



# Yukon Legislative Assembly

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## **SPECIAL COMMITTEE ON ELECTORAL REFORM**

**Public Proceedings: Evidence**

**Friday, March 25, 2022 — 1:00 p.m.**

Chair: Kate White

**SPECIAL COMMITTEE  
ON ELECTORAL REFORM**

**Members:**

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

**Clerk:**

Allison Lloyd, Clerk of Committees

**Witness:**

R. Kenneth Carty, Professor Emeritus of Political Science,  
University of British Columbia

**EVIDENCE****Whitehorse, Yukon****Friday, March 25, 2022 — 1:00 p.m.**

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

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

We now have with us R. Kenneth Carty. Dr. Carty is a professor emeritus of political science at the University of British Columbia, where he was also director of the Centre of Democratic Institutions and the McLean Professor of Canadian Studies. A past president of the Canadian Political Science Association, Dr. Carty has served as director of, and advisor to, several provincial and international citizens' assemblies.

Dr. Carty previously appeared to speak with us about British Columbia's experience with electoral reform, and we have invited him back today to share more of his expertise on citizens' assemblies. We will start with a short presentation by Dr. Carty and then Committee members will have the opportunity to ask questions.

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

**Mr. Carty:** Thank you, Ms. White, and thank you for the invitation to join you again today. I must say that the last month I have been busy re-drawing on the Commission to Redraw the Federal Electoral Districts here in British Columbia, so I haven't read all of the transcripts of your meetings, but I am looking forward to doing that. As in our conversation last time, please feel free to interrupt at any time with questions.

I thought that I would just indicate what I know about citizens' assemblies. I was engaged with the British Columbia Citizens' Assembly on Electoral Reform in about 2003, one of the earliest and often described as the "gold standard" for a citizens' assembly. I was the director of research, a title that really meant that I was responsible for the substantive work of the assembly — all the programming and the deliberative phase under the chairmanship of Dr. Jack Blaney, a former president of Simon Fraser University. He was not an expert in any way on electoral institutions and so I was really responsible for that substantive work.

As a consequence of what happened here in British Columbia, the Premier of Ontario and then the Prime Minister of the Netherlands both decided that they wanted to tackle their questions about electoral reform in much the same way and they came out to British Columbia and we had discussions. They basically modelled two citizens' assemblies in those very different places on the British Columbia experience, and I was

quite heavily involved with both of those exercises and attended the meetings with both the members and the staff of those assemblies in Ontario and in Holland.

Then, of course, the Irish got very keen on citizens' assemblies and, again, took much of their initiative and enthusiasm from what had happened in British Columbia, and so I was involved as a consultant for the first couple of citizens' assemblies. They all had different names. One of them was called, "We Will Be the People", and the second was called "The Constitutional Convention", but the Irish have used them pretty regularly because they have now just announced two new ones for this spring, one on whether there should be a direct mayor for Dublin, which would change the power of local government dramatically in that country, and then another one on bio-sustainability. Their constitutional conventions have all, to this point, involved fairly substantial challenges to important aspects of their Constitution.

And then I have been involved in advising Belgian and Portuguese assemblies, but I must confess that I have not been particularly engaged in the last seven or eight years. For a decade, I used to get an e-mail about once a week from someone in the world asking about the British Columbia experience, but that — it has, a little bit, receded into history.

But, let me tell you a little bit about the BC story, because it was one of the first major citizens' assemblies and because it has been so widely emulated. Basically, what happened here was that government decided that it needed to consider electoral reform, but they defined the question of electoral reform quite narrowly — that is, the voting system. They weren't going to investigate questions of election financing or nomination processes or whatever; they were going to focus pretty much on the voting system, that is, a relationship between votes and seats in the provincial legislature.

They did that partly because the party that was now in government, which was the Liberal Party under Premier Gordon Campbell, had won the most votes in the previous election, but had not won the most seats, so had lost. So, they thought: "You know, maybe we ought to re-think how the election system works." They realized that this was not an uncommon practice. It has happened in virtually every province in the country at one time or another, but there was a lot of pressure and electoral reform had always been a kind of keen topic in British Columbia. But they took the view that, as a government, as elected politicians, they were really in a conflict of interest. They were talking about changing the rules of the game by which they had been elected, which really gave them power, either as a government or as an opposition. And so, compared to people who had lost elections, they obviously were likely to have rather different views on the merits of the particular system, so they said: "There is a very direct conflict of interest here and, of all the people who shouldn't be re-drawing the election laws, it is the successful electoral politicians." This, of course, was not a common pattern. Electoral politicians generally are those responsible for changing election laws, but they decided that they couldn't do that here and there was very much in the air at that time, because it followed the decade of constitutional angst in this

country — a lot of talk about citizens' assemblies, constitutional conventions — whatever they were called — and they decided that what they needed was something like that. Let the citizens decide what kind of politics they wanted and what kind of political system.

And so, they commissioned a leading public figure in British Columbia to devise a model for a citizens' assembly and he went around and consulted and talked to people and produced a plan, which the government basically accepted. The idea was that there would be a collection of citizens randomly chosen from the electorate not because they represented particular groups or had ideas or partisan interests or were the kind of people who commonly gathered around the tables, but a random selection of citizens so that they would look like, as much as possible, the electorate as a whole. The idea was to mirror the population: "Say, look, if we could get the whole population in a room, what would they decide? Well, we can't, so let's get as pure a sample as possible."

In the end, 160 people were gathered together to do this. Well, you can imagine, most of those 160 people did not live and die dreaming about election laws and election systems. Many of them probably knew very little about it and weren't quite sure what they had agreed to participate in.

The government decided that there needed to be kind of a professional staff. If you are going to ask the citizens to weigh in in this very specific way to do a particular task, they needed some help from people who could provide the learning program, could help organize deliberative discussions and kind of focus the debates and focus the work. The mandate was really pretty narrowly defined. They said: "We want you to look at this system we use in British Columbia and decide whether it is fit for purpose. Does it work to satisfy British Columbians? Is that what we need here? And if you decide that it isn't, just don't say: 'Well, let's have a reform.' Just don't say: 'Well, we need something different or a proportional system.' If you want to argue that what we have doesn't work, you better tell us what exactly it is that you wanted."

So, the assembly was charged with saying that if you are going to make a recommendation, it was going to have to, in effect, almost propose a new system in a fairly detailed, specific way that would have a lot of the t's crossed and the i's dotted so that people would know exactly what it was. The government said: "Look, if you can do that, whatever you recommend will go — not to the government to say yes or no, because we have already said that we have a conflict of interest — so if you make a recommendation for change, it is going to go straight to a referendum and the public will decide." There was some confusion about what those referendum rules would look like and eventually the government chose true criteria to pass. It was going to have to get more than half of the vote, but then it was going to have to win a substantial number of constituencies. So, there were two bars it was going to have to cross.

But basically, the assembly was given the professional staff and the budget and set off on its own with no involvement or direction from the government or from the public servants who were subject to ministerial authority. It was given basically

a full year and it spent some weeks — six full weekends, actually — in what might be called a kind of "learning phase", where they were learning about election systems. The reality is, of course, that no two countries in the world use the same election system. There are lots of variations. There are types of systems, but no two countries use exactly the same system, so they had to learn about election systems and how they work and why they are organized in different ways and what the consequences and costs and benefits of those are.

That was really almost like a boot camp for political science. I mean, can you imagine how lucky those people were — getting a free course in political science on election laws? I mean, I don't know if it was their dream, but for those of us who were working with them and teaching them, it was a dream. But after they had that, they kind of produced a kind of brief report on what they thought they had learned and how they reflected on it. They talked a lot about values and what their values were — because if they knew their values, they wanted to say what kind of system would speak to those values and help with moving in that direction. So, they produced a report, they publicized it and they went around the province in 20 or 30 public meetings, just listening to people and talking about it and getting a lot of feedback. So, that was kind of a consulting phase.

The last phase was when they came back in the fall, because this had started in the previous spring, and they had spent a number of weekends debating the options. They wanted to debate the merits of the existing system and the demerits of it, if there were any that they saw. They wanted to think about alternatives and at some point, they decided: "Look — we think there might be a case for a change, but we were told that if we wanted to make a recommendation, we actually had to make a specific recommendation. We had to give an alternative plan, not just say that we want something better."

So, they decided that what they would do is actually create two very different kinds of systems that British Columbians might be interested in based on what they saw as some of the criteria. And the criteria involved the balloting process, the counting process, the organization of the electoral map and so on that would go into an electoral system.

And so, they created two potential alternative systems and they compared them to the existing system, and they engaged in a number of weekends of debate deliberation and ultimately they decided that they wanted to recommend a change to move away from a first-past-the-post system, a majoritarian system, to a more proportional one.

Well, the two different plans they had produced were both proportional but very different kinds of plans and would have operated very differently, and so they debated the merits of those. They ultimately came down on the side of something called a "single transferable vote" kind of system and then they worked out the details of what that would actually look like if practised in British Columbia and finally recommended that. Some months later, at the time of the next provincial election, it went to a public referendum. There had been very little public debate and the political parties basically said: "Well, we weren't involved in this and so we are not going to talk about it

during the campaign.” So, there was very little public debate during the campaign.

One could say that the process was a success. A wide group of randomly selected citizens had come together. They had considered the merits of the existing system and the weaknesses of it. They decided they could do better and they had produced an alternate plan. So, in some sense, as a process, the assembly worked. The trouble was that the referendum produced inconclusive results. Fifty percent of the population said: “Yes, we want to adopt that system.” But then it didn’t meet the other criteria. The government had said that you have to get a 60-percent threshold, but it had passed in all but one of the electoral districts in the province. So, it was widespread support, but it only got 57 percent, as opposed to 60, and the government had arbitrarily said that they had to get 60 percent.

So, to pass one test, the broad-based support test — winning everywhere except Kamloops, I can’t quite remember — but not getting 60 percent. By putting in two hurdles, the government had assumed that they would either pass both hurdles or fail on both hurdles. No one had anticipated that it might pass one hurdle and fail on another and, by failing, it would still be getting 57 percent. So, the reform never went through and the government didn’t quite know what to do and they held another referendum on the same question four years later, when no one remembered any of this, and it didn’t pass.

So, that in a very quick summary is kind of the various stages of the process. I think we can identify what went right in that process. We can identify what went right because those were the things that have been demonstrated and important for its success in accomplishing its task, its mandate, but also the things that have proven to be successful in subsequent citizens’ assemblies.

First of all, there was a very clear, focused agenda with a specific deliverable. During the assembly, members wanted to talk about political money, election finance rules, nominations, and government leadership conventions — any number of things — and the chairman kept saying: “Well, we can talk about all that once you have finished your task, but we have a specific task to do to look at the existing system, pass or fail, and if it fails, we have to produce an alternate plan.” That kept the assembly focused. Without a kind of clear, relatively narrow focus, if you get 100-and-some random citizens in the room, they are going to want to talk about 200 different things and have opinions. So, it was the mandate that kept them focused. It wasn’t the chairman and it wasn’t the staff; it was the sense that they had committed to themselves, to the other members of the assembly, and to the general public that they understood they represented, that they had to get this job done. Assemblies with the more specific tasks — subsequent assemblies — have proved the most successful.

I was talking to a friend and colleague in Ireland not so long ago — they have had some successful assemblies on very controversial questions there on right to life, abortion, same-sex marriage, and so on. Where those assemblies have been focused, they have been successful; where they have been rather vague and more general — about: How can we make the planet more sustainable? — it is very hard.

Secondly, I think that one of the reasons that it worked is because it was the recognition that this was a fairly specific task that they were asked to do and required a certain amount of expertise. So, having a professional staff with expertise in the subject matter that could answer any of the kinds of questions they wanted, in their learning phases and in their deliberation processes, was important.

In cases where assemblies have been held and perhaps senior public servants have just been drafted in who might not have that kind of specialized technical knowledge haven’t always been so successful. So, something like election law, electoral systems — having people who really kind of knew them and had worked in them appears to have been quite important for them.

The third thing that was important in the BC case was that it had enough time and resources to do the job. It took about a year to go through the whole process of selecting these 160 random citizens, having the learning phase, having the consulting phase, having the deliberation phase, and having the report-writing phase — all of which had their own challenges. Having the time to do that — and you can see if you track opinions of members that they changed over time. There is some fairly clearly dramatic evidence that about halfway through the process, as the citizens debated and listened to other citizens, they began to change their minds about what a good alternative might be.

It had the resources to do the job. We used to say, because it seemed like a good way to put it, that it cost less than a cup of coffee for a citizen of British Columbia. I know that sounds like kind of political statement, but the job was done on time and marginally underbudget. We had the resources that we needed.

The fourth thing that I think was quite important was that it had really full independence from the political leadership and it was totally nonpartisan. Inevitably, questions about election systems are going to involve people’s partisan juices. There are consequences of different systems. They reward different kind of party structures and activities, so if you are proposing to change them, there are real political consequences of that. That is the point of debating them. Having an assembly that was completely independent — in fact, the only rule about who could be a member was that existing sitting politicians could not be. People who had been elected or who had candidates in the previous election were excluded. Every other citizen of the province was eligible to be a member. That was a way of trying to keep it as independent as possible. That helped them, I think, in doing the job. I will come back to that in a minute.

Finally, it was transparent. The process was open at each stage of the game for a completely public view. The learning processes were all done in public, the consultations were public, and the deliberation processes were public, much as I am sure your legislative meetings are public. Indeed, to this day, you can find the details of all those aspects on the website of the citizens’ assembly, which still sits on the web. All the packages and materials that were used are all there and one can see it. It was that combination of factors, I think, that was so

successfully emulated in Ontario and in the Netherlands, which were both specifically focused on electoral reform.

What did not work very well, I think, in the British Columbia case was that, in some sense, it wasn't very well-connected to the existing political system. Now, that seems to be a contradiction when I say that one of the virtues was that it was non-partisan and independent, but what happened was that it was kind of put over here on the side and the members who were involved in it were engaged. They were not politically active or there as representatives of some political interest. They were there as a kind of independently chosen citizen, but the work of the assembly then, itself, wasn't connected to the public. It was only in the sense that its recommendation went to a public referendum, but without any kind of connection to the electoral process or to a kind of referendum campaign process. The referendum was held on an election day and people went into the ballot box, and we know that over half of them were given a referendum and that they said, "What's this? I have never heard of this before." That disconnect meant that the referendum itself wasn't as successful as it might have been.

It is interesting that we do know from survey research that the people who voted for the recommendation were people who either knew what it was or knew about the assembly. They thought, "Well, those are people like us; that's what they decided, so we're okay." People who voted no were people who essentially didn't know anything about it. So would it have done better if it was a more fulsome campaign? Probably, but we don't know for sure. It didn't work very well because it was disconnected from the system and it wasn't clear when the assembly was finished what would happen. There was no understanding on either the assembly side or the government side as to what should happen to a citizens' assembly report. Spelling that out from the beginning would have, I think, been really advantageous.

Holding a referendum without any proper campaign just seems like a waste of time and energy when large numbers of people come into a polling booth and know nothing about it. I think that when it was designed, people thought that if it was held at the time of an election, surely the politicians running for election — the nominees — will all talk about it. A lot of them didn't bother. They said, "Well, no, that's citizens' assembly business; we are going to talk about what we want to talk about." The Liberals had one view and the New Democrats had another view. The other minor parties in British Columbia had other views, so there was no campaign.

Finally, of course, what wasn't very helpful was this unclear acceptance rule. What does it take to pass? It had this two-layered success rate that could mean that the referendum could pass at one level and fail at another. No one thought that was what would happen, but that is precisely what did happen. Having some kind of understanding if it is going to go to referendum — if that kind of separation from political decision-making is going to be carried through to that ultimate conclusion — then some kind of understanding would be necessary. In Ontario, I know that they basically avoided the question by simply saying, "Well, they did that in British

Columbia, so we're going to do it in Ontario as well." They copied that without much success.

I am happy to talk about any of the individual phases or all those elements of the story if you like. I think that it is worth noting that many people have thought that a citizens' assembly in British Columbia was kind of the gold standard because of the time that was given on a specific topic and with all the resources that were devoted to letting the members come to some understanding of what they wanted to say. Some other deliberative assemblies — many are going on in Europe now because they are being widely used across western Europe right now.

Almost every country has some going on. In fact, there are some European-wide ones going on now. Some of them take place in much shorter time periods. Rather than having a long learning phase and deliberative phase, they try to do it in a week or two. They risk becoming more like citizen juries in which a whole lot of experts present, and then citizens kind of choose among the options and opinions that they hear, rather than really deciding for themselves. In the BC case, the citizens thought, "Well, okay, we are here and we are going to hear all this, but in the end, the experts are going to kind of tell us what to do." By about the third week, they suddenly realized, "My god, they're not going to tell us what to say. We have to figure it out for ourselves." They worked extraordinarily hard in doing that.

One thing that is often said — and we heard a lot about it at the time — was that on a subject like this, a citizens' assembly is bound to be in favour of change. You are not going to get a whole lot of citizens to work for weeks and months — even almost a whole year, as in British Columbia — and come out and say, "Oh, it's all fine. We don't have to do anything different." Inevitably, they are going to recommend change. Why wouldn't they? It's not so clear. As I said, I have been involved in three electoral reform exercises. In case you are interested, we did this interesting book comparing the three called *When Citizens Decide: Lessons from the Citizen Assemblies on Electoral Reform*, which compares the BC, Ontario, and Dutch cases. It was published after we had finished the three of them by a number of us who were involved in those five assemblies.

There were three citizens' assemblies all focused on the question of electoral reform. Was the current system the one we should have? As I say, it was British Columbia, Ontario, and the Netherlands. British Columbia recommended change to something called the single transferable vote, a system not widely used because it is more citizen than politician friendly, to put it crudely. It is used in Ireland, Malta, the Australian Senate, and a few other places. As I say, about 57 percent of the population in the referendum said that this would be okay.

Ontario recommended a change too, but to something quite different from a single transferable vote; it was something called a "mixed-member proportional" system. That is the system that the New Zealanders adopted in the late 1990s. Some people say that it is the best of both worlds. It gives you constituencies and it gives you proportionality. Ontario said that they want change, but that crazy system that British

Columbia has — “Well, we don’t want that; we want this other kind of system”, but they both started from the same place — big, complex provinces with complex societies, both using first-past-the-post systems, both saying, “Well, we don’t like it” but coming to very different conclusions because they read the challenges of those two provinces very differently.

In the Dutch case, after about a year, they said, “You know, the Dutch system is great. We love it. We don’t need to change it. Why would we change something that is so great? We have a couple of little tweaks that we’re going to suggest, but no, we want to keep it.” So, you get three assemblies with very much the same process and the same operating modalities because those other two copied the BC one and used a lot of materials and with essentially the same agenda, but came to three very different responses. They reflected the kind of views of the citizens in those three rather different places. Two were for change, but very different changes, and one was for really no change at all.

**Chair:** Dr. Carty, I think that this is a fantastic spot to leave us, only because you have given us plenty of information — only because you have given us plenty of information, and I think there are lots of questions to be asked. So, Mr. Streicker, would you like to start?

**Hon. Mr. Streicker:** Dr. Carty, when I think about — you said a couple of times that the BC model was the gold standard, and then you have given us examples where it was emulated. If we were to use a citizens’ assembly here, clearly some things would have to be different, in that we are a jurisdiction of 40,000 to 45,000 people and a legislature of 19 seats.

Could you just talk a little bit about ways that you might think, if we were to do it here, what we might do to tailor it to be appropriate for the size and the realities of the Yukon?

**Mr. Carty:** I guess you would start by being really clear on what you wanted the assembly to talk about. What’s the agenda? What is the task? What deliverable do you want? What aspects of the electoral system? But I think there is enough material out there that — and I’m not sure of the numbers you would want in the assembly. British Columbia, and I think in Ontario, both places had something — BC had two, and they decided to have two people chosen from each existing electoral district. That’s how they got their MLA number. I think Ontario had one from each, because they had a much bigger assembly.

Nineteen would seem a bit small, but I would have thought that a statistician might be more helpful, but you would probably want a few dozen people. It was the gold standard because it took a long time in British Columbia. I would have thought that it might be possible to do it in a much briefer time. Certainly, some of the learning phases now could be done online, in a way that we didn’t have almost 20 years ago. We were bringing people to Vancouver for weekends, every second weekend, for six or seven weeks at a time, and then we’d have a break, and then we’d do it again. I think you could find a way to confine that process.

My sense is probably about half the population is in the capital region in the Yukon; is that about right? Yes, a little bit more even. So, you would have to think about whether you

wanted to bring people regularly together. Bringing them together creates a kind of esprit de corps and gets the citizens to think of themselves as a collective group that’s going to do the work.

People who are brought together for two days and who don’t create any kind of bond continue to operate as individuals. If you want them to operate as kind of a community, a decision-making community, you have to give them time to do that.

I would have thought that you could do that in a shorter period of time. I guess there are other challenges in Yukon around the time of year. It’s probably more difficult and more expensive to bring people in the winter months. I don’t know. To my great regret, I’ve never been to the Yukon, but I think the questions would be trying to decide what would be an appropriate and reasonable number that would reflect, in some reasonable way, the population of the community. And then how long would it take them to do, and how long it would take them to do would kind of be governed by what you’re asking them to do, but there is enough material now from these previous assemblies that you could pick up the materials very quickly and very easily.

For instance, I don’t know about Ontario, but certainly all the learning phases, all the teaching processes, of the BC assembly and all the PowerPoints that were produced and the materials are all there and available still on its website. They could easily be picked up and used, and that would cut the preparation time and could be used in the learning phase.

That’s if you want the assembly to actually kind of come to grips with the subject. If you simply want an assembly that would say, “Look, does the system we have satisfy us?”, then you could bring people together and give them, in effect, a short course, and then they really become more like a citizen jury — I think is the kind of language we hear about, that —

**Chair:** Thank you, Dr. Carty.

**Mr. Carty:** [inaudible]

**Chair:** Sorry, I thought you were —

**Mr. Carty:** Well, no, I’m trained to talk in 50-minute bursts, so you can interrupt me.

**Chair:** I apologize. I am going to interrupt those bursts. Mr. Streicker, do you have a specific follow-up to that point?

**Hon. Mr. Streicker:** Dr. Carty, one of the things you talked about is being representative of the broader community — the broader territory, in our case — and here we have 14 First Nations, and virtually all of the territory is traditional territory to one or more of those First Nations. Is the idea, as you talk about it, that you would try to make sure somehow that the group would be representative from a demographic perspective? Whether that is from our communities in Whitehorse or whether that’s — you said “non-partisan”, but would you try, as well, to make sure that it had the look and the flavour of the whole of the territory?

**Mr. Carty:** Well, I think that would be — that is a very political kind of decision. In British Columbia, where we have, of course, a myriad of First Nation communities, the decision was made that every adult British Columbian, irrespective of background, was eligible to be a member. The only criteria we

had that we could distinguish were both gender and age, which was part of the voters list — the only information that we had. So, we ensured that it would be half male and half female and that they would be representative in age terms across.

As it happens — and so people were, through a complicated selection process, invited to be considered and their names essentially went into a physical hat and were drawn out in each area. When it was all finished, it was determined that it wasn't clear that there were any aboriginal members who were selected and so a decision was made to add an extra two people — one man and one woman — who were explicitly from aboriginal communities. We subsequently discovered that one of the members was Métis but had simply not volunteered that. We didn't make that decision.

As it turns out, it was very interesting; when we looked at the population of the BC assembly, chosen in a very random way, we discovered that about one-third of them had been born in British Columbia, that a third of them had been born somewhere else in Canada, and about one-third of them had been born outside of Canada. That was about what the population of the province was at the time. So, a good and fairly rigorous sampling ought to get you a population. Now, if you have some populations that you think are kind of resistant or difficult to engage, then you might, in the selection process, engage in a little extra effort to try to get them to be willing, but the idea is to have it as randomly selected as possible in a way that surveys try to do that.

**Mr. Cathers:** Thank you, Dr. Carty. I appreciate your presentation on that. I was interested, as well, in your notation that both citizens' assemblies — and then how, as you noted, two had recommended change and one had not. We have heard differing views from some presenters. We heard from New Zealand, their experience with using referendums and multiple times seeing strong public support for making changes and then proceeding with it, and as I am sure you are aware, there are others who argued that because the Canadian record of actually implementing systems through referendum hasn't happened that much, that maybe we should do away with a referendum.

I would be interested in hearing what your thoughts on are what the threshold should be in a referendum, based on BC's experience where you mentioned that there was majority support for change and support from most ridings in the country, but ultimately that it missed the high threshold that had been set for a referendum.

**Mr. Carty:** Well, I think having only one threshold is much better because it is clear and everybody knows the rules of the game. I think that referendums on subjects like this are a good thing. Otherwise, you leave it to the Legislature and, as I say, there is an inherent conflict of interest. You can't have a referendum, though, on a subject as complicated as an electoral system without a fairly sophisticated campaign that allows people to participate in a knowledgeable way. Unless you have that kind of campaign that informs people of the pros and cons, you are not likely to get a very satisfactory kind of answer.

In terms of what the threshold ought to be, it is difficult to pick an arbitrary number other than 50 percent. I mean, that is a kind of pretty widely accepted democratic standard, I think.

Anything else seems more arbitrary by comparison. I don't know how you would do that. We don't have enough experience with referendums to know what they might be politically. We were prepared to kind of let Québec decide on its membership in Canada on a 50-percent vote, so I would find it hard to identify any other obvious number.

**Chair:** Thank you, Dr. Carty. Those are good points.

Just one question I had about resources. So, you talked about how it was well-resourced and everyone came into Vancouver, so I imagine that was a cost. One of the presentations we had from Prince Edward Island was that they said that there was a funded campaign, an education campaign, after. From your perspective, or your professional opinion, if we were to go the route of a citizens' assembly, do we need to ensure that it's both resourced and that people are able to travel and be reimbursed for their time, as well as having the resourcing for an education campaign?

**Mr. Carty:** I would think so. I don't think there's any sense in having an assembly unless it's properly resourced and you allow it to do what it needs to do. Again, that goes back to what its mandate is and how long you want to give and what you expect of it and how many people. These things aren't particularly expensive.

As I said before, I don't think there's much point in having a referendum unless people are engaged in it. The citizens' assembly, when it starts to work, doesn't typically attract a lot of outside attention. There are only so many people who want to come and listen to presentations about elections from citizens and political scientists. You would think there would be hundreds, but there aren't.

So, once it has finished its work, I think you want to tell people about the citizens' assembly — who are these people? What are they doing this for? One of the things that won support in British Columbia is that people said, "Oh, they're just a bunch of citizens like us; it looks more like us than the legislature does." So, in some sense, it gave them a kind of credibility. So knowledge about the assembly, resource for it to do its work, and then information about a campaign, if you're going to go down that road, are all probably essential.

**Chair:** Thank you, Dr. Carty. Just so everyone knows, we are just over 10 minutes away from our end time, so I'll ask everyone to keep their questions and answers short. Mr. Streicker?

**Hon. Mr. Streicker:** Dr. Carty, you talked about the citizens' assembly being used for other things. I think about our type of system as a representative democracy. This feels a little bit more like a direct democracy. In your experience, is this a good tool beyond the question of electoral reform?

**Mr. Carty:** I think you've hit on a really hard question. We're seeing this now. As these things are being used more and more in Europe, people are saying, "Wait a minute; this is the job of a legislature."

For instance, the Prime Minister of Ireland said that maybe we need a citizens' assembly on neutrality — Ireland has been neutral since it was created; it didn't take part in the Second World War, et cetera. But now, of course, it's being challenged because of what's going on. Immediately, people



said, “Wait a minute; parliament should be discussing these kinds of things.”

So, they kind of almost over-enthused on citizens’ assemblies in Ireland as a way of kind of putting hard decisions off onto some other kind of group. I think we don’t know — citizens’ assemblies, sometimes they’re so new, they’re being used in so many different ways on so many different subjects, that a big question for representative and responsible government is: How do they fit into that model? We don’t have good answers.

It didn’t fit very well in British Columbia because it sat out there on its own, had a referendum that wasn’t connected to the rest of the system. We have big, connected systems, and we don’t know how to connect them, and so, one of the ways the Irish tried was to have some elected politicians as part of the citizens’ assembly — some of them — as a way of trying to find ways to connect this a bit better, but that’s a huge question and a great source of debate, actually, in political science right now.

**Chair:** Thank you, Dr. Carty. Mr. Cathers?

**Mr. Cathers:** You made some mention of a selection process there. I guess I would just ask if you could share your thoughts on, if the Committee were to recommend having a citizens’ assembly, hypothetically, what sort of process would you suggest for inviting people to be part of it and whether there is any screening as far as knowledge, et cetera, that you would suggest would be appropriate.

**Mr. Carty:** I don’t think — with something like this, I think the idea is to not have any screening test. The one we used in British Columbia is you had to be able to speak English, because everything was done in English, and of course that excluded some British Columbians.

The selection process can be managed in-house, or it can be managed by some external provider. The people who are experts at this are the pollsters. They know how to draw random samples from the electorate or some subset of the electorate. I know in a number of European countries, using the polling firms’ statistical expertise in drawing samples has been widely used, and they can draw random samples.

In the Netherlands’ case, they made it a big TV spectacular. They put everybody’s name on the election list in a great, big drum and they kind of had a TV program where names just kept popping out until they had their hundred and so on names.

British Columbia used the kind of process by which they sent out 100 random invitations in each district and said, “Are you really interested? Do you want to find out about this? Come to a meeting.” They were told about it and their names went into a hat. They were taken out because it was a slightly more cumbersome process because it hadn’t been done before. I think it can be done fairly quickly. I don’t know what pollsters are active in Yukon, but I am sure there are some that know how to do this.

**Chair:** Thank you for that advice. The Dutch are so fun. It would have been an extravaganza. Who wouldn’t have wanted to sign up?

**Mr. Carty:** I was going to say that in the Dutch case, they had a big technological fault the first night, so they had to shut it down and do it again the second night, but it will work.

**Chair:** That just makes it doubly delightful.

Dr. Carty, you have got about four minutes if you want to leave us with something to think about, but it’s a pretty hard line, so I will stop you if I need to.

**Mr. Carty:** No, I think that the real test is to decide if, you know, electoral reform is an issue of significant importance that you want to engage in it. Do you know what the real issues are? Is it the voting system? Is it some other aspect of the electoral process? Only then can you decide whether a citizens’ assembly could be useful or helpful. My advice is that a clear, well-defined mandate with deliverables, a time frame, and reasonable resources increase the chances of success.

**Chair:** Excellent. On that note, 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. Carty, for attending and joining us for the second time. We appreciate it very much. I would also like to thank the Yukoners who are listening and watching this hearing live and those who will listen and watch in the future.

Transcripts and recordings of the Committee’s hearings with expert witnesses are available on the Committee’s webpage at [yukonassembly.ca/SCER](http://yukonassembly.ca/SCER).

The Special Committee on Electoral Reform would like to encourage all Yukoners 16 and older to complete the electoral reform 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.

Thank you for your time. This hearing is now adjourned.

*The Committee adjourned at 1:55 p.m.*