

TABLE OF CONTENTS

Opening Statement

Overview of Submission's Focus

Standards "Traditionally" Applied To Democratic Decisions

 "Majority Rule": Absolute Majority (More Than Half)

 "Plurality": Relative Majority (More Than Any Other)

A Systematic Analyses Of Electoral Systems

 The Single Mark Ballot (First Past The Post)

 The Two Round System

 The Multi Mark Ballot (Voting 1, 2, 3... and IRV Counting)

 Adding A Proportional Fix

Eduard Hiebert

January 31, 2007 A.D.

OPENING STATEMENT

In contrast to autocratic government, democratic societies have been able to build on the synergies available within an environment that fosters cooperation among all members within the democratic society and have thereby ushered in an era in history of unsurpassed standards of living for every member within their society.

Canada and Ontario are prime examples of this! However the bloom appears faded and increasing numbers, even if they do not know the details of how, they know in their heart of hearts, regardless of which party forms government, we no longer have governments that reflect the will of the majority!

Within the January 23, 2006 Kenora Assembly forum, I advanced the understanding that "You can not fix something if you do not know what is broken... you can not fix a bicycle tire if you do not know where the hole is. We can not fix our election system with certainty, without knowing where the holes are that allow minorities to control the majorities."

This submission will identify the holes in our electoral system and give concrete doable suggestions on how not only to patch the holes, but through a relatively tiny step forward transform the electoral system into one that produces substantially improved democratic outcomes because of what I call the "democratic footprint of the revised system will be much bigger than the existing one.

A few moments ago I said "we no longer have governments that reflect the will of the majority." When I said "we", I did mean we, even though I am a Canadian citizen resident in Manitoba. We come from sister provinces. Our electoral systems are very similar. In Manitoba, our political problems are not much different from in Ontario, even though your two main parties are called Conservative and Liberal, while ours are called Conservative and NDP. Different names, different origins, but we're almost in the same predicament.

Because of the many inter-relationships at many level between Manitoba and Ontario, including a common legal system; a new electoral precedent established in Ontario will likely come to Manitoba. Electoral reform was on my radar screen of concern long before the Assembly was created and if I can help move forward democratically a small but hugely important step and help prevent a democratic misstep in Ontario, my life in Manitoba will likely be the better for it as well!

It is therefore a privilege and an honour that the Ontario Citizens Assembly will receive my presentation.

I wish you much wisdom as you make important and doable choices!

OVERVIEW OF SUBMISSION'S FOCUS

Among the central features of this submission will be one on how to reduce the unnecessary complexity of comparing one complex electoral system with another and will do so by identifying the various components within all electoral systems and then keep all variables fixed, except when examining all options within one component, one at a time. This way, the individual democratic holes can actually be identified and this within language more readily understood in day to day terms. After all, what is fptp?

Genuine electoral reform enlarges the size of what I call our electoral system's "democratic footprint". The footprint then becomes a comparison measure of how much more one electoral system, compared to another, achieves the 9 electoral principles. Achieving each principle is both essential and the ideal!

The universally recognised minimum standard for democratic self-rule is nothing less than majority rule. Its high time each elected candidate meet this minimum standard. Absolute, not relative, majority rule is fully achievable, overnight AND within the present system, requiring little more change than citizens having the choice to fill out the existing ballot preferentially (vote 1, 2, 3...) and counting the ballots in a way that is both fair and compatible to our present manual counting methods. I recommend adopting the Instant Runoff Voting (IRV) counting method, which the Citizens' Assembly refers to as the Alternative Vote.

In rare cases the IRV count method may still produce less-than-ideal results and consideration for the Condorcet and Kemeny Young methods will be noted later. However, comparing IRV with First Past The Post counting method, IRV is either equal to or superior, never inferior! Specifically, the First Past The Post electoral system often fails to achieve an absolute majority by virtue of its vulnerability to vote splitting. Electoral reform consisting of the two small physical steps identified, would with certainty yield a dramatic increase in the democratic footprint, without risk of an undemocratic miss-step!

The goals of a mixed proportional electoral system are laudable! However, building a fix on top of a member based system with known democratic deficiencies ought to be held off until those deficiencies are first corrected and from that more democratic view, develop a range of proportional fixes substantively more encompassing and more citizen friendly, than simply a party proportional fix.

STANDARDS "TRADITIONALLY" APPLIED TO DEMOCRATIC DECISIONS

"MAJORITY RULE": ABSOLUTE MAJORITY (More Than Half)

The near universal minimum standard for majority rule is anything more than half. Anything less, is not acceptable!

This is a widely accepted standard! Every one of Canada's Parliaments and Legislatures use absolute majority (majority rule) as their minimum standard when deciding whether to pass a bill or not. Canada's appeal courts use the majority rule when deciding a matter involving more than one judge. Virtually all western world meetings among organisations of every kind, private, public and business, use absolute majority as their minimum standard when passing a resolution, in meetings conducted with and without Robert's Rules of Order. Furthermore, in Canada, the Canadian Wheat Board director elections use this standard (called the preferential ballot), **AS DO VIRTUALLY ALL CANADIAN POLITICAL PARTIES WHEN ELECTING THEIR LOCAL DISTRICT CANDIDATE OR PARTY LEADER!** Parties refer to this as run-off elections, repeated until one candidate has the support of 50% plus one.

The Ontario Assembly Guide states Australia, Fiji and as of 2007 New Guinea use absolute majority as their minimum standard in general elections. Wikipedia adds to this list, including elections for President of Ireland, eight US jurisdictions, starting with San Francisco, as well as "during the 2006 United States general elections, Pierce County in Washington state, Minneapolis and Oakland"! That is the list is relatively new and growing!!!

As more than just an idle curiosity, Wikipedia spells out that in Australia and Canada, an absolute majority system is called the Preferential Ballot; in the US, IRV; and in some other jurisdictions, the Alternative Vote. "Alternative Vote" is also the Ontario Assembly Guide's terminology of choice. Might the jumble of non standardised names be a further indication that the adoption of the absolute majority standard is not only recent, but arrived at by a diversity of people around the world coming to the same independent conclusion that in civic elections as in virtually all other official decision making processes, the absolute majority standard is more fair standard than a plurality one?

"PLURALITY": RELATIVE MAJORITY (More than any other)

The term "plurality" is similar in meaning to the term "relative majority". As implied by the term "relative majority", there is no predetermined fixed minimum standard to decisions arbitrated by the plurality method. The minimum plurality method varies as the field of choice varies. For example, when the field of choice is two, then the minimum relative majority standard is 50% plus one. When there are three choices the standard drops to 33.3% plus one and 25% plus one with four choices, etc. The longer the list of choices, the lower the minimum standard.

Contrasting the two standards, relative majorities of 33% or 25% or for that matter 49% are not a majority! They represent a minority and in a democracy, the minimum standard is "majority rule", not "minority rule". Clearly anything less than 50% plus one fails to

meet the electoral principle of democratic legitimacy and the plurality method fails to meet the near universally understood minimum of majority rule.

Using a plurality based system to elect government is a democratic hole.

With every major party in Canada, including in Ontario, using the absolute majority standard during elections inside to the party, why do so many Canadians and Ontario's citizens tolerate this political party double standard, when their party members elected in civic elections, need only meet the relative majority standard?

Is this not a democratic hole within each one of our political parties? And within our electoral system?

A SYSTEMATIC ANALYSES OF ELECTORAL SYSTEMS

One standard and straightforward method to seek out genuine electoral reform measures and find systems with larger democratic footprints than the current one, may be done by comparing one system with another. Comparing the democratic footprint of the various electoral systems, is a task, which if done substantively and with merit, escalates quickly into the highly complex.

Rather than comparing one complex electoral system with another, thankfully another systematic approach exists which consists of identifying the various components within all electoral systems and then keep all variables fixed, except when examining all options within one component, one at a time. This approach can lead to a very rigorous examination of the various systems and reduces the complexity of comparisons to one of being able to work very accurately and comprehensibly with the variables, one at a time.

Applying this approach, every electoral system, including Ontario's, has at least two distinct components, i) the ballot, and ii) the method used to count the ballot. iii) There exist as well "pure" proportional electoral systems which are a class quite unlike single member constituencies and will set aside their review for now. Together with the first two parts already identified, "mixed" proportional electoral systems have a third component, which for present purposes, I will identify as the proportional fix component.

I now turn to analysing all three components, beginning first with the ballot. Exercising the ballot, is limited to essentially three options, the single mark ballot, the multiple mark ballot and the subsequent round (or rounds) ballot.

The Single Mark Ballot (First Past The Post)

Ontario's ballot, is an example of a single mark ballot system. Only a single mark is allowed, even when there are more than two choices. However, there is no limit on how many candidates may vie for the single seat election.

If there are only two candidates, a single mark ballot presents no problems. The person elected will have been supported by the majority, except in the very rare circumstances of a tie. In other words, the citizens as a group facing any two candidates and exercising a single mark ballot will have absolute democratic control of the situation as the outcome will be one of majority rule.

Having only two candidates within one constituency in Ontario's provincial elections, is however, next to unheard of. And any time there are more than two candidates on a single mark ballot, results in an imbalance between the number of marks possible and the number of choices to choose from.

Functionally and with certainty, this will lead to a loss of control by the majority any time an elite minority intends to make use of the vulnerabilities of a single mark ballot. Consider the following series of examples, involving the same three candidates and different clusters of citizens.

Let's identify the candidates as A, B and C and involving a cluster of 3 citizens of which two distinctly do not want A. These two form a majority. However, except with much coordination, they may split their vote between B and C. This puts A in a stronger position than if there was only one other candidate. Please remember, the citizens do not have control of how many candidates will stand, however an elite minority can easily and covertly encourage a third candidate to run.

Next, staying with the same 3 candidates and a cluster of 5 citizens of which 3 decidedly do not want A, they too may end up splitting their vote between B and C unless with considerable effort they take pains to find agreement and all three vote either for B or all three for C. Any slip-up and they have lost their majority advantage. Again this places a tremendous burden on the three voters to coordinate their efforts and provides A with unwarranted but very demonstrable advantage.

Adding these two clusters up, in an absolute majority situation A would lose with certainty. Here however a clear majority of 5 among 8 voters could end up with a situation where A is tied with one of the others. Clearly A is gaining unfair advantage!

Immaterial of whether we take another cluster of 3, 5 or even more citizens, one more cluster similar to the above already produces a situation where A could have a relative majority even though a very clear majority do not want A.

Almost with 100% surety, an elite minority can take advantage of a single mark ballot situation, help split the vote between a majority favoured candidate and several others who position themselves as being somewhat like B, thereby increasing very substantively the possibility that A will be elected.

In conclusion, as a direct deduction from the above single mark ballot examples, the existence of a vulnerability to vote splitting schemes means that in elections involving a

single mark ballot, there is a shift in the balance of power away from the citizens and towards an elite minority or minorities.

This identifies a democratic hole in the single mark ballot system.

THE TWO ROUND SYSTEM

The Two Round System (example, Frances presidential election) is but a minor variation of the First Past The Post system. In this system any time there are more than three candidates on the first ballot, there is again an imbalance between the total number of marks available (a total of two single mark ballots) and the total number of choices. Here too, it is very easy to construct a vote splitting scheme by which with almost certainty, a minority supported candidate can win.

Even though the run-off election produces a majority outcome from among the pool left standing after the first round, due to the possibility of vote splits from the first round, this pool of candidates need not be representative of the majority of voters.

Using the computer metaphor of garbage in, garbage out; if the pool of remaining candidates due to vote splitting is not representative of the majority, then despite such a candidate gaining an absolute majority after the run-off ballot, the outcome is not a democratic outcome but the illusion of democracy.

This system has a slight democratic footprint increase, over the single mark ballot but really not worth looking at any further.

THE MULTI MARK BALLOT (VOTING 1, 2, 3... AND IRV COUNTING

In Canada, The Canadian Wheat Board director elections are an example where the multi mark ballot is used. Their balloting system is called a Preferential Ballot System. The Assembly Guide refers to this system as the Alternative Vote (AL).

The purpose and function of the multi mark ballot is to deliver absolute majority electoral outcomes. The multi mark ballot restores the balance between the number of choices on the ballot and the number of marks that may be made. This balance between number of marks and choices also restores democratic control as to who will be elected back into the hands of the majority of citizens.

When it comes time to count the preferential ballots, several different methods exist. The counting method that ranks highest against the simplicity practical principle is known by different names. At the Canadian Wheat Board, the entire election is referred to as a Preferential Ballot. The Ontario Assembly Guide calls this ballot and counting method the Alternative Vote. In some areas its called the Instant Run-off Vote (IRV) counting method. I will use the IRV name as I believe it is the most descriptive of how the ballots will be counted, though I like the Vote 1, 2, 3... name for the ballots when talking to

voters as that name provides a clear and concise message to voters on how they may take full advantage of all the power that a preferential ballot has. In this submission, when referring to both the ballot and count, the name IRV will be used.

In rare cases, the IRV may still produce less-than-ideal results and consideration for the Condorcet and Kemeny Young count methods ought to be considered, but at considerable cost on the simplicity scale.

However, there is no doubt that democratically speaking, the IRV compared to First Past The Post, IRV is equal to or significantly superior in eliminating vote splitting and assuring an absolute majority outcome, never inferior!

In a paper I wrote shortly after the 2006 federal election on the subject of electoral reform I provided examples that even where the IRV subsequent run-off results confirms the first relative majority result, the IRV process, without electing a different candidate, has still increased the legitimacy footprint, the fairness footprint, the voter choice footprint and accountability footprint! In the article, the term Preferential Ballot is used instead of IRV.

For details, please see the section "Comparing A Preferential System With A Proportional One" at

<http://www.eduardhiebert.com/electoral-reform/002.htm>

What would be involved in moving from an FPTP system to IRV?

Ontario's existing electoral system could be transformed overnight into a preferential ballot with an IRV counting method.

The ballots need not be changed. What is needed is that voters need to be allowed to vote 1, 2, 3... against each of the candidates on the ballot.

Changing the manual counting method from FPTP to IRV, need not be a big step. A manual ballot redistribution method is still sufficient to complete the count with complete accuracy, though each redistribution count at the polls would have to be coordinated by the central office for each district.

Switching from a manual count to either a mechanical machine or computerised counting method introduces a new systemic component and variable which opens the door to both error and fraud as witnessed REPEATEDLY in other jurisdictions, such as in the US. Being able to count preferential ballots via the IRV counting method manually gives that system, in comparison to other majority rule systems (AND ALL PROPORTIONAL SYSTEMS) a very high footprint on the practical scale.

While the IRV ranks much higher on the democratic legitimacy scale than FPTP, there is still room for improvement. In the very few instances where the Condorcet or Kemeny -

Young counting method might provide different results than IRV, a candidate's right to an automatic recount under specified conditions would be a very efficient, practical and cost efficient method towards getting the largest effective democratic footprint available in single member constituencies, while being open to correct the very few instances where the IRV counting method might be inferior to either of the other two counting methods. However, as noted earlier, the IRV counting method is never inferior to the First Past The Post system ALWAYS EQUAL TO OR SUPERIOR!

ADDING A PROPORTIONAL FIX

Based on many of the submissions made to the Assembly, the current First Past the Post system, is in serious need of replacement.

The question is not if it should be changed, but to what.

In the above it was shown that changing the FTTP system to an IRV, would be a very small electoral systems change, but with a huge increase in the democratic footprint.

The question now before us, would a preferential fix contribute to a significant increase in the democratic footprint?

The 2004 report "Voting Counts: Electoral Reform for Canada LAW COMMISSION OF CANADA" helps put the need for change in perspective. Please see:

<http://www.citizensassembly.gov.on.ca/GetFile.asp>

With actual download from

[http://www.citizensassembly.gov.on.ca/GetFile.aspx?aliaspath=%2Fen-CA%2Fdocs %](http://www.citizensassembly.gov.on.ca/GetFile.aspx?aliaspath=%2Fen-CA%2Fdocs%2F)

At the conclusion of Law Commission's report, is a very powerful question that summarises well the focus of what electoral reform is required.

"How can we reduce the gap between governments and citizens?"

Proportionality has a laudable goals. Using the above question as a guide, alongside with the use of the democratic footprint measure let's see if a proportional fix would reduce the gap further.

There is little doubt that proportionality by party is important. However does party proportionality trump or beggar all other demands for proportionality?

Equal Voices submission (Number 1505), a multi-partisan group, focused on reducing the huge gender gap advances a report strongly endorsing proportional systems as the means to increase the proportion of women elected. In their own submitted details, party

proportionality will be achieved, but as to their number one issue, that of gender parity, almost all the success stories cited, deliver only very modest progress on reducing the gender gap.

Thus, Equal Voices submission sheds light on the reality that political party based electoral reform initiatives may raise laudable goals, but the details show that in reality, even that groups requested outcomes based on their own data is in reality a demand for party based proportionality which trumps their publicly claimed number one issue, that of gender parity!

This submission advances that additional criteria for proportionality might include a list like ethnic diversity with emphasis on minorities, diversity of sociological and economic diversity, etc, etc and ought to be debated publicly before a system is introduced. In other words, party proportionality is not the only requirement for proportional fixes, yet virtually all supporters of proportional system fixes advocate a party based proportional fix! Even the Ontario Assembly Guide echoes this singular predisposition towards party based proportionality. This raises questions that further review of the goals of proportionality and how to achieve them must better be studied before a proportional system is implemented.

The earlier cited Law Commission raises very specific concerns regarding serious deficiencies in known proportional systems.

Concerning party list proportionality, "Numerous critics of this procedure have pointed out that it gives an enormous advantage to party elites, who can place themselves at the top of the lists. At the same time, however, closed lists can allow party officials to place members of under-represented groups, such as women and ethnic or religious minorities, at the top of the lists."

Except Equal Voices own submission shows that on their unequivocally stated number one issue of above all else, existing models of proportionality only make a dent in reducing the gender gap.

Then beyond any doubt as well regarding "open list proportionality", the commission adds several further sobering realities. Even if the system is one of open lists, "changing the party-determined order of list candidates requires considerable coordination among voters and individual candidates." That is, this is laudable goal but in detail an unlikely uphill activity.

Furthermore open lists "encourage factionalism and intraparty competition... (O)pen lists are not as effective in promoting the candidacy and successful election of women, unless quotas are established guaranteeing women a certain percentage of winnable positions."

A further significant issue surrounding proportionality hardly ever is discussed is that in a mixed proportional system, district size must be increased in order to not increase dramatically the total number of elected representatives.

However, with 100% certainty, larger districts decrease proportionality among the remaining pool of elected single district members elected.

To verify this, the math is easy. Please consider the two extremes. If only one member is elected across the entire province, proportionality is out the window!

At the other extreme, if every citizen is a representative, proportionality is at 100%. In between, lower proportionality as the total number of single district members is decreased. Hence increasing the proportional fix, which is questionable at best, decreases with certainty the existing proportionality of the smaller remaining pool of single member districts.

Furthermore, replacing the FPTP system with an IRV also increase proportionality. This can be verified by recognising that under IRV, many winning candidates have the support of a wider proportion of voter support base than do FPTP candidates. This translates into IRV elected candidates increasing proportionality outcomes.

On the matter of gender proportionality, with women being in a clear majority and IRV disposed to electing those candidates with majority support, this ought to translate into more women being elected under IVR than FPTP. This too is an increase in proportionality.

On the other hand, if say the German model of mixed member proportionality were adopted, this would not produce only positive results. The following are but some of the steps backwards.

- 1 Regarding proportionality, Ontario would likely lose half of the single member district MPPs to make room for the proportional fix members. This move decreases the existing proportional footprint on the constituency pool of elected MPPs.

- 2 Under the German model, FPTP continues to be used as the means to elect the single district members. In this context, reviewing the results from the 2006 federal election, we get the following. Sixty per cent of all MP's declared elected had pluralities less than the democratic standard of majority rule. That is, at the local constituency level, 60% of all elected candidates only had the support of a minority of voters, but were declared elected by the relative majority system. By contrast a mere 40% were elected with the support of a majority.

Furthermore, should all 308 MP's vote in unison on any one bill, a remarkably uncommon event, those 308 MPs only have the representative confidence of 48.5% of Canadians who voted for them.

Please note, Ontario's electoral system uses the same standard! And when virtually all submissions to the Assembly want change from the current system, it seems contradictory to implement a proportional system that would continue bury the negative

impacts of FPTP within a new proportional system. As the IVR system could be implemented, but if the FPTP system is maintained, this too amounts to a step backwards.

3 Another point worth noting, is that regardless of whether mixed or pure proportional, multi member districts have a smaller democratic footprint across all 9 principles than if that large district is divided into the same number of discrete MPPs as the intended proportional one. Say the large multi-member district is made up of 5 members, true proportionality would be increased if that district was divided into 5 single member districts. Sophisticated vote splitting schemes are much easier to implement in multi-member districts, than in single member districts. And as said before true proportionality increases as district size decrease and number of MPPs increase.

4 As well, if anyone has ever done any campaigning, one is quick to realise that the larger the size of the district, whether geographically and/or by population, the greater the shift in the balance of power away from true indigenous local candidates in favour of the central campaigns which have mass marketing advantage. Increased district size means a reduction in the democratic legitimacy footprint!

5 Switching to a proportional system would also come at a very high cost regarding the simplicity and practicality footprint. As mentioned earlier, the switch to IVR would only exact a very modest cost in simplicity and practicality footprint.

Putting these negatives into perspective, adopting a proportional fix is far from being all positive but based on the above amount to at least 5 steps backwards. This means with certainty that a proportional fix would have to compensate for each of the above step backwards just to break even.

Furthermore, I find it interesting that among those that advance the benefits of a proportional system, I have yet to find one of them raise awareness of this multi-step backwards in order to achieve a step forward.

The stated goal of the proportional fix is to reduce the democratic shortcomings arising out of the use of the FPTP system. The simplicity and practicality principle would urge rather passionately that fixing the FPTP with a IRV, at the very least, ought to be a higher priority than layering a proportional fix component on top of a known deficient electoral system.

If Ontario were to switch to IRV, while no one is making the outlandish promises that advocates of proportional systems are making, yet in reality IRV would reduce the gaps across 8 principles. That is, the footprint across 8 principles is increased under an absolute majority system without any democratic downsides. Clearly that statement can not be made with regards to current known proportional systems!

In short, adopting an absolute majority system is but a small step to make for every voter individually but would afford huge steps forward in reducing the gaps (or increasing the

democratic footprints), with virtually no risk of a democratic miss-step. On the other hand,

In closing two end notes. My earlier paper on electoral reform provides greater focus on who the winners and losers are in each of the electoral systems, which provides another means of doing your own math and detect for yourself where the democratic holes are in the current system. For details please see the paper and spreadsheet available at

<http://www.eduardhiebert.com/electoral-reform.htm>

The submission I made at the Kenora forum on January 23, which provides realistic grounds why the quality and nature of elected representatives in an absolute majority system will, along all 9 principles attain a bigger democratic footprint than the current electoral system, will also be posted at the just referenced site.

Sincerely,

Eduard Hiebert