

## ONTARIO VALUES AND THE ELECTORAL SYSTEM

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There are four obvious values about the electoral system that are widely shared: efficiency: the system must produce a legislature that can work effectively under responsible government; fairness: each vote must be of equal value to every other vote, and all adult citizens should have the right to vote; and the system must be in all respects democratic and accurately reflect public opinion at the time of the election. The system must continue the parliamentary system of government.

The present first-past-the-post (FPTP) system supports two of these values. It falls short on fairness and democracy. This was not always the case. Before World War II the elections in Ontario were fought between only two significant parties: Liberals and Conservatives. There was for a couple of elections (1919 and 1923) a United Farmers surge which subsided abruptly; and the two-party dominance resumed until 1943 when the CCF (now NDP) suddenly vaulted into official opposition status, and the system has never been the same since. Ontario now has a three-party system. This has changed the electoral system from one that was essentially fair between the two old parties. Other contestants didn't really count—so there was a general acceptance of the prevailing electoral system. After all it was used in the whole English-speaking world at the time, so was considered legitimate.

The coming of the multiple party system ended the legitimacy of the FPTP system. Serious divergences were introduced between the proportion of votes received by parties and their shares of the seats in the legislature. It took a time for this to create serious discontent in the electorate, but the disadvantaged parties were well aware of what they saw as unfair and undemocratic results. Governments were elected with substantial majorities of seats, yet none ever got even half the votes. So it is not surprising that there is now interest in changing the electoral system so that the proportion of seats a party wins is closer to its share of the overall vote in the province.

The wild distortions are recent. In 1985 the Conservatives won a majority of seats with fewer votes than the Liberals! In 1990, the NDP won a strong majority of 75 seats but received only 36.7% of the total vote. In 1995 there was a wild swing to the Conservatives (82 out of 130 seats) but with only 44.8% of votes. This sort of instability and unrepresentativeness persists and appears likely to continue, as the three-party system appears firmly entrenched. It cannot now be seen as favoring one party as it did in the 40 years before 1985, but it is much more unstable, as the parties (or two of them at least) are more equal in numbers of supporters. Now not only the losers are dissatisfied: so are the winners. So what is to be done?

The McGuinty government decided to respond by following the British Columbia example and set up a citizens' assembly to review the electoral system and make recommendations. It was careful to avoid any suspicion of "cooking the books" in a partisan manner; so it had the assembly chosen by lot, one person from each

constituency, alternating male and female members. So at the beginning complete independence is assured. The final results are to go to a referendum, however with sixty per cent support required.

The citizens' assembly is now hard at work. It has spent five weekends learning the qualities and details of the various democratic electoral systems with the help of knowledgeable persons. After this learning phase, it will discuss the options and work out a system for Ontario, which it will submit to the government, which in turn will seek the approval of the people, by holding a referendum along with the next provincial election. While we must await the outcome of this process, it appears that there are really only three options to be considered: the present system of first-past-the-post (FPTP), mixed-member plurality (MMP), and the single transferable vote (STV), which the BC assembly recommended. This system would involve dividing the province into several large multi-member constituencies. Voters would choose their representatives by using numbers, with the first choice shown by the number one, the second by two, etc.

The counting process is a bit complicated, but this does not affect the voter, who only has to mark the ballot paper with numbers showing preferences instead of a simple X. The election officials calculate a quota by dividing the votes by the number of seats. On the first count every candidate with the quota or more first preferences is declared elected. His surplus votes are transferred to other candidates according to the second preferences declared on the ballots. Then the count of the second preferences takes place and the seats allotted, and so on with the other preferences, until all the seats are filled.

This system avoids "wasted votes" and all of them produce some result. It is likely, if the districts are large enough to produce more proportional results than FPTP. This system gives the voter greater choice, and lets him express it both for party and individual candidates, and in some depth. It gives smaller parties a chance to elect one or more candidates, but it does not encourage parties to nominate women or minority candidates. It is relatively complicated, and in the end may well produce an allocation of seats not unlike FPTP. There is no guarantee of proportionality.

The other likely system is MMP. This is a simple compromise between FPTP and proportional representation (PR). It was devised in Germany to keep the FPTP system with every elector with his own representative from his local area, and a global result providing an allocation of seats more proportional than FPTP alone.. The device is simple: give the voter two ballots, one for one system and the other for the other.. The parliament elected will have half its members elected by a list system of PR and half elected by FPTP. The proportional component is allocated among the parties so as to give each party the same proportion of total seats as indicated by its share of votes. These seats are filled going down the list of candidates nominated by the parties in the order chosen by them. Therefore it can decide which candidates are certain to be elected and which have a lower priority. This permits the party to secure the representation of certain classifications such as women and minorities, and also certain

specialists or experts it wants in its caucus. Also it is usual to require a party to secure a given percentage of total votes to secure representation, to prevent the instability that results from a proliferation of small parties.

Each of the above systems offers its own advantages and downsides. FPTP offers continuity and hope for stable, majority government. Sometimes this is the result, as at present. However recent elections suggest that this is a vanishing possibility. No party ever gets a majority of votes, and often election results point to minority government. Therefore we should be thinking of change to reflect the new reality. FPTP has lost its fairness as we move away from a two-party system to a multiple-party one. We want to be fair and encourage efficient, democratic government. But how?

Clearly MMP offers both democratic proportionality of representation and the advantage for the citizen of having a single representative for his/her own district. It is a compromise system between FPTP and PR, combining the advantages of both. It is a more complicated system than the present, but most of the burden of this complexity is born by the officials who count the vote. The citizen only has to mark two ballots instead of one. Otherwise it is not inconvenient. STV is also complicated, and offers a wide and refined voter choice—but it does not assure proportionality. It might even produce results not unlike FPTP. On balance MMP seems the way to go. But the assembly should examine the ramifications of all the systems to be sure it is satisfied that it is making the right choice. It might try counting the results of previous elections according to the rules of the proposed systems to get some idea what sort of seat distribution would result. This is an imperfect test, but it might suggest some options. The best test however remains a real election.