WHITE PAPER ON DEMOCRATIC RENEWAL

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Foreword

Dear fellow Prince Edward Islanders,

This *White Paper on Democratic Renewal* presents our province with an opportunity to make history in three significant ways: (i) to continue with exceptional and nation-leading rates of voter participation, (ii) to become the first Canadian jurisdiction to move beyond the "first past the post" system in choosing our elected representatives, and (iii) to consider additional and timely measures to enhance our democratic process.

Throughout our history, Prince Edward Island has benefited from democratic renewal and evolution. Significant milestones include the establishment of responsible government (1851) and extending the right to vote in provincial elections to Roman Catholics (1830), women (1922) and aboriginal people (1963). Other significant steps include the re-introduction of the secret ballot (1913) and the move to single-member constituencies (1994).

With two decades having passed since the electoral reforms of 1994 and with a legal requirement that electoral boundaries be redrawn before the next provincial election, it is timely for Prince Edward Islanders to engage in a further and historic renewal of our democratic institutions. This *White Paper* has been prepared with contributions and expert input by Dr. Edward MacDonald and senior public service officials.

The *White Paper* invites all Islanders to work together as we build on our traditions and context to put Prince Edward Island on the map for our democratic processes and rates of participation. Thank you for your consideration and input.

Sincerely,

H. Wade MacLauchlan
Premier
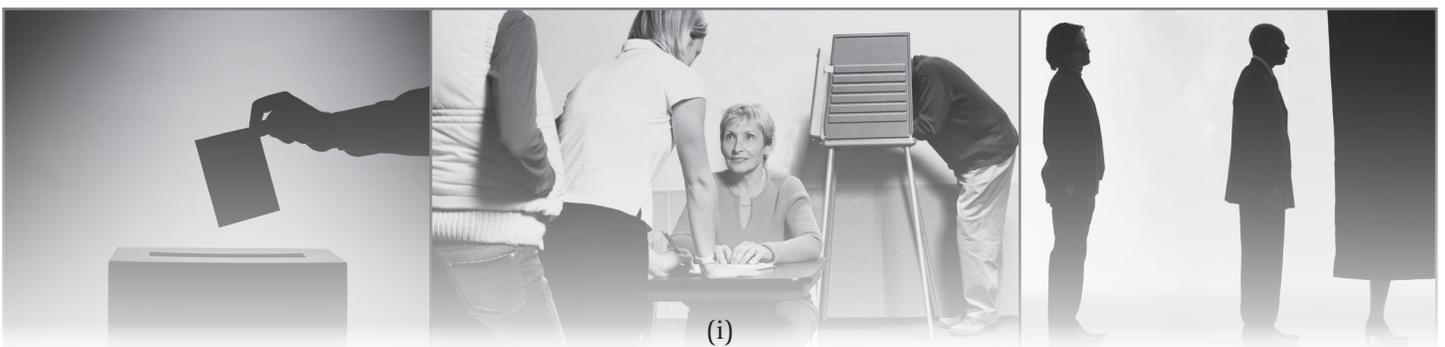
Introduction

In an era of concern about the health of democracy, Prince Edward Island stands out in many positive ways. Islanders lead the country in their voter turnout, their interest and engagement in politics, and their contributions to their communities and to civil society. Prince Edward Island's 2015 election campaign featured vigorous debate on policy issues, and generated the highest voter turnout in three decades. When the ballots were counted, a strong Opposition had been elected, including a seat for the Green Party for the first time in Island history, and a Government with a working majority in the Legislative Assembly.

Our newly elected Government has pledged, in the June 2015 Speech from the Throne, to "initiate and support a thorough and comprehensive examination of ways in which to strengthen our electoral system, our representation, and the role and functioning of the Legislative Assembly."

This initiative recognizes that it is timely to explore democratic renewal for many reasons. Our society is changing continuously, becoming ever more diverse and mobile. It is clear, in Prince Edward Island and across Canada, that a system established by the stable, homogenous community-centred society of the 1800s requires review and renewal to meet the needs of the twenty-first century. Islanders' high level of political engagement does not necessarily translate into a high level of satisfaction with our electoral system. Many Islanders have articulated a view that their votes are not resulting in fair representation in the Legislature that reflects the diversity of our society.

This is the best of all possible times, then, to tap into the strong interest that Islanders take in political discourse, to ask what we collectively want from our democratic system, and to discuss how to safeguard our strengths while gaining the benefits of democratic renewal and new approaches. We are not facing a crisis of democracy – but we are experiencing pressures, they may intensify, and we can always strive to do better.

This White Paper focuses on exploring the potential for an improved electoral system. The most fundamental decision in a democracy, the core right of every adult citizen, is to choose the people who will make decisions on his or her behalf. The way in which this is done has wide-ranging impacts. The electoral system affects the nature of political campaigns, the type and diversity of candidates, the fairness of representation, and the tone of political discourse. It is essential that this fundamental matter be considered as Prince Edward Island moves ahead with its review of electoral district boundaries that is required by law after the 2015 general election. Following these foundational steps, further consideration can be given to other important elements of our democratic system and processes.

The White Paper inaugurates this work. It outlines the history of our electoral system in Prince Edward Island, explains recent electoral reform trends and approaches across Canada and beyond, and notes emerging pressures for change. The Paper puts forward measures that address electoral concerns of Islanders, while inviting discussion on additional areas of reform. It concludes with a description of the various ways in which Islanders can take part in this process of democratic renewal.

A History of Democratic Evolution in Prince Edward Island

According to French thinker Joseph de Maistre, "Every country has the government it deserves." Perhaps it is more accurate to say that our forms of government are deeply embedded in their communities. Even as a political system is created or transplanted, it begins to interact with the particular – and changing – circumstances of its host society. Such institutions are rooted in history and they become adapted to local context and experience.

De Maistre's maxim was first published in 1851. That same year, Great Britain reluctantly granted "Responsible Government" to Prince Edward Island, and Reform leader George Coles became our first premier. But making government more "responsible" to the electorate, that is, a system where the executive branch of government is chosen from the party that commands a majority in its elected legislative branch, was neither a culmination nor a beginning. Rather, it was a landmark on a continuum of change. Sometimes change was coloured by short-term political considerations and, increasingly, it confronted the inertia that results when past usage hardens into "tradition." It has always reflected societal conditions.

The Creation of Colonial Government

Aside from the traditional forms of governance developed by aboriginal peoples over thousands of years and Île Saint-Jean's status as a satellite of the Royal government in Louisbourg, there was little framework for local government on Prince Edward Island[1] before the advent of British rule in 1763. In 1769, the island was granted colonial status, with all of the administrative machinery that came with it, including provision for a governor (after 1784 reduced to a lieutenant-governor), a council and an elected assembly (MacKinnon).

Frontier conditions dictated how the trappings of colonial government were translated to the new colony. When Governor Walter Patterson named his first Council in 1770 from among "the principal inhabitants" of the colony, there were too few "principal inhabitants" to fill the initial complement of twelve councilors and he began with only seven. (MacKinnon) For similar reasons, Patterson was reluctant to summon an elected assembly and only did so in July 1773 when doubts were entertained about whether his government could enact legislation without the consent of the governed. In a colony lacking both settlers and transportation infrastructure, Patterson found it expedient to treat the entire colony as a single constituency and to limit the size of the House of Assembly to 18 members.

British practice was to restrict the right to vote to substantial property owners (with property initially defined as land) on the principle that only civic-minded property owners, having a greater stake in the country, should have a say in governing it. But on Prince Edward Island, principle had to be sacrificed to pioneer realities, and the only qualification required of its first voters was that they be male, Protestant

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[1] Although the province's current name was not officially adopted until 1799, for simplicity's sake, "Prince Edward Island" is used throughout.

and residents. With the convening of a House of Assembly, the Council began a dual function, acting as an upper house, or Legislative Council, "to advise and consent," while retaining its role as an Executive Council, "to advise and assist." In 1784, the Executive Council was set at nine members and the Legislative Council at twelve, but since the former was chosen from the latter, it was difficult in practice to distinguish between the two. (Carruthers)

A Century of Reforms

The early precedent of adapting British practice to local conditions set the tone for the series of modifications that followed during the 19th century. While political considerations might influence the timing of change, a growing colony required frequent adaptations of its constitutional arrangements.

In 1774, legislation laid the groundwork for an electoral process, leaving the Governor with considerable discretion in the timing and nature of elections (although until 1834, the death of the monarch automatically triggered the election of a new house). Exercising that discretion, Lt. Gov. Edmund Fanning divided the colony into three constituencies, based on its counties, in 1787, with four members elected at large for each county, and two from each county capital. However, the first *Election Act* was not introduced until 1803 (Carruthers), and it was 1806 before a term length for the Legislature was fixed: seven years, amended to four in 1833. (MacKinnon, 53)

By the 1830s, immigration and natural population increase were transforming the human and physical landscape of the colony. Between 1798 and 1855, the population soared from less than 4,300 people to over 71,000 (Spierenburg, 18). One effect was to engender debate about the emancipation of Roman Catholics, who comprised 45% of the colony's population but were barred from voting or holding public office. They were finally enfranchised in 1830.

The enlarged electorate no doubt radicalized Island politics, since many Roman Catholic voters were tenants opposed to the leasehold land tenure system. That, in turn, empowered the radical Escheat Party, which won control of the House of Assembly in 1838. While the Escheaters were unable to legislate seizure of proprietorial estates, they did preside over a series of constitutional reforms. The *Election Act* of 1838 enlarged the House of Assembly to twenty-four members, and four dual-member electoral ridings (including each county capital) were carved out of the old county constituencies. In 1856, the House was enlarged again, to 30 members, chosen from five dual-member ridings in each county. Even in 1856, the convenience – and precedent – of using county/capital subdivisions defied the Island's demography. Queens County's population already outstripped Prince and, particularly, Kings County, yet each retained an equal number of seats.

The only concession to population realities addressed the seats apportioned to County capitals. The problem in Prince County was resolved in 1861 when the capital was formally shifted from moribund Princetown to Summerside (Carruthers, 19), while the low population in Georgetown and Royalty was addressed in 1893 by enlarging the riding to encompass a series of headlands roughly centered on Cardigan Bay and linked by the prevalence of water transportation. (*MacKinnon v. Government of PEI*, PEI Supreme Court, Trial Division, 1993). While unremarked at the time, this was perhaps the first instance of using a specially defined community to draw constituency boundaries. The artificial

boundaries of 5th Kings made some sense in a pre-asphalt era when roads remained poor (at best) and water/ice provided the most effective means of transportation.

One of the chief obstacles to land reform in the 1830s and 1840s was the appointed Council, filled as it was with men of substance materially vested in maintaining the status quo. In 1839, a year after the House of Assembly was enlarged, the two Councils, Legislative and Executive, were formally separated, making it possible for members of the House of Assembly to serve on the Executive Council. The essence of Responsible Government, achieved in 1851, was to deliver control of the Executive Council (colloquially, the Cabinet) into the hands of the party that controlled the elected Assembly.

The Legislative Council, too, was targeted for reform, especially after the House of Assembly achieved supremacy. Appointed by the monarch on the recommendation of the Governor, Legislative Councillors served "during pleasure," but in practice it was difficult to dismiss them without demonstrably just cause. Thus, when elections changed control of the Assembly, the Upper House was frequently filled with political opponents appointed under previous administrations, who could only be removed from office by death, disgrace, resignation or emigration. One way around their obstruction was to appoint more Councillors – in 1859 the size of the Legislative Council swelled to seventeen members – but the simpler solution was to bind the Council to the will of the electorate by making it elective. The reformed Legislative Council, established by statute in 1862, consisted of thirteen members, four from each county, with one member from Charlottetown. (MacKinnon, 102-03) Although it was now elective, the Council was still intended to represent men of property. While there was no property qualification for candidates, electors had to be males over the age of twenty-one and have freehold and/or leasehold property to the value of £100.

In the colonial House of Assembly, the property qualifications continued to be minimal. In practice and, finally, in principle, the Assembly was chosen by universal (adult) male suffrage. The manner of its election was more variable. In the wake of the notorious Belfast Riot, the culmination of a long tradition of election-day violence, multi-day voting was abolished in 1848 in order to eliminate the practice of partisan mobs roaming from poll to poll, intimidating voters.

Another invitation to voter intimidation was addressed in 1877 when election by secret ballot, accompanied by voters' lists and regularized polling procedures, replaced open, oral voting. But in this case, cost trumped conscience. The measure was enacted just as Island governments were beginning to discover the woeful inadequacy of their revenues under Confederation, and the Sullivan government, newly elected on a platform of financial retrenchment, repealed the secret ballot in 1879. It was only re-introduced in 1913 by a Conservative administration proud of its progressive approach to government – and temporarily buoyed by a $100,000 per year increase in its federal subsidy. Even so, it would be 1964 before voters' lists were required for general elections, and a chief electoral officer appointed.

The same cost-cutting mentality that abandoned the secret ballot also took aim at the province's upper house. After Confederation in 1873, Prince Edward Island sported six federal Members of Parliament, a thirty-member House of Assembly and a thirteen-member Legislative Council. Surely, critics reasoned, that was more than enough representatives for one small province. Legislation to abolish the Legislative

Council was first introduced in 1879, but the rights of property proved much more durable than the new voting system. It took several attempts, the precedent-setting example of several other Canadian provinces, and considerable, unrecorded backroom negotiation before the Legislative Council was finally done away with – after a fashion – in 1893.[2]

The new Legislature uniquely welded the Legislative Council onto the House of Assembly to create a new, thirty-seat "Legislative Assembly" elected from 15 dual-member ridings. Each constituency was represented by a Member of the Legislative Council (MLC) and a Member of the Legislative Assembly (MLA), which allowed for one-on-one contests at the polls and, just as important, allowed opposing parties to match candidates according to religion. The latter consideration was a legacy of the bitter sectarian rivalries of the 1856-1877 period (pitting the Roman Catholic plurality against the Protestant majority), which had exerted a dangerously corrosive effect on party loyalties. Religion had not ceased to matter by the 1890s, but it had gone underground as a political issue, and keeping it "out of politics" meant that it remained a central, backroom consideration for another century.

Once in the House, MLAs and MLCs functioned in exactly the same fashion; the only difference lay in how they got there. Assemblymen were elected according to universal male suffrage, while a property franchise was retained for those electing Councillors (though, again, not for candidates). To vote for Councillor in any constituency, electors must own $325 worth of property in that riding.[3] Property owners could vote only once for Councillor in a given constituency, but they could vote in any riding where they met the property requirements. In a province where the two principal parties were evenly matched in terms of popular support (10% of all elections between 1893 and 1963 were decided by twenty-five or fewer votes) (Clark), electors with multiple votes were a valuable commodity.

A Century of Stasis

The paroxysm of reform that produced the hybrid legislature of 1893 was a high water mark of sorts in terms of constitutional change. Dogged by outmigration and economic stagnation, the Island did not tend towards bold experimentation. The belated re-adoption of the secret ballot in 1913 was perhaps the exception that proved the rule. Another was the foot-dragging decision in 1922 to enfranchise 50% of the Island's population, its women (*If You're Stronghearted*). Considering that the Legislature had first voted on the issue in the 1890s, and that only Quebec and Newfoundland and Labrador among Canadian provinces took longer to give women the vote, women's suffrage on Prince Edward Island was hardly the crest of a constitutional wave. It was 1951 before a woman ran for the Legislature (Hilda Ramsay, for the provincial CCF party) and 1970 before a woman (Jean Canfield) was elected. Prince Edward Island was proud to become the first province to elect a female premier, Catherine Callbeck, in 1993. While female candidates tend to be popular with voters, and the percentage of female candidates continues greatly to lag the percentage of women in the larger population. (Crossley)

Another historically disenfranchised group, First Nations peoples, received the right to vote in provincial

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[2] The Davies government's bill was lost when it was defeated in 1879, and the Sullivan government's 1880 bill was defeated in the Legislative Council. The Upper House at the time was said to cost $7,000 per year. (Driscoll)
[3] According to Marlene Russell Clark, a non-resident could also vote for Assemblyman in any riding where he owned property worth at least $100.

elections in 1963. There was, however, little thought given then, or since, to whether the Island's original inhabitants might be entitled to special representation within its Legislature.

Although shifting demographics gradually tilted the population towards urban centres, riding boundaries remained unchanged for seventy years, partly because the principal political parties were too evenly matched to risk radical change (Clark). However, after being out of office for twenty-four years, the Conservatives were understandably more open to a measure of reform when they came to power in 1959. In any case, the population imbalance between urban and rural constituencies had become too great to be ignored for much longer. In a larger sense, the reform impulse must also be seen in the context of accelerated modernization that characterized postwar Prince Edward Island.

In 1961 the Shaw Government appointed the Royal Commission on Electoral Reform, chaired by His Honour J. S. DesRoches, Judge of the County Court of King's County. The Royal Commission's report was tabled in 1962. The resulting legislation, the *Election Act* of 1964, in some cases went beyond the Commission's recommendations. Although the distinction between Councillor and Assemblyman was retained, multiple voting and the property franchise were eliminated. The most contentious clause was actually added by amendment during debate: the elimination of the under-populated riding of 5th Kings and the creation of 6th Queens to belatedly reflect the growing population around Charlottetown. (Carruthers; Russell Clark) With a general election in the offing, the Government found it expedient to restore 5th Kings in 1966, resulting in a Legislature of thirty-two members.

Despite the modest re-distribution of the early 1960s, the question of voter parity among Island ridings continued to bedevil lawmakers into the 1970s, even as an ambitious Comprehensive Development Plan sought to rationalize and re-shape the Island's economy and society. In 1974 the Legislature appointed an Electoral Boundaries Committee, which, in turn, delegated a sub-committee to canvass public opinion on the issue. General apathy attended its hearings. Consensus favoured replacing the existing constituencies with thirty-two, single-member ridings based on the four federal ridings rather than the three counties. For the first time a form of proportional representation was introduced into the discussion, but only in the sense that interveners stipulated creation of twenty-six identifiably "rural" ridings and six "urban" ones (Committee report). In its report, the Committee generally ignored the sub-committee's findings, and in turn its recommendations were not proceeded with by the Legislature. In 1988 legislative provision was made for a regular adjustment of riding boundaries. (*Electoral Boundaries Act* R.S.P.E.I. 1988 Cap. E-2.1)

Agents of Change

It took legal action to overcome the Legislative Assembly's reluctance to tamper with a constituency system that seemed to be working (voter turnouts, after all, were consistently among the highest in Canada). Basing his case on Section 3 of the Canadian Charter of Rights and Freedoms (guaranteeing voting rights), Charlottetown resident Don MacKinnon launched a suit against the Provincial Government in 1991, arguing that the significant population imbalance between Island constituencies essentially meant that his vote counted for less than a vote in a rural riding. Census numbers backed his claim. By 1989, 5th Kings had 1,021 voters per member while 5th Queens had 5,982. The provincial

average was 2,788 voters per member; the variance from the average thus ranged from -63% to +115%. Federally and in most other provinces, the allowable deviation was +/- 25%.

In finding that Prince Edward island's distribution of seats did not satisfy constitutional requirements, the Prince Edward Island Supreme Court (Justice Armand Desroches) sought "effective representation" by balancing "absolute voter parity" with mitigating, non-population factors such as community history, community interest, projected rates of growth, and special geographic features. While Justice Desroches opined that the protection of historic rural interests warranted a measure of flexibility, he ruled that re-distribution must follow further, timely investigation.

The decision set the stage for significant electoral reform. In 1994, the Election Act and Electoral Boundaries Commission, chaired by MLA Lynwood MacPherson, proposed a sweeping reform of the Legislature, abolishing the dual member structure in favour of thirty single-member ridings. The county format was retained, but seats were re-apportioned according to population: ten in Prince County, fifteen in Queens, and only five in Kings (Carruthers). Liberal member Ross Young counter-proposed a 27-seat House with a 9:13:5 distribution of seats. His compromise bill was at length adopted. (*Electoral Boundaries Act*, S.P.E.I. 1994, c. 13)

In his 1993 ruling, Justice Desroches had echoed others' position that electoral boundaries be adjusted by a non-partisan, independent commission. While the number of seats in the Legislature was now set, the periodic necessity of re-drawing constituency boundaries proved equally contentious. Evidently believing that the 2004 Report of the Electoral Boundaries Commission had privileged voter parity over mitigating considerations such as "community concerns," the Conservative government appointed a Special Legislative Committee on Electoral Boundaries, which involved Elections PEI in the process of boundary-drawing (Report of Committee). After much tinkering, the new electoral map was approved by the Legislature with a mandated variance of +/-15% in the population of ridings.

The constitutional quest for "voter parity" drove the electoral reform of 1994 and the periodic re-jigging of constituency boundaries that has followed. But it also opened up another line of debate, this time over voting systems. Since 1773, elections had been decided by the traditional "First-Past-the-Post" [FPTP] or plurality model; put simply, the candidate with the greatest number of votes wins. As many political observers noted, the plurality system rarely mirrored the popular vote. Although a party might garner a significant share of the popular vote, those votes often failed to translate into seats. Indeed, the increasing trend in Island politics by the late 1990s was towards huge majorities based on a relatively modest majority of the popular vote (Carruthers, Cousins). Frequently reduced to one or two members, the Official Opposition was challenged to function effectively in the Legislature, Out of seven general elections from 1989 to 2011, only one, in 1996, resulted in a balanced majority.

During its round of public hearings in 1994, the MacPherson Commission heard for the first time serious advocacy of some form of Proportional Representation to either supplement or replace the existing "first-past-the-post" system. The opinions mirrored a national trend, largely impelled by declining voter engagement, toward electoral reform. After being returned to power with a crushing majority in 2000, Premier Pat Binns gingerly took up the issue.

After preliminary investigations by Elections PEI, retired Chief Justice Norman Carruthers was appointed a one-man commission in 2003 to investigate the appropriateness of adopting alternate systems of voting on Prince Edward Island. Carruthers' report recommended adoption of a Mixed Member Proportional System, with twenty-one seats elected by the existing plurality system and ten additional members elected on a separate ballot from party lists (Carruthers). In 2004, the Commission on Prince Edward Island's Electoral Future adjusted Carruthers' seat breakdown to seventeen and ten, respectively (McKenna). The option was then put before the electorate in a 2005 referendum.

Although Carruthers had encountered considerable public apathy in the course of his public hearings, the referendum campaign reached a wider audience. Advocates of the Mixed Member Proportional scheme stressed that the composition of the House would more closely reflect the popular vote – no one's vote would be "wasted"; that it would produce stronger Oppositions and more diverse Legislatures, making Governments more responsible to the people; that more women and minorities would enter the House; that forms of Proportional Representation had become the norm rather than the exception around the world. Opponents warned of Party lists stacked with hand-picked "party insiders" and/or urban elites; of unstable coalition governments since no party was likely to win an absolute majority; of special interest, fringe parties that would paralyze the business of the House.

Many voters simply may have felt the system didn't need fixing. Others may have been discouraged by Premier Binns' announcement that a "yes" would require 60% of the total votes cast as well as a majority in 60% of the twenty-seven ridings, an almost impossible expectation. In any event, only 33% of the electorate turned out to vote in the referendum. Of those that did, 64 % voted "no." (McKenna).

Prospects

The fate of the Proportional Representation referendum offers a number of potential lessons. In the end there were two levels of opposition to Proportional Representation: those that opposed Proportional Representation on principle and those who opposed the particular model being proposed. Echoing the position of earlier legislative committees, other opponents claimed that their position did not mean "no," merely "not yet." Apathy may have played a part, but complacency seems less likely. As Hon. Norman Carruthers argued in his Report, the political history of Prince Edward Island has been characterized by change rather than stasis. And societal change will continue to force our political institutions to adapt. As the number of urban and "rurban" [4] inhabitants continues to rise, as other special interest groups assert their claims to consideration, as legal challenges continue to overturn established practice, as our definition of what constitutes "community" transcends physical geography, as our culture continues to diversify, our democracy will be confronted with the necessity – but also, the opportunity – of renewal.

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[4] That is, "rural" by census definition but living in close physical, vocational, and cultural proximity to urban centres.

Canadian Discussions on Electoral Reform

Prince Edward Island has been among several Canadian provinces which have carried out major public engagement exercises on electoral change in recent years. These initiatives were sparked by generally similar factors, notably an increasingly mobile and diverse electorate with fewer ties to a particular geographic location or party identity.

As well, the First Past the Post (FPTP) system, rooted in tradition and primarily designed for a two-party state, was seen as poorly suited to a multi-party system. As additional parties emerged and grew, they pointed to perceived flaws of the FPTP system, including lopsided majorities, weak Oppositions, heightened regional tensions and conflict, and under-representation of voices which were outside the mainstream or diffused across the country.

Alienation grew, as more voters, regions, and communities of interest felt disempowered and excluded from elected representation. There was marked decline in trust and confidence in governments, and lower voter turnout, especially among young Canadians. Many citizens were demanding a greater voice in the decisions affecting them.

The mid-1990s into the 2000s were a time of perceived democratic malaise and a search for a better way. These change initiatives – in British Columbia, Ontario, Quebec, New Brunswick, and Prince Edward Island – not only explored new electoral models, but also often did so in new and more inclusive ways:

- The reform wave began in Quebec, with the appointment of an Estates General on the Reform of Democratic Institutions (the Béland Commission) in 2002. The Estates General reported in March 2003, recommending a change to a system of regional proportional representation. In December 2004, government introduced a draft bill proposing various reforms including a variant of a proportional representation electoral system. In subsequent processes and consultations, divergent views emerged on the appropriate model, and the initiative was eventually shelved.

- In January 2003, Prince Edward Island appointed the Honourable Norman Carruthers to examine options for electoral reform, making PEI an early leader in this wave of reform. The process and the ensuring rejection of reform in the 2005 plebiscite have been described above.

- In 2004, British Columbia established a Citizens' Assembly, a group of 160 people mostly drawn from a randomly generated list of voters from each riding, and gave the Assembly a year and a budget of over $5 million to do their work. The new system recommended by this process (the "Single Transferable Vote") almost succeeded in winning the required 'supermajority' of public support. It won 57% – but not the needed 60% – of the provincial vote, and gained majority support in 77 of the 79 ridings. A subsequent reworking of the model and a second referendum

in 2009 fell well below these levels of support, winning only 39% support province-wide and seven of 85 electoral districts.

- During 2004, New Brunswick's Commission on Legislative Democracy studied and consulted the public on options for electoral reform, ultimately recommending a change to a mixed proportional representation approach. The then government committed to take the proposal to the public via a referendum, but following a change of government in 2006, this did not occur.

- In October 2003, Ontario established the Democratic Renewal Secretariat within the Office of the Attorney General, with a mandate to examine ways to strengthen democracy. Initiatives included a move to fixed election dates, increased disclosure of campaign donations, and, in late 2004, appointment of a Citizens' Assembly to examine electoral reform options. In May 2007, the Assembly reported, recommending a move to a mixed proportional representation system. The recommendation went to a referendum in conjunction with the October 2007 provincial election, and was decisively defeated, gaining 37% support compared to 63% for the existing FPTP system.

- During 2003 and 2004, the Law Commission of Canada carried out a major study and public engagement effort to explore the case for electoral reform and to propose options, ultimately leading to a recommendation for a mixed member proportional system.

All of these processes concluded that the current FPTP system offered the fewest strengths, and most recommended a mixed member proportional system as providing the best balance of benefits. Where processes were prolonged, they became vulnerable to changes in government or priorities. However, regardless of duration, in the three provinces where the process was completed and a new system was submitted to the electorate in a referendum – Prince Edward Island, British Columbia, and Ontario – 60% or more of those who voted ultimately opted to retain the existing system.

Despite these relatively recent outcomes, electoral reform is once more a key topic of political discourse. Again, Prince Edward Island is a leader, with the Throne Speech's commitment to examine electoral reform, and the release of this White Paper. Since Prince Edward Island's Throne Speech on June 4 2015, the province of Alberta has also committed to examine electoral reform, and the Liberal Party of Canada has made it a core part of its platform for the coming federal election campaign. The New Democratic Party, meanwhile, has long been a proponent of electoral reform. In Ontario, the road is clear for its cities and towns to move to a preferential ballot system that would enable voters to rank their choices – ensuring that every councillor is elected with a majority of voter support.

With the re-emergence of public discussion around these reform initiatives, comment has emerged in the media on possible reasons for the failure of past attempts. According to Andrew Coyne of the National Post, "The biggest impediment to reform, where it has been attempted, has been the fear of the unknown – the public's instinctive attachment, when forced to choose, to the status quo, as against

some other system that, whatever frustrations they may have with the present system, can always be made out to be something worse: risky, untried, foreign." More simply, Conrad Yakabuski of the Globe and Mail recently opined that electoral reform excites "earnest young academics and policy wonks who think our democracy is broken. But as attempts at electoral reform in a few provinces have now shown, voters don't generally trust a bunch of elites to fix it."

These opinions may overstate the role played by fear and mistrust in defeating past efforts at reform. Nonetheless, it is fair to say that reform is most likely to win support when it is grounded in the history, values, needs, and circumstances of its society. As noted by Chief Elections Officer Merrill Wigginton in his 2002 *Report on Proportional Representation*, "...each and every country using Proportional Representation (PR) uses a system particular to that country. In fact, if there are 124 countries throughout the world using PR then there appears to be at least 120 different systems of PR."

It is clear that changes to such a fundamental element of democracy cannot simply be transplanted in Prince Edward Island and expected to take root. In effect, our efforts must be grown from seed here: our reforms must be made in Prince Edward Island, by Islanders, and for Islanders. We have a long and proud history of electoral evolution upon which we can draw.

Accordingly, the following section sets puts forward directions for electoral change that build on our past, achieve progress on important issues facing us today, and enable further change and renewal in the longer term.

Ideas for Change in Prince Edward Island

Finding a Balance: Exploring A New Model of Electoral Reform

Electoral systems are composed of three elements, each with several options:
1. *The basic voting system*, or how votes are translated into seats:
    o A plurality system (winner take all or first past the post), in which the candidate with the largest number of votes wins, even if he or she has less than half the votes
    o A majority system, in which the candidate must gain at least 50% plus one of the votes to win
    o A proportional representation system, where the overall shares of votes in the district or province or country are converted into shares of the seat total and distributed via party lists or other means

2. *The size of electoral districts*, in terms of both geographical size and number of candidates:
    o Smaller single-member constituencies, Prince Edward Island's current system
    o Larger districts or regions with two or more candidates per party, the system used in Prince Edward Island with dual member constituencies from 1893 to 1994
    o The whole jurisdiction with candidates presented via party lists

3. *The structure of the ballot*, or the way in which voters mark their preferences:
    o One choice for a single candidate, PEI's current system
    o Two or more choices, such as voting for two or more representatives in a district, or voting for a candidate and separately for a party (this latter system is often used in proportional representation systems)
    o Ranked choices of two or more competing candidates from most to least preferred, or the so-called "preferential ballot".

These elements can be combined into an enormous number of variants, making the choices for the electorate complicated. For example, the mixed member proportional representation systems so widely rejected by voters in British Columbia, Ontario, and Prince Edward Island generally involved a combination of a first-past-the-post and proportional representation voting systems and an element of large multi-member districts.

In this context, it is worthwhile to explore whether practical, straightforward alternatives can be found that offer options to improve our system in a way that sustains what we value and that is acceptable to a majority of Islanders. These ideas recognize that there is no perfect system, and that every system seeks workable steps that can be implemented. They also recognize that our Island history, for two centuries, has been one of gradual adaptation to a changing society and a changing world.

The model put forward in this White Paper particularly draws on Prince Edward Island's history of dual member ridings and on the longstanding approach widely used in PEI and elsewhere to nominate candidates and party leaders. It proposes a modern update.

The new elements of this model include:
- a combination of four large districts aligned with our four federal ridings, and six small single-member ridings within each of those districts, yielding a total of 28 Members of the Legislative Assembly; and
- a move to a preferential ballot system in both types of district to ensure that every candidate must win the support of at least half their constituents to gain elected office.

Also discussed are measures to encourage greater diversity and representativeness in all candidates.

Dual Electoral Districts

The proposed model of four large districts based on federal riding boundaries, and six small single-member ridings within each of those districts has a number of implications.

With regard to the design of the large and small districts:
- The four large districts would be kept relatively even-sized as a result of federal electoral boundary change and ongoing modifications to these boundaries by Elections Canada.
- The twenty-four individual districts can be designed to reflect the factors that have always been important to Islanders, including a balance of rural and urban representation and protection of linguistic minorities.
- The twenty-four individual ridings would have an average of about 4,200 voters, still small enough to maintain the close relationship between elected member and voter that Islanders value so highly.
- The four federal ridings align well to historical community patterns, create a clear separation between the capital city and the rest of the province, and exhibit internally consistent socio-economic characteristics.

With regard to the move to a renewed version of a dual-member system:
- Islanders are familiar and comfortable with the concept of a dual-member system, as it served as our democratic model until two decades ago.
- The fact that every voter will be represented by two members of the legislature – one local and one regional – provides more opportunities for choice, interaction, and representativeness.
- Some types of systems, such as mixed member proportional representation, create fears of "two-tier" members of the legislature, in which the party list members from the large districts are seen as having less credibility than members elected directly in local districts. This concern does not arise with the present proposal, as both types of candidates would be directly elected by a majority of the voters in the district.

- Historically, PEI's system of dual-member ridings was used by parties to reflect the religious diversity of the electorate. Our society today has more dimensions of diversity that should be reflected in our legislature, and this proposed system of individual and regional ridings offers opportunities to promote that.

Preferential Ballot System

The debates and reform proposals of the recent past have tended to a choice between some form of proportional representation or the status quo. The ballot system this White paper puts forward is a preferential form. Voters would receive a two-part ballot on Election Day. On one half, the voter would indicate his or her preferences, in order, for the candidates in the local district, with "1" being the preferred candidate, "2" the second choice, and so on. It would be the voter's choice as to whether to indicate only one preference, or two or more, from among the candidates offering.

On the second part of the ballot, the voter could express his or her preferences with regard to the candidates for each of the parties offering in the large district aligned with the federal riding. Again, the voter could rank as many candidates as wished.

Rank any number of options in your order of preference	*Rank any number of options in your order of preference*
"Name of Local District"	**"Name of Regional District"**
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate
☐ Candidate	☐ Candidate

The votes would be counted and any candidate receiving over 50% of the total vote in the first round would be declared elected. For those candidates receiving less than half the vote, the lowest ranked candidate would be dropped from the list, and the second choices of that candidate's supporters would be counted. This process would continue until a candidate won a majority of votes.

This approach, which has long been used within political parties to select leaders and candidates for office, has several positive implications:
- It gives voters a greater voice and reduces the number of "wasted votes."

- In so doing, it increases the electoral influence of supporters of smaller and newer parties, as those preferences are most likely to be counted first in working toward the 50% plus one.
- It ensures that all winning candidates enter office with the support of a majority of their constituents.
- More subtly, it promotes a collaborative approach to running for and holding office. It is widely considered that the first-past-the-post system encourages candidates to foster polarization and conflict, in order to define what they stand for and galvanize their supporters into voting. In a preferential system, however, candidates must appeal to a broader range of views in order to win the support of second and third round voters, encouraging a more constructive and positive approach.

On the other hand, the system does not directly translate vote share into seat share, and hence may not succeed in making election outcomes results more proportional. This does reduce the possibility, or to some the risk, of frequent minority or coalition governments. While the measures suggested here do go part-way toward proportionality, some voters may still be under-represented or unrepresented in the Legislature, and smaller or newer parties may still experience greater challenges in winning seats. The questions for Islanders are the balance they wish to strike between tradition and innovation, and on the pace of change and renewal.

Reflecting our Society: Increasing Representativeness of the Legislative Assembly

A widely accepted guiding principle for electoral systems is that they should result in legislatures that mirror their society – reflecting demographic diversity and a rich range of ideas, interests, and perspectives. Such an achievement is seen as having major benefits. First and foremost, it strengthens social cohesion and trust in democracy, as people from all walks of life feel that they are represented in their elected body. It also ensures that public policy is enriched with diverse viewpoints and new ideas, and is sensitive to the needs of all sectors of society.

Our engagement on representation will consider ways to increase the participation of women, Aboriginal Islanders, Islanders with disabilities and visible and linguistic minorities as we seek the ideal of an elected body that it is truly reflective of Prince Edward Island society.

Representation of women – half our society – in legislatures has long been a subject of public scrutiny and advocacy. Generally, in Prince Edward Island and elsewhere, women experience a greater disparity between their demographic weight and their democratic representation than any other group in society. While progress has been made, it is slow and often halting.

Since Island women gained the vote and the right to serve in elected office in 1922, only 26 women have sat in the Legislative Assembly, a small fraction in proportion to the hundreds of male representatives over that time and before. Currently, women hold a smaller number and share of seats than they did twenty years ago.

Much good work has been done by the Coalition for Women in Government and other groups to define the factors and barriers contributing to this state of affairs. Within our first-past-the-post system, parties tend to select the candidates that they see as most likely to win, and historically these have been male. Moreover, running for a party's nomination can be challenging for any candidate in terms of time and personal finances.

More recently, the Coalition's research is indicating that when women run for office, they are at least as likely to be elected as their male counterparts, increasing the incentive for parties to recruit women and to nominate them in winnable ridings. The key challenge identified by the Coalition, however, is in having women seek nomination as candidates.

While political parties play an important role in addressing this, research suggests several possible barriers that are within the scope of this White Paper to address, including the following:
- The heavy workload and high expectations that constituents place on their MLAs results in challenges to work-life balance, especially among members with caregiving responsibilities.
- Legislative Assembly practices such as evening sittings also create pressures on work-life balance.
- For some observers, the tone of the Legislative Assembly, which at best can be uncivil and may be hostile and adversarial, is a deterrent.

The Coalition for Women in Government has made a number of recommendations to promote gender balance and representativeness in the House, some directed to government and others to political parties. The recommendations for government included the following:
- Establish a Legislative Special Committee to review the role and responsibilities of Members of the Legislative Assembly.
- Support MLA's constituency responsibilities through creation of an Ombudsperson position and regional staffed constituency offices to assist MLAs with their duties.
- Create more predictable and timely Legislative processes through elimination of evening sittings and creation of a legislative and committee annual calendar.
- Provide professional development and training in areas such as chairing meetings, time management, work-life balance, and available supports.
- Establish a caregiver benefit for MLAs with such responsibilities.

With regard to the tone of political discourse, the more collaborative tone encouraged by the proposed move to preferential voting would create a more positive and collegial environment in the House, broadening the appeal of elected office not only for women but for all Islanders.

Levelling the Playing Field: Reconsidering Election Financing

Election financing rules play a critically important role in democracy in a number ways:

- Caps on individual donations, and restrictions on types of donors (e.g. no corporations or unions) reduce the capacity and the public perceptions of capacity of specific donors to influence favourable treatment through large donations.
- Caps on spending by parties and by individual candidates during election campaigns limit the advantage held by parties with superior financial capacity.
- Alternatively or additionally, publishing the names and addresses of all donors contributing over a certain amount provides transparency and a natural check on the provision of large donations.
- Taxpayer subsidies for campaign spending to all parties that gain a certain threshold of voter support reduce the dependency of all parties on individual donations and, depending on the threshold, increase access to elected office for small and new parties.

Across Canada and beyond, the trend has been to reform election financing systems to increase transparency, ensure fairness, and promote participation. In PEI, legislation was first passed in 1988 and then updated significantly in the spring of 1996. Since then, only housekeeping changes have been made to the *Election Expenses Act*, although voluntary improvements to practices have occurred in some instances. In the current context of debate about electoral systems, various matters regarding election financing might be addressed, including the following.

1) ***Restrictions on who may donate:*** Currently, contributions to a political party or election campaign in PEI may be made by individuals, corporations, and unions, with no requirement for residency. This is similar to the majority of other Canadian jurisdictions; currently, only Canada, Quebec, and Nova Scotia restrict donations to resident individuals, while Manitoba restricts donations to individuals, resident or otherwise.

2) ***Caps on individual donations***: Currently, there are no upper limits on how much an individual donor, either a person or a corporation or union, may give in Prince Edward Island. The majority of provinces (Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba and Alberta) currently have maximums ranging from $1,000 (in Quebec) to $6,000 (in New Brunswick.) Federally, the limit on individual donations is $1,500.

3) ***Caps on campaign spending:*** The *Election Expenses Act* sets out limits on the amount that may be spent during the campaign period, which is defined as the period from the dropping of the writ until three months after ordinary polling day:
    - Total expenses province-wide incurred by a registered party or any person, corporation, trade union, unincorporated corporation, or organization acting on its behalf are capped at an amount equal to $9.00 per voter in the districts in which the party is competing.

- Total expenses incurred by any individual candidate or any person, corporation, trade union, unincorporated corporation, or organization acting on his or her behalf are capped at $2.63 per voter in the candidate's district.

Should spending at either level exceed those limits, the amount of subsidy if any (see below) shall be reduced by the amount of the excess. The Act also provides for a fine of up to $1,000.

4) **_Taxpayer subsidies to the electoral process:_** Currently, the _Election Expenses Act_ provides for a subsidy to candidates winning at least 15% of the vote within their ridings.[5] This funding support recognizes the value of a vibrant electoral process to our democracy, and helps to reduce the dependency of candidates and parties on individual and corporate donations. It also recognizes and mitigates the impacts of stricter campaign financing rules. Following the May 2015 election, however, the system has been criticized for setting the bar too high at 15% of vote share, and thus disadvantaging small or new parties with province-wide rather than regionally concentrated support.

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[5] The subsidy is set at the lesser of the candidate's actual expenses as filed with the Chief Electoral Officer or $1.12 per registered voter in the riding, subject to a minimum subsidy of $1,500 and a maximum of $3,000. As well, each registered party holding one or more seats in the Legislature receives an annual allowance of $3.01 for each vote received province-wide in the most recent general election. Both amounts have been indexed since the original subsidies of 75 cents and $2.00 respectively. It should be noted that since the 1990s, by agreement, neither of the two major parties have collected their provincial subsidies; the subsidies have gone only to individual candidates.

Hearing from Islanders: Engagement Processes

Electoral reform affects every Islander, and Government is committed to gaining the broadest possible public input on the important issues raised in this paper.

A Special Legislative Committee will be struck to guide the process. The Committee will engage with experts, interested groups and Islanders to clarify the issues and options.

Importantly, the Committee will define the plebiscite question to be presented to Islanders with regard to the future voting system. The Committee will present this question in the Legislative Assembly in its interim report, to be submitted by November 30, 2015. Further, the plebiscite question itself will be guided by a preferential ballot on the three voting options: (i) first past the post, the current system, (ii) a preferential ballot, (iii) proportional representation.

During the fall and winter of 2015-2016, the Legislative Committee will reach out to Islanders to hear their views. In keeping with this Government's commitment to maintain a face-to-face relationship with Islanders, public meetings will be held across the province. Written submissions will be welcomed, with comment on any or all of the matters set out in this discussion paper, as well as other democracy-related issues of concern. Comment can be submitted by mail, email, or on the Committee's website.

Islanders will also be invited to take part in the conversation about democratic renewal on the Committee's Facebook page, and via Twitter.

The Committee will work over the winter to finalize its report, in order that it may be tabled during the Spring 2016 sitting of the Legislative Assembly, to direct any proposed legislative or statutory changes, and to inform the work of the Electoral Boundaries Commission to be appointed in May 2016.

Conclusion

Prince Edward Island's democratic history is strong. The purpose of the exercise we are embarking on with this White Paper is to ensure our principal democratic institution – our electoral process – is developing in a manner consistent with the expectations and hopes of all Islanders. The contributions and ongoing commitment from all residents of Prince Edward Island is critical both to this exercise and ultimately to the democratic process itself.

It will be important that our steps are firm and forward as we seek to advance our democratic strength. We look forward to the contributions from many voices in the coming months as we consider the issues raised in this White Paper and as we work together for democratic renewal in Prince Edward Island.

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Appendix
Chronology of Prince Edward Island's Democratic Evolution

1720-1725	Île Saint-Jean founded as a proprietary colony
1726-1758	Île Saint-Jean administered as a satellite of Royal Colony in Île Royale
1763	Treaty of Paris transfers ownership of Island to Great Britain; falls under jurisdiction of Nova Scotia
1769	St. John's Island granted colonial status
1770	Governor Patterson appoints a seven-member Council
1773	First House of Assembly elected: one riding, 18 members; Council for a time doubles as both Legislative and Executive Council
1774	Governor given discretion in timing and format for elections
1784	Governorship reduced in status to Lieutenant-Governor under the nominal direction of first Nova Scotia, and then Canada
1787	Island divided into three county ridings with four members at large from each county and two representatives from each county capital and royalty
1803	First *Election Act* formalizes existing electoral practice
1804	Length of term in Legislature set at seven years
1830	Roman Catholics (45% of the population) given right to vote and hold public office, one year after enfranchisement in Great Britain
1833	Length of term for Legislature set at four years
1834	Legislature no longer dissolved upon death of reigning monarch
1838	House of Assembly enlarged to 24 members elected from 12 dual-member ridings, four in each county, including two members from each county capital and royalty
1839	Legislative and Executive Councils formally separated, making it possible for members of the elected House of Assembly to be named to the Executive Council
1848	Multi-day voting abolished in wake of bloody Belfast Riot of 1847
1851	Responsible Government granted; henceforth, the Executive Council (i.e. the Cabinet) chosen on recommendation of leader commanding a majority in the elected House of Assembly
1856	House of Assembly enlarged to 30 members, chosen from 15 dual-member constituency
1861	Capital of Prince County (and its seats) moved from Princetown to Summerside
1862	Legislative Council made elective, with 13 members, chosen from two dual-member ridings per county with one member from Charlottetown; property franchise
1873	Prince Edward Island enters Confederation
1877	Voting by secret ballot replaces oral, open voting
1879	Voting by secret ballot repealed, largely because of expense
1893	Riding of 5th Kings (Georgetown Royalty) enlarged to encompass surrounding headlands in order to address low population in the riding
1893	Legislative Council and House of Assembly are combined into a 30-member "Legislative Assembly," with 15 dual-member ridings, five per county. Each riding elects

	Assemblyman (MLA), elected according to adult male suffrage and a Councillor (MLC), elected on a property franchise. Any voter owning $325 in property in a constituency can vote in that riding
1913	Secret ballot re-introduced
1922	Women receive the right to vote and hold public office
1951	The first woman runs for elected office, Hilda Ramsay, CCF
1962	Report of the Royal Commission on Electoral Reform
1963	Aboriginal people given right to vote in provincial elections
1964	*Election Act* abolishes property vote and multiple voting; re-distribution eliminates 5th Kings riding and creates 6th Queens
1966	Amendment to the *Election Act* restores 5th Kings and enlarges Legislative Assembly to 32 members
1970	The first woman is elected to the Legislative Assembly, Jean Canfield
1974	Electoral Boundaries Committee
1988	*Electoral Boundaries Act* provides for periodic consideration of electoral boundaries
1991-1993	*MacKinnon v. Government of PEI* argues that vast imbalance in number of voters between Island constituencies violates Charter of Rights and Freedoms by denying "voter parity." Judge Desroches finds for plaintiff
1993	Catherine Callbeck becomes Canada's first female Premier elected to office
1994	Election Act and Electoral Boundaries Commission recommends 30 single-member ridings (10 in Prince County, 15 in Queens, and 5 in Kings)
1994	Private member's bill introduced by Ross Young results in a 27-seat Legislature (9 seats in Prince County, 13 in Queens, and 5 in Kings)
1997	A second, fall sitting of the Legislature initiated
2003	Hon. Norman Carruthers chairs one-man commission on electoral reform; recommends a Mixed Member electoral system, featuring 21 members elected by plurality and 10 members elected from party lists
2004	Commission on PEI's Electoral Future adjusts proposal to include 17 members elected by plurality and 10 elected from party lists
2004	Report of the Electoral Boundaries Commission re-draws riding boundaries
2005	Referendum on electoral reform: voter turnout of 33%; 64% opposed, 36% in favour
2006	Legislature's Special Committee on Electoral Boundaries tables report urging community concerns be factored into electoral boundaries