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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:

Paul Howe, Professor of Political Science, University of New Brunswick

EVIDENCE**Whitehorse, Yukon****Friday, January 28, 2022 — 11:00 a.m.**

Chair (Ms. White): I will now call to order this hearing of the Yukon Legislative Assembly's Special Committee on Electoral Reform. Allow me to introduce the members of the Committee. My name is Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King; Brad Cathers is Vice-Chair of the Committee and the Member for Lake Laberge; 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 Paul Howe. Dr. Howe is a professor of political science at the University of New Brunswick in Fredericton, where he has taught since 2001. Prior to joining UNB, he was a research director at the Montreal-based Institute for Research on Public Policy for three years.

Canadian democracy has been a key focus of Dr. Howe's research. Among other topics, he has written about declining political participation and civic literacy among younger Canadians, political finance reform, and electoral reform in New Brunswick. His book, *Citizens Adrift: The Democratic Disengagement of Young Canadians*, was awarded the 2011 Donald Smiley Prize by the Canadian Political Science Association for the best English-language book on Canadian politics and government.

We have asked Dr. Howe to speak to us about New Brunswick's experience with electoral reform. We will start with a short presentation by Dr. Howe, and then Committee members will have the opportunity to ask questions.

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

Mr. Howe: Thank you very much for that introduction. I will just share my screen and bring up my presentation.

As you mentioned, I do have these pretty broad interests in Canadian democracy and democracy in New Brunswick, including questions around citizen engagement and participation, as well as aspects of the democratic system, so the electoral system has always been something that has been an interest of mine.

Today I wanted to talk to you about four distinct topics. Some of this is, then, specific to New Brunswick, but I also did want to expand things a bit to talk more broadly about the Canadian experience. The four topics are: electoral reform and voter turnout, one issue that is often raised in this context; then say some things about what has happened in New Brunswick, the experience with electoral reform —

Chair: Sorry, Dr. Howe. Sorry to interrupt. We actually can't see your screen.

Mr. Howe: Okay, let me go back.

Chair: It worked seconds ago.

Perfect. We can now see it. Thank you.

Mr. Howe: Yes, as I was saying — voter turnout; the New Brunswick experience with electoral reform where I will say a few things about both the substance of what has been proposed in terms of electoral systems but also about the process that has been used to try to make decisions and deliberate and move things forward; then a bit about the Canadian experience with electoral reform and now with a particular focus on those process issues, because I do think that they are important; and then, finally, just wrap up with some suggestions about process issues, given what I have said previously.

In terms of voter turnout, there are a couple of different ways of trying to analyze and assess what might happen with respect to voter turnout with a new electoral system, whether or not, for example, proportional representation, which certainly tends to be the most commonly suggested alternative — would that increase voter turnout? That is certainly a thought that is out there, and so one of the ways that it has been analyzed and researched is to just look at other jurisdictions around the world — different countries, primarily — and just see whether or not those that use a proportional system have higher turnout than those that use more of what we would call a majoritarian system, with first-past-the-post being the most common of those systems.

So, I have simply taken some of this excerpt off the Fair Vote Canada website, which does highlight some of the relevant studies that have been done that have been based on that type of approach to answering the question. As you see, there seems to be a bit of a consensus that there is a somewhat higher turnout in PR countries and probably in the high single digits. These would be studies that would take into account a lot of other factors that could influence voter turnout — but that take those into account and then try to isolate how much of an effect they think that PR might have.

Then there is also a last note on this set of studies from the IIDEA, which notes that, among youth, there seems to be maybe a slightly stronger impact in terms of a higher turnout rate. I will return to that point in a moment.

Next, I just want to show you a slide that suggested a slightly different way of thinking about what might happen with a PR system in terms of voter participation, and that is to look at places where they have actually made the switch from first-past-the-post to a PR model. In some ways, that might be a more relevant type of information to consider. Of course, one well-known case is New Zealand, which changed its electoral system from first-past-the-post to a mixed PR system, mixed member proportional, and they made that change in 1996; that was the first election in which that change took effect. So, when we see this graphic of voter turnout over time in New Zealand, it seems immediately pretty clear that PR did not lead to a higher voter turnout. Now, in the first election in 1996, there was a slight increase from what it had been in the previous election, but subsequent to that, there was a decline and then, more recently, there has been some upward movement. But overall, the picture is that, under this PR system, the turnout has actually been somewhat lower.

Now, I would say, however, that it's very important to recognize and understand that this is taking place against a backdrop where, in many countries — including Canada, Britain, and a lot of European countries — there was this same kind of pattern at this particular point in time. That is to say that, in the 1990s and in the early 2000s, there was a decline in voter turnout taking place in a lot of countries. It is well-known in Canada the way in which the turnout declined to hit a record low in the 2008 federal election where it fell below 60 percent, having been about 75 percent before that. It is also the case in Canada, again, that the turnout actually has improved in the last 10 years or so. It has bumped somewhat up.

I guess what I would say, then, in terms of the New Zealand experience is that it does actually seem to mirror what has been happening in other places. It doesn't appear that the PR system had any kind of strong impact on voter participation. The studies that I cited before on the previous slide suggest that perhaps there could be a bit of an increase, but overall, I guess I don't see electoral system change as being perhaps a major factor with respect to the question of voter turnout.

However, perhaps one exception to this that I might make comes back to the question of youth voter turnout. I gathered some data on this slide, and it was particularly on the left — which is something that I was actually not, to be honest, aware of before getting ready for my presentation — but I thought I would just have a look at the New Zealand experience with turnout by age group, and I was quite surprised to see just how strong the turnout rate is among young New Zealanders. It is on this graph that you see for the youngest age group, over 75 percent, and the differences between younger and older New Zealanders are really pretty small. In an international context, the differences are less than 10 percent. In many countries, including Canada as a whole, the differences are much more substantial between younger and older voters.

Over on the right, I perhaps here could have put the Canada-wide figures showing the voter turnout rate in the 2015 and 2019 elections across the different age groups. The numbers on the left of the slide are showing the turnout for 2015, and then, over to the right, you have the 2019 turnout rates. So, for Canada as a whole, there was a gap of something in the order of about 25 percentage points between the youngest voters and the oldest. Also, it was kind of a steady decrease as you moved toward younger age groups.

In the Yukon — and those are the numbers that I actually have here — you certainly do see a lower turnout among young Canadians, and this is, as I said, in the federal elections of 2015 and 2019, but it does seem to be a problem a bit more focused on the very youngest voters — those under age 25. It seems that, once you get to the 25-to-34 category, at least in these elections, the turnout did jump to not far off the turnout of the older age groups.

In any event, I do think that this is an intriguing difference, the fact that, under New Zealand's PR system, even if it may not have had a huge impact in terms of overall turnout, it does appear as if young New Zealanders are turning out at pretty high rates compared to older New Zealanders. That does confirm, as I said back on that earlier slide from the IIDEA, the

idea that the impact of PR on voter turnout may be greater for the youngest voters.

That is the first issue that I wanted to share with you and a few findings from the research.

The second point that I wanted to turn to is to talk a bit about electoral reform in the province where I live, in New Brunswick, and there were two distinct phases that I will talk about. Just to give you a brief overview of what happened here, in 2004, the Premier, Bernard Lord, a Conservative Premier, formed a body called the New Brunswick Commission on Legislative Democracy, which had a pretty broad mandate to examine different issues relating to democracy in the province, including considering the electoral system and whether or not it should be changed. The commission was an eight-person commission. It worked for about a year doing a lot of work in terms of meetings among themselves, but also a lot of consultations around the province. There was also a significant research arm as well. There was a research director appointed, and in turn, they had a number of individuals, both within the province and outside the province, write various research reports to help inform their work.

At the end of the year, the recommendation that came forward as far as the electoral system went was that New Brunswick should consider adopting the mixed member proportional model for New Brunswick. This, of course, is a model where you continue to have individual MPs — or MLAs in this case — who do represent a single riding, and the recommendation was to retain 36 of those MLAs. Then, in order to achieve a more proportional outcome, the idea was then to have some additional MLAs who would be taken from party lists that would be provided. The model for that was to have that process to take place in four different regions where there would be five additional list MLAs elected in each of those regions.

Of course, as people will be aware, what will happen with those list MLAs is that they will, in a sense, compensate the parties that have not gotten their fair share, let's say, through the individual riding votes. They will be the ones who will tend to get more of those list MLAs in order to achieve a more proportional result overall. Of course, under this system as well, voters get two different votes; they get a ballot where they will vote for their local MLA, and they get a second ballot where they will choose the party that they prefer. Those two votes can actually be different in terms of which party someone is selecting with those two votes.

One quick point here that I would add, just observing this system, is that it was a mixed system, and in a number of places where mixed systems have been used, it is a 50/50 split between local MLAs, or representatives, and list representatives. But in New Brunswick, it is more of a two-thirds/one-third split, and there is certainly no reason why these things cannot be tinkered with. I think that this was actually a very good suggestion for New Brunswick, because what it meant was that your local constituencies did not have to become too much larger by retaining a good number of them, in terms of both geography and the number of constituents who would be represented by a single MLA.

The government, following the recommendation, announced a plan to hold a referendum on this system in conjunction with the municipal elections in 2008, but when the Conservative Party lost power in the election of 2006, that did not happen. The Liberal government did not follow through and hold the referendum.

In phase 2 of electoral reform in New Brunswick, the issue was then revived in 2016 when the Liberal government of Brian Gallant formed a body that was called the New Brunswick Commission on Electoral Reform. Now, I felt, as an observer in the province, that there were significant shortcomings with the process that was used this time around. The method by which the commission itself was selected and appointed was really quite an odd mix. In theory, it was open to anyone, and what the government actually did was to put out advertisements and put out a call for any interested New Brunswicker to put their name forward to serve on the New Brunswick electoral commission, but then, in the end, five individuals were selected to be on the commission, and there wasn't really information provided about how those particular five were selected from among those who might have applied, and there wasn't information provided about how many people may have applied. But, in the end, the people chosen were people who looked more like the kind of individuals who might have been chosen if the government had just started and said that they were just going to appoint a commission. For example, there was a former deputy minister selected, and there was also a former MLA who had also been the Speaker of the Legislative Assembly. So, it didn't seem like it was really just, let's say, average New Brunswickers who were chosen to serve on the commission.

The commission itself, in its report, however, called itself a "mini citizens' assembly", and I do find that language a bit misleading, given what I have described about how it was selected. The government, in its mandate to the commission, specifically cited preferential balloting as something that the commission should investigate, and it did not mention other electoral systems. It did have other issues that it was looking at besides electoral systems, but it specifically mentioned preferential balloting. That didn't really seem appropriate, if you are going to have an investigation of possible new electoral systems, that you would really focus and direct attention to one particular system. The time frame was very limited for this commission; it was only about a three-month process. I think that meant that there was maybe not adequate time for the commission members themselves to learn more about electoral systems, because although they had experience with public policy, I don't believe that they were really experts in the subject matter of electoral systems. Also, there was very limited time and very little effort put into public consultation.

The final report was rather brief, without a lot of detailed analysis, certainly in comparison to the previous phase 1 report that I mentioned — the Commission on Legislative Democracy. The commission did recommend that New Brunswick should adopt the preferential balloting system and then also added that perhaps PR could be considered further down the road as another step. This was despite the fact that

members of the public who had provided their views had overwhelmingly favoured proportional representation, and I did write a research paper that looked at the situation and I actually did consult with all of the documents that had been submitted by members of the public. There was a public consultation where people could submit their views. There were about 90 written submissions, and I read through all of those and found that the overwhelming majority were in favour of PR.

Just a final note, I did think, in the end that — despite the commission having talked about the merits of preferential balloting and the way it is a good idea to allow voters to choose from multiple options and then rank those options in terms of elections — for that reason, that it was a bit ironic that, in terms of a possible moving forward, they didn't suggest that perhaps there could be a ranked ballot referendum to choose among electoral systems, in other words, allow people to choose between first-past-the-post, perhaps preferential balloting if that's what the commission thought was best, and then also a PR — maybe one model or maybe even a couple of different PR models. That is an approach that has been used to have a referendum where people get multiple choices and then get to rank them. That was used in Prince Edward Island in 2016. But, as I said, the commission did not venture down that road at all.

The Gallant government, receiving the report, announced that it would hold a referendum on preferential balloting during the 2020 municipal elections, but when the Liberals lost power to the Conservative government under Blaine Higgs, that did not happen. One thing coming out of the New Brunswick experience is that we have had two promised referendums that did not take place when the government switched hands. I feel, in an overall sense, that electoral reform has been a bit of a political football in New Brunswick politics, without the broader commitment that one might hope to see from the different political parties and players.

My third topic — I said I wanted to say a little bit about electoral reform in Canada on a broader scale, focusing on process issues. The process, as I said, in New Brunswick has sometimes been quite frustrating. What I would say in terms of the process is that, when this issue first started to be really debated in Canada in the early 2000s, there emerged a sense that there was kind of a gold standard approach that should be used to try to change an electoral system. That was the idea that you would have a citizens' assembly that would be a randomly selected group of citizens who would deliberate on new electoral systems, and they would really become deeply educated about them, they would meet with one another, and they would deliberate and share views and come up with some kind of a recommendation for a possible new electoral system. That would be the first stage, but then, in order to give greater democratic legitimacy to the process, there would also be a referendum that would be held on whatever the citizens' assembly recommended. That process was used in both BC and Ontario in the mid 2000s. As people will probably know, the citizens' assemblies both did recommend a change in electoral system, but then, in the subsequent referendums, they failed to meet the necessary thresholds established by the government

and therefore electoral reform did not happen. Both of these methods of engaging and consulting with citizens are, I think, good ideas in theory, and I believe that in the early 2000s when these methods were being developed, I would personally have thought that, yes, this makes perfect sense as the best way to go. But in practice now, almost 20 years later, we can see some of the challenges that exist with these methods. I just want to talk a bit about each of those in turn.

As far as citizens' assemblies go, the model is the idea that you take a random selection of the population, choosing perhaps — in the case of BC and Ontario, I believe, it was roughly 100 citizens chosen at random from different parts of the province. But in practice, I feel that they do likely suffer from significant what we would call "self-selection bias", as people themselves decide whether they want to participate in these processes. In BC, for example, when their citizens' assembly was established, they contacted at the outset roughly 26,000 British Columbians through, I believe, the mail as an initial way of seeing if people might be interested in potentially participating in this citizens' assembly. Out of that roughly 26,000, I believe the number was about 1,500 who responded and said, "Yes, I would potentially like to participate in this." I guess the concern that arises is that the individuals choosing to participate in these citizens' assemblies may not necessarily be entirely representative of the population. It is almost certainly the case that they are going to be more informed about issues of democracy, potentially about electoral systems themselves. It's possible too that they will already have a fixed view about electoral systems that causes them to be interested in participating in this kind of an assembly.

This is a challenging problem. There is really not any way around it. You can't mandate and force people to participate. There may be some methods in the selection process that could be used to try to mitigate some of these issues and concerns, and if that is of interest, we could potentially get into that in the question period.

The second concern about citizens' assemblies is that they do not necessarily leave that much of an impression on the general population. I think there is a bit of a sense about some uncertainty about exactly what citizens' assemblies are meant to do. On the one hand, yes, they are clearly meant to propose a potential new system for a jurisdiction in terms of its electoral system, but it's not quite clear the degree to which one thinks that the general population will then, in a sense, take their leave from the citizens' assembly in terms of saying, "Okay, well, if they have decided — this representative group of citizens — that this would be a good idea, then therefore, it must be a good idea and something that I should support." It is not quite clear if that is meant to be part of the process, and, of course, none of this would be mandated; it is just a question of how much of this actually happens in practice. As I said, in practice, it does seem as if the citizens' assemblies did not necessarily impact the general population that much, particularly when it came time to vote in a referendum. Quite a number of people would simply have not been aware of the citizens' assemblies in BC and Ontario. I believe I have seen a number suggesting that perhaps about 60 percent of British Columbians had heard of

the BC citizens' assembly after it took place. The question too is: Just how much have they heard and how much were they aware of the deliberations and recommendation?

The concerns that I have raised here, I will say, are maybe a bit more particular to the ones that I reflect on and think about. I do think that the CA model still does have a significant sense of being a positive and legitimate model for proposing a new electoral system, but I also think that we have to recognize that, even if you do hold a citizens' assembly, it is perhaps not going to have as much impact on the general population as one might think in terms of helping to inform and engage people about the question of a new electoral system. The final note that I would make, though, is that unfortunately a lot of the population could use some guidance, because they really are not deeply informed about electoral systems.

That then brings me to the next slide to do with referendums and to do with some of the challenges there of what is going to put a new electoral system to a referendum. Civic literacy is a major concern and challenge. A lot of Canadians do not know much about electoral systems, but they also don't know much about politics in general. This is part of a larger problem of relatively poor civic literacy in Canada.

Just to give you a quick example, some surveys that have been done around election time have asked people factual questions about Canadian politics, and it has been found, for example, that only about 70 percent of Canadians are actually able to name the premier of their own province, so 30 percent don't know the name of the premier of their province. When you look at those under age 30, the younger citizens, that actually reaches about a 50-percent rate; 50 percent can name the premier, and 50 percent cannot. That just gives you some sense and flavour of the degree to which some people are really not paying close attention to what is happening in politics, and it also speaks to the deeper sense of understanding of how the political system operates some of the mechanics of democracy.

To reach people who are in that situation is really quite difficult. In some of the referendums that have taken place in Canada, there has sometimes been criticism after the fact that not enough was done to educate people about the systems. I think that those criticisms may be a little bit misplaced. I think that there is only so much that can be done. Good information can be put together, it can be provided — of course, these days, it is perhaps more online or there can be mailouts to households — but, in the end, if people obviously don't absorb the information or don't take the time to learn, there is really only so much that can be done. That is really just kind of a deep structural problem that we do face in terms of putting certain questions to referendums.

In terms of referendum turnout, the turnout in standalone referendums that have taken place in Canada has been very low. In PEI in 2005 and then in 2016 — these were both standalone referendums, so they didn't take place at the same time as an election — the turnout was below the 40-percent mark, and I believe in BC in 2018 with the mail-in form of referendum, they achieved just below a 40-percent range. This does then diminish the outcome of those referendums. A lot of people feel, I think, that 50 percent is probably the minimum turnout

that you would like to see to call a referendum result legitimate. So, we have not been able to achieve that in standalone referendums.

The solution, some might say, is that these referendums could take place at the same time as an election, and that has happened in the examples of BC and Ontario and then one of the PEI referendums. Yes, the turnout then is higher, but presumably, we have a lot more people participating who know relatively little about electoral systems. I would think that most people would consider that to be problematic.

Finally, then, in terms of referendum voting, when people don't know much about an issue, the literature on referendums tends to suggest that they will tend to favour the status quo. If they don't know about a proposal that is being presented, then they are more likely to say, "Well, let's just stay with how things are now." So, to hold a referendum at the same time as an election is to, in a sense, create almost a bit of built-in bias toward the status quo. The referendum mechanism for this particular issue is, I think, quite tricky.

The last of my points is to say: Well, should we then consider some new processes? Because we have been at it in Canada in different places, as I said, for almost 20 years and nobody has actually gone ahead and changed an electoral system. I have come to believe that all-party support for a new electoral system is a reasonable way to proceed on this issue. This is a method commonly advocated and used to make changes to various features of electoral democracy. For example, when there is thought about perhaps changing the method of financing that is used for political parties, I think it is commonly thought that it is a good idea not to just have the party in power put forward new legislation; it's a very good idea to have all of the parties on board to agree that these are the rules of democracy and we should all agree on them.

I think that we should probably look at the electoral system in the same light. Yes, it is potentially a very significant change, but at the same time, for whatever reasons, it is not a change that is of sufficient magnitude to really capture the attention of voters at large, which is why the referendum process is hard. Therefore, I think we should look at moving back to these kinds of approaches to making changes.

One could then, if you moved ahead with the change for an electoral system, decide to hold a referendum after a new system has been in place for two or three elections. Of course, in New Zealand, in addition to having referendums at the outset before they made their change to PR, they did actually have a follow-up referendum after the system had been in place for several elections, and voters reaffirmed that they did want to keep the new PR system. If this approach was taken, then voters would be much more familiar with the new model and could cast informed ballots on whether they wanted to keep their new electoral system. That being the case, holding a referendum in conjunction with an election would also make more sense because more voters would be well-informed and could make an informed choice.

As I said, my recommendation or thought with respect to process is that I do think that we may want to change our thinking a little bit and maybe not aim for that full gold standard

that I talked a bit about. Maybe we can treat this as an issue that does not quite need such a special process but one where I think that all-party support probably is sufficient, combined, of course, with public engagement and consultation in order to change an electoral system.

Chair: Thank you, Dr. Howe. Lots of excellent things to think about.

I am going to head over to Committee members to ask questions.

Hon. Mr. Streicker: Thanks, Madam Chair and Dr. Howe.

I find all of these presentations very informative, and I just want to begin by saying that.

You talked about ways in which to mitigate the self-selection bias if we were to go to a citizens' assembly. You talked about how to try to find ways to deal with that. I also would like to lead that across to your notion of civic literacy.

What would you think should come out — if there were a citizens' assembly — of a citizens' assembly that could then help to create more civic literacy? I don't expect, like you also note, that there would be a lot of — that the public is watching every move of the citizens' assembly. In what ways could we help to inform the public if a citizens' assembly were to recommend, for example, a referendum?

Mr. Howe: The first question was the one about how to mitigate those concerns about who ends up in the self-selection component of the citizens' assembly. First of all, I would mention that the citizens' assemblies, when they were selected, did engage in a little bit of what we might call "setting some quotas" in terms of who would end up in the citizens' assembly. So, they did try to ensure equality between men and women. Then also in BC, I do know that they — because their random process did not produce any individuals of indigenous background — did choose two individuals who were of indigenous background. That is the basic idea, then: establishing certain quotas in order to have a body that is reflective of the population.

There are potentially a couple of others. These were not used as quotas in BC, for example, and therefore the assembly ended up not being that representative. One of them was education level. So, the assembly had more people with a university education than there were in the population by quite a significant degree. You could potentially say that we would like to have people with different levels of education in this assembly that reflects a population. Another one was age. Younger people were less represented, and people over the age of 50 were overrepresented. Again, as I said, we can think of this as due to self-selection where a younger person was less likely to say that they wanted to participate. So, you would say to yourself that if 20 percent of the population is under age 30, then we are going to make sure that we have 20 percent of our citizens' assembly be under age 30.

The final one is quite tricky. This is just an idea of mine. There is a final piece here, that you can have this kind of demographic representativeness, but you still have this fundamental question of: Do these people who are participating in this assembly have a certain leaning with respect to electoral

systems already? Perhaps they are almost, in a sense, committed to a certain system or committed to the idea of change. So, the more complicated idea would be that somehow, at your selection stage, rather than just approaching people and asking if they would like to participate, you may just try to organize a survey of the population, and the people who are selected for that survey would actually be your pool of people — they wouldn't necessarily know this at the outset — who could potentially be part of your citizens' assembly. You would then administer this survey and you may ask a few basic questions about electoral systems. Do you feel that you know a lot, a little, or nothing about them? Do you have a view about changing the system? You would then attempt, through your selection process, to actually have your assembly reflect the responses that you saw on your survey. So, let's say, for example, that 30 percent of your population already felt like PR would be a good idea for the territory; you would actually try to select your individuals in order to achieve a 30-percent quota in your assembly.

This is probably a bit of an academic idea, I admit. Maybe it is enough just to try to have a bit of a greater emphasis on demographic representation — demographic quotas to make sure that everybody is there in the proper numbers. But, as I said, for me, in an ideal world, I do have this notion that you may actually like to get the opinion within the territory proportionally represented in an assembly and then have a big deliberation process to see: What do we think would be a possible change of system? That is the first piece.

The second one that you asked: How could a citizens' assembly engage and perhaps help to generate greater civic literacy? If you look at the BC experience — and perhaps Ontario, but I'm not quite as familiar with the Ontario experience — I do believe that the assembly members, at a certain point in their process, actually went back to where they were from — because they had chosen them from different ridings across the province; they had actually chosen two people from each riding. They held public meetings to talk about what their work was, what they were doing. I think that is probably an important stage. It is a good idea to have that kind of public outreach for the citizens' assembly members. It is a slightly tricky area, because you ask yourself: What is that citizens' assembly member meant to do? Are they actually consulting with the public, and are they then supposed to go back and represent the views of the public? Or are they actually meant to be sort of an individual person who is part of an assembly who's allowed to kind of deliberate and think about electoral systems themselves?

The citizens' assembly model is primarily one, I think, that presumes that the assembly members are going to think for themselves, basically. They are going to learn about systems, they are going to deliberate, and they are going to come up with a recommendation. They are not meant to be representatives. It's not like they are MLAs; that is not their role. That is the only tricky piece with them going back to their ridings and talking to people; it is just maintaining the idea that they are not supposed to therefore go back and just represent those views.

In terms of civic literacy, I think that public outreach is important by actual citizens' assembly members. But, yes, you just have to think about what that looks like exactly to keep it clear as to who is doing what and who is representing whom.

I do wonder too — you probably have some questions around smaller jurisdictions and what the differences might be. I do think that perhaps it would be the case that a citizens' assembly might be a bigger deal in a smaller jurisdiction. You know, I think that in BC, when it first happened, there was a certain amount of publicity around it and people did pay some attention. I think in Ontario there wasn't as much public attention to it, and it's a very big province with so many people, and it just fell a little bit by the wayside, I think. I think there's potential that, in the Yukon, a citizens' assembly could be seen as a bit of a bigger deal, and therefore the public might become a little bit more engaged with things. But I guess, in terms of any public education campaign, I would say also that you don't want to leave it just until there's going to be a potential referendum; I think you probably want to get that public education happening in conjunction with the citizens' assembly itself as best as you can.

Chair: Thank you, Dr. Howe. You answered two questions and left us with dozens more.

Mr. Cathers, do you have a question?

Mr. Cathers: Thank you, Madam Chair, and thank you, Dr. Howe, for your presentation. I would just note that, if there's an issue — if reform is — so, the system is being talked about, and in any jurisdiction that's considering it, that there's a problem with the — the broader problem, like the general public not being well-informed on it, that I would contend that is the biggest problem, not the approval process.

I do appreciate your perspective on the problem, but I think that one thing that we're dealing with in the Yukon is that it's not clear to me, at this point, that there's even a broad consensus that people want change. That's part of what, I think, we would determine with this process here. I would actually just ask you to provide your thoughts on the question of — if we're dealing with a situation of, across Canada, the general electorate not being, in some cases, well-informed on the current system, let alone on existing models, is this something that, either through the education system or somewhere else, that there needs to be a better job done of informing people? Because regardless of whether the system changes or not, it seems to me that having the general public understand how their democracy functions is quite important.

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

Mr. Howe: I would definitely agree that, yes, it would be good to address this broader problem and that, through the school system and through explicit education programs but also more broadly through what young people learn in school, it would be good that they become better engaged and informed about their democratic system. That would then be sort of a long-term approach to addressing the concerns about civic literacy.

It also, these days, is a bit of a challenge in terms of the modern media environment, where, you know, traditionally more people were informed about what was happening by

reading the newspaper or watching the news on television on a fairly regular basis, whereas now, with people get much more of their information through online sources and there being — yes, there's a lot of news information, but there's so much else out there — so many other distractions, in a sense — that also makes it difficult to get people informed as to what's happening politically.

So, yeah, I think those things should definitely happen and need to happen. For my part, I guess, I wouldn't want to say or think that we couldn't entertain changes to our democratic system until that time. It may be, in a sense — to be honest with you, I feel like making possibly a change to the electoral system would itself become a very big civic education process. If that change were made with democratic legitimacy, in terms of elected representatives having looked at the issue and felt a change was warranted, then I think the population, by virtue of then participating in a different system, would certainly become much more understanding and informed about how different electoral systems worked.

Yes, I think that is a possible way to think about it, that working on the democratic system itself may be a way of actually helping to better inform the public about these things.

Chair: Thank you, Dr. Howe.

There was one thing that you said in your presentation, when you were talking about quotas, which I have to say, it seemed to me that it was one of the most basic questions that I never got to ask, which was asking the population if they know a lot, a little, or nothing about electoral systems and how that would give you a baseline. So, that's something, I think, for the three of us to think about as we work on our survey, to be honest.

But one of the things that we have learned in this last number of presentations was the thresholds for referendums. So, for example, you talked about British Columbia, but it was set quite high; it was 60 percent of the population with 60 percent of the ridings. We saw an example, the first one in PEI, I think, where they did hit over 52 percent and then the Premier of the day said that it wasn't enough.

Do you have any thoughts about thresholds if we were to go the way of referendums? For example, we have 19 ridings in the territory, a population of kind of around 45,000 people — do you have any thoughts you can share with us about thresholds for referendum numbers?

Mr. Howe: Well, in terms of the threshold for success in a referendum — in terms of the yes, yes, no vote, let's say — I personally feel it should simply be 50 percent. If 50 percent supported a change, then that should be adequate. I don't accept the argument that because it's such a major change, you have to aim for a higher threshold, like 60 percent.

That's partly because I think that, although it's an important change, I don't actually see it as a really, really major change that requires a higher than 50-percent threshold.

Now, in terms of the turnout question, though, that one's a tricky one. I mean, I think that 50-percent turnout would certainly be desirable — at least 50-percent turnout — though I'm quite hesitant to say that you have to have at least a 50-percent turnout in order to consider it a legitimate outcome. The

reason I'm hesitant is simply — I mean, I know from experience that if you do hold a referendum and it takes place on its own — a stand-alone referendum — you're likely not going to hit 50 percent. And it does feel to me — again, coming back to this question of: What should we do if the population is not engaged, or do we just stay with the status quo? — I sort of feel like, if say only 40 percent of the population cared enough to come out and give their view on electoral systems and participate, then I do feel that should carry the day, but I recognize realistically, from a political standpoint, that it would probably be tricky to say, "Well, let's move ahead", even though we only have, say, 40-percent turnout.

Basically, in terms of threshold, I favour relatively low ones or not setting or saying that you have to hit a certain figure, in terms of the turnout itself. That would be my view on that. Obviously, it has been a hindrance in Canada, where you mentioned PEI — BC, of course, the first referendum held in BC, they got almost 60-percent support in favour of changing the system, but it was below the 60-percent threshold.

Chair: Thank you, Dr. Howe.

Mr. Streicker?

Hon. Mr. Streicker: Thank you, Madam Chair. So, Dr. Howe, when Madam Chair was talking about the Yukon context, I want to try to bring your thoughts toward this now. She mentioned that we are a population of 40,000 to 45,000 people; we have 19 MLAs; we also have an interesting demographic, where roughly three-quarters of the population is in and around one city — our capital, Whitehorse — and then the other quarter is in our more rural areas; we would always say "the communities".

I'm wondering just your thoughts on — and it could be any or all of this, you know, like an electoral system, other elements beyond just the voting system itself, or a citizens' assembly, or a referendum — just if you've given any thought as to how that might work in a place where we have 45,000 people and 19 MLAs.

Mr. Howe: No, I guess I honestly have to say that I haven't given a lot of thought to those kinds of specifics myself. I mean, I guess I would maybe state the obvious point that a good example for you to kind of look at would be Prince Edward Island, where they have looked a lot at the different electoral systems and had these discussions and debates and referendums, and they also have, of course, a relatively small population and one larger city, although, of course, they're not as far flung, in terms of their communities, because it is geographically a smaller place. I think that PEI would be a good model for you to be looking at.

In the final analysis, I do feel that a PR system, which I do favour — that probably was clear — I think it can work in any place. There definitely have been some interesting variants that have been proposed around — for example, sometimes sticking with just an individual elected member for a rural area, if it's a large geography, and just continuing with that type of representation for those areas and then potentially have your list-type MLAs in certain other regions where the population is more concentrated and densely represented.

So, these kinds of variations are worth considering. The question of individual representation by a single member is important to a lot of Canadians, and I would definitely favour the sort of mixed model that allows that to continue, whatever you do, and then just thinking creatively about how, if you're going to have a more proportional outcome, do you achieve that, what is the best way to do that, given your geography and your electoral geography.

Mr. Cathers: One question that we had on our list that I don't think has been asked yet is: Could you elaborate on what your perspective would be on how a potential electoral system change would apply in a jurisdiction with a small population, like the Yukon, and a small legislative assembly?

I guess again I would say that I don't know if things are that fundamentally different, but again, I'm not obviously very familiar with a lot of your particular situation and circumstances in terms of your politics. I mean, I do think a lot of the basic arguments that are made around the potential benefits of proportional representation would certainly apply to a small jurisdiction, that you would obviously have what would be seen as a fairer outcome between votes and seats. You definitely obviously are going to be less likely to have majority governments, and as you move forward, you might more commonly end up with either minority governments or working on a coalition basis.

Maybe one small point on the idea, if you do end up having coalition governments in the future, is that there is a certain literature that suggests that this kind of government will work better in small places, because the individuals who are coming together from different political parties may actually have personal background and connections with one another, when you're talking about a relatively small place. The political class will commonly have some shared personal background, and that makes it easier, then, to work together in that kind of a situation.

I think those points would all apply. I'm just trying to think if there might be anything else I could add that would help you. Are there any perhaps more specific considerations or concerns that I could try to address for you?

Chair: Dr. Howe, if I may, you actually just made a point just now, when you talked about how maybe in a jurisdiction such as ours, where we have that urban and rural difference, that we could look at having — like, sticking with the individual rural MLAs and looking more at, in the urban situation, MLAs plus list MLAs. I think that is actually the very first time in all this time that someone has suggested that the system — a mixed system could be even more mixed by acknowledging that, and so I appreciate that very much.

You referenced that the New Brunswick commission, in 2004, suggested that there be 36 MLAs and 20 list MLAs, and yesterday, from Dr. Arseneau, when she was talking about it, she talked about how you wanted to make sure — she thought that the furthest could be 25 and 75 percent, as far as making that work, but with the suggestion you just made about how you could look at the territory — you know, have specific rural MLAs and then look at doing that urban and switch — currently, with 19 seats, the one thing we've been told pretty

universally by everyone is that it's challenging because there are so few numbers, so if we were to look at moving to a system, with a population such as ours, do you have any suggestions of where we should look as to what those numbers maybe should be?

Mr. Howe: Would you be able to mention how many of your MLAs represent Whitehorse?

Chair: Sure, sorry; I should have said that. Of the 19, there are 11 urban MLAs and eight rural MLAs.

Mr. Howe: Well, thinking on my feet, I suppose I might suggest something to the effect, if one did decide to simply retain all of the rural MLAs as is, that one might perhaps split the urban MLAs in half, so your ridings therefore would become twice as big for the individual representatives, and then there would be scope to have an additional five or six who would be considered list MLAs and who would then come off lists provided by the parties in that way. So, overall, then I guess you would end up with something like a 25 percent/75 percent mix that Therese Arseneau had suggested.

I suppose, also it's possible — I don't know if your rural districts tend to have fewer constituents than your urban districts?

Chair: They do, indeed, yes.

Mr. Howe: Right. So, I suppose, as part of a redistricting sort of approach, one could ask whether there might be slightly fewer rural districts in order to bring that more into — greater closer to equality, so therefore, if you have eight currently, perhaps you would move to six or seven in the rural area and again do a 50-50 split within the urban area between individual and list MLAs.

Chair: Thank you, Dr. Howe, and that is the challenging question that we're faced with.

Both Mr. Streicker and Mr. Cathers have final questions. So, Mr. Cathers, I'll start with you.

Mr. Cathers: Thank you. I would just ask — when it comes down to a potential system, one of the things that we have heard mentioned by a number of presenters is the fact that every system carries problems; it may solve certain problems, or perceived problems, with the status quo, but it also carries some issues of its own. One of those that we've heard from some is the assertion that, under a proportional system or mixed system, such as MMP, that it may increase the power of the party at the expense of the power of the voter. I would just ask what your thoughts are on that, and just also, if you could maybe briefly again touch on how you balance the issue of population variance, of the importance of representing rural areas versus representing the majority opinion.

Chair: Thank you, Mr. Cathers. Dr. Howe, just for perspective on that last one with the variance, we have one riding in the territory that we all recognize is very important, but it has less than 250 eligible voters. So, Dr. Howe, I'll leave it to you.

Mr. Howe: On that second point, then, I do agree that certainly having those variances can be important in order to represent certain traditional historic communities, so perhaps what I was saying earlier about the idea that one might actually

reduce the number of rural MLAs — not being familiar with your circumstances, perhaps that's not a good suggestion.

Now, your first question — sorry, could you just remind me of the first question?

Mr. Cathers: I'm trying to remember exactly how I phrased that first question. Basically, the issue that — I'll be a little shorter this time. We have heard from some of the presenters that there are problems with any system and that changing to a different model may fix some problems but create others. One of those that we have heard from some presenters is the view that, either under a proportional model or a mixed member proportional model, that it may increase the power of the party at the expense of the power of the voter.

Mr. Howe: Yes, that can certainly be a concern. I know that, in the BC citizens' assembly, for example, they grappled with that quite a bit. They didn't want to create a system that gave the parties a lot more power. That's part of what guided them toward a certain system that gave voters a lot of influence and say over which particular candidates would be elected for the different parties. It gets into some of the technicalities particularly around the question of how candidates will be selected by the parties in order to appear on the lists of people who would potentially be elected. So, there's a question of nomination processes, and certainly it's important, in general, that parties have pretty open nomination processes that allow for significant engagement by party members in order to be part of those decisions.

Then there is an additional technical question of, when voters do come to vote and there's potentially — when they're making a vote, with respect to the list MLAs, do they simply choose a party, or are they actually given the ability to select individual candidates from within that party — it's the list of people who are put forward? The first is called a "closed list" — you don't have any choice; you just choose the party — and the second is called an "open-list" model, where a voter can indicate a preference for a particular candidate from among those individuals.

So, if concerns about parties having too great an influence is significant, then you would start to look toward the possibility of more of an open-list approach to your elections. In New Brunswick, with the recommendations put toward in 2004, they recommended a closed-list model, and I do think again, if you choose a closed-list model, then it's very important that the nomination process by the party, as I say, is seen to be a very democratic and open one, where party members are fully involved in choosing who those candidates will be. So, there are some potential tensions there and some details that are very important, in terms of working through those issues.

Chair: Thank you, Dr. Howe, and just being aware of our time, Mr. Streicker, your final question.

Hon. Mr. Streicker: Dr. Howe, the electoral system, of course, is one aspect of electoral reform, but there are other aspects as well. I'm just wondering if you have any thoughts, or your recommendations, around other aspects — for example, voting age or election financing — just if there are other things that you think would enhance the overall electoral system.

Mr. Howe: One I'm certainly in favour of is the idea of lowering the voting age to 16, which has been debated quite a bit. It was actually proposed by our second New Brunswick electoral commission. One of their recommendations was to lower the voting age to 16, in addition to the preferential balloting recommendation.

There is a lot of interesting research on that. It has been done in a few places. A lot of people react to that and think: Why would you want to lower the voting age? If we're having trouble getting 18-, 19-, and 20-year-olds to vote, why would you want to lower it even further? Interesting research: What it tends to show is that a 16- or 17-year-old is actually potentially in a better position to be a first-time voter, because most people of that age are often living at home with their parents still. They're also often in the high school system, and both of those things create opportunity for kind of personal influence, in terms of encouraging people to vote, and also in terms of civic education opportunities through the schools. Those things could be done on an ongoing basis, but at the time of an election, in particular, you could bring those things in, and those can benefit the very youngest voters when they're having their first opportunity to vote.

When the voting age is 18 — and someone's first chance to vote may not come until they're maybe 20 years old — more commonly, at that stage, a young person can be in a more sort of unsettled stage. They're no longer living with their parents; they're not necessarily in the schooling system; you don't have those same possibilities of support. So, therefore, what the literature will show, actually, is that a young person of 16 or 17 is more likely to vote than a young person of 20 for these kinds of reasons. So, I do think it would be a good idea for all jurisdictions in Canada to adopt a voting age of 16.

Chair: Thank you, Dr. Howe. Just before we wrap up, are there any closing thoughts or ideas you would like to share with us?

Mr. Howe: I just wish you good luck in your deliberations, and as someone who has watched this process for the last almost 20 years and been a bit frustrated at times, I hope it's a fruitful one.

Chair: Thank you, Dr. Howe. So, 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. Howe, for his presentation. I would also like to thank the Yukoners who are listening and watching this hearing now, either live or in the future. We have one more hearing scheduled for Monday, and 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. The Committee also intends to hear from Yukoners at public hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 12:05 p.m.