work and develop the system that works best for you.

Chair: Thank you, Dr. Arseneau. I feel like we’ve been asked a lot or challenged by witnesses to be like: What are we trying to do? What is our end goal? So, I do appreciate that we’re hearing it from you on the other side of the planet as well.

Mr. Streicker, your question.

Hon. Mr. Streicker: I will just try to build on Mr. Cathers’ question.

Dr. Arseneau, in the Yukon, we have a significant feature — not just that we have 19 MLAs, but we also have one community that has a dominant portion of the population. Whitehorse has roughly three-quarters and roughly one-quarter outside. In the boundaries commissions that we have had, there has always been a sense that we need to have slightly more representation — or more representation — by population outside of Whitehorse in order to help provide that representation for our communities outside of Whitehorse.

Can you go through what you think the advantages and disadvantages — however you imagine it — might be with MMP or other proportional representation systems? What might that look like for our reality?

Ms. Arseneau: Interesting. New Zealand, too, in some ways, not to the same extreme — but Auckland would have about one-third of the population of New Zealand, and we have two islands — North Island and South Island — and the South Island is more sparsely populated. So, one of the things in our electoral act — the South Island is guaranteed a certain number of electorate seats. Even though the population growth is up north, the South Island has a fixed number of electorate seats to guarantee that we have the representation we need.

Our boundaries are redrawn by the representation commission that has been around for over a century, and we are only allowed — electorates have to be within five percent of each other, of general population, so plus or minus five percent — so, a very strict rule about the size of electorates.

We also have the Maori electorates as well to ensure that the Maori, our indigenous people and our treaty partnership, is reflected in those electorate seats.

But here is the thing. It is leading to some complications in New Zealand because, in order to guarantee that we keep those electorates in the South Island and then make sure that every other electorate is a similar population, it has meant that with

each census, the number of electorate seats are going up because we have to increase them where the population flow is and the number of list seats is going down. At some point we are going to have to address that because we may well get to the situation that I have just mentioned where we don't have enough list seats to really be proportional.

It is even complicated here in terms of the sort of question that you are asking. What you can do — there are mechanisms. You could fix a number of seats the way we have done in the South Island. The other thing to ask yourself in this day and age is: Is geographic or physical the only thing — is it the primary basis for representation? The thing about what we have seen in New Zealand through the party list is that people now have multiple identities and where they physically live is not necessarily the same sort of importance that it once was. In particular, people engage and meet people as we see here. I am meeting people in the Yukon, sitting on Friday morning in New Zealand.

I don't have a simple answer for you, but you could find ways to do what they call "malapportionment" where you allow the rural seats to be slightly smaller than the urban seats or you find other mechanisms. I think, hopefully, that theme has come through in my presentation. You don't just fixate on the voting system itself. There are other things — the details matter. There are things that you can do in the details that actually can be used to address some of these things as well.

Chair: I am just going to focus on that last point that you referenced. You said that at one point in time that mixed-member proportional needs to be done in combination with other actions for the people's ability to cast votes. You had really interesting information about how, when the polling stations were expanded, people's ability to vote early was expanded, and it went on like that. I imagine that Yukon's Chief Electoral Officer is excited to hear you say those things because he has been working hard to make that expansion.

Do you think that, when those changes — you will continue to see those changes as the future goes on. Do you think that the way people vote in New Zealand has changed since the ease of voting has been addressed a bit?

Ms. Arseneau: How they vote — do you mean in terms of where they vote?

Chair: Or that they do vote. I guess I misspoke there a bit. Do you think that people are more apt to vote now that those barriers have been removed?

Ms. Arseneau: Definitely. I think that it is no coincidence that we see the three latest elections, since the rules have been eased, in terms of why and where you can vote in advance — and in fact there is a real clear connection if you look at the graph of the rise in advance voting, it really does. It has very much powered the increase in voting. The thing in electoral systems is that it is never just one thing, but certainly the ease of access — and it is not just the advance vote; the crucial thing also was the fact that you could enrol and vote at the same time.

So, in New Zealand, we have high voter turnout, but the level of enrolment can go up and down. By setting up these booths in places where people are, like grocery stores, and they

come to vote and it turns out that they are not enrolled — it used to be — even at first, in 2011 — you would have to take the enrolment form and go off and do it. Now, because we have the technology, you can do things now that you couldn't do in the past, and you were far more — and you can do it securely. That is what it is partly about. You want to make sure that there is absolute full trust that the system is being run well. It used to be that we were really highly dependent on printed rolls, but there is other technology that you can use now to check somebody off on a roll. The fact that you could enrol and vote in one stop made a huge difference because, for the people who were trying to get to vote, if they walk away with a form, there is a real big chance that it is not going to get filled in, but if you have them there and they are interested, they enrol and they vote. We even saw that being able to enrol on election day made a difference this time. It has absolutely had an impact.

Hon. Mr. Streicker: I am just going to follow up on that a bit more. With all of your time here in Canada, Dr. Arseneau, you may have come across a group called "Apathy is Boring". They formed out of — someone from the Yukon — and it was really about creating a culture of engagement from a young age. When we had — I guess it would be a couple of days ago now — we spoke with Dr. Everitt, I think from New Brunswick; I may be mixing up names — but one of the things that was talked about there was — okay, you can look at electoral reform, but there are other things that you could do as well. You have just started to talk about those in terms of accessibility and in terms of voter lists. Are there other things you would suggest that help to create a culture of higher voter turnout and higher engagement that could also accompany a review of the electoral system itself?

Ms. Arseneau: I suspect that you have probably had someone talk about this. When you look at who is not voting, the younger voter is disproportionately among the non-voters. In New Zealand, there is some talk about whether the voting age should be looked at, whether we would actually consider lowering the voting age to 16, and that is certainly something that is talked about elsewhere.

It is interesting though that when we look in New Zealand at when our voting turnout started to drop, it was when we lowered the voting age from 21 down to 18. So, I can understand that, if you are trying to get young people to vote in the first instance and then carry on with the voting habit, getting them there at the very first election becomes very important. Some people argue that 18 is probably not the best age to do that because it is perhaps when they have left school and they are far more independent and perhaps isolated and it is not on their radar screen. Actually, one of the things that people are talking about here — and there is a real movement — they question whether the voting age is set at the right place. There are arguments, I think, on both sides of that.

I think that the other thing is that if you are really after — if it is the young people who aren't voting — when I look at diversity in the New Zealand Parliament — and it really has changed a great deal — the age demographic in parliament, though, — we still don't have the number of younger people in

parliament that maybe we would be looking for, but again, I guess the point is that with a list you have that opportunity.

Another example of the details matter: The royal commission recommended a closed list. In some places, people have open lists where you can mix things around, but the idea of a closed list is that it gives the parties the opportunity to really get the mix on the list that is important. We have seen that happen in terms of women and ethnic minorities. There is a real opportunity to do that in terms of an age demographic as well, which then can have — you create a virtuous circle. It might be more engaging for you to vote in an election where you can see people like you who are thinking about issues that are important to you actually on the list and wanting to seek representation.

Chair: Personally, I think that is a fascinating conversation. When I was first elected, I was 34 and now I am 44 and I was the youngest, at 34, in my party, and now I am the oldest at 44, so it changed drastically. So, that is a very interesting point.

Mr. Cathers: I appreciated that in your presentation you were noting both some of the strengths of the system and the fact that no system is perfect. Two of the criticisms that I have heard of the mixed-member proportional model — and I just appreciate hearing your thoughts on the validity of those criticisms — is, one, accountability, and the second is the issue about power to the party. Just to elaborate, the argument on the accountability question is that, in a system where coalitions are more likely to be required, there is the increased risk of parties in an election promising action to voters that may not be acceptable to the partners post-election and not being able to deliver. The “power to party” criticism is that we heard from people, including one of the previous presenters, an indication that under an MMP system, at least with a list in the way that it is used there, it can put more power in the hands of the party to prioritize its candidates based on the preference of the party.

Ms. Arseneau: Good questions. Accountability — I think that it is important to think of accountability, as it is a multi-faceted thing, isn't it? There are many different ways and different points at which you have accountability. So, I think that what you are talking about — in New Zealand, we call this “the tail wagging the dog” — your first point was that the smaller parties have a disproportionate influence in government and they prevent things from happening. Again, I think that the important thing to remember — and again, I said that there is no one perfect voting system.

The other thing I would say is that a voting system is not a set thing, that when you put it on — you might be old enough to remember those overhead projections. If you put a voting system on top of a — put it into a country — it tends to pick up the things that are already in that country's voting system or the tendencies of that system. Coming at it from a New Zealand perspective, we were very much coming from a perspective where we had governments that we were calling — single-party majority governments — “elective dictatorships” with no ability to stop a government between elections. The executive in particular, Cabinet, as far as people were concerned, had just become too powerful, and so we were actually looking for ways

to slow down. It was also called “unbridled power”. One of our Prime Minister's wrote a book and he talked about us being the fastest lawmakers in the West. In New Zealand, you could — one Prime Minister bragged that he could wake up in the morning, have an idea while he was shaving, and it would be law by nighttime. We were actually looking for an opportunity to slow government down and to actually make it slightly more difficult to make policy, and in between elections, to hold governments to account.

The interesting thing is — and there is a lot of talk here even about the small parties, the tail wagging the dog, but the reality I would say, on balance, is that government, especially the major party in government, has tended to get its program through, and that is because they have done deals. “We will pass this thing for you, small party, and you agree to our general program and you agree to maintain the government and its confidence through the whole term.” Deals can be done in a way that helps both parties — it can be a win-win. The small parties can get the really crucial things that they want, but at the same time, the larger parties can as well.

I think that if you look at the record of New Zealand, we may have slowed down a bit — the amount of legislation that goes through — but we are still a prolific legislation machine in New Zealand.

The other issue around accountability is — and it is something that came up in the review of MMP — this notion that the party has too much say by having a list that you can't rearrange, for example, but the reality is that even in places where you can rearrange the list, if you look at it, it tends to not have a huge impact, was what the royal commission, and then the electoral commission, as well, reviewed. Overall, the closed list gave people certainty about who it would be coming in and without having it reordered.

But the other thing in New Zealand that people talked about is this accountability — that they could defeat their electorate MP and they would still come in on the party list, which, again, they call them “zombie MPs”, where they have died but then lived through the list to fight another day. Again, if you actually looked at the evidence, those MPs who have held an electorate seat are defeated but still come in on the party list, they don't tend to have the same lifecycle. When the review was done, it was almost a solution looking for a problem in the sense that they tended to move on much more quickly. The safe seats tend to be the electorate seats. The electorate MPs have a much longer lifecycle in parliament than the list MPs.

Hopefully, that has answered your question.

Chair: Thank you, Dr. Arseneau. That was really a fascinating way to wrap that up. I have let my colleagues know that we have an opportunity for them each to ask you one last, quick question, so we will start with Mr. Streicker.

Hon. Mr. Streicker: Dr. Arseneau, are there examples in New Zealand of regional governments that use a PR system? You don't need to give us a big description, but if you point us in a direction, we would be happy to see, because we are trying to think how this might or might not work for a jurisdiction of our population. I appreciate that New Zealand not a huge country, but it is still much bigger than we are.

Ms. Arseneau: In New Zealand, we have the central government and then we have local government, so basically localities. And there are some localities that use STV, and so they would be worth having a look at.

Chair: Thank you, Dr. Arseneau, and our final question today, Mr. Cathers.

Mr. Cathers: Dr. Arseneau, you indicated that, in your view, in order for the process to be legitimate, a referendum is required. The question on that is that we heard a number of views on the issue of how that ballot question looks and I would just ask if you could — I have a number of questions, but I will simplify it down to the most important one, in light of time, which is just: How would you view that the ballot question on any proposed change should be presented to voters in a way that is clear, understandable, and ensures that the ultimate outcome reflects all the voters?

Ms. Arseneau: Again, it would be really worth it — if you haven't looked at it already — to look at the royal commission, because it was the one that said that they believed that the ultimate decision had to be made by the public, and at that stage — now that was 1986 and they probably hadn't even considered citizens' assemblies — but referendum was the way that they felt was needed to legitimize the change.

Again, how you do it is really important, and in New Zealand, there was a real tendency for the politicians to make sure that the whole process was being run in a way that was seen to be independent and neutral and for the politicians not to try — to use a New Zealand rugby term — not to “screw the scrum” in regard to this. The question is absolutely vital and it was decided and had been recommended to New Zealand to have a two-step referendum process and it was critical that the first — and you can see the questions on the referendum — very straightforward. The question should be simple and clear and neutral. There are examples where questions are loaded. In New Zealand, that would not have been seen as a legitimate way. So, the first step was a two-part referendum: Do you wish to keep first-past-the-post or switch to another system? On the bottom part was: Irrespective of how you voted up above, if we were considering to switch, what would be your preferred alternative?

What then came was a runoff between first-past-the-post, which was the current system at the time, and the most preferred system from the second part of the ballot, which was MMP. It was a straight runoff question: Which system would you prefer? By doing it in two steps, it meant that people were really clear what the alternate system would be.

Again, I think that the important thing to learn from New Zealand is that the process is important, that you set it up so that it is handled independently, and that education — the quality of the debate that you will have, the quality of the engagement that you will have will, I think, be directly a result of the quality of the public education campaign that you have.

New Zealand is one of the rare places, according to a study done in London, where, because we have a history with referendums and money is put in to have a public education campaign and the electoral commission here was also given the right, in the follow-up referendum, to actively go into the public

and deal with misinformation or disinformation — in the world of social media — everyone has, rightly, an opportunity to say what they think about the system — it is important that people have an authoritative and trusted source of information to go back to. So, those things have to be hand in hand.

Chair: Thank you, Dr. Arseneau. If I would have asked you to wrap it up for us, I believe that you would have said something similar to what you just said, so I will end the hearing there.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, I would like to thank the witness, Dr. Arseneau, for taking time today to join us. I would also like to thank the Yukoners who are listening and watching us here, either live or in the future. More hearings with expert witnesses are scheduled for tomorrow and Monday and transcripts and recordings of the Committee's hearings will be available on the Committee's webpage at www.yukonassembly.ca/scer.

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

I thank everyone so much for their time today and this hearing is now adjourned.

The Committee adjourned at 2:20 p.m.