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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:

Dennis Pilon, Associate Professor, Department of Politics, York University

EVIDENCE**Whitehorse, Yukon****Friday, March 25, 2022 — 9:00 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. I am Kate White, Chair of the Committee and Member of the Legislative Assembly for Takhini-Kopper King.

Brad Cathers is Vice-Chair of the Committee and 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. This morning we have with us Dennis Pilon.

Dr. Pilon is an associate professor in the Department of Politics at York University in Toronto. He has been researching and writing about the practical workings of voting systems and historical and contemporary processes of voting system reform for over three decades. His work focuses on gauging how different voting systems have worked in practice and assessing the political reasons that systems were introduced and have been maintained over time.

In addition to his academic work, he has extensive experience supporting the more concrete practice of elections, acting as a deputy district election officer in the Vancouver Burrard constituency, providing research and supporting briefs for various court cases related to election rules, and acting as an expert advisor on election issues to government, political parties, and organizations like Fair Vote Canada.

We will start with a short presentation by Dr. Pilon, and then Committee members will have the opportunity to ask questions. We will now proceed with Dr. Pilon's presentation.

Mr. Pilon: Great. Well, thank you for having me today. I would like to thank Allison Lloyd for all her help facilitating the transfer of documents, PowerPoint, and all of that sort of stuff. Let me begin now by sharing my screen. I will put up my PowerPoint. I apologize to those of you who don't see us visually; you will just have to follow along with what I'm talking about. I will hit my timer here so I stick to my allotted time for my presentation.

Now I will start the show. The title of my submission to the Legislative Assembly is "How to Understand Voting System Reform and Act on It". My presentation theme in the submission to the Legislative Assembly has basically four areas. I want to talk about the framing of the debate around voting system reform as we have heard from academics and popular commentators. I want to look at the limits of the preference approach, which is the dominant approach. I want to draw some attention to what I think voters are trying to do, and then I want to address the referenda and critically assess the degree to which referenda are the right way to go in terms of choosing a voting system.

What we have seen so far over the past almost 20 years of voting system reform in Canada is a framing of the debate built around what I call the "preference approach". The preference approach basically says that we should look at voting system reform by assessing the competing values that the different voting systems allegedly represent, drawn from the results that they typically produce, and then we should decide on one, based on the preferred values that different voters may subscribe to.

I contrast this with what I call the "democratization approach". The democratization approach says that we need to determine what voters are trying to do when they vote and then assess what institutional choices will help them do what they want to do. It is a very different approach than the preference approach.

How do we decide between these two approaches? I argue that the way we decide is by recourse to evidence. Here, I spend the next section of the submission going into some details about: What kind of evidence does the preference approach really supply in terms of justifying their claims that these other values — these other results that are produced — should be considered when we look at a voting system and decide which one we want to use? I'm not going to go into a great deal of detail about each one. That is all in the submission, of course, but I'm happy to take questions when we get into the Q&A. I will just run over what I like to think of as the "greatest hits" of these different issue areas that I have identified.

One of the areas that we hear about that defines the conventional voting systems used in Canada — the single member plurality system, SMP, or first-past-the-post system also used in Yukon. One of the things it has claimed in its favour is simplicity. It is simple, while PR systems are allegedly complex. What is the evidence for these claims? Well, in actual fact, PR systems are not very complicated to use. The ballot spoilage rates are comparable. In other words, the evidence that we can see of difficulties that voters might have in using different systems doesn't add up. It doesn't appear that voters have any more difficulty using proportional systems than they do with first-past-the-post systems. The number of mistakes that voters make on ballots give us some indication of how hard they are to use.

The claim that single member plurality voting is simple is based on the idea that it is simple to make an X and it's simple to count them up at the end of the voting day, but that doesn't mean that SMP is simple in terms of understanding its results, and here we have lots of evidence to suggest that voters struggle to make sense of single member plurality results. One of the clearest examples is their misunderstanding of the idea of majority government.

We hear that first-past-the-post is stable while PR systems are not. Again, I think that when we look at the evidence of what occurs in countries using PR, they don't look any less stable. When we try to find a way to operationalize this idea of stability in terms of the number of elections that are held in the different jurisdictions, again we find out that they are roughly similar. It doesn't appear that PR systems have been so unstable that they have had to go back to the electorate early. They have

gone back at pretty much the same rate as we've seen in SMP systems.

In terms of representation, we hear concerns that first-past-the-post privileges local representation, and that is important. We also hear concerns that small parties may have too much influence in PR voting systems. Again, I think that when we look at what happens in these different systems, we discover that the idea of local representation, while talked up quite a bit with first-past-the-post, doesn't appear to be what locally elected members are doing primarily. For instance, when we look at their voting patterns in legislatures, we find that party identification is much more important to elected members in first-past-the-post systems than their local sense of identity.

The arguments about small party influence are also poorly supported in terms of trying to understand how parties have influence in the different voting systems. We have a lot of research in what happens in countries using PR. It appears that they have developed many different customs in terms of deciding how to share influence in terms of major and minor parties, so, when we look at what actually happens, we get a very different sense of how the systems work.

Accountability is another claim that is made for the single member plurality system — that it is more accountable and that it creates clear lines of accountability between what voters vote for and what the results are. I go into quite a bit of detail about why this is not as compelling as we hear. Most of it has to do with the restrictions. The first-past-the-post offers voters a chance to influence what happens in their local riding. It's hard to connect what people do in their local riding to the government formation. Government formation is a function of the system, not of voters' direct votes. It's also unclear that voters are getting accountability in the way that the scholars suggest that they are. We live in a system where parties represent different views, and it is hard to argue, for instance, that a conservative voter is getting accountability by electing a left-wing government to replace a right-wing government. The system just doesn't allow for the kind of accountability that makes sense in terms of what we know voters are making their decisions based on, so I don't find the accountability arguments very compelling either.

For these reasons, I think that the preference approach puts forward a host of ideas that they claim are important and should be considered in the choice of a voting system, but they fail to provide evidence that these things really are that important and that they really do influence the outcomes. With that, I suggest that the way to approach voting system reform is to try to discover what voters are doing and figure out how we can come up with an institutional approach that will best let them do that. The way to do that is to try to identify what voters are doing by voting.

If you just go up and ask them, you are going to get lots of answers. They are going to be all over the map. People are going to tell you all sorts of things. It's difficult to use what voters say to you directly as the basis for figuring out what they are doing when they are voting. That is why I argue that looking at what voters do is more helpful in figuring out what they are trying to accomplish. When we look at what they do, it's fairly

clear that they vote on the basis of party rather than any other criteria. We know that by a number of different measures. We know that because people who run for office and who don't run for parties don't get elected. We know that on the basis of the pattern of behaviour of legislators within legislatures. They vote with their party rather than voting on the basis of some other form of identification.

I am not arguing that other identities or loyalties aren't important in politics — of course they are — but it is how parties take it up that has the biggest impact on our system rather than these claimed other attributes. Given that we know that voters are voting party, it seems to me that the best thing we can do is examine the voting systems from the point of view of how well they help voters do what they clearly are demonstrating that they are trying to do.

Despite the fact that we have a lot of rhetorical focus on local representation in our system, the evidence from both the long-term pattern of voting in elections, both across time and across space, and from our common-sense reading of the results is that voters vote party. They vote party as a form of collective action, right? They do it because they identify with a party on the basis of their values and the kind of broad things that they would like to see government do, and then, of course, they also use their party as a proxy for policy information. Voters aren't policy experts, and so often, they will use their party as what we call an "information shortcut" to try to navigate the complexity of issues that are involved in politics.

Now, all of this then leads to this discussion of referenda. We have seen over the past 10 years a fairly strong declaration that referenda are the only way to make this decision. I find this surprising for a number of reasons. The intonation is that if you don't use a referendum, there is something undemocratic going on — some funny business is happening. This is surprising for a number of reasons.

The most surprising reason is that there is nothing obvious about the use of any instrument to make a decision. One must always make the case for the fit between the instrument that we hope to use and its applicability and appropriateness in terms of the decision that needs to be made. Here, there is a lot of bad historical practice in terms of using referenda for undemocratic ends, so I am surprised at the virility of the claims that we hear from its proponents. They don't seem to recognize that there is a fundamental contradiction between claims for representation and claims that would be based around a decision rule, like majority rule. Historically, we have seen many conflicts emerge between voting majorities and the claims of voting minorities to their representation. The American experience, of course, is the most dramatic, but the use of referenda specifically in places like Switzerland to deny women the vote for most of the 20th century — these are just a few of the more egregious examples of the abuse of this instrument in undemocratic ways, so I think we need to be very careful about how we proceed.

It's also surprising to me because there is a kind of confidence in this claim about the relationship of voting system reform and referenda that just isn't matched by the historical record. Very few voting systems have ever been introduced by a referendum. None have been introduced by a referendum in

Canada. Only one national referendum was introduced historically, which was in Switzerland or, more recently, in New Zealand. Those are the only breaks in the pattern that we can find.

We see that referenda are discussed in a highly normative framework. People put forward the view that referenda are a more appropriate democratic instrument for making all sorts of choices, but that ignores that the process of making decisions by a referendum, at least in our history, has been coded with partisan interest. So, if we explore the history going back to New Zealand but coming forward to the BC examples, we find that partisan interests have interfered with the fair workings of these sorts of decisions, and we can find plenty of examples as we look through the different cases.

We have heard from various experts that referenda are fine and they don't represent any serious difficulty for voters in being able to participate. I find this surprising, given the weight of evidence to the contrary. Much evidence shows that voters struggle to participate in referenda because of the issue complexity. We have heard that there is really no difference between voters choosing a party and choosing a position in a referendum. Again, I don't think that the evidence supports that view. There is a very serious difference between voters being able to attach their general values and political objectives to a particular party and weighing in on the often academic minutia of policy.

Instead, what we see is that voters tend to use information shortcuts and proxies as a replacement for their own intimate and detailed knowledge on these issues, which is kind of ironic because we are told that the referendum is a way of circumventing the role of parties to get to something else. In practice, what we discover is that referenda are often just reflected party positions and that voters are turning to their party to say, "What do we do? How should we respond to this?" We have seen that concretely in the various referendum results in the Canadian context. In 2005, voters in British Columbia were left without partisan cues; instead, they used the results of the citizens' assembly as a way of figuring out what to do. The results of surveys showed that they really didn't understand what the STV voting system was, but they like the citizens' assembly, so they chose to trust them. By 2018, partisan cues had become the key way in which voters were making that decision.

On values, one of the ways in which people have talked about the different voting systems is to say that voting systems themselves are an expression of past values, and that is why we need to use this value approach in the present. But again, I don't think the historical record supports that view, unless, of course, a party's self-interest is a value, in which case that's pretty much how the decisions have been made.

That brings me to my final point — and I realize that I had another slide here where I put forward these various ideas, but it was just sort of one line on each — which is the problem of choosing unfairness. If you follow along with what I'm saying — which is that the preference approach does not support its claims — we are left basically with representation and whether or not we should have a more fair and accurate representation

of what voters say or not. To put that to a referendum is basically to say to people: "Do you want more or less fairness? Do you want more or less equality?" That doesn't seem like a very democratic decision.

I am coming to the end of my presentation here. Here is a quote that was in the submission. This was from an op-ed that I wrote for the *Vancouver Sun* before the BC government made any decisions. I was trying to get people to understand this: What are you asking when you say that we have to have a referendum? I suggest — and I'm just going to give you this quote: "You arrive at your neighbour's house for a friendly game of cards, but at the door, he tells you the other players have decided that you will have to score twice as many points as anyone else to win the game. It's all above-board, he tells you, because most of the players voted in favour of the rule." But does that make the rules fair? Of course not. No one would agree to play a game on such terms, and yet I would suggest that this is basically the argument from referendum proponents when they say that we cannot have a more democratic voting system without putting it to the vote.

In conclusion, I have argued that the preference approach is largely discredited in terms of its recourse to evidence. I have suggested that evidence from strong patterns of voting over time and across place shows that we have a pretty good idea of what voters are trying to do. They are voting for their party choices.

Voting system reform is about matching institutions to needs, not subjecting needs to partisan-motivated, majority-decision rule. That's why I argue that the Committee should establish what Yukon voters need and recommend change to address it.

Thank you.

Chair: Thank you very much, Dr. Pilon. That is so compelling for so many different reasons. I am excited that you reached out to offer your expertise. I will give the Committee members a chance and we will just start in a cycle.

Mr. Streicker, do you have a question?

Mr. Streicker: Sure. Thank you, Dr. Pilon.

You talked about preference being the wrong way to approach this question and you talked about more democratization and then you said, "Let's look at what people are doing" and you described it as being very party-driven — or that is where they are going. I ask you — if you were to say, "Is there is a system out there that you think fits those values, whether or not it is party-driven or not?" — do you have a suggestion? Out of the plethora of systems out there, one of the challenges I find is that there are just so many that it is hard for people to land. Do you have a suggestion?

Chair: I forgot to say at the beginning that I need to identify each of the speakers for Hansard. I am a little bit rusty; we have had a couple of weeks since our last hearing. I will identify you each by name ahead of time for Hansard.

Mr. Pilon: Great, yes. We often hear that there are so many different kinds of voting systems, but really, there are four families of voting systems to choose from. You have plurality systems, you have majority systems, you have various

kinds of what we call “semi-proportional systems”, and then you have proportional systems.

In the democratization approach — which is a much more historically informed approach — we look at what happened and why people made the decisions — it is really clear that the move toward proportional approaches was much more in the democratization camp. Ironically, historically it was introduced in many places by groups that were not democratic. They were, in fact, trying to resist democracy, but it’s one of those ironies of history that it ended up turning out to be much more democratic, so their efforts didn’t actually work.

I would say that any proportional system, given what we know about what voters are trying to do — they are voting for party — any proportional system will do the job. Any proportional system will more accurately reflect what voters are saying. It will remove some of the inequities and inequalities that the present system works — and also many of the other options that also reproduce, like the majority systems or the semi-proportional system.

Which particular PR — proportional representation — voting system should you choose? I tend to be fairly open on that. People make a lot of fuss about the different models as if they are really, really important. I don’t see them as being quite as important. That is where I think a consultation method would be appropriate. Getting input from different stakeholders and from the public on the kind of approach to proportional representation that they think would be appropriate for the Yukon — that would be great. But I think that the basic decision is between the current system, which is a “winner take all” system, and a more proportional option.

Chair: Mr. Streicker, do you have a follow-up?

Mr. Streicker: Yes, I do, if that is all right, Madam Chair.

Chair: Sure, to that point — to what was just said?

Mr. Streicker: Sure.

You have said more proportional but not necessarily a specific one — that in general they would be there. You also said that the way in which, historically, some of those proportional systems came in wasn’t really about democratization, but this would be. I am wondering if you could just expand a little bit on this notion of how people are voting. I know that you have said “parties”, but what is it that you believe people are doing as they go in? Is it just party, or how does that all work? Then maybe just explain a little bit more about how a proportional system would reinforce or support that way of voting.

Mr. Pilon: Of course, it is not for me to tell voters how to vote or what should influence their vote. It’s up to them. They should decide.

What I am saying is that when we examine the pattern of election results, which is the most reliable information that we have, right? — one way that political scientists try to figure out what voters think is to go and ask them questions. The difficulty with that is that it is hard to know how to make sense of all the different things that voters tell us. I cite in the submission various reports that asked voters: “What is important to you in terms of voting?” Particularly, they ask them: “To what extent

is voting for the local member important?” One study found 40 percent — yes, voting for the local member is important. However, then they asked a follow-up question. They said to them, “Well, yes, but what if the local member is not also with the party you support?” Well, now only five percent of voters were prepared to say that voting for the local person was the most important thing.

We have some interesting evidence from surveys that reinforce the idea that party distinctions are the key things that help voters navigate the political system. Remember that the average voter has a lot of stuff going on. They have busy lives. They are not political wogs. They are not geeks like me who love all this stuff and can just read it forever. So, they need help. They use parties as a way of navigating that complexity. That is the reality — the concrete reality — of how people cope with the complexity of politics. We know that from looking at the pattern of the results across elections. Members who do not run with parties don’t get elected. People who leave their parties typically don’t get elected. People who claim that they are going to run as an independent don’t get elected, so it’s these fact-based approaches that help us to understand that it looks like people are voting for parties and that this seems to be the kind of results we need to get. Given that we know that, how well does the system help them to do that? Does it give them a straightforward set of options?

Of course, as I recount very briefly in some of the appendices that I’ve included on the submission, I go into much more detail about the difficulties of the current voting system and the kinds of problems that it creates for voters and how any proportional system would make it much easier for voters to make those decisions without feeling constrained and without feeling like they are facing difficulties or without the kinds of patterns of inequality that we see — that the current system tends to privilege proximate voters and punish voters whose support is more disparate — you know, those kinds of things.

Mr. Cathers: Thank you for the presentation. The question that I would start out by asking is about — in the research that you are talking about, is it fair to say that this would be mostly based on other jurisdictions rather than looking at the Yukon specifically? The reason that I’m asking this is not to suggest that politics in the Yukon is some unique situation and dramatically different from everywhere else. But, in terms of the question of the assumption that people are voting based on party, I would note that there are a few things that could call that into question from Yukon’s history — notably, at the federal level. We went from having Erik Nielsen as a Conservative elected for 30 years straight, followed by Audrey McLaughlin as the NDP member, and Leader of the NDP for part of her time elected for about a decade. Then there was one other member following her who didn’t get re-elected. Then Larry Bagnell, as the Liberal MP, was elected from 2000 until 2011, I think, with a one-term gap when he was re-elected in there. My point is that I think there is an argument at least that, when voters are voting at the federal level, there seems to be a significant element of voting for a person, not just a vote based on the party system.

We have had a number of notable exceptions here to the indication that people don't typically get re-elected if they switch parties or sit as an independent. My question again, just circling back, is: Was any of this research really looking specifically at the Yukon context when coming to the conclusions about voter preference, or was it more based on other jurisdictions?

Mr. Pilon: The research is based on comparative jurisdictions, so I'm looking, of course, across western industrialized countries, but I'm also looking at Canadian history and a great deal of provincial history. Now, I didn't include Yukon, but my understanding is that Yukon is interesting and unique compared to other territories. In other territories, we have seen really interesting examples of non-party political competition, but my understanding — and I have read the stats as much as anyone else — is that Yukon is a party-based system and that parties have comprised almost all of the members who have been elected. They have certainly comprised the governing bodies — the people who were elected to be the government.

In that sense, I am not sure how your examples really challenge my claim that ultimately Yukon voters are using parties to make their decisions. In the case of the federal examples, I don't imagine that any of the people you mentioned were elected with 100 percent of the vote, so we would need to look at the details to see to what extent shifts in voter interest allowed different parties to be elected.

No one is arguing that everyone in the Yukon has the same view, so one would expect that there could be changes based on people deciding to support a different party, that changes in the composition of the electorate over time could lead — with more Conservative voters or more New Democrat voters. Yes, of course there is going to be change, but that change is often predicated on the recognition of the party differences rather than the characteristics of the individual candidates.

In saying that, I am not denying that some individual characteristics of the MPs or MLAs would influence voter decisions, but it is a very small amount. It's a small amount because to gain that kind of information for voters is very difficult.

It is very difficult for voters to look at the individual voting records or get a sense of what individual candidates stand for. Maybe in a perfect world we would do that kind of thing, but in the real world — the world we exist in — people make the decisions based on these broad differences that exist within parties, and often they are looking at the leaders. They get the most attention in the media, so they look at what distinguishes one party from another and make their decisions based on that.

Mr. Cathers: Yes, I would just note that I did reflect on that, but I do have to question whether really any of us know exactly the reasons in the Yukon context why decisions are made. Going back to some of the recent history in the territory in a previous Assembly — I guess that would have been in roughly 2009. At that point, out of 19 members, I believe that four had recently been elected from another party and then had been re-elected. There seemed to be — I would think, in Yukon

history — a pattern — especially rural areas — that the weight of the person may be a larger factor.

I guess I would just ask this. I think that you said that it was pulled from other jurisdictions, but you haven't really looked in depth at the Yukon; is that fair to say?

Mr. Pilon: I will just clarify my comment. I wasn't suggesting that if people switched parties, they wouldn't get re-elected. In fact, we have examples of that occurring. The issue is whether or not people who decide to run as an independent get re-elected. The evidence there is quite stark. It is very rare. If you switch a party, well, you get the advantage of being connected with a party. Again, I don't want to push the issue too far. I admit that there are going to be unique circumstances, and, of course, Yukon itself is a unique jurisdiction in many ways.

But to answer your last question — is the analysis that I put forward to you supplied with a rigorous analysis of Yukon results? No, it is not.

Chair: Thank you, Dr. Pilon. I will just take my opportunity here. You submitted an extensive document entitled *How to Understand Voting System Reform and Act on It*, so I will urge anyone who is dipping their toe or is well-submerged in the topic of electoral reform to take a read. What you were doing today is that you were summarizing an extensive document in a fairly short amount of time. What I was struck by was the difference between the preference approach, of course, and the democratization approach, but one of the things that you highlighted was that you said that you have to figure out what voters' intentions are. So, you are talking to a group of three people who come from very different parties with different values, different representation, and different perspectives. What we are trying to do is suss out what that question is and what the answer is. I think that one of the challenges from our perspective is that this is not an easy task.

Do you have any suggestions? For example, we have a survey out right now. We have received feedback, both positive and less positive, about it. I think I speak for myself when I say that I am actually really looking forward to the public hearings where people can talk about what they are looking for, but do you have suggestions for us on how to identify what that desired outcome is? I think that this has been difficult.

Mr. Pilon: I have taken a historical view of the question, which is very different from the take of many political scientists. Political scientists are often very much what we might call "presentists". They operate in the present tense. They sort of say, "Hey, let's look at this thing. What do we think is the most fair thing? What is going on with it? How do we understand it?" That's how we have the preference vote.

The example that I use in the submission is: When a political scientist looks at single-member ridings, they say, "Gee, why does this jurisdiction use single-member ridings? What could be the reasons?" Then they speculate on what the reasons are and sometimes maybe they go out and test those reasons. They have a survey and ask people, "Do you like single-member ridings?" Of course, that's all most people have ever known, so they say yes, because they have no idea what anything else might look like. That doesn't mean that the

reasons they have come up with are in fact the reasons that this institutional structure was introduced. To know that, we actually have to go back and study it historically.

The actual historical story is much messier and is much less about values in the capital “V” sense of, you know, goodness and fairness, truth, beauty, and light and much more about struggle — dirty, nasty, political, partisan struggle — between those who want more democracy and want more openness and those who do not. Just about every institution that we can look at in Canadian history and across comparative western countries was established that way. We know that when we look at the question historically. When we look at the struggle for women’s voting rights and when we look at the struggle for the restoration of the voting rights of indigenous Canadians and people of colour, the story of this country has a lot of bumps on the democratic road, and we need to look at those struggles to understand where these things come from. Whenever we approach those questions from a point of view that says, “Well, let’s have a vote on it”, you are subjecting what are essentially the rights of those people to participation to the majority.

So, because I understand this issue based on what I see going on — you know, voters across western countries pragmatically look to parties as a way of trying to influence what is going on in the political system; that is a fact. Despite the comments that we have heard here today, there just isn’t really any strong evidence that other factors are determining what is going on. Now, if you can look at the Yukon and show me that it is not the case in terms of the pattern of results that you have had since you have had an independent Legislature going back, I think, to the 1970s — great. But I don’t think you can show me that. I think that what you are going to show me is that people got themselves organized politically in the Yukon on the basis of these party labels.

Now, some interesting innovations have come in. Obviously, the Yukon Party is a different party than maybe the Conservative Party which we might see in other jurisdictions. So, there is some nuance. There is some innovation, but still, it is about parties because that is what allows most people to get a grip on this complicated world that we call “politics”.

So, for me, given that we know that, we make decisions about institutions based on what will do the job and what will actually represent the differences. Is it fair that voters who live close to each other have more power than voters who do not? I don’t think so. I have not heard any compelling arguments that voters who are proximate should have more representation than voters who are not. Maybe once upon a time — back in the 18th century or 19th century when everything was much more locally organized — that would have been more important, but today, so many of the issues that governments are dealing with are cross-boundary and are much more global, much more about the whole province or the whole territory, rather than this or that constituency, and people are making their decisions based on those broad things that distinguish the different parties. It is the policy mix that the different voters are trying to accomplish, and so I think that a political system should do the best job of representing those diverse views.

So, I don’t know if this is helping you or not. Maybe it is just making it more complicated, but ultimately, to me, the evidence is fairly clear and you make the decision on a fact basis rather than putting it out to some referendum or poll.

Chair: As for making it more simple, I am not sure if you did, but this entire exercise has been really educational. I say that in terms of — we have had lots of people with an incredible amount of experience and knowledge who have shared with us a wide variety of ideas. I am going to forget her name right now, but we had a doctor from the east coast who said that referenda, they fail — you know, a cautionary tale on that. But something that she had suggested — she said that you don’t even have to change the system to get people to start thinking about different systems. And she suggested just, for example, having a ranked ballot — starting with a ranked ballot so that people could get the idea that it just wasn’t one. That actually struck a bit because she said that it is not changing first-past-the-post, but it is now expanding from what that is — how that would work.

Do you have any suggestions on — so, we’re in a spot. We’re doing this thing. Again, there are three drastically different views on this call with you, and, of course, we do represent not only our own constituents, but — you are right — the entire territory. Do you have any suggestions? Would you suggest that we give situation A a try or ask question B or any of those things?

Mr. Pilon: So, the idea that the ranked ballot, which is misnamed — it is called the “alternative vote”, which is a majority voting system. Many of the problems that we see with the single-member plurality system are reproduced with that system. It is not an improvement. It does alleviate some of the strategic dilemmas that voters may face, but it doesn’t lead to more equitable results in terms of making sure that each individual voter has an equal power to elect.

There is also no evidence that moving from one system to another is a stepping stone to somewhere else. That was a common claim as well. “We’ll just try this for now, and then eventually we will get to something else”, but you never get to something else. Whatever you choose is where you end, and so jurisdictions that chose that system either stuck with it or, in the case of the Canadian experience, reverted back to first-past-the-post, so I wouldn’t accept that as being a very good strategy.

I think that, again, you need to name what your problem is. We are led to believe, by the preference approach, that voters are teeming with opinions about voting systems and are just dying to jump into the fray. That is false. Voters do not have opinions about voting systems; they do not have opinions about any of the institutions that we use, for the most part. I mean, you can find some. There are a few out there who are particularly keen, but if we are talking about a representative sample or a representative amount of the whole population, most people have no opinions on any of this. So, what you are doing, basically, is that you are seeing which group can mobilize its partisans to reflect its position. That is what we end up with — a kind of mobilized partisanship that then reflects through the public the opinions that the parties have already come to.

Could there be a better way? I think that the citizens' assembly approaches are very good. I think that when you hear from Ken Carty, he will talk about how exciting and dynamic those processes are. They also demonstrate that, given the resources, the public really can do this work. The problem that the public faces is that they have jobs, they have lives, and they have kids. They can't just stop and jump into these topics with the care and attention that they need. They might want to, but that's just not fair to expect them to, given all the demands on their time.

The beauty of a citizens' assembly is that it actually provides people with the resources to be able to take up the topic in some depth. When we look at those citizens' assemblies, whether we look at BC or Ontario — or the Netherlands, which also had a citizens' assembly on its voting system and, interestingly, it was a citizens' assembly that decided to keep its voting system rather than recommend change, so these bodies don't always recommend change. What we found in all cases was that the people who got involved were able to participate at a very high level.

If you are hell-bent for leather on having some kind of involved process, that is by far the gold standard in terms of being able to allow people to get a grip on this topic.

Chair: Just for my own clarification, it was Dr. Joanna Everitt from the University of New Brunswick. I thank you for that. I warn you that we have a dedicated group of voters in the territory who are passionate about change. You may be hearing from them in the future.

Hon. Mr. Streicker: Dr. Pilon, when Mr. Cathers was asking you questions and he was talking about the Yukon context — and you talked about the differences across the three territories and how the other two territories have used a non-partisan system. They would call it a "consensus-based" system, I think. But their system — for example, when they are voting in people, they are not voting in a platform. They have to wait to see who is elected, then who becomes the Premier, what the Cabinet is, and then they will choose a platform or, I guess, at least a policy direction.

Our context is 19 ridings at present. It has changed over time, but it's not 50. I am just wondering if you can go back to some of the things that you were talking about — for example, in this democratization here — and think in the context of a large geography with a small population, generally.

There is another difference that is worth pointing out, which is that the City of Whitehorse contains roughly three-quarters of the population. We care about our communities — all of us. Even those folks who are from Whitehorse really care about the outside. If you can reflect a little bit on the democratization approach — and if we are talking about some form of proportional representation, what might be the pros and cons given our reality here?

Mr. Pilon: I just did a presentation for the BC Electoral Boundaries Commission on the question of rural overrepresentation. This issue comes up because, of course, when we look at the provinces like BC, Alberta, and Saskatchewan, there is a very concentrated population near the border, and then we have very large tracts of geography with

much fewer people. The concern is: Is there going to be some imbalance in terms of influence? Again, when we look at what voters actually do in those jurisdictions, we discover that they vote for parties and that those parties each have different policy approaches to the challenges that face rural areas. The best thing to do is to allow those coalitions to maximize their representation and reflect what the different views are in the rural areas.

When we look in the rural areas, in no place does everyone agree on what should be the politics. The different parties are not the same. Each party represents a different approach to taking up the economic and social challenges that exist in those areas. What is interesting is that, in all cases, voters choose parties that are not solely based in rural areas. In other words, they join a coalition — a party that represents a coalition of rural and urban voters.

If I were to look into the results in Yukon, I think we would find something similar. We would find that some parties may have more support in some geographic areas than others, but no party is strictly supported in one geographic area or another. In fact, there are pockets of support in urban areas for the rural party and there are pockets of rural support for the more urban parties. Part of what politics needs to do is create a coalition. The best way to balance out the interests of these different areas is to have an effective political coalition that binds urban voters with rural voters to make sure that everybody is included in the policy outcomes. We need a robust debate between the different parties about how best to answer those problems that exist.

Again, I think that a proportional system ultimately does a better job. We can find lots of examples of this. If we look at Scandinavian countries, they look very similar to provinces like BC and Alberta. They are very long and have urban areas at the bottom, and they have large stretches of geography, and yet they have proportional systems that have been able to create this cross-geographic set of coalitions that have created more equitable results for the different groups of people. Now, I am not suggesting that we take up the Scandinavian approaches necessarily, but I am saying that it is interesting to look at them and see similarities between their challenges and Yukon. So, it is not impossible. I think that you could come up with one, and that is, again, where I think that having some public input would be important.

Once you have decided what Yukon voters are doing and you have decided that we need an institution that is going to better reflect what people are trying to do with their votes, exactly how to do it — that is where I think you could get some really good insight from the different communities about what they would be comfortable with. That is where, I think, getting their input on whether to have a mixed-member proportional or a single transferrable vote approach — those are the two rival options. The party-list approach of Scandinavia is probably not on the table, but those two approaches — we have seen some innovative approaches on the table in the BC referendum in 2018. So, I think that we are spoiled for options in terms of the potential ways in which those problems could be addressed, but I would just remind you that often we talk about these things as "rural" and "urban", as if they are totally separate realms, but

that is not what is reflected in the voting results. We pretend like they are separate jurisdictions and they have totally different views, but that is not what the people in those places vote for. In fact, what we discover is that people in rural and urban areas vote for the same parties — in different proportions, but they do reflect a rural-urban political coalition. I think that is a good thing. I think that is the best way to assure that both groups are going to see their interests reflected in policy.

Chair: Thank you, Dr. Pilon. We are nine short minutes away from being done today, so I will ask everyone to keep their questions and answers tight and we will just try to get us through a couple more.

Mr. Cathers: I would like you to follow up a little on the question that Mr. Streicker asked. One of the issues that we have in the Yukon, just in terms of the unique situation that we have, is that we have both a small Assembly, as Mr. Streicker touched on, of 19 members, and we also have an unusual situation in the country in terms of the amount to which our population is centred in one city — that being Whitehorse and the surrounding area — that does pose some questions that are related to the electoral model but also, in some ways, separate from it.

What I would just ask is what your thoughts would be on how you balance that — the extent to which there is more representation per capita — that is not quite the right way to put it — for rural areas versus urban — how you balance the individual weight of what a voter has to say versus trying to balance the rural/urban split.

Mr. Pilon: Well, the argument that I made to the Electoral Boundaries Commission in British Columbia is that voter equality is a crucial value — maybe the crucial value — of democratic societies. So, any movements away from voter equality have to be taken very carefully. Now, the courts have argued that a certain degree of disparity — moving away from absolute voter equality is acceptable for a number of reasons. Those reasons are contested by many political scientists. Again, I think that I would refer back to my answer to the previous question, which is that, in overrepresenting rural areas, you are often privileging the party that has the most representation in that area. That is not really fair because rural voters do not vote with one voice. They do not have one opinion. A democratic society has to be pluralistic. It has to respect the differences that exist within regions as well as across regions, and so the best thing to do for rural voters is to allow them to make common cause with those who are part of their coalition, because their coalition represents a distinct set of policies related to rural issues. It is a bit of a fantasy to argue that rural and urban are somehow distinctly different realms that have cohesive views that are separate from everyone else. I don't see that. I don't see that in the voting patterns, and I don't see it in the policy differences that exist between the parties. In a democracy, that is what matters — it matters. What are the different things that are on the table? Voters should have the most opportunity to make their choices and have them reflected.

Chair: We, in Yukon, I think, are in a unique situation where we have acknowledged, for example, our one fly-in

community, the riding of Vuntut Gwitchin. We have assigned it its own seat, which would put part of your argument — we would blast it out of the ocean of decisions there, but we prioritized that here in Yukon with the understanding that the community is very dissimilar from its nearest community, but those are other questions that we have grappled with over the years. So, it is an interesting point and we hear it, and there have been lots of suggestions in the last presentation that we look at expanding from 19 to a greater number, that we change the voting system and what that would look like.

My last point for you is that you said that, from your perspective, the citizens' assembly was the gold standard — that you make sure that you have a citizens' assembly that is resourced and has the opportunity to do the learning in a supported way and that is the gold standard. I am just repeating, but if you have a closing thought that you would like to share with us, I would appreciate that.

Mr. Pilon: Well, once again, thank you for inviting me to appear before you. I prepared an almost 30-page brief specifically for your committee because I felt that the information and the approach that you are being presented with did not really reflect the historical experience of voting system struggles over western countries and within Canada itself.

What I offer you is historical knowledge. Your other presenters and participants offer you many ideas. They are all very interesting, but very few of them are informed by what has actually happened in western countries, both in terms of the kinds of results that the different voting systems tend to produce, but also the reasons that those systems have been used and maintained. The reasoning is almost always about a struggle over democracy. It is a struggle over who is going to be included and excluded — whose views and values are going to be inflated and whose are going to be excluded.

I urge you to think carefully about what kind of question this is. Is this a question about preferences where all choices are equally valid, or are you facing an opportunity to try to equalize and create more equity in terms of the kinds of results that your democratic system produces? I think that you are in a position to make that choice. I think that the evidence is clear in terms of what voters are trying to do. I think that the options that are available are also clear in terms of choice. We don't need to debate whether it is raining outside. Let's just go out and see whether it is or it isn't. In this case, too, I think that the answers to your query are not that hard to find. Proportional systems deliver on the kind of equitable, inclusive, equal democratic results that I think that any democratic polity should support.

There are still choices to be made. You can still have singled-out areas that need special representation because of historical grievances or hegemonic power imbalances. All those things are possible and I think they can be justified, but broadly speaking, as much as possible, variations from voter equality and equity in terms of the power to elect should only be taken in extreme situations with very clear reasoning.

My view may be a bit different from the ones that you have heard so far, but I think it is fairly well-established, both in terms of the evidence and the historical stories about how we

have gotten to where we are today in the democracies that we have in Canada.

Chair: Thank you, Dr. Pilon.

Before I adjourn this hearing, I would like to say a few words on behalf of the Committee. First, of course, I would like to thank the witness, Dr. Pilon, for your very informative presentation. I would also like to thank the Yukoners who are listening and watching this hearing either live or in the future. Two hearings with expert witnesses are scheduled for later today. Transcripts and recordings of the Committee's previous hearings are available on the Committee's webpage at yukonassembly.ca/SCER.

The Special Committee on Electoral Reform would like to encourage all Yukoners 16 and older to complete the electoral survey currently being conducted by the Yukon Bureau of Statistics. In addition to the information from the survey, the Committee is collecting public feedback in the form of written submissions. The Committee also intends to hear from Yukoners at community hearings in the future.

This hearing is now adjourned.

The Committee adjourned at 9:59 a.m.