



Electoral Systems and Electoral Reform in Canada and Elsewhere: An Overview

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Andre Barnes Dara Lithwick Erin Virgint

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ELECTORAL SYSTEMS AND ELECTORAL REFORM IN CANADA AND ELSEWHERE: AN OVERVIEW

1 INTRODUCTION

Over the years, the system Canada uses to elect members of Parliament has been a frequent subject of discussion and examination. The electoral system Canada currently uses, known as a plurality or first-past-the-post system, has been employed for every federal election since Confederation.

An understanding of the operation of Canada's electoral system, along with its alternatives, is important for ensuring that the way citizens elect their representatives continues to reflect public expectations and demands.

Recently, the government committed to establishing a special parliamentary committee to consult on electoral reform, including preferential ballots, proportional representation, mandatory voting and online voting.¹

This paper provides an overview of Canada's electoral system, a description of the main alternative electoral systems used in other countries, a review of past Canadian federal and provincial electoral reform initiatives, and information on mandatory voting, online voting and lowering the voting age.

The appendix contains a map showing electoral systems and voter turnout – one indicator of the efficacy of electoral systems – around the world.

2 CANADA'S FEDERAL ELECTORAL SYSTEM

2.1 CANADA'S "FIRST-PAST-THE-POST" ELECTORAL SYSTEM

The electoral system used in Canada at the federal level since Confederation is the "single-member plurality" system, commonly referred to as the "first-past-the-post" (FPTP) system.

Every province and territory is allocated a certain number of seats in the House of Commons according to a formula set out in section 51 of the *Constitution Act, 1867*, along with other historical seat guarantees found in the constitution. The allocation of House seats, presently 338, to each province and territory is based on relative population size.

The area within each province² is divided into separate electoral districts, or ridings, each represented by a single member of Parliament. During an election, the successful candidate is the individual who garners the highest number of votes (or a plurality) in the riding, regardless of whether that represents a majority of the votes cast or not. The leader of the party that secures the largest number of seats in the House, and can therefore hold its confidence, is generally invited by the Governor General to be the prime minister and form government.

2.2 LEGAL BASIS

The main body of Canadian federal election law is contained in the *Canada Elections Act.* This Act details the conduct of the election of members to the House, including various administrative, financial and communication matters related to the electoral system. Various sections of the Act make reference to one individual, or candidate, being returned to represent an electoral district in the House of Commons. For example, section 313(1) states that after the validation of voting results, a returning officer "shall declare elected the candidate who obtained the largest number of votes."

Parts of the Canadian electoral process are also provided for in numerous other statutes, including the *Constitution Act, 1867*, the *Electoral Boundaries Readjustment Act*, the *Broadcasting Act*, the *Parliament of Canada Act*, the *Income Tax Act* and the *Criminal Code*.

Of note, Canada's constitution does not contain any specific reference to what electoral system should be used to elect members to the House of Commons. The Constitution does, nonetheless, contain sections that have some application to the operation of the electoral system (sections 51 to 52). As noted above, section 51 of the *Constitution Act, 1867* sets out the seat allocation formula for the House of Commons. As well, section 51A, also known as the "senatorial clause," stipulates that a province can under no circumstance have fewer seats in the House than it does in the Senate. Furthermore, section 52 provides that Parliament may act alone to increase the number of seats in the House only if the increase does not disturb the proportionate representation between provinces.

2.3 ADVANTAGES AND DISADVANTAGES OF THE STATUS QUO

The performance of Canada's electoral system has been a frequent subject of study and examination. These are some of the chief strengths often attributed to Canada's FPTP system:

- It favours the election of majority governments able to carry out a legislative agenda.
- It is easy to understand. A person casts a vote for a candidate to represent his or her riding, and that candidate either wins the seat or does not.
- The results can be counted quickly.
- A popular government can be given a new mandate at the next election, and one that loses public support can be ousted.

These are the chief drawbacks often cited in regard to Canada's electoral system:

• There is a high relative disproportionality in seats awarded compared to vote share received. Indexes that measure such disproportionality generally rank Canada's electoral system as among the most disproportionate of those used by western democracies.³

- Only those votes that go to the eventual winner count towards electing a representative, which may discourage people from voting or promote disaffection with the system.⁴
- The system tends to reward regional political parties or regional strongholds within parties. Conversely, political parties with diffuse support nationally tend to have difficulty winning seats.
- Having an outcome in which the winner takes all favours the nomination of candidates considered "safe," and may contribute to the challenges faced by women, Aboriginal people and minority groups in being nominated as candidates and elected as members of the House.⁵

2.4 VOTER TURNOUT

The participation rate in federal general elections has varied over the years. With the exception of the October 2015 election, with a 68.3% turnout,⁶ in the past quarter of a century, beginning in 1988, voter turnout has been trending downward.

In the six elections held since 2000, four have had the lowest voter turnouts at the federal level in Canadian history, with less than 62% of eligible voters casting ballots. The highest voter turnouts were in 1958, 1962 and 1963, when over 79% of eligible voters cast their ballots.⁷

Reasons for the decline in voter turnout at Canadian federal elections have included attitudinal and behavioural factors, such as a lack of political interest among non-voters, a perception that their vote does not affect the outcome, and a lack of ownership of the system.⁸ Another frequently cited factor is the decline in the turnout rate of young voters.⁹

3 CHANGING CANADA'S ELECTORAL SYSTEM: WHAT OPTIONS EXIST?

This section provides a description of the major electoral systems employed at the national level around the world. Some important characteristics that differentiate electoral systems from one another are these: ¹⁰

- **Ballot:** Does the elector place a mark beside a single candidate's name (making more than one mark spoils the ballot), or must the elector rank or order candidates or parties from a list on the ballot?
- **Number of candidates per constituency:** In each constituency, is one candidate elected or are multiple candidates elected?
- **Procedure to determine winners:** How many steps are there, and therefore how simple or complex is it to determine how many seats each party has won and which candidate has won which seat?
- **Threshold for determining winners:** What is the percentage of votes needed for a candidate or party to obtain a seat?

In this paper, electoral systems are grouped in three categories:

- plurality or majority;
- proportional representation; and
- mixed plurality/majority and proportional representation.

A description of each type of system is provided below.

3.1 PLURALITY OR MAJORITY SYSTEMS

- **Description:** In plurality or majority electoral systems, the winning candidate is the individual who garners the most votes in an electoral district. Depending on the particular rules of the system, the winner may need to receive a plurality (or more votes than the other candidates) or a majority (over 50% of the votes cast).
- Names and Variations:
 - First Past the Post (FPTP): Under FPTP, an elector casts a single vote for a candidate to represent the electoral district in which the voter resides. Candidates must gain a plurality of votes to be elected.

ELECTORAL SYSTEMS	LIBRARY & PARLIAMENT BIBLIOTRÈQUE & PARLEMENT					
First Past the Post						
BALLON for one candidate crimson in the electoral CANDIDATES	andidate with the most votes is elected					
Purple district						
Step 2 A party has as many seats as candidates elected						
Results in electoral districts across the country						

Alternative Vote (AV): Also used to elect a single candidate per electoral district, this system is often called preferential voting. On the ballot, voters rank the candidates running in their electoral district in order of their preference. To be elected, a candidate must receive a majority of the eligible votes cast. Should no candidate garner a majority on the first count, the candidate with the fewest first-preference votes (lowest-ranked) is dropped, and the second-preference votes on the ballots where that candidate ranked first are assigned to the respective remaining candidates. This process continues until one candidate receives the necessary majority.¹¹

ELECTORAL SYSTEMS	LIBRARY of PARLIAMENT BIRLIOTRÉQUE de PARLEMENT
Alternative Vote	
BALLOT candidates in order	• Outcome 1 Total of votes based on first preference
Crimson E Calificates in Order of their preference Purple E Turquoise E Yellow PREFERENCE PREFERENCE PREFERENCE PREFERENCE	Turquoise candidate has won the majority of the votes and wins the election
Possible Outcome 2 Ballots of candidates with votes are reallocated	the fewest first-preference This process continues until one candidate receives a majority
COUNT 1: Total of votes based on first preference Turquoise candidate has won a plurality of votes BUT no candidate wins a majority 50% or votes	COUNT 2: Second-preference votes on the ballots of the eliminated Yellow candidate are reallocated to the respective candidate

- Two-Round: Also known as the run-off system, the two-round system has elections with not one but two election days, generally weeks apart. The system used for the first round of voting is largely similar to FPTP, except to win, a candidate must take a majority of the votes cast and not simply a plurality. Should no candidate garner a majority after the first round of voting, a second election is held with only the top two candidates from the first election results. The candidate with the higher number of votes in the second round is elected.
- Block Vote: In essence, this system is FPTP but with multi-member constituencies. In each electoral district, voters may cast as many votes as there are seats. For example, if three seats are available in an electoral district, the three candidates with the most votes will be awarded seats.
- **Origins:** Plurality or majority systems can be traced back to historical British parliamentary practice. FPTP continues to be employed to elect members to the United Kingdom (U.K.) House of Commons, and is also the system used today in most countries that were once part of the British Empire or have historical connections to England.¹²

- Advantages and Disadvantages: Plurality or majority systems are easy to use and understand, favour the formation of stable majority governments, maintain a geographic link between constituents and members, and encourage broad-based parties. Critiques of plurality or majority systems include that the seat allocation is disproportionate to the popular vote, and the system exaggerates regionalism and wastes votes. Further critiques of the two-round system are that it is the most expensive electoral system, and voter turnout may decrease between the first and second rounds.
- **Current Use:** Australia Lower house (AV), Canada (FPTP), France (Two-Round), U.K. (FPTP) and the United States (FPTP).

3.2 PROPORTIONAL REPRESENTATION SYSTEMS

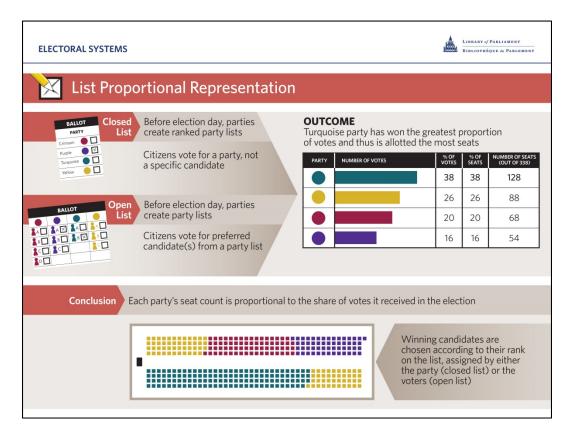
• **Description:** As the name suggests, proportional representation (PR) systems seek to closely match a political party's vote share with its seat allocation in the legislature. Unlike in most plurality systems, in PR systems, voters elect more than one representative per constituency or geographic area. PR tends to be varied and flexible, and the method for calculating seat distribution can be quite complex, with some systems requiring that a minimum threshold of vote share be earned in order for any seats to be allocated. Citizens generally vote for several candidates, or a party, and the results determine which individual members will sit in the legislature, as well as the overall distribution of seats belonging to each party.

• Names and Variations:

 List Proportional Representation (List PR): There are two main forms of List PR: closed-list and open-list. Both forms use a regional or national list of candidates in each constituency drawn up by each party before election day.

In closed-list PR, the party ranks the names on the list, and citizens vote for a party, not a specific candidate. Once all votes have been counted, each party is awarded seats in proportion to its share of the national vote. Individual seats are then allocated to candidates of each party in the order in which they are ranked on the party list.

In open-list PR, voters choose a preferred candidate (or candidates) from the list of the party for which they wish to vote. This means that voters effectively determine the order in which the candidates on the list will be awarded seats.



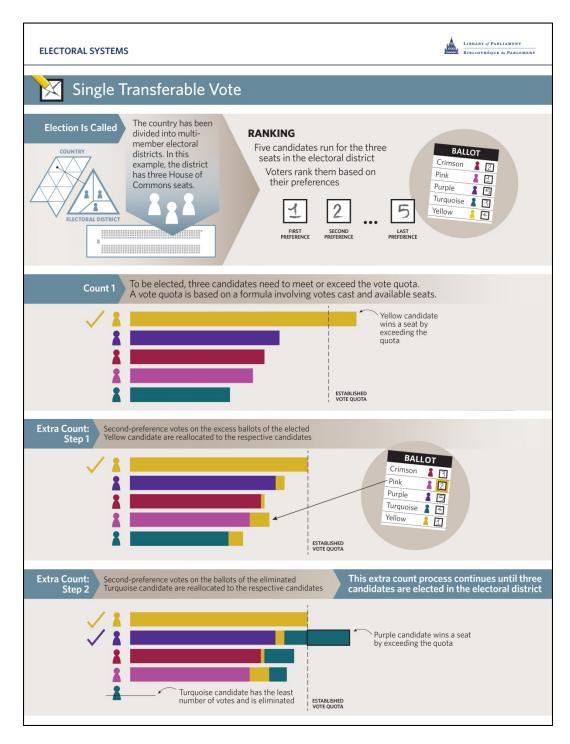
List PR systems are very flexible and have been adapted by the countries using them.

 Single Transferable Vote (STV): Citizens in multi-member electoral districts rank candidates on the ballot. They may rank as few or as many candidates as they wish.

In most variations of this system, winners are declared by first determining the total number of valid votes cast, and then establishing a minimum number of votes that must be garnered based on the number of seats to be filled (the "vote quota"). Candidates who receive the number of firstpreference votes needed to reach the quota are elected.

If there are still seats to be filled, a two-step count occurs. In the first step, any votes in excess of the quota for elected candidates are redistributed to the second choices indicated on the ballots of the elected candidates, using a weighted formula (this is called "excess transfer"). Candidates who then reach the quota are elected.

If no candidates reach the quota in this way, a second step takes place in which the candidate with the fewest first-preference votes (lowest-ranked) is dropped, and the second-preference votes on the ballots where that candidate ranked first are assigned to the respective remaining candidates.



Such extra counts continue until enough candidates reach the quota to fill all available seats.

Some variations do not involve excess transfer, but only the elimination of the lowest-ranked candidate and the reassigning of the second preferences on the ballots for that candidate. Nonetheless, the counting process still fits the definition of a single, transferable vote.¹³

• Single Non-Transferable Vote (SNTV):¹⁴ In this system, as in FPTP and unlike in block vote, each voter selects one candidate only. However, the system differs from FPTP and resembles block vote in that several members are elected per electoral district. The candidates with the highest vote totals are elected. For example, in a constituency where 20 candidates are vying for five available seats, the five candidates with the most votes will all be elected.

Compared to FPTP or block vote, SNTV can facilitate the representation of minority parties and independents, because the minimum number of votes needed to be elected decreases as the number of seats in the constituency increases, giving parties that normally receive a lower percentage of votes a better chance of electing a candidate.¹⁵

- **Origins:** Discussion of proportional representation can be traced back to the late 1700s. Its first public use was in 1840 during an election held in Adelaide, Australia.¹⁶ Some observers have suggested that the implementation of PR systems, especially throughout Europe, was a response to unrepresentative electoral results, with others suggesting economic transformations and the growth of social democratic parties were driving forces.¹⁷
- Advantages and Disadvantages: PR systems produce results most closely matching the actual proportion of votes garnered by parties, permit greater representation of smaller parties, provide for greater choice, and can encourage power-sharing within a Parliament. Critiques of PR systems include that they can be difficult to understand, they tend to create coalition governments, the geographic link between constituent and member is less prominent, they increase the possibility of electing parties with extreme views, the ballots can be long and complicated, and the counting of results time consuming.
- **Current Use:** Australia Upper House (STV), Austria (Modified Closed-List PR), Belgium (Modified Closed-List PR), Denmark (Open-List PR), Finland (Open-List PR), Ireland (STV), Netherlands (Modified Closed-List PR), Norway (Modified Closed-List PR), Russia (Closed-List PR), South Africa (Closed-List PR), Sweden (Modified Closed-List PR) and Switzerland (Open-List PR).

The modified closed-list PR systems listed above essentially give electors some ability to influence which candidates on party lists are elected by stating preferences on the ballot. The countries use different methods and set different thresholds of vote share needed for election.

3.3 MIXED ELECTORAL SYSTEMS

• **Description:** Mixed electoral systems combine elements of a plurality or majority system with proportional representation. Citizens in a constituency cast two votes: one to directly elect an individual member to serve as their representative, and a second for a party or parties to fill seats in the legislature allocated according to the proportion of the vote share they receive.

• Names and Variations:

• Mixed Member Majority (MMM): Citizens in single-member electoral districts cast two votes: one for a candidate to represent their constituency according to the FPTP system, and one for a party. Each party presents a previously established list of candidates, similar to the List PR system. A predetermined portion of the legislature's seats are filled using the plurality vote, while the remaining seats are filled by the party list vote.

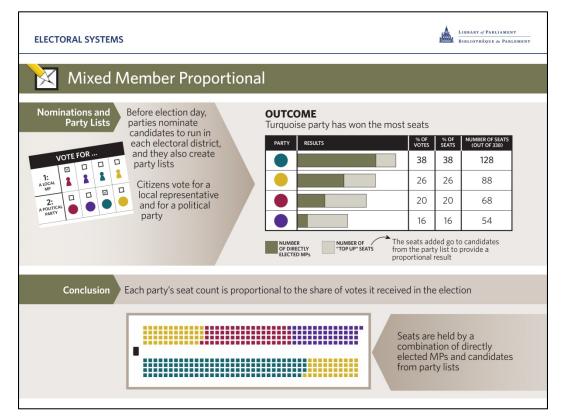
The two votes under MMM are fully independent of one another; the party seats will not compensate for any disproportionate result in the constituency elections.

Mixed Member Proportional (MMP):

This system operates in the same way as MMM, except that a citizen's second vote, which allocates seats to parties according to List PR, is used to attempt to compensate for any disproportionate results in the FPTP constituency part of the election.

Additional seats are awarded to qualifying parties¹⁸ where the number of constituency seats that they won fails to reflect voter support shown in both components of the election.

There are variations among the various MMP systems in how this allocation is made.



• **Origins:** Mixed electoral systems can be traced back to Germany's adoption of an MMP system following the Second World War.¹⁹ Observers have noted that the system represents a compromise, or third way, between plurality or majority systems, and proportional representation.

- Advantages and Disadvantages: Mixed electoral systems provide for fairly proportional outcomes, maintain the geographic link between constituents and members, provide for greater choice, and allow the opportunity for smaller parties to be represented in Parliament. Critiques of mixed electoral systems include that they may be difficult to use and understand, and they create two classes of members (electoral district versus list).
- **Current Use:** Germany (MMP), Japan (MMM), Mexico (MMP), New Zealand (MMP), Philippines (MMM), Scotland (MMP), South Korea (MMM) and Wales (MMP).

4 VOTING SYSTEMS IN SELECTED JURISDICTIONS

4.1 THE UNITED KINGDOM'S HOUSE OF COMMONS: FIRST PAST THE POST

An FPTP system is used to determine the membership of the U.K. House of Commons. This system dates back centuries; it was in place when the Acts of Union brought together England and Scotland to form Great Britain in 1707. As in elections for Canada's House of Commons, citizens vote for a single candidate in their constituency, and the candidate who receives the most votes is elected to represent that constituency in the House.

In 2011, the U.K. held a referendum on switching from FPTP to an AV system. A switch to AV was rejected by 67.9% of the voters.²⁰

Holding such a referendum counted among a number of democratic reform pledges outlined in the plan of the Conservative–Liberal Democrat coalition government which was formed following the 2010 general election.²¹

4.2 THE AUSTRALIAN PARLIAMENT

4.2.1 SENATE: SINGLE TRANSFERABLE VOTE

In Australia, each state and territory acts as a single, multi-member constituency (called an "electorate"). States are represented by 12 senators, and territories are represented by two senators. Senators are elected through a single transferable vote system.

Ballots for Senate elections are divided into two sections by a line. Electors can vote "above the line" or "below the line." Voting above the line requires voters to rank at least six political parties by placing numbers 1 to 6 in the corresponding boxes.²² Voter preferences above the line are distributed in the order that the candidates appear below the line for the party chosen. Preferences are first distributed to the candidates in the party of first choice, then to the candidates in the party of second choice, until all preferences have been distributed.

Voters who choose to vote below the line must rank at least 12 candidates by placing the numbers 1 to 12 in the boxes beside the corresponding candidates.²³ In this case, voter preferences are distributed to the individual candidates as they are ranked on the ballot.

To win, candidates must secure a quota of votes. To calculate the quota for a particular election, the total number of votes cast is divided by the number of candidates to be elected plus one, and one is added to the result. Although counting of first preferences begins on election night, the full count cannot be completed until several weeks after the election. Ballot papers are sorted according to which candidate or party receives the number "1" preference on each ballot paper. Candidates who secure the quota, or more, of first-preference votes are elected. Any surplus votes from elected candidates (votes in excess of the quota), are transferred to the candidates who were the second choice of voters. This process is carried out until the required number of candidates reach the quota.

The single-transferable vote system used to elect Australian senators was established in 1948. Before that, Block Vote was used from 1903 to 1919, and Preferential Voting from 1919 until 1949, both of which resulted in a disproportionate number of seats being awarded to the party that gained a majority of a state's or a territory's vote. According to the Australian Electoral Commission, both systems were abandoned because they often produced "lopsided" results.²⁴

4.2.2 HOUSE OF REPRESENTATIVES: ALTERNATIVE VOTE

The alternative vote system is used to elect members of the Australian House of Representatives. Australia is divided into 150 single-member electoral divisions. Voters are required to rank each candidate on the ballot.

To win, candidates must attain an absolute majority of votes. In the event that no single candidate wins more the 50% of the votes after the first preferences are counted, the candidate with the least votes is eliminated, and his or her votes are redistributed among the other candidates (see the description of the AV process in section 3.1). The process continues until a majority by a single candidate is acquired.

Australia's House of Representatives has been elected through the alternative vote system since 1919. Following the establishment of the Commonwealth of Australia in 1901, Parliament enacted the *Commonwealth Electoral Act 1902*, which provided for an FPTP voting system for the House of Representatives. The Act was rewritten in 1918 to provide for alternative voting to elect members of the House. Historians hold numerous views on the reason for Australia's electoral reforms. It has been suggested that the reforms were brought about by idealism, the seeking of political advantage, or the need to deal with faulty electoral system arrangements.²⁵ The Australian Electoral Commission notes, for example, that the 1918 reform was:

in response to the rise of the Country Party in the aftermath of the First World War, and the consequent prospect of loss of seats to Labor through a split in the non-Labor vote.²⁶

4.3 New Zealand's House of Representatives: Mixed Member Proportional Representation

New Zealand's Parliament employs a mixed member proportional representation system to elect its members. Under this system, voters elect 63 members from single-member constituencies, 50 members from nationwide party lists, and seven members from single-member Maori electoral districts.

The electoral system employed to decide both constituency seats, known as "electorate seats," and Maori seats is the FPTP model. Parties are first allocated seats according to the results of this vote. A proportional representation system is then used to apportion the party list seats; this vote is called the party vote. To be eligible to receive a share of the party vote seats, a party must garner at least 5% of the national vote or win one electorate seat.

Seats are apportioned to each party according to its share of the total national party vote. A party that receives fewer electorate seats than total party votes is apportioned list seats to compensate for this difference. If a party wins more electorate seats than its share of seats as determined by the party vote, it is permitted to keep the extra, so-called "overhang," seats.

The first election under MMP was held in 1996. Prior to this, national elections had been held under FPTP. A Royal Commission in 1986 recommended the switch as part of its inquiry into various matters related to the electoral system and Parliament.²⁷ The process of change entailed two referenda. A two-question non-binding referendum was held in 1991. The ballot asked citizens first to indicate whether they desired to retain or change the country's electoral system and, if they desired change, to select one of four voting systems.²⁸ A majority of voters indicated a desire to change systems (84.7%) and also indicated a preference for the MMP system (70.4%).²⁹

A follow-up, binding referendum was held in 1993. It found voters preferred switching to MMP (53.9%) over retaining FPTP (46.1%). Following the adoption of MMP, a referendum was held in 2011 to review the switch. Voters were asked whether MMP should be retained or a new system adopted, with a majority voting in support of keeping MMP (57.7%).³⁰

4.4 THE GERMAN BUNDESTAG (OR LOWER HOUSE): MIXED MEMBER PROPORTIONAL REPRESENTATION

The electoral system employed to elect the minimum 598 members of Germany's lower house, or Bundestag, is a mixed member proportional representation system called personalized proportional representation; it combines elements of the FPTP model with proportional representation. Personalized proportional representation is a rather complex system, as will be outlined below.

The country is divided into 299 constituencies, allocated to each of 16 states (or Länder) in proportion to relative populations. Each elector casts two votes: one vote directly for a candidate in his or her constituency using the FPTP model, and a second vote for a party list established using a proportional representation system. These party lists are organized by the state and are closed; electors cannot alter who is on a party's list, or the order in which the party has listed the candidates.

First, seats are allocated in each constituency according to the result of the first vote (or the FPTP result). This result is compared to the result of the second vote (or the proportional representation vote).³¹

In order to be entitled to win proportional representation seats in the second vote, parties must garner at least 5% of the second set of votes cast nationwide or at least three seats under the FPTP vote.

Where, in the FPTP vote, a party or parties exceed the number of seats they ought to obtain according to the proportional representation vote, they are nonetheless permitted to keep these overhang seats.

The number of seats each qualifying party garners following this initial count is the minimum they are entitled to receive. To compensate for any overhang seats, the parties that did not have overhang seats are allotted additional seats in order to ensure complete proportionality of the share of votes for all parties nationwide.³²

5 CANADIAN ELECTORAL REFORM INITIATIVES AT THE FEDERAL AND PROVINCIAL LEVELS

Since Confederation, reforms to the federal and provincial electoral systems have been considered and in some cases implemented. At present, all provinces and territories employ the FPTP system.

5.1 EARLY REFORM INITIATIVES

It is perhaps not widely known that in the late 1910s to early 1920s, a number of municipalities in Alberta, British Columbia, Manitoba and Saskatchewan adopted single transferable vote systems (STV), and in one case an alternative vote system (AV). Some observers cite the extension of the right to vote to non-property owners, the working class and women, and the subsequent growth in popularity of progressive and united farmers' parties, as the reason for the adoption of these systems.³³ In all cases, these systems were later repealed.

Table 1 shows some of the municipalities that adopted STV and AV systems.³⁴

City	Duration of Single Transferable Vote Systems	Duration of Alternative Vote System
Calgary	1916–1961	1961–1973
Edmonton	1922–1928	-
Regina	1920–1926	-
Saskatoon	1920–1926	-
Vancouver	1920–1923	-
Victoria	1920–1921	-
Winnipeg	1920–1971	-

Table 1 – Electoral Reform in Canadian Municipalities

Source: Table prepared by the authors using information in Dennis Pilon, *The Politics of Voting – Reforming Canada's Electoral System*, Emond Montgomery Publications Limited, Toronto, 2007, p. 81.

Provincially, from the 1920s to the 1950s, Alberta and Manitoba both adopted STV for elections held in urban ridings and AV for elections held in rural ridings.³⁵ In British Columbia, the governing Liberal–Conservative coalition adopted AV for the 1952 provincial election. The system reverted back to FPTP after the Social Credit Party won the 1953 election.³⁶ Observers have commented that these changes were brought about by the mainstream parties as a result of the rise in popularity of the Cooperative Commonwealth Federation, which following the Second World War became the official opposition in British Columbia, Ontario and Saskatchewan.³⁷

5.2 REFORM PROPOSALS AT THE FEDERAL LEVEL (2004–2007)

In March 2004, the Law Commission of Canada concluded a three-year study on electoral reform and submitted its report, entitled *Voting Counts: Electoral Reform for Canada*, to the Minister of Justice. The report examined the different electoral options and evaluated which would, in its view, best fit Canada's Westminster traditions. The report recommended the adoption of a mixed member proportional system.³⁸

In its October 2004 Speech from the Throne, the government pledged options for reforming Canada's democratic institutions. The matter was studied by the House of Commons Standing Committee on Procedure and House Affairs, which tabled a report on electoral reform in June 2005.³⁹ The committee recommended that the government launch a special House of Commons committee and create a citizens' consultation group that would work between October 2005 and the end of February 2006. Parliament was dissolved before a special committee could be established or the consultation process could begin.

In March 2007, the government held a citizens forum on democratic reform in each province and territory, along with one national youth forum. From these forums, the government prepared a report entitled *Public Consultations on Canada's Democratic Institutions and Practices*.⁴⁰ The report indicated that, among other things, Canadians appeared to prefer the current FPTP system to a system that includes proportional representation. However, the consultations also found that respondents were "open" to considering change, including a voting system in which every vote for a party counts.⁴¹

5.3 REFORM PROPOSALS AT THE PROVINCIAL LEVEL

5.3.1 REFORM PROPOSALS IN BRITISH COLUMBIA (2003–2009)

In April 2003, British Columbia's government established a Citizens' Assembly on Electoral Reform, an independent, non-partisan assembly of citizens with the mandate of examining the provincial electoral system and making recommendations on reform.⁴² In December 2004, the Citizens' Assembly recommended the single transferable vote (STV) system as the best choice for the province, and in May 2005 the STV proposal was put to the voters of British Columbia as a referendum question in the provincial election. In order for the proposal to pass, it needed to be approved by 60% of all voters, and by a simple majority of voters in 60% of the 79 constituencies.

In the referendum, the STV proposal received 57% support – short of the required 60% majority – and was therefore not approved. However, as a result of the considerable support across the province for the proposed STV system, the government indicated that another referendum on STV would be scheduled. In April 2006, the government announced that the referendum would be held at the same time as the 2009 provincial general election, and that the STV system would be implemented for the scheduled 2013 general election provided there was sufficient voter support in the referendum.⁴³ The referendum was held in May 2009; the STV proposal was supported by 39% of all voters and received sufficient support in only 7 of 85 electoral districts, far short of the 51 required to ensure its implementation.

5.3.2 REFORM PROPOSALS IN ONTARIO (2003–2007)

The Democratic Renewal Secretariat of Ontario was created in October 2003 to review the provincial electoral system. The *Election Amendment Act, 2005* received Royal Assent in June 2005, allowing for the selection of a Citizens' Assembly on Electoral Reform to examine the current electoral system and recommend possible changes.

In March 2006, Ontario's Minister Responsible for Democratic Renewal announced the formation of an Ontario Citizens' Assembly on Electoral Reform.⁴⁴ Operating independently of the government, the assembly's mandate was to

assess Ontario's current electoral system and others, and recommend whether Ontario should keep the current system or adopt a new one. If the Assembly recommends a change, the government will hold a referendum on that alternative within its current mandate.⁴⁵

In May 2007, the assembly released a report entitled *One Ballot: Two Votes – A New Way to Vote in Ontario*, which recommended a mixed member proportional system. A province-wide referendum to decide whether to implement this new system was held in conjunction with the provincial election in October 2007. The proposal did not receive the requisite voter support – at least 60% of the total referendum ballots cast *and* more than 50% of the referendum ballots cast in at least 64 electoral districts – as prescribed in section 4 of the *Electoral System Referendum Act, 2007*.⁴⁶

5.3.3 REFORM PROPOSALS IN QUEBEC (2004–2007)

In December 2004, the Quebec government introduced a draft bill in the National Assembly that, among other reforms, proposed a new mixed electoral system that would combine elements of the existing FPTP system and a new proportional representation approach. In June 2005, the National Assembly adopted a motion to appoint a nine-member parliamentary committee to study and make recommendations on the draft bill. The committee was assisted by an eight-member Citizens' Committee.⁴⁷ Public consultations were held across Quebec beginning in January 2006.

The Citizens' Committee reported its findings to the National Assembly in April 2006. Its report rejected the government's draft bill and proposed a system of mixed member proportional representation similar to that of Germany. The committee's main criticism of the government's draft bill was that the proposed one-ballot system did not accurately reflect the wishes of the voters and would encourage strategic voting.

In December 2007, the province's Chief Electoral Officer released a report that discussed the characteristics of a "compensatory mixed system" and compared different scenarios through simulations and analyses.⁴⁸ No actions resulted from this report.

5.3.4 REFORM PROPOSALS IN NEW BRUNSWICK (2003–2006)

In December 2003, the New Brunswick government established the Commission on Legislative Democracy and instructed it to propose an appropriate proportional representation model for New Brunswick. The commission held public hearings and community roundtables, received online submissions and responses to questionnaires, and conducted independent research and analysis. In January 2005, its final report recommended a regional mixed member proportional system and advised that a binding referendum be held no later than the 2007 provincial election.⁴⁹

The provincial government responded to the commission's final report and recommendations by issuing *Improving the Way Government Works* in June 2006.⁵⁰ After a change of government in the fall of 2006, a new response to the commission's recommendations was released in June 2007. Entitled *An Accountable and Responsible Government*, it included 20 initiatives the province planned to undertake to improve and enhance legislative democracy in New Brunswick between 2007 and 2012.

5.3.5 REFORM PROPOSALS IN PRINCE EDWARD ISLAND (2003–2016)

In December 2003, the Prince Edward Island Electoral Reform Commissioner recommended that the province adopt a mixed member proportional system. However, the Commissioner also recommended further study of the issue, including more public consultation and public education, and he directed that any changes to the province's electoral system be made by "referendum."⁵¹

In December 2004 the Legislative Assembly established the Commission on Prince Edward Island's Electoral Future, with the task of developing a clear plebiscite question and recommending a date for holding the plebiscite.⁵² In May 2005, the commission released its proposal for an MMP system for the province. The plebiscite was held in November 2005, with a threshold for voter approval set at 60%. The proposal for electoral reform was approved by 36% of the voters. The province's Special Committee on Electoral Boundaries recommended that another "referendum," exclusively on the question of fixed election dates, be held at the same time as the next provincial general election in 2007.⁵³ However, no referendum was held.

More recently, following Prince Edward Island's 65th general election, held on 4 May 2015, the new government's June 2015 Speech from the Throne committed 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. During this Session, we will table a White Paper on Democratic Renewal that will be referred to this Assembly and serve as a means to engage Islanders on the fundamentals of our democratic process.⁵⁴

In July 2015, the government released a *White Paper on Democratic Renewal*, which pledged to create a special legislative committee to explore whether to replace the FPTP system by a preferential ballot or a proportional representation voting system and to "define the plebiscite question to be presented to Islanders with regard to the future voting system ... by November 30, 2015." ⁵⁵ In November 2015 the Special Committee on Democratic Renewal tabled a first report, in which it recommended that Islanders help shape the plebiscite question, and that consultation take place in 2016.⁵⁶

Following initial consultations, the Special Committee tabled its second report in April 2016, in which it recommended that voters be able to rank the following electoral system options in order of preference in a plebiscite to be held in November 2016:⁵⁷

- dual member proportional representation;
- first past the post (the current system);
- first-past-the-post plus the leaders of parties that earn a predetermined minimum percentage of the popular vote;
- mixed member proportional representation; and
- preferential voting.

The Special Committee also recommended that electronic voting be used in the plebiscite to maximize voter turnout and convenience for the electorate, provided that certain security, cost, accountability, and privacy standards could be met.⁵⁸

6 OTHER ELECTORAL REFORM INITIATIVES

6.1 MANDATORY OR COMPULSORY VOTING

Mandatory voting, also referred to as compulsory voting, requires citizens to register as voters and to present themselves at their polling stations on election day. Those who refuse to do so are usually subject to a fine (unless they have an acceptable explanation, such as illness). Although it is known as "mandatory voting," this practice does not actually require citizens to *vote*. They must register and present themselves at their polling stations; however, those who do not wish to vote may still exercise the option of spoiling their ballots or registering an abstention. In fact, several countries provide a box on the ballot for those who wish to mark their vote for "None of the candidates."

Mandatory voting legislation exists in a number of countries, including Australia, Belgium, Cyprus, Luxembourg and Brazil. Belgium was the first country to introduce mandatory voting legislation, in 1892, while Australia has arguably the best-known mandatory voting system (first introduced in 1915 by the State of Queensland and adopted nationally in 1924).

6.1.1 ARGUMENTS FOR AND AGAINST MANDATORY VOTING

Several arguments are consistently put forth by proponents of mandatory voting, including the following:

- There is increased voter turnout.
- The views of the electorate are better represented in Parliament.
- Voting is considered a civic duty similar to jury duty, payment of taxes, etc.
- Election campaigns can place more focus on issues, rather than on getting citizens out to vote on election day.
- Voters are not forced to vote; rather, they are obliged to turn out to vote.
- If they are required to participate, voters may become more involved in the political process.

Arguments against mandatory voting include the following:

- Forcing a person to vote is undemocratic and interferes with an individual's Charter rights.
- Mandatory voting does not address the issue of educating the electorate to ensure that citizens are making informed choices on political issues.
- Although mandatory voting may increase voter turnout, it may not necessarily increase the representation of the views of the electorate or lead to more informed voting.
- Mandatory voting does not address the question of why citizens are not voting.
- Enforcing the penalties against those who fail to vote can be expensive.

6.1.2 CANADIAN PROPOSALS FOR MANDATORY VOTING

In December 2004, Senator Mac Harb introduced Bill S-22, An Act to amend the Canada Elections Act (mandatory voting), in the Senate. The bill would have required all registered voters to vote in all federal elections or be subject to a fine. Voters would still have had the option of refusing the ballot, voting for "none of the candidates," or providing Elections Canada with an acceptable reason for not voting. The bill did not proceed beyond second reading in the Senate, and died on the *Order Paper* when the 38th Parliament was dissolved in November 2005.

6.2 ONLINE VOTING

As society's use of the Internet has become commonplace, consideration continues to be given to the possibility of enabling Canadians to vote online. In Canada, Internet voting has been employed at the municipal or regional level, namely in Markham and Peterborough, Ontario, and in Halifax and Truro and in Cape Breton, Nova Scotia.⁵⁹

A number of jurisdictions internationally, at various levels of government, have studied or implemented online voting systems. For example, Estonia has offered online voting at the national level in some form since 2005.⁶⁰

Research conducted for Elections Canada found that "a moderate proportion of electors would be likely to vote over the Internet, and that this proportion is increasing from one general election to the next." ⁶¹ Elections Canada's research also examined the required legal framework to establish online voting,⁶² as well as consultations with European jurisdictions about their experience with online voting.⁶³

Those in favour of online voting suggest that it may expand the accessibility of elections and, in turn, increase voter turnout. Those against Internet voting cite reliability and security concerns.

6.3 LOWERING THE VOTING AGE

Currently, Canadians aged 18 years or older on or before the day of a federal general election may vote. Until 1970, the minimum voting age at the federal level was 21 years. when the proposal was made to lower the voting age to 18 years, concern was expressed by some as to whether 18-year-olds were sufficiently well informed or mature to vote responsibly.

Of all groups of eligible voters, young Canadians have the lowest voter participation levels. According to studies commissioned by Elections Canada, not only are young people participating less in the electoral process than older generations, but their willingness to participate is also in decline. One proposal put forth to counter this trend is the lowering of the voting age from 18 to 16. Proponents of this initiative argue that instilling democratic values in young people while they are still in school will encourage the development of lifelong voting habits. Opponents believe that 16-year-olds lack the maturity to make an informed political decision and that the novelty of being eligible to vote would eventually wear off.

When the Royal Commission on Electoral Reform and Party Financing, chaired by Pierre Lortie, published its final report in 1991, it recommended that the voting age be set at 18 years of age. It also said that Parliament should revisit the question periodically. The issue was studied during the 36th Parliament by the House of Commons Standing Committee on Procedure and House Affairs, and its June 1998 report recommended that the minimum voting age remain at 18.

In Quebec in March 2003, the Comité directeur sur la réforme des institutions démocratiques, chaired by Claude Béland, presented its report on citizen participation in Quebec's democratic institutions. On the question of lowering the voting age, the Béland Commission stated that the positions on the issue were not clear enough and that the impact of lowering the voting age should be studied further. In the meantime, it recommended that the voting age be kept at 18 years.

In May 2004, the Alberta Court of Appeal ruled against two Edmonton teenagers who argued that their rights under the Charter had been violated by Alberta's *Elections Act.*⁶⁴ The Court agreed with the trial judge that a voting age limit was, in principle, a violation, but that it was justified in order to maintain the integrity of the electoral system.

In November 2004, a private member's bill was introduced in the House of Commons by Liberal MP Mark Holland to lower the voting age to 16 (Bill C-261); it was defeated in June 2005 after second reading debate.

Recently, Scotland lowered its voting age to include 16- and 17-year-olds in its September 2014 referendum on independence, and there was high turnout in the new age bracket.⁶⁵ Subsequently, the British Prime Minister agreed to set a separate voting age, of 16 rather than 18, for all elections to the Scottish Parliament and local Scottish authorities.⁶⁶

In the United Kingdom, the Labour Party, the Scottish National Party, the Liberal Democrats and the Green Party all support voting at 16.⁶⁷ As well, a November 2014 report on voter engagement by the U.K. House of Commons Political and Constitutional Reform Committee suggested that the Government lead a national discussion on reducing the voting age and that a free vote on the issue be allowed in the House of Commons.⁶⁸ Finally, most recently, on 18 November 2015, the House of Lords, at Report Stage of the *European Union Referendum Bill 2015–16*, voted in support of an amendment to extend the franchise for the referendum on whether the U.K. should remain in the European Union, scheduled for June 2016, to 16- and 17-year-olds.⁶⁹ The House of Commons subsequently disagreed with the amendment,⁷⁰ leaving the voting age for the referendum at 18 and over.

NOTES

^{1.} Prime Minister of Canada, "<u>Minister of Democratic Institutions Mandate Letter</u>," November 2015.

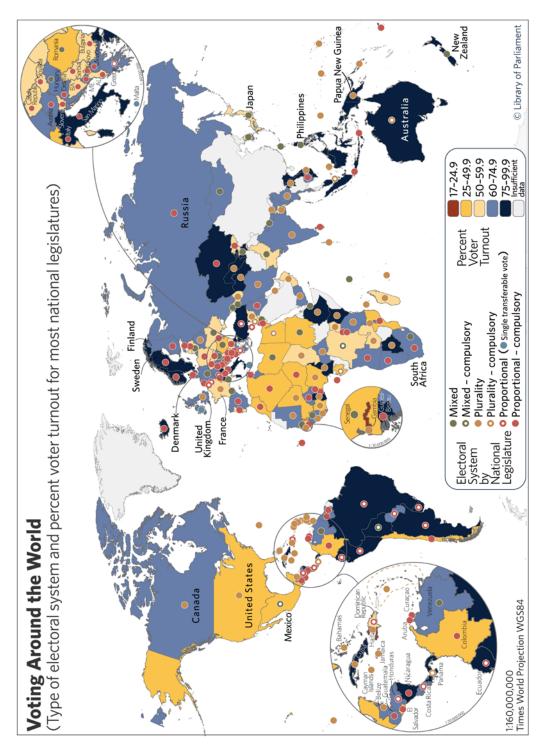
^{2.} Each Canadian territory is currently represented by a single member of Parliament.

- 3. Dennis Pilon, *The Politics of Voting Reforming Canada's Electoral System*, Emond Montgomery Publications Limited, Toronto, 2007, p. 57.
- 4. Law Commission of Canada, *Voting Counts: Electoral Reform for Canada*, 2004, p. 10.
- 5. Ibid.
- 6. Elections Canada, <u>Official Voting Results: Forty-Second General Election</u>.
- 7. Elections Canada, Voter Turnout at Federal Elections and Referendums.
- 8. Jon H. Pammett and Lawrence Leduc, *Explaining the Turnout Decline in Canadian Federal Elections: A New Survey of Non-voters*, Elections Canada, 2003.
- 9. Sharanjit Uppal and Sébastien LaRochelle-Côté, *Factors associated with* voting, Statistics Canada, 4 March 2012.
- Heather MacIvor, "A Brief Introduction to Electoral Reform," in *Making Every Vote Count Reassessing Canada's Electoral System*, ed. Henry Milner, Broadview Press, Peterborough, Ont., 1999, p. 21.
- 11. Note that a major difference between the alternative vote system (AV) and the single transferable vote system (STV), described in section 3.2 of this paper, is that, in AV a single member is elected in each electoral district, as in the first-past-the-post system (FPTP), whereas in STV, multiple members are elected in each electoral district.
- 12. International Institute for Democracy and Electoral Assistance [IDEA], <u>Electoral System</u> <u>Design Database</u>.
- 13. As mentioned earlier, a major difference between STV and AV, described in section 3.1 of this paper, is that, in STV, multiple members are elected in each electoral district, whereas in AV a single member is elected in each electoral district, as in FPTP.
- 14. There does not seem to be consensus on the type of system under which to place the single non-transferable vote. Some describe it as a form of proportional representation, while others consider it to be a mixed system or an "other" system.
- 15. ACE: Electoral Knowledge Network, "<u>The Single Non-Transferable Vote (SNTV)</u>," Electoral Systems.
- 16. Proportional Representation Foundation, *History of Proportional Representation*.
- 17. Lucas Leemann and Isabela Mares, *The Adoption of Proportional Representation*, Princeton University online, 2012.
- 18. A qualifying party is one that obtains a minimum percentage of votes. This percentage depends on the rules governing the election in a given jurisdiction.
- 19. "Politicians in proportion," *The Economist*, 1 December 2012.
- 20. United Kingdom [U.K.] Electoral Commission, <u>Referendum on the voting system for UK</u> parliamentary elections: Report on the May 2011 referendum, October 2011.
- 21. U.K. Cabinet Office, *<u>The Coalition: our programme for government.</u>*
- 22. Australian Electoral Commission, *Voting in the Senate*, 3 May 2016.
- 23. Ibid.
- 24. Australian Electoral Commission, <u>A Short History of Federal Election Reform in Australia</u>.
- 25. Scott Bennett and Rob Lundie, <u>Australian electoral systems</u>, Research Paper no. 5, 2007–08, Parliamentary Library of Australia, 21 August 2007.
- 26. Australian Electoral Commission, A Short History of Federal Election Reform in Australia.
- New Zealand Electoral Commission, <u>Report of the Royal Commission on the Electoral</u> <u>System 1986</u>.

- 28. New Zealand Electoral Commission, *Referenda*.
- 29. Ibid.
- 30. New Zealand Electoral Commission, *Results of the Referendum*.
- The calculation for allocating seats in the second vote is the Sainte-Laguë/Schepers method of proportional representation. This method is a mathematical formula for distributing seats under a proportional representation system. For more information on this, please see Electoral Panorama, <u>Germany's Reformed Electoral System</u>, 15 September 2013.
- 32. Inter-Parliamentary Union, "<u>Germany: Deutscher Bundestag (German Bundestag)</u>," IPU Parline database.
- 33. Law Commission of Canada (2004), p. 26.
- 34. Pilon (2007), p. 81.
- 35. Ibid.
- 36. Law Commission of Canada (2004), p. 28.
- 37. Ibid.
- Law Commission of Canada (2004). The report also made recommendations on how to increase diversity in the House of Commons by ensuring better representation of women, minorities and Aboriginal people.
- House of Commons, Standing Committee on Procedure and House Affairs, <u>Report 43 –</u> <u>Electoral Reform</u>, 7 June 2005.
- 40. Government of Canada, *Public Consultations on Canada's Democratic Institutions and Practices*, 10 September 2007.
- 41. Jack Aubry, "Poll shows voters favour winner-take-all system," *Ottawa Citizen*, 16 September 2007.
- 42. The Assembly included 160 eligible voters (80 women and 80 men) chosen from each of British Columbia's 79 constituencies, and 2 Aboriginal representatives.
- 43. British Columbia, Legislative Assembly, <u>Debates of the Legislative Assembly</u>, 2nd Session, 38th Parliament, 27 April 2006, p. 4127.
- 44. Government of Ontario, Democratic Renewal Secretariat, "<u>McGuinty government moves</u> forward on historic electoral reform initiative," News release, 27 March 2006. The assembly was made up of 103 members (52 women, 51 men) representing each of Ontario's constituencies, randomly selected by Elections Ontario from the Permanent Register of Electors for Ontario.
- 45. Ibid. See also the website of the <u>Citizens' Assembly on Electoral Reform</u>.
- 46. <u>Electoral System Referendum Act, 2007</u>, S.O. 2007, c. 1.
- 47. The Citizens' Committee that assisted the parliamentary committee, which began its work in November 2005, was made up of four men and four women.
- 48. For more information on the report, see Chief Electoral Officer of Quebec, "<u>Press release</u> <u>No. 2 – Report of the Chief Electoral Officer on the voting system</u>," 21 December 2007.
- 49. Government of New Brunswick, Commission on Legislative Democracy, *Final Report and Recommendations*, December 2004.
- 50. Government of New Brunswick, Executive Council, "<u>Province releases response to</u> <u>Commission on Legislative Democracy report</u>," News release, 20 June 2006.

- 51. Prince Edward Island Commissioner of Electoral Reform, <u>2003 Prince Edward Island</u> <u>Electoral Reform Commission Report</u>, p. 98. Note that the terms "referendum" and "plebiscite" are often used interchangeably, sometimes incorrectly. Generally, the intention of a "referendum" is to be binding on government, while a "plebiscite" means a vote that is advisory or consultative. Indeed, what occurred in Prince Edward Island in 2005 was a plebiscite, and was officially noted as such, though the term "referendum" has often been applied to it as well.
- 52. Legislative Assembly of Prince Edward Island, <u>Motion No. 32: Prince Edward Island's</u> <u>Electoral Future</u>.
- Prince Edward Island, Special Committee on Prince Edward Island's Electoral Boundaries, *First Report of the Third Session, Sixty-second General Assembly:* <u>Proposed Provincial Electoral Boundaries and Fixed Provincial Election Dates</u>, 4 May 2006.
- 54. Prince Edward Island, <u>Speech from the Throne</u>, 1st Session, 65th General Assembly, 3 June 2015, p.3.
- 55. Prince Edward Island, *White Paper on Democratic Renewal*, July 2015.
- 56. Prince Edward Island, Special Committee on Democratic Renewal, <u>Recommendations in</u> <u>Response to the White Paper on Democratic Renewal</u>, 27 November 2015, p. 2.
- 57. For more details on the electoral system options set out in the report, see Dara Lithwick and Erin Virgint, <u>Something in the Soil: Electoral Reform in Prince Edward Island</u>, HillNotes, Library of Parliament, 1 June 2016.
- Prince Edward Island, Special Committee on Democratic Renewal, <u>Recommendations in</u> <u>Response to the White Paper on Democratic Renewal: A Plebiscite Question</u>, 15 April 2016.
- 59. See, for example, Jon H. Pammett and Nicole Goodman, <u>Consultation and Evaluation Practices in the Implementation of Internet Voting in Canada and Europe</u>, Research study prepared for Elections Canada, November 2013, pp. 25–35; Canada–Europe Transatlantic Dialogue, <u>A Comparative Assessment of Electronic Voting</u>, Report prepared for Elections Canada, February 2010, pp. 23–32; and Leslie MacKinnon, "<u>Elections Canada drops plan for online voting due to cuts</u>," CBC News, 1 May 2013.
- R. Michael Alvarez, Thad E. Hall and Alexander H. Trechsel, "<u>Internet Voting in</u> <u>Comparative Perspective: The Case of Estonia</u>," *PS: Political Science and Politics*, Vol. 42, July 2009.
- 61. Pascal Barrette, "<u>Conclusion</u>," Interest of Canadians in Internet Voting (2004, 2006, 2008 and 2011) Research Note, Elections Canada, February 2013.
- 62. Bryan Schwartz and Dan Grice, "<u>Executive Summary</u>," *Establishing a Legal Framework for E-voting in Canada*, Report prepared for Elections Canada, September 2013.
- Jon H. Pammett and Nicole Goodman, <u>Consultation and Evaluation Practices in the</u> <u>Implementation of Internet Voting in Canada and Europe</u>, Report prepared for Elections Canada, November 2013.
- 64. Fitzgerald v. Alberta, 2004 ABCA 184.
- 65. John Curtice, <u>So How Many 16 and 17 Year Olds Voted?</u>," What Scotland Thinks, Economic and Social Research Council, 16 December 2014.
- 66. "<u>David Cameron accepts Scottish Parliament votes at 16</u>," *BBC News*, 15 December 2014.
- 67. Isobel White, "<u>Voting age</u>," *Briefing Paper*, Number 1747, U.K. House of Commons Library, 24 November 2015.

- 68. U.K. House of Commons, Political and Constitutional Reform Committee, <u>Voter engagement in the UK: Fourth Report of Session 2014–15</u>, November 2014.
- 69. White (2015).
- 70. United Kingdom Parliament, "<u>Commons Disagreement and Reason</u>," *European Union Referendum Bill*.



APPENDIX – VOTING AROUND THE WORLD

Sources: Figure prepared by Library of Parliament, Ottawa, 2016, using data from International Institute for Democracy and Electoral Assistance [IDEA], <u>Voter Turnout Database</u> and <u>Electoral System Design Database</u> (Stockholm, Sweden, 2016; © International IDEA); United Nations, Food and Agriculture Organization, "Global Administrative Unit Layer G2015_2014," <u>GeoNetwork</u>; and Natural Earth, <u>1:10m Cultural Vectors</u>. The following software was used: Esri, ArcGIS, version 10.3.1. Some information is licensed under <u>Open Government Licence – Canada</u>.