

**REMARKS**

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**on**

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**by**

**The Honourable Norman H. Carruthers**

The *Speech from the Throne* at the opening of the Prince Edward Island Legislative Assembly on November 14, 2002, states in part under the heading -

### Electoral Reform

The most important and fundamental right of our democracy is the franchise. It is incumbent upon political leadership to ensure that the way in which we elect our representatives continues to be relevant and effective. Therefore, my Government will appoint an independent commission to consult on and consider Prince Edward Island's electoral system and accompanying statute and regulations so that it continues to reflect what Islanders require of their legislature.

And so in response to this statement the Premier established the Prince Edward Island Commission on Electoral Reform and asked me to lead an impartial debate about the issues involved in electoral reform in Prince Edward Island.

I believe it is important to go back to the beginnings of governments in this Province in 1769 to get an appreciation of how things have evolved since Prince Edward Island held its first general election on July 4, 1773, 232 years ago - when eighteen (18) members of the first House of Assembly were elected from an Island wide list as there were no Districts or Parties then, as does exist today.

A list of Candidates was prepared and eligible voters, being only men of the Protestant faith, had to travel to Charlottetown and vote there by an open vote. Over the years since 1773, a lot of changes have taken place in the electoral system in this Province and most of these changes reflect the natural progression and evolution of the system.

For instance, the secret ballot - which we all take for granted today - was called a "crazy old question" in 1862, and it took much courage, debate and perseverance to have it introduced in Great Britain in 1872. It was first introduced in this Province in 1877, abolished two years later in 1879, as it was too expensive and not restored until 1913.

The property vote played a very important role in the political life of this province until it was abolished in 1964. In 1922 women were awarded the franchise for the first time in Island politics.

The dual riding system, devised in 1893, as a means of abolishing the old Legislative Council or Upper House, continued for over a 100 years until 1994.

The present electoral system of electing 27 members of the Legislative Assembly from single-member districts was used for the first time in the 1996 provincial general election when our present Premier, Pat Binns, was elected as Premier.

So what I am trying to illustrate to you is the notion that "CHANGE" has not been

an uncommon thing over the past 200 years in the evolution of our present electoral system. It is not, as some people will argue, a departure from tradition. It really has been an updating of tradition.

So in keeping with the updating of the electoral system we now hear discussions about moving from the FIRST-PAST-THE -POST SYSTEM (FPTP) for electing the Members of the Legislative Assembly to a system which, it is argued, will provide results that are more proportional to the actual number of votes the parties receive during an election.

The FIRST-PAST-THE -POST SYSTEM, which is sometimes called the Winner-Take-All System, simply means that the candidate who gets the most votes is declared the winner even though the winner may only have a plurality of the votes - that is less than half of the votes cast.

Some candidates get elected with less than 40 per cent of the total votes cast in a district. On the other hand, some winners may have an absolute majority or over 50 per cent of the votes.

The F.P.T.P. system has good points and bad points. Some of the advantages include:

- (1) It is easy to use and understand
- (2) The ballot is simple
- (3) Vote counting is simple and expeditious
- (4) It establishes a direct relationship between the voter and the Member of the Legislative Assembly
- (5) It leads to a majority government
- (6) It is easy to get rid of an unpopular government

Some of the perceived drawbacks to the FPTP System are:

1. It favours the two-party System
2. It generally prevents smaller third parties from winning seats and, therefore, minority views do not get expressed in the Legislative Assembly
3. In the FPTP system, there is no direct connection between the number of votes a Party receives and the number of seats it gets.
4. It can create artificial majority governments such as 1935 when the result was 30-0

1989, 30-2;

1993, 31-1;

2000, 26-1.

5. It under represents women and minorities;
6. It produces what many people call “wasted votes”;
7. It can produce a weak opposition and
8. It tends to concentrate power in the Executive branch of government.

The 1997 Federal Election illustrates the unequal conversion of votes into seats:

- The Reform got 19.4% of the vote and got 60 seats
- The P.C. Party got 18.8% of the vote and got 20 seats or only 1/3 as many as the Reform
- The Bloc got 10.7% of the vote and got 44 seats
- The N.D.P. got 11% of the vote - the same as the Bloc - but they only got 21 seats - less than half the number received by the Bloc

So questions are asked:

- Is this fair?

**Or**

- Is there a better way of doing it?

Another example is the 2000 P.E.I. provincial election results:

P.C.	58% of the votes	26 of 27 seats or 96.7%
Liberals	34% of the votes	1 seat or 3.7 %
N.D.P.	8% of the votes	0 seats or 0%

58% of the vote got 26 seats

42% of the vote got 1 seat

Is this fair?

Is there another system which might serve the province better?

In the 1997 Federal Election, the Liberals won 101 of the 103 seats in Ontario with only 48.5% of the vote. This means that the majority of the Ontario voters, i.e. 51.5% of them were represented by only 2 members out of the 103 total.

In the 1980 Federal election, Trudeau won a majority but he only had 2 MP's west of Ontario - 2 in Manitoba - none in Saskatchewan and none in Alberta - and - none in British Columbia - despite the fact he won 20% of the vote.

So the question is asked: Is there a better way to translate the votes into seats so as to give a more proportional representation in the Legislative Assembly?

Do you know that over the years there have been at least 8 governments elected in Canada with less votes than the Opposition party? President Bush was not the only politician to accomplish this feat:

Quebec in 1944  
Quebec in 1966  
New Brunswick in 1974  
Federal in 1979  
Saskatchewan in 1986  
BC in 1996  
Quebec in 1998  
Saskatchewan in 1999

Again - is this fair? A lot of people do not think so.

Many people argue today that under the current system every vote is counted but not every vote counts.

In other words - is the way in which we elect our representatives today still relevant and effective for today's society? Or is there a different approach that will produce a fairer result?

So the Electoral Reform Commission was established in 2003 to engage Islanders in a discussion about their present voting system in an effort to determine whether there is an alternative system which may be better suited for the needs of the 21<sup>st</sup> century.

This meant that it was necessary to look at and assess the other electoral systems used around the world to determine what systems are used and their unique characteristics.

It is important to keep in mind that there is no one-perfect system. Every system has its strong features and its weak features as they all involve trade-offs among desirable elements.

The trick is to find a system that best suits the particular needs of the jurisdiction as the electoral system should reflect the values and aspirations of the community that will use it.

So briefly there are many different kinds of systems used around the world. These

different systems can basically be split into 9 main systems which in turn can be placed in 3 broad groups.

The three major groups are:

1. Plurality/Majority group
2. Proportional Representation (PR) group
3. Semi-proportional group

1. The Plurality/Majority group contains four main systems:

- a. The First Past the Post
- b. Alternative Vote
- c. Two Round System
- d. Block Vote

2. The Proportional Representation Group contains 3 main systems:

- a. List Proportional Representation
- b. Single Transferable Vote (STV)
- c. Mixed Member Proportional (MMPS)

3. The Semi-Proportional Group

The two most common systems under this group are:

- a. No Parallel System
- b. The Single Non-transferable Vote

The Prince Edward Island Electoral Reform Commission studied these different systems, considered the recommendations made at the public meetings and the written and oral submissions which were made to it.

One thing that stood out and came across loud and clear was the request to keep district members of the Legislative Assembly even though their numbers may be reduced. Islanders want to be able to identify with their district MLA.

The Commission felt that the adoption of a plurality/majority system or one of the semi-proportional systems would not be much, if any, improvement over our FPTP system.

The Commission concluded that the best two electoral systems which might be considered as models for up-dating the present FPTP system would be either the MMPS or the STV. But it was of the view that the system having the most likely chance of acceptance by the Island electorate as an alternative to the FPTP would be a MMPS based on the system now in use in Germany, New Zealand, Scotland and Wales.

Such a system would involve less change to our current electoral system as it would preserve the present relationship between the electorate and their local member and such a system would provide election results which would respond better to the expectations and demands of today's electorate.

It would provide effective representation for the electorate of the province and it would allow each elector to play a meaningful role in the electoral process.

### **Mixed Member Proportional System**

The Mixed Member Proportional System is a combination of FPTP and the PR

system. It attempts to combine the positive points of the two systems. Some of the Members are elected by the FPTP system and the remainder are elected by the PR List System.

It is important to understand that there are many different models of the MMPS used around the world and they can have slight differences from each other. A big advantage of the MMPS is the fact that it can be designed to meet the needs and aspirations of a particular country.

Under the MMPS the electors have two votes. They vote for their local member using the FPTP system in single-member districts as we do here in Prince Edward Island. They also vote for the party by using regional or nation-wide party lists.

You determine who gets elected by the FPTP system first. Then each party is entitled to the number of seats in the Legislature that produces a proportional result based on the party or list vote.

This system was put in place in West Germany by the occupied powers in 1949, and variations of it have been adopted by many countries since then. It is basically the same system as has been adopted by New Zealand in 1993, Italy in the mid-1990's, as well as Scotland and Wales in 1999 in just the last few years.

The MMPS keeps the proportionality benefits of the PR system and it keeps the benefits of the FPTP system in that electors have their own members. The MMPS also gives electors more choice as each elector has two votes - one for his or her local member, and one for the party.

The province of Quebec is moving to a MMPS. It is my understanding that they have introduced legislation which provides for 75 Members to be elected from single-member ridings under FPTP and for 50 Members to be elected from the PR side from regional districts.

The New Brunswick Commission on Legislative Democracy has recently released its Report and it recommends a MMPS for New Brunswick. It recommends that a regional MMPS combining 36 single member riding seats and 20 PR seats elected within four approximately equal size multi-member regional districts be adopted. The New Brunswick Commission recommended that a binding referendum be held no later than at the next provincial election to choose whether or not to adopt the new system.

### **How might a MMPS work in Prince Edward Island?**

We now have 27 MLA's.

Suppose for the sake of argument you increase this number to 31.

Then let's say we will elect 21 of these 31 Members by FPTP from 21 single-member districts across the province. This means the Island would be divided into 21 districts instead of the 27 districts we now have.

Then the remaining 10 Members would be elected by the PR or List System.

Now, do not forget, - there are different ways to do this.

Each party would prepare a list of 10 candidates whose names would appear on a party list.

### **How do these names get on the lists?**

Well one way is for each party to hold a convention - a mini-election - when it would select these candidates and rank them on the list from 1 to 10.

The New Brunswick Commission, for example, has recommended that the parties be required to nominate PR candidates in open conventions based on clear party nomination, financing, and disclosure rules.

The list system will allow more women to be elected if the top 2 or 3 names on the list contain a women's name. The agriculture sector can get a voice by putting a prominent spokesperson for their sector on the list. The same applies for the fishing industry, youth and so on.

These lists would be filed with Elections P.E.I. and would be circulated and published by the Elections officials. The names of the list candidates may or may not appear on the ballot.

If the electors are allowed to rank these list candidates - then the names would have to appear on the ballot.

If the electors are only allowed to vote for the party list - then it is not necessary to have the names of the list candidate appear on the ballot. So on election day, an elector goes to the poll to vote.

Each elector has 2 votes.

**First** - You would vote for your local MLA in your district using FPTP in the exact same manner as you did in the last provincial election.

**Second** - You would also have a party vote - that is you would vote for the list of candidates you like the best.

Even if you are allowed to rank the candidates you can only rank them within one party list. Such a ranking vote also counts as a party vote.

### **So Everyone Has Voted**

You then count the ballots for the local district candidates in the same manner as it is done now and determine who gets elected in the 21 single-member districts.

LETS SAY THE RESULTS ARE:

PC - 14  
LIBERALS - 7  
NDP - 0

You then count the total vote each party gets on the PR side. Lets say for simplicity sake that the PC party gets 54% of the vote so they are entitled to 54% of the 31 seats or 17 seats total. They already got 14 seats by FPTP so they get 3 more seats for their list of candidates - the top 3 names on their list.

The Liberals got 40% of the party vote so they are entitled to 40% of the 31 seats or 12 seats total. They already got 7 seats from FPTP so they now get 5 more seats from their list of candidates.

The NDP got 6% of the vote so they get 6% of 31 seats or 2 seats. The NDP did not get any seats by FPTP so they get 2 seats form their list of candidates.

So each party ends up as follows:

#### **Election Results - Final**

<b>Party</b>	<b>FPTP</b>	<b>List PR</b>	<b>Total</b>
<b>PC</b>	14	3	17
<b>Liberal</b>	7	5	12
<b>NDP</b>	0	2	2
<b>Total</b>	21	10	31

Each party gets more or less the same proportion of the seats as it got of the vote.

The question is asked:

How do you keep small, frivolous or splinter parties - one issue parties - from getting seats?

Well you establish a threshold - that is a party has to receive a certain percentage of the party vote before they are entitled to any list seats. The New Brunswick Commission has recommended a 5 per cent threshold on the province-wide vote. The range found around the world runs from 0.67% to 10%. The New Zealand threshold says you either have to win one seat on the FPTP side or get 5% of the party vote.

The Law Reform Commission of Canada released a report in 2004 - "Voting Counts: Electoral Reform for Canada." It recommends that Canada adopt a MMPS

whereby two thirds of the Members of Parliament would be elected FPTP and one-third PR or party list with one list seat allotted to each Nunavut, NWT and the Yukon. It also recommends that electors be given the opportunity to vote for the party list or to indicate a preference for a candidate on the list.

The foregoing analysis is the kind of change some people want to see to our present electoral system so as to more adequately reflect the wishes of the electorate on election day and to provide a strong and effective opposition.

It may not produce a truly proportional result but it would be much closer than what we now get as it would guarantee as least 5 or 6 members in the Opposition.

P.E.I.'s Electoral Reform Commission also recommended that an implementation Committee be appointed to conduct an educational program and to hold a vote to determine whether the electorate wants change. Leonard Russell has been appointed to Chair the Commission on P.E.I.'s Electoral Future and it is possible a vote will be held this Fall on the issue of change. This ensures that the issue of Electoral Reform will be a topic of debate once again and it will be interesting to sit back and see the whole process unfold.