

**2005**  
Commission on PEI's Electoral Future  
**FINAL REPORT**

**Prince Edward Island**





Prince Edward Island Île-du-Prince-Édouard

*Commission on Prince Edward Island's  
Electoral Future*

PO Box 774, Charlottetown PE  
Canada C1A 7L3

*Commission sur le futur électoral  
de l'Île-du-Prince-Édouard*

C.P. 774, Charlottetown PE  
Canada C1A 7L3

October 28, 2005

The Hon. Gregory J. Deighan  
Speaker of the P.E.I. Legislative Assembly  
Province House  
Charlottetown  
PO Box 2000  
C1A 7N8

Dear Mr. Speaker,

In February 2005, the Commission on P.E.I.'s Electoral Future was established by the Standing Committee on Legislative Management. The Commission was provided with the mandate as approved in the Fall 2004 sitting of the Legislature.

The Commission has fulfilled its mandate and has agreed upon the recommendations contained within this report. We are pleased to provide it to your Committee and look forward to its early release to the public.

Sincerely,

Leonard Russell, Chair  
Commission on P.E.I.'s Electoral Future  
On behalf of:

Commissioners

J'Nan Brown  
Hans Connor  
Arthur Currie, Q.C.  
Blake Doyle  
Hon. James Lee, P.C., LL.D.  
Rob MacLean  
Yvonne Pitre





**2005**

**Commission on Prince Edward Island's  
Electoral Future**

**Final Report**

**Leonard Russell  
Chair**

**Blair Weeks  
Staff Researcher**

## Table of Contents

<b>TABLE OF CONTENTS</b> .....	<b>I</b>
<b>ACKNOWLEDGEMENTS</b> .....	<b>II</b>
<b>INTRODUCTION</b> .....	<b>1</b>
Mandate.....	3
Commissioners.....	5
Commission Process and Activities .....	5
<b>PUBLIC MEETINGS</b> .....	<b>9</b>
Evaluation of Input.....	10
<b>BACKGROUND</b> .....	<b>11</b>
<b>RECOMMENDATIONS RELATED TO THE MMP MODEL</b> .....	<b>16</b>
Mixed Member Proportional Model for Prince Edward Island.....	16
Two Ballot System.....	16
Number of Seats in the Legislature .....	16
Number of Provincial Districts.....	16
Number of Seats Determined by a Vote on Party Lists.....	17
Seat Distribution.....	17
Recommendations on the Nature of the Party List.....	18
Popular Vote Threshold for the Allocation of List Seats to Parties .....	18
Comments on the MMP Model.....	19
<b>OTHER RECOMMENDATIONS</b> .....	<b>20</b>
Monitoring of the Electoral System .....	20
Conditions of the Plebiscite .....	20
Plebiscite Threshold .....	20
Plebiscite Question.....	21
Effect of the Plebiscite .....	21
<b>RELATED ISSUES</b> .....	<b>22</b>
By-Elections.....	22
Fixed Election Dates .....	22
<b>CONCLUSION</b> .....	<b>23</b>
<b>REFERENCES</b> .....	<b>24</b>
<b>FORMAL SUBMISSIONS</b> .....	<b>24</b>
<b>APPENDIX A - PUBLIC MEETINGS</b> .....	<b>25</b>
Other Meetings with Commission in Attendance.....	26
Other Planned Meetings Commission will Attend.....	26
<b>APPENDIX B - SUMMARY OF PUBLIC INPUT</b> .....	<b>27</b>
<b>APPENDIX C - THE D'HONDT LIST SEAT ALLOCATION FORMULA</b> .....	<b>29</b>
Application of d'Hondt Formula for the 1996 P.E.I. Election.....	29

## Acknowledgements

The Commission wishes to acknowledge the contribution and participation of all those listed below. The execution of an undertaking of this nature is dependent, not only on the commitment and drive of Commissioners, but also on the commitment and drive of all others whose efforts have been required to ensure that the terms of our mandate have been met. We are, indeed, indebted to everyone who has assisted.

Special thanks are given to Alicia Bremner, who allowed us to use her talents in the public education phase of this project.

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Hon. Norman Carruthers, *Retired Chief Justice of Prince Edward Island*  
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Garth Thompson, *Audio Visual Technician*  
Blair Weeks, *Staff Researcher, Commission on P.E.I.'s Electoral Future*

## Introduction

Prince Edward Island first instituted democratic government in 1773. Since that time, the province's political system has undergone significant change. In 1851, responsible government was instituted. In 1873, P.E.I. became a province in the Dominion of Canada. In 1893, the current Legislative Assembly was established and almost 30 years later, in 1922, women received the right to vote. In 1996, the first election was held under the current electoral map which features 27 single member ridings.

One electoral convention that has existed throughout P.E.I.'s history has been the use of the Single Member Plurality system. This electoral system, also known as the First Past the Post (FPTP), is one in which the candidate who has the most votes in a given district becomes the Member in the Legislature for that district. In 2003, the Electoral Reform Commission chaired by Hon. Norman Carruthers, was established by the provincial government to ensure that the electoral system "continues to be relevant and effective." In part, Carruthers was given the task to:

"...determine the relevance of an alternative electoral system, such as proportional representation, for Prince Edward Island." (p.2, 2003 Electoral Reform Commission Report).

In the Electoral Reform Commission Report submitted in December 2003, Carruthers recommended that the First Past the Post system in the province be modified so as to provide a Mixed Member Proportional System (MMP) (p.103).

The P.E.I. Legislature's response to the Carruthers Report was to establish the Commission on P.E.I.'s Electoral Future. The mandate of the Commission was determined by a vote in the Legislature in the Fall of 2004. The Commission was asked to refine a Mixed Member Proportional system as an alternative and

to conduct an education program on the alternate system and the First Past the Post system leading to a plebiscite to determine whether or not there was voter support for a change in the manner in which MLAs are elected.

The Commission began its contribution to the electoral future of the province in February of 2005 and its work concludes with the filing of this report. The report contains a list of the activities in which the Commission has been involved and the recommendations on which it has agreed.

In accordance with its mandate, the Commission on P.E.I.'s Electoral Future has made a number of recommendations in this report. The public will vote in a plebiscite on November 28<sup>th</sup>, 2005 to determine whether the First Past the Post system or the proposed Mixed Member Proportional system is preferred.

The Commission is also reporting with comment on a number of related issues which arose during public discussion. While these issues fall outside the Commission mandate, they were seen as related issues by those who identified them at the public meetings.

## **Mandate**

### **Motion**

**No. 32**

#### **Prince Edward Island's Electoral Future**

**Honourable Pat Binns gives notice that tomorrow he will move, seconded by Honourable Mildred Dover, the following motion:**

**WHEREAS** in January 2003, the Prince Edward Island Electoral Reform Commission was established to undertake the following:

- a review of the all the statutes and associated regulations respecting the manner in which the Members of the Legislative Assembly are elected in the province;
- to consider the impact which district boundary changes, based on population shifts, may have for rural communities; and
- determine the relevance of an alternative electoral system, such as proportional representation, for Prince Edward Island;

**AND WHEREAS** the Government of Prince Edward Island has received the report of the 2003 Prince Edward Island Electoral Reform Commission and all members of this Assembly have had the opportunity to review it;

**AND WHEREAS** the findings of the Prince Edward Island Electoral Reform Commission has identified alternatives to the existing "First Past the Post" system of electing Members of the Legislative Assembly;

**AND WHEREAS** the Prince Edward Island Electoral Commission concluded that the Mixed Member Proportional System is the most relevant for further consideration by the Prince Edward Island electorate;

**AND WHEREAS** this Assembly concurs that the Island electorate needs direct input into any change in how honourable members are elected to this Assembly and that a plebiscite conducted by Elections PEI should be held to receive that direct input;

**AND WHEREAS** the Commission concluded that further public education was required to prepare the electorate for any eventual decision by the Prince Edward Island electorate;

**AND WHEREAS** all members of this Assembly agree that an independent commission should be established to oversee the education program as well as establish a clear and concise question for the plebiscite;



**THEREFORE BE IT RESOLVED** that this Assembly direct the Standing Committee on Legislative Management to appoint an eight person commission, known as the *Commission on Prince Edward Island's Electoral Future*, comprised of:

- a chair, as selected by the Standing Committee on Legislative Management;
- one person from each of the four federal ridings, as selected by the Standing Committee on Legislative Management; and
- one nominated by each of the political parties registered with Elections PEI for the 2003 Provincial General Election.

**THEREFORE BE IT FURTHER RESOLVED** that the Standing Committee on Legislative Management direct the *Commission* to:

- develop and conduct a public education program, designed to increase among the general public of Prince Edward Island awareness of the present First Past the Post Electoral System and a Mixed Member Proportional System; and
- develop a clear and concise plebiscite question.

**AND THEREFORE BE IT FURTHER RESOLVED** that the *Commission* make a recommendation on when a plebiscite should be held.

**AND THEREFORE BE IT FURTHER RESOLVED** that the provincial government direct the *Commission* to ensure that the definition of a "majority" response to a plebiscite fully reflects the diversity of Prince Edward Island, with consideration given to the approach taken in British Columbia.

Signed: Honourable Pat Binns

Signed: Honourable Mildred Dover

14 December 2004

2:03 p.m.

\*\*\*\*\*

## **Commissioners**

The Commission was appointed by the Standing Committee on Legislative Management in February 2005 with the following membership.

Leonard Russell, Chair - Graham's Road  
J'Nan Brown, Commissioner - Clyde River  
Hans Connor, Commissioner - Charlottetown  
Arthur Currie, Q.C., Commissioner - Argyle Shore  
Blake Doyle, Commissioner - West Royalty  
Hon. James Lee, P.C., LL.D., Commissioner - Stanhope  
Rob MacLean, Commissioner, Lewes  
Yvonne Pitre, Commissioner, Richmond

Three members of the Commission were nominated by the three registered political parties within the province. The remaining five were selected from a list of interested citizens from across the province who had responded to advertisement run in the provincial newspapers.

## **Commission Process and Activities**

In fulfilling its mandate, the Commission held 24 meetings between March and October, 2005. Additionally, Commissioners availed themselves of the opportunity to gain background information through consideration of the Electoral Reform Commission Report, chaired by the Honourable Norman Carruthers, and the recommendations contained therein. Commissioners also reviewed reports addressing electoral reform in Canada including:

- *Final Report and Recommendations*, New Brunswick Commission on Legislative Democracy
- *Voting Counts: Electoral Reform for Canada*, Law Commission of Canada
- *Shine Among the Best*, Government of Quebec

In mid-May Commissioners attended a seminar at Mount Allison University titled “Electoral Reform in Canada: Getting Past Debates about Electoral Systems.” In attendance at this seminar were a number of presenters from within Canada and around the world. This information was used as a backdrop to the Commission’s consideration of electoral systems in place in the jurisdictions which had been reviewed by Carruthers in his 2003 report.

Following much reflection, the Commission developed the Mixed Member Proportional model, as detailed later in this report, for presentation to the public as a possible alternative in Prince Edward Island to the existing First Past the Post system. The Mixed Member Proportional approach, as refined by this Commission to make it a workable alternative for consideration in P.E.I., is consistent with the “text book” definition which has guided others in its use and application.

On May 27<sup>th</sup>, the Commission held a press conference to release to the public the specifics of a Mixed Member Proportional model to be considered as an alternative to the First Past the Post method of electing Members to the Legislature. Prior to the press conference, the Standing Committee on Legislative Management was provided with information on the model the Commission would be presenting. The Commission Chair also held a briefing session with representatives of provincial political parties.

On June 15<sup>th</sup>, the Commission organized a panel discussion to give first public exposure to the strengths and shortcomings of both the existing First Past the Post system of electing MLAs and the proposed Mixed Member Proportional

alternative. Guest panellists included Norman Carruthers, David McLaughlin, Dr. Bill Cross and Dr. Jennifer Smith. Norman Carruthers was the single commissioner of the 2003 Electoral Reform Commission on Prince Edward Island. David McLaughlin served as the Deputy Minister responsible for the review by the New Brunswick Commission on Legislative Democracy which completed its work in December of 2004. Dr. Bill Cross, a political science professor and then Chair of the Canadian Studies Department at Mount Allison University, was invited as an expert on electoral systems. He also served as the Director of Research for the New Brunswick Commission on Legislative Democracy. Dr. Jennifer Smith, Chair of the Political Science Department at Dalhousie University, presented the benefits of the First Past the Post System. Approximately one hundred members of the public attended the panel discussion and had the opportunity to ask direct questions of the panellists.

Throughout the summer months, the Commission engaged in the process of developing a communication strategy and the preparation of materials to be used in the fulfilling of the educational component of the mandate. Baker Consulting, a Charlottetown communications firm, was selected by the Commission to direct this process. The communications strategy included press releases, newspaper, radio and television advertising as well as material on electoral reform to be mailed out to P.E.I. households and to be available at public meetings. The Commission also developed a website ([www.electoralfuture.pe.ca](http://www.electoralfuture.pe.ca)) which continues as an ongoing resource. On that site were placed Commission press releases, pamphlets, past electoral results, an electoral results calculator as well as information from other jurisdictions involved in the electoral reform process. Additionally, an audio recording of each of the twelve public meetings was made and posted on this website.

In August, the Commission made recommendations to the Standing Committee on Legislative Management regarding the plebiscite question and the date of the plebiscite. The Commission was initially given permission to publicize the

recommended plebiscite date of November 28<sup>th</sup>, 2005. In October, that date was declared official.

As a key component of its public education program, the Commission developed a brochure entitled ***Answers about our Electoral Future in Prince Edward Island/Des Réponses sur le futur électoral de l'Île-du-Prince-Édouard***. The brochure was mailed out to all Island households in early September. The information in the pamphlet provided a general introduction to the topic and provided Commission responses to a number of anticipated questions. The pamphlet also contained the public meeting schedule and the recommended wording of the plebiscite question. Executive Council agreed to the Commission's use of the recommended wording with the understanding that final wording would be approved at a later date. That approval was granted on October 18<sup>th</sup>, 2005.

Five additional pamphlets were prepared by the Commission to provide more detailed topical information. The pamphlets are entitled:

- 1. Proposed Mixed Member Proportional Model for Prince Edward Island***
- 2. How are the List Candidates elected in a MMP system?***
- 3. Characteristics of FPTP and MMP***
- 4. Women in Politics***
- 5. Electoral Reform in Prince Edward Island***

This material was available at public meetings and has been available upon request from the Commission office. Additionally, these materials were made available to Access PEI sites across the province.

To raise awareness of the plebiscite and to encourage the public to attend the public meetings, advertising in newspapers, radio and television occurred in September and October. Advertising intended to educate the public and to encourage a turnout at the polls will continue until November 28<sup>th</sup>.



## Public Meetings

The Commission arranged a schedule of twelve public meetings which began on September 12<sup>th</sup> at Bluefield Senior High School and concluded on October 18<sup>th</sup> at Charlottetown Rural High School (See Appendix A). The Commission opted to have one meeting at each senior high school in the province to ensure that all Islanders would have an opportunity to attend a meeting held at a site central to their place of residence and in a location with which they were familiar. Two public meetings were held in French, one at the École Évangeline and the second at the Carrefour de l'Isle Saint-Jean in Charlottetown. An audio recording of each of the twelve public meetings was made and posted on the Commission's website.

Prior to the twelfth and final public meeting scheduled by the Commission, Commissioners met to consider the input which had already been received and to reflect on the weight which would be given to that input. At that meeting held on October 13<sup>th</sup>, it was determined that only one change would be made to the Mixed Member Proportional model as originally released on May 27<sup>th</sup>. As a result of input received in the course of the first eleven public meetings, the Commission was persuaded that **dual candidacy** should not remain as an option in the proposed Mixed Member Proportional model.

In the original model released on May 27<sup>th</sup>, under the heading **Characteristics of the List**, six characteristics were listed. Characteristic number two, which dealt with dual candidacy, read at that time:

*Candidates, at the discretion of the political parties, would be permitted to offer their name for election in both a district election and as a member on the party lists in the province-wide election.*

**This characteristic has now been removed from the proposed Mixed Member Proportional model.**

In a press release on October 14<sup>th</sup>, the public was notified of this change. Notification of the change regarding dual candidacy was made in an advertisement in Island newspapers immediately following the Commission's decision.

In addition to the twelve public meetings held by the Commission, the information was presented to seven additional meetings organized by individual groups/organizations at which 229 people attended (see Appendix A). This enabled the Commission to reach 992 citizens directly. The Commission will continue to be available to make presentations until November 28th at the request of community groups.

**Evaluation of Input**

Prior to its October 13<sup>th</sup> meeting, the Commission reviewed input received in various forms from the public (see Appendix B). This included telephone calls, letters, e-mail and questions/comments raised at public meetings. The suggestions were weighed by Commissioners against the rationale used initially when developing the proposed MMP alternative. As noted in the previous section of this report, the only change that resulted from the assessment of this public input was the removal of the dual candidacy option.

## Background

One component of the mandate given to the Commission on Electoral Reform (2003), chaired by the Hon. Norman Carruthers identifies the Government's desire, as identified in the Speech From the Throne on November 14<sup>th</sup>, 2002, to have a relevant and effective electoral system. In accordance with this directive, on page 103 of his report, Carruthers recommended that a certain number of the Legislative Assembly be elected by the First Past the Post system and a certain number by the list system so as to provide a Mixed Member Proportional system. In the Fall of 2004, the Legislature passed a motion enabling the establishment of the Commission on P.E.I.'s Electoral Future in response to the above recommendation made in the Carruthers' Report.

Other models were recommended for our consideration by some members of the public. The two models most often cited were: 1) Single Transferable Vote and 2) The Semi-Proportional Parallel System of Allocating List Seats. The mandate of the Commission on P.E.I.'s Electoral Future (below) indicates the direction given by the Legislature to the Commission on this issue.

***THEREFORE BE IT FURTHER RESOLVED*** that the Standing Committee on Legislative Management direct the Commission to further the work of the Prince Edward Island Electoral Reform Commission by mandating the **Commission** to:

- *develop and conduct a public education program, designed to increase among the general public of Prince Edward Island awareness of the present First Past the Post Electoral System and a Mixed Member Proportional System*

The Commission was limited in its consideration to the mandate provided through the resolution in the Legislature in which specific direction was given

relative to a Mixed Member Proportional model. The two approaches noted above fall outside the definition of a Mixed Member Proportional system.

Table 1 on the following page illustrates the issue identified by some Islanders who feel that the First Past the Post system does not always have a direct relationship between the popular vote and the number of seats won in the legislature. The recommendation of the Electoral Reform Commission (2003) and the mandate provided to this Commission by the Legislature through the Standing Committee on Legislative Management has provided a backdrop for the further consideration of a MMP model as a possible electoral alternative to address this issue.

**Table 1**

Historical Percentages of Provincial Popular Votes, Number of Seats (%) for P.E.I. Political Parties, 1970-2003 Elections						
	Conservatives		Liberals		NDP	
	Percentage	Seats (%)	Percentage	Seats (%)	Percentage	Seats (%)
2003	54.0%	23 (85.2%)	42.4%	4 (14.8%)	3.0%	0 (0%)
2000	57.6%	26 (96.3%)	33.6%	1 (3.2%)	8.4%	0 (0%)
1996	47.2%	18 (66.7%)	44.6%	8 (29.6%)	7.8%	1 (3.7%)
1993	38.8%	1 (3.2%)	54.1%	31 (96.9%)	5.3%	0 (0%)
1989	35.2%	2 (6.3%)	59.6%	30 (93.8%)	1.9%	0 (0%)
1986	44.7%	11 (34.4%)	49.4%	21 (65.6%)	1.8%	0 (0%)
1982	52.2%	21 (65.6%)	44.6%	11 (34.4%)	0.4%	0 (0%)
1979	52.1%	21 (65.6%)	44.3%	11 (34.4%)	1.3%	0 (0%)
1978	47.2%	15 (46.9%)	49.7%	17 (53.1%)	0.9%	0 (0%)
1974	40.1%	6 (18.8%)	54.1%	26 (81.3%)	5.9%	0 (0%)
1970	42.2%	5 (15.6%)	57.8%	27 (84.4%)	0.0%	0 (0%)

**Source: Elections P.E.I.**

(Note - In the table above the 1970, 1974, 1978, 1979, 1982, 1986, 1989 and 1993 elections were contested in 16 dual member ridings to produce a Legislature with 32 Members. The 1996, 2000 and 2003 elections were contested in 27 single member ridings to produce a Legislature with 27 members).



Creating a proportional legislature through the electoral process, as a Mixed Member Proportional system does, ensures that the percentage of seats a given party secures in the legislature is as close as possible to the percentage of popular vote that party obtains from the electorate. The principle at play is that the electoral process and the legislature that results from it, will be reflective of the proportion of popular vote which each party receives.

The closer district and list seats are in number, the greater the chance of achieving proportionality. The Commission was conscious of the fact that P.E.I. is smaller than most other jurisdictions that employ a Mixed Member Proportional model and, further, that there had been a reduction in the number of MLA's prior to the 1996 election. Upon consideration of these factors, the Commission made the decision not to pursue an even division between district and list seats. Ultimately, the Commission chose a split which would permit more district than list seats while still allowing the claim of proportionality (see recommendation on page 16).

With reference to the issue of lists, the Commission has opted for a ***closed list***. A closed list enables each political party to design its list with membership involvement so that it is reflective of situational issues within the province. Both rural and urban Islanders identified representation as an issue during the round of public meetings. This and other issues can be "zippered" into a list during its formation by each party and then "locked" in place.

An ***open list*** would permit the re-ordering, by the voters, of the ranking of list candidates as established by the parties at time of nomination. This approach would not allow parties to guarantee that their lists would retain the priority rankings as originally established. Both closed and open lists enable proportionality in the legislature to be achieved.

The recommended location of the 17 districts was also the topic of much Commission discussion. With the recognition that variance in voter numbers between the districts is an issue which the provincial government must address periodically and keeping in mind that the boundaries separating the four federal ridings in the province had recently been adjusted for variance acceptability, the Commission made the decision to locate regionally a number of provincial districts within each of the federal ridings. The determination of boundaries separating provincial districts is a task for a future time should the voters of P.E.I. indicate their wish to move to the Mixed Member Proportional model as presented by this Commission.

## **Recommendations Related to the MMP Model**

**The Commission on P.E.I.'s Electoral Future recommends that the following Mixed Member Proportional model be considered by the electorate of the province for purposes of the upcoming plebiscite as an alternative to the First Past the Post system of electing Members to the Legislative Assembly of Prince Edward Island.**

### **Mixed Member Proportional Model for Prince Edward Island**

#### **Two Ballot System**

1. First ballot - Vote for preferred candidate in provincial districts
2. Second ballot - Vote for party of preference

#### **Number of Seats in the Legislature**

**27**

#### **Number of Provincial Districts**

**17**

On the first ballot, the representative of the provincial district would be determined by the First Past the Post system which is presently in use.

The 17 provincial districts would be contained within the boundaries of the four P.E.I. federal ridings each of which contains approximately 22,000 electors. Four provincial districts with approximately 5,500 electors would be located in each of the federal ridings of Cardigan, Charlottetown and Malpeque. Five provincial districts would be located in the federal riding of Egmont. Four of the five provincial districts in Egmont would each have approximately 5,000 electors

while the fifth provincial district, an Acadian district located in the Evangeline region, would have 2,000 to 2,500 electors. Existing law recognizes the principle of community of interest and the larger voter variance which may be required when determining district boundaries.

### **Number of Seats Determined by a Vote on Party Lists**

**10**

Each political party would be required to determine a provincial list of ten candidates (ranked 1 through 10). The ten list seats would be allocated through a province-wide vote using a second ballot. On that ballot, electors would select the party which they most prefer. The second ballot results would be used to determine the popular vote obtained provincially by each party. The ten list seats, which have been rank-ordered by each party, would be allocated on an Island-wide basis, using the d'Hondt electoral formula (see Appendix C). This internationally recognized formula will ensure that the ten list seats are fairly assigned and that the party standing in the Legislature will be proportional to the popular vote as determined by the second ballot.

### **Seat Distribution**

4 (Cardigan)

4 (Charlottetown)

4 (Malpeque)

5 (Egmont)

10 (List)

**27 seats in total**

## **Recommendations on the Nature of the Party List**

During the public meetings held across the province, the Commission heard concerns about the potential for a loss in “representation” given the reduction in the number of districts. These concerns were heard from rural and urban residents alike. Additionally, some concern was registered about the potential for Islanders to be by-passed in the process of creating the provincial list.

- 1. The Commission recommends to the provincial political parties that the make-up of the party lists reflect the population of the province.**
- 2. The Commission recommends to the provincial political parties that the nomination process used to create the party lists be provincial in nature and open to all party members.**

## **Popular Vote Threshold for the Allocation of List Seats to Parties**

Most jurisdictions that have a Mixed Member Proportional system specify the minimum level of voter support for a political party which is required before a party is eligible to be allocated a seat from the list. While that threshold varies somewhat from jurisdiction to jurisdiction, most are established in the  $\pm 5\%$  range.

**The Commission recommends that any party which gains five per cent or more of the popular vote on the second ballot be eligible to elect party list members to the legislature.**



### **Comments on the MMP Model**

In a Mixed Member Proportional system the second ballot (vote for preferred party) is necessary to provide a mechanism to enable each political party to secure the same percentage of seats in the legislature as their percentage of popular vote (proportionality). The first ballot, (the vote for preferred candidate in provincial districts) does not necessarily provide proportionality.

The Commission has maintained a total of 27 seats in the Legislature to ensure that the existing voter/MLA ratio is preserved. The 17 provincial district seats, elected by First Past the Post, ensure that the electorate continues to have a Member in a defined provincial district. The ten list seats, elected by the vote for preferred party, are a sufficient percentage of the total seats to ensure that a legislature proportional to the popular vote can be achieved.

## Other Recommendations

### Monitoring of the Electoral System

The Commission recommends that, if supported by the electorate, the MMP electoral system be monitored and/or evaluated as experience using the system is gained. Future electoral system reviews should occur concurrently with electoral boundaries reviews which are required at the present time after every third election.

### Conditions of the Plebiscite

It is recommended the plebiscite be held on November 28<sup>th</sup>, 2005.

### Plebiscite Threshold

The plebiscite “acceptance threshold” has been the focus of considerable discussion. While being aware of the British Columbia reference in the legislative resolution which created the Commission, Commissioners could find no historical precedent in this province which would suggest a threshold level of other than 50% + 1 of those who voted. The 1988 plebiscite on the “fixed link” question required only that simple majority; governments can be changed or returned during provincial elections with that simple majority and, indeed, major national issues (e.g. Quebec Referendum) have been pursued using the 50% + 1 threshold.

**It is recommended that 50% of eligible votes cast + 1 vote be accepted as the threshold indicating a wish for change.**

### **Plebiscite Question**

**It is recommended that the plebiscite question be:**

**Should Prince Edward Island change to the Mixed Member Proportional System as presented by the Commission on P.E.I.'s Electoral Future?**

### **Effect of the Plebiscite**

The Commission recognizes that, according to the *Plebiscite Act*, the result of a plebiscite is an expression of opinion of the voters and that government is not bound by its result. Having noted that, but with the recognition that the issue of electoral reform has been officially ongoing in this province since 2003, it is the view of the Commission that the outcome of the November 28 plebiscite should be sanctioned by government.

**The Commission recommends that, if the plebiscite result indicates that a change in the electoral system is desired by the public, Government commit to the introduction of legislation to reform the electoral system as proposed.**

## Related Issues

### By-Elections

Some members of the public asked questions on how and when by-elections would occur in a Mixed Member Proportional system. In the case of by-elections required upon the event of the death or resignation of a Member, the *Election Act* states that the by-election should be called within one year of the seat becoming vacant.

In the case of the death or resignation of a List Member, a by-election would not be required as the next person on the party list from the previous election, who is not already a Member, would assume the vacated seat in the legislature.

By-elections are generally not called during the last year of the Assembly.

### Fixed Election Dates

The Commission did hear comments on the issue of fixed election dates. These comments generally were in favour of establishing such a practice. The Commission realizes that this issue falls outside their mandate. Nonetheless, a number of voters view it as a related issue. The Commission is reporting on this issue in the event that it might be more formally addressed at some point in the future.

## Conclusion

The Commission on P.E.I.'s Electoral Future received its mandate directly from the Legislature. That mandate did not require in-depth research of the variety of electoral models in place elsewhere since its work was clearly an extension of the review completed in 2003 by the Hon. Norman Carruthers. Carruthers recommended that a Mixed Member Proportional model be considered as an alternative for Prince Edward Island and the Legislature endorsed that recommendation by including that task as part of the approved mandate for this Commission.

All Commissioners worked diligently to ensure that the terms of the mandate were achieved. The direction provided by the Legislature contemplated the development of a Mixed Member Proportional alternative to be included along with the First Past the Post system in a public education process. To that end, 24 Commission meetings were held to develop the model and plan the educational strategy. This was followed by twelve public meetings across the province plus another twelve meetings (at time of writing) planned by other organizations or groups. All meetings were conducted in an open manner to optimize the opportunity for public understanding.

Island residents have never before been asked to vote on the manner in which their MLAs might be elected to the Legislature. The Commission will consider that its efforts have been successful if voters cast their ballots in the plebiscite on November 28<sup>th</sup>, 2005 and decide this issue.

As Commissioners, we have appreciated the opportunity to guide this process on behalf of the Legislature. The most important part of the process which remains is in the hands of those who are eligible to cast ballots in the upcoming plebiscite and we look forward to the usual high voter turnout.



## **References**

*Final Report and Recommendations*, New Brunswick Commission on Legislative Democracy (2004)

*Making Every Vote Count: The Case for Electoral Reform in British Columbia, Final Report*, British Columbia Citizens' Assembly on Electoral Reform (2004)

*Report of the Electoral Reform Commission*, Prince Edward Island (2003)

*Report of the PEI Electoral Boundaries Commission*, Prince Edward Island (2004)

*Shine Among the Best*, Government of Quebec (2004)

*Voting Counts: Electoral Reform for Canada*, Law Commission of Canada (2004)

## **Formal Submissions**

City Of Charlottetown

## Appendix A - Public Meetings

<b>Attendance at 12 Public Meetings of the Commission on P.E.I.'s Electoral Future</b>	
<b>Meeting Location and Date</b>	<b>Number in Attendance</b>
Bluefield - September 12 <sup>th</sup>	80
Westisle - September 13 <sup>th</sup>	60
Souris - September 15 <sup>th</sup>	38
Évangeline - September 19 <sup>th</sup>	10
Kensington - September 20 <sup>th</sup>	54
Colonel Gray - September 22 <sup>nd</sup>	140
Morell - September 26 <sup>th</sup>	28
Kinkora - September 27 <sup>th</sup>	26
Carrefour - September 29 <sup>th</sup>	5
Montague - October 4 <sup>th</sup>	42
Three Oaks - October 6 <sup>th</sup>	80
Charlottetown Rural - October 18 <sup>th</sup>	200
<b>TOTAL</b>	<b>763</b>

### **Other Meetings with Commission in Attendance**

- September 29<sup>th</sup> - Political Studies Class, UPEI
- October 11<sup>th</sup> - Crapaud, South Shore Chamber of Commerce
- October 17<sup>th</sup> - Argyle Shore Women's Institute
- October 19<sup>th</sup> - Probus - Retired professional women's group
- October 19<sup>th</sup> - P.E.I. Rural Secretariat
- October 19<sup>th</sup> - Premiere Toastmasters Club, Charlottetown
- October 21<sup>st</sup> - Presentation to the Canadian Region Parliamentary Seminar
- October 21<sup>st</sup> - Federal government French class
- October 25<sup>th</sup> - Chair's Appearance on Point of View - Eastlink Television
- October 27<sup>th</sup> - Public Administration Class, UPEI
- October 27<sup>th</sup> - Hillsborough Rotary
- October 28<sup>th</sup> - Le Club de Bel Age

### **Other Planned Meetings Commission will Attend**

- November 1<sup>st</sup> - Summerside Rotary Club
- November 7<sup>th</sup> - Class at François Buote
- November 8<sup>th</sup> - Springbrook Women's Institute
- November 14<sup>th</sup> - Political Studies Club
- November 17<sup>th</sup> - P.E.I. Branch Royal Commonwealth Society
- November 17<sup>th</sup> - Gyro Club
- November 17<sup>th</sup> - Y's Men's Club
- November 24<sup>th</sup> - Former MLAs Association

## **Appendix B - Summary of Public Input**

On the following page is a table which lists categories of comments and questions heard at public meetings or communicated to the Commission by other means. This input was considered by the Commission prior to making its final recommendations.

Summaries of the questions and comments made at each public meeting have been prepared for the public record by the Commission for reference if required in the future. These summaries along with the one formal submission made to the Commission will be provided to the Speaker of the Legislative Assembly. The Speaker will also be provided with the full set of promotional materials used in the Commission's educational campaign.

## Categories of Public Questions and Comments

Commission Brochures
Dual Candidacy
Independent Candidates
More Electoral System Choices
Plebiscite
List - Closed/Open
List - Other
Views on Political Parties
Funding - Yes/No Campaign
Education Process
Ballot
Candidates
Democratic Values
Women's Issues
Minority Governments
Election Process
Electoral Systems
Fixed Election Dates
Geographic Representation

## **Appendix C - The d'Hondt List Seat Allocation Formula**

In a Mixed Member Proportional system, electors will complete two ballots - the first to choose a district MLA and the second to select a party of preference. Each registered political party will, prior to the nomination deadline, nominate and rank order a provincial list of ten candidates. The total vote on the second ballot will determine the popular vote received by each party and the d'Hondt formula will translate that vote into the movement of candidates from party lists to the Legislature. This process will ensure that the final standing for each party, when considering the 27 seats in the Legislature, will be generally proportional to the percentage of popular vote received by each party on the second ballot.

### **Application of d'Hondt Formula for the 1996 P.E.I. Election**

If the actual 1996 election results of 18 (PC), 8 (Liberal) and 1 (NDP) were converted to the same proportion out of 17 (district seats in the MMP model), the standing would have been 11 (PC), 5 (Liberal) and 1 (NDP). Using the actual popular vote by party from the 1996 election, the d'Hondt Formula can be applied to determine how many list seats each party would receive.

Through a series of mathematical calculations the "cost" (in votes) of the "next" seat for each party is determined. The process is repeated until all ten seats are allocated.

**Step 1 - 1996 Election Results (27 districts) Converted to MMP Model (17 districts)**

Conservatives	Liberals	NDP
11 (district seats)	5 (district seats)	1 (district seat)

**Step 2 - Determine the Party Vote from the Second Ballot**

(In this example the actual 1996 vote is used)

Conservatives	Liberals	NDP
37,910 (actual 1996 vote)	35,802 (actual 1996 vote)	6,283 (actual 1996 vote)

**Step 3 - Allocation of Party List Seats**

This step will calculate the “cost” (in votes) per seat if each party were to receive one seat from the list. (Divide the total number of votes by the number of district seats won plus one).

Conservatives	Liberals	NDP
$37,910 \div (11 + 1)$	$35,802 \div (5 + 1)$	$6,283 \div (1 + 1)$

**Step 4 Trial for List Seat 1 - Determine largest quotient**

The party with the largest quotient has the greatest number of votes to “purchase” the first seat from the list.

Conservatives	Liberals	NDP
3159.17	5967	3141.5

**Seat 1 goes to the Liberals.** Liberals' total votes now divided by seven to determine the new quotient to be used in determining the allocation of seat 2 from the list

**Step 5 Trial for list Seat 2 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	<b>5114.6</b>	3141.5

**Seat 2 goes to the Liberals.** Liberals' total votes now divided by 8.

**Step 6 Trial for list Seat 3 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	<b>4475.25</b>	3141.5

**Seat 3 goes to the Liberals.** Liberals' total votes now divided by 9.

**Step 7 Trial for list Seat 4 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	<b>3978</b>	3141.5

**Seat 4 goes to the Liberals.** Liberals' total votes now divided by 10.

18

**Step 8 Trial for list Seat 5 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	<b>3580</b>	3141.5

**Seat 5 goes to the Liberals.** Liberals' total votes now divided by 11.

**Step 9 Trial for list Seat 6 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	<b>3254.7</b>	3141.5

**Seat 6 goes to the Liberals.** Liberals' total votes now divided by 12.



**Step 10 Trial for list Seat 7 - Determine largest quotient**

Conservatives	Liberals	NDP
3159.17	2983.5	3141.5

**Seat 7 goes to the Conservatives** Conservatives' total votes now divided by 13.

**Step 11 Trial for list Seat 8 - Determine largest quotient**

Conservatives	Liberals	NDP
2916.15	2983.5	<b>3141.5</b>

**Seat 8 goes to the NDP.** NDP's total votes now divided by 3.

**Step 12 Trial for list Seat 9 - Determine largest quotient**

Conservatives	Liberals	NDP
2916.15	<b>2983.5</b>	2094.3

**Seat 9 goes to the Liberals.** Liberals' total votes now divided by 14.

**Step 13 Trial for list Seat 10 - Determine largest quotient**

Conservatives	Liberals	NDP
<b>2916.15</b>	2754	2094.3

**Seat 10 goes to the Conservatives.**

**Step 14 - Determination of Total List Seat Allocation**

Conservatives	Liberals	NDP
2	7	1

**Step 15 - Final Election Results**

<b>Converted Provincial Election Results - 1996</b>			
	<b>Conservatives</b>	<b>Liberals</b>	<b>NDP</b>
<b>District Seats (17)</b>	11	5	1
<b>List Seats (10)</b>	2	7	1
<b>Total Seats (27)</b>	13	12	2
<b>Percentage of Popular Vote</b>	47.39%	44.76%	7.85%
<b>Number of Votes</b>	37910	35802	6283

<b>1996 - Provincial Election Results - Actual</b>		
<b>Conservatives</b>	<b>Liberals</b>	<b>NDP</b>
18	8	1