



Yukon Legislative Assembly

Box 2703, Whitehorse, Yukon Y1A 2C6



May 3, 2019

Hon. Sandy Silver
Premier
Government of Yukon
P.O. Box 2703
Whitehorse, Yukon Y1A 2C6

Dear Premier Silver,

Re: Electoral Reform Commission

I am writing to once again reiterate the Official Opposition's concerns with the Liberal government's One-Party-Decides-All approach to electoral reform.

As such, I urge you to consider the following:

Concerns with the Committee Selection Process

As I previously indicated, your proposal to design an electoral reform committee made up of individuals selected and appointed only by the Liberals will undermine the neutrality and non-partisan nature of the electoral reform process. This committee will be making recommendations that could change the way Yukoners vote, and therefore fundamentally change our democracy. By giving one political party more influence over these potential changes you will be creating, at the very least, a perception of bias in the process.

Further to my point, I must reference your comments in the Legislative Assembly on April 15, 2019. During debate with the MLA for Lake Laberge, and in your haste to launch a partisan attack on the Yukon Party, you unintentionally proved our point.

As you pointed out, in 2004, the former government tasked a respected Yukoner and former Commissioner to look at electoral reform. A report was issued, however no changes were made to the electoral system. In your comments, you characterized this individual as potentially biased and partisan because they were appointed solely by the governing party. If a respected Yukoner who worked on a report 15 years ago could be criticized in Question Period today as potentially being biased – despite their report leading to no changes – then imagine what would happen in present day if a similar situation occurred. This example should be used as a learning experience, not as an excuse to stack the deck.

Not only is your One-Party-Decides-All approach unfair to all Yukon voters, it is unfair to put the 3 commission members in the position where a sitting Premier may one day criticize them, based on the party that appointed them, in the Legislative Assembly where they are unable to defend themselves.

I would also like to again remind you of your comments in the Legislative Assembly on November 22, 2017, committing to Yukoners to appoint this committee in cooperation with all political parties. During the course of debate, and in our discussions beforehand, it was made clear that this was to mean an all-party process such as Members Services Board. When the idea was posed to you, you made it abundantly clear that you had no issue with this commitment. In fact, your exact words on record were limited to, "It sounds good to me." (*Hansard, Page 1774, Nov. 22, 2017*).

Your current approach is not in line with this commitment and is a betrayal of your word and commitment made to Yukoners that day in the House. If Yukoners cannot trust the commitments you make in the Legislative Assembly, then how can they trust the process you are designing which stacks the deck in the favour of the Liberals?

The very nature of a commission appointed by one party will undermine public trust in the commission. I strongly urge you to reconsider this One-Party-Decides-All approach and recommit to sincerely working with the other parties as equals, rather than just simply telling us how it will be, while disingenuously claiming that to be collaboration.

Concerns with the Draft Terms of Reference

I would like to remind you that when you met with myself and my Chief of Staff, you indicated that the draft terms of reference were completed and that you actually had them open on your iPad. When we asked to see a copy and provide input, you indicated that you were unable to share them unless you got permission from your Principal Secretary. This, along with the insistence that the committee be made up of individuals selected by only the Liberal Party, leaves us with the distinct impression that you are looking for total control over this process and its outcomes.

I am asking you to allow for the meaningful involvement of all parties in the development of the terms of reference for this committee. As a start, I ask that you consider the following in the development of the final terms of reference:

The terms of reference are vague and biased against the status quo

The terms of reference as currently drafted are biased against the status quo, implying an assumption that all Yukoners want change. For example, they state that "work should include public education and public engagement on possible options for electoral system reform." Currently, there is no reference to education or engagement on the current electoral system and by excluding this you are ensuring the results will skew to a result that suggests change is necessary and wanted.

Further, as drafted, this statement is too vague. As you know there are a multitude of electoral models out there and Yukoners need to know exactly which model they are being asked to consider to ensure their input is informed and meaningful.

I ask that you include clear language that will eliminate the perception that work of the commission may be skewed or biased against the status quo.

The terms of reference are biased against Rural Yukon

As you know, your Liberal government already took the unprecedented step of voting against the recommendations of the Electoral Boundaries Commission which recommended a stronger

voice for rural Yukoners through the creation of a new rural riding. As the majority of the Liberal seats are situated in Whitehorse, rejecting the advice of this independent panel to create a new rural seat gives the impression that the Liberals did this solely because they did not want to harm their electoral chances. This impression appears to be supported by a guiding principle for the commission, included in the draft terms of reference, which is to ensure all Yukon votes count equally – in other words, reduce the weight of rural votes.

As currently designed, our electoral system is based on the principle that rural Yukoners should have influence on the way Yukon is governed. This is done by ensuring that the votes of rural Yukoners are weighted more heavily by providing them an MLA for a smaller electorate than ridings in the City of Whitehorse. This has the desired effect of ensuring relatively small communities such as Haines Junction or Old Crow have a fair say in the Legislative Assembly and are not left behind.

Your terms of reference as worded suggest you are considering eliminating this principle, which will have the effect of putting even more power in the hands of Whitehorse.

I am asking that you abandon this approach, as it will greatly reduce the voice and influence of rural Yukon in our democracy.

Again, I strongly urge you to consider these comments and allow for the involvement of all parties in the development of the final terms of reference for this committee.

Concerns with the Lack of Committal to a Referendum

Changing the way Yukoners vote should not be taken lightly, and any proposed change to our electoral system should be put to a referendum. Changing the way we cast a ballot is a major change to our democracy and could alter the weight and meaning of each of our votes, as well as how they translate into how we are governed.

Simply put, when you change the rules of democracy, everyone should get a say.

In closing, we have major concerns with your One-Party-Decides-All approach to electoral reform. By putting all the power of this process in the hands of just one party, it leaves us with the distinct impression you are stacking the deck in the favour of the Yukon Liberal Party. We firmly believe that bringing together all parties to collaboratively design and agree on a path forward is the best option to ensure Yukoners will continue to have trust and faith in the process.

Our democracy belongs to Yukoners, not the Yukon Liberals.

Sincerely,



Stacey Hassard
Leader of the Official Opposition

C Liz Hanson, Leader of the Third Party