



Filling the Accountability Gap:

A New Voting System to Elect MLAs in British Columbia



A Submission to:
British Columbia's Citizens Assembly on Electoral Reform

May 2004

Canadian Taxpayers Federation
British Columbia Division
604-1207 Douglas St
Victoria, BC V8W 2E7

250-388-3660 (T)
250-388-3680 (F)

www.taxpayer.com

About the Canadian Taxpayers Federation

The Canadian Taxpayers Federation (CTF) is a federally incorporated, non-profit and non-partisan, advocacy organization dedicated to lower taxes, less waste and accountable government. The CTF was founded in Saskatchewan in 1990 when the Association of Saskatchewan Taxpayers and the Resolution One Association of Alberta joined forces to create a national taxpayers organization. Today, the CTF has over 61,000 supporters nation-wide.

The CTF maintains a federal office in Ottawa and offices in the five provincial capitals of British Columbia, Alberta, Saskatchewan, Manitoba and Ontario. In addition, the CTF has a Centre for Aboriginal Policy Change in Calgary dedicated to monitor, research and provide alternatives to current aboriginal policy and court decisions. Provincial offices and the Centre conduct research and advocacy activities specific to their provinces or issues in addition to acting as regional organizers of Canada-wide initiatives.

CTF offices field hundreds of media interviews each month, hold press conferences and issue regular news releases, commentaries and publications to advocate the common interest of taxpayers. The CTF's flagship publication, *The Taxpayer* magazine, is published six times a year. An issues and action update called *TaxAction* is produced each month. CTF offices also send out weekly *Let's Talk Taxes* commentaries to more than 800 media outlets and personalities nationally.

CTF representatives speak at functions, make presentations to government, meet with politicians, and organize petition drives, events and campaigns to mobilize citizens to effect public policy change.

All CTF staff and board directors are prohibited from holding a membership in any political party. The CTF is independent of any institutional affiliations. Contributions to the CTF are not tax deductible.

The CTF's British Columbia office is located in Victoria at:

Suite 604, 1207 Douglas Street
Victoria, British Columbia
V8W-2E7
Telephone: 250-388-3660
Facsimile: 250-388-3680
E-mail: smacintyre@taxpayer.com
Web Site: www.taxpayer.com

Contents

Executive Summary	p 3
What Needs Fixing?	p 4
Party Discipline, the Legislature, Local Representation	p 4
Toward Greater Accountability	p 7
STV/AV and Party Discipline	p 8
STV/AV and Local Representation	p 8
Summary	p 9
Endnotes	p 10
Sample Ballot	p 11

Executive Summary

That the Assembly in considering the best voting system for British Columbia will strive to attain, above all else, better accountability in government. Improved accountability requires the following:

- less party discipline
- a parliamentary check on premier and cabinet
- a legislative role for MLAs
- a closer link between MLAs and their voters
- public policy driven by the long-term public interest, rather than short-term partisan interests
- fewer wasted votes

It is the CTF's submission that in British Columbia the goal of better accountability is best attained through replacing the current first-past-the-post voting system with a mixed system made up of the multi-member Single Transferable Vote (STV) and the single-member Alternative Vote (AV) system. Both are time-tested, proven systems that use a preferential ballot in which voters rank their candidate preferences. Ireland uses STV while Australia uses AV.

This proposal would not require an expansion of the provincial legislature or a significant redraw of existing constituency boundaries. Votes are for candidates not political parties. STV should be used for the more urban ridings and AV for the most rural ridings.

What Needs Fixing?

Canadian Taxpayers Federation (CTF) supporters in British Columbia have a strong commitment to democratic reform, particularly voting reform. Every year the CTF conducts a survey of its supporters to determine priority issues. In 2003, the BC survey asked which of the following democratic reforms do you feel is most important. The result:

- Electoral change 56%
- Workable initiative Law 29%
- Workable recall law 7%
- Undecided 7%.

The survey then asked respondents to select the single most important element in a voting system. The result:

- Accountability (in government) 47%
- Proportionality (seat allocation between parties) 33%
- Choice (for voters) 7%
- Satisfied with the current voting system 7%
- Undecided 4%
- Stability (in government) 1%

The sample of respondents was ninety-six.

CTF supporters want to see a change in our voting system, not for its own sake, but in order to make government more accountable. Accountability must be the goal. Allocating legislative seats to parties based on the popular vote and giving voters more choice are both important, but what the Assembly's task is all about is more accountable government — government that is more responsive, and less open to waste, mismanagement and abuse.

Party Discipline, the Legislature, Local Representation

If the goal is greater accountability in government, the following needs fixing:

- the excessive amount of party discipline MLAs are placed under;
- the complete domination of the legislature by the premier and cabinet;
and
- weak local representation

British Columbia has inherited the British parliamentary form of government.

Its uniqueness consists in allowing the premier and cabinet to sit and vote in the legislative assembly. That, combined with party discipline, gives modern-day premiers control of both their cabinet and the assembly. It renders BC's legislative assembly incapable to provide a parliament's most essential function, which is to place a check on the powers of the premier and cabinet in order to protect the interests of citizens and taxpayers.

In the UK, there are occasional reminders of how the British parliamentary system is supposed to work. Margaret Thatcher lost 22 bills (legislative proposals) on the floor of the House of Commons. It did not cause an election. The ministers had to go back to the drawing board — that is all. More recently, Tony Blair's proposal to join the "Coalition of the Willing" was not supported by 137 of his own Labour MPs. Both events are unthinkable in British Columbia. Our legislature is chronically compliant. Every government measure, budget, and bill passes. There is no parliamentary check on the powers of premier and cabinet. Between elections we are an elected dictatorship.

Party discipline is designed to enhance the power of premiers, cabinets, and political parties. When successful, it robs voters of representation. When your local MLA becomes party property the day after the election, as they all do, you have just lost your vote, your voice, and your representative.

Political scientists hold that strong local representation is a virtue of our current voting system. That may be true elsewhere but not in British Columbia. Under severe party discipline this alleged virtue is non-existent. When it comes to checking government, MLAs have the clout of a wet noodle. The upshot? Interests of party are placed ahead of the interests of citizens. Representation for citizens is frequently sacrificed and accountability for taxpayers weakened. Between elections voters cannot count on their representatives to deny government (premier and cabinet) anything it wants.

MLAs are public-spirited and hard working. They are ombudsmen and lobbyists for their constituents and communities, but lack a role in law-making. Oddly, our legislators do not make laws. Laws are made outside of parliament, mostly by non-elected political appointees. Parliamentary votes are empty formalities. MLAs do much good work but they have no oversight function — oversight of the operations of government and oversight of the public policy agenda for the province.

It should be noted that the current Liberal administration, following similar initiatives by the Klein government in Alberta, has given its backbench much work on legislative committees. This is touted as empowering MLAs and giving them a voice in shaping the government's public policy agenda. Even if true, it serves to hide an institutional failure to provide parliamentary oversight of the premier and cabinet. Backbenchers on committees of cabinet do not enhance the ability of the legislative assembly to check the premier and cabinet. It does the opposite – MLAs are co-opted into the government's agenda. Such innovations, also promised by

Paul Martin, do not strengthen, but further undermine parliamentary scrutiny of the government. It reduces the legislative assembly to a legislative committee of cabinet, completes the absolute domination of the assembly by cabinet, and gives the boot to accountability.

To make government more accountable requires going back to fundamentals. The most basic task of the legislative assembly is to control government, to protect citizens and taxpayers from government overspending, mismanagement, and arrogance leading to abuse of power. Our provincial parliament is dysfunctional, it no longer performs its most basic job.

Political parties first entered British Columbia politics in 1903. Since then parties of all political stripes have made numerous adjustments to our system of governance, adjustments designed to give greater control to the premier and cabinet. The cumulative effect of a century of power grabbing has rendered the peoples' representatives in the legislative assembly impotent to exercise their control function.

The Citizens Assembly on Electoral Reform has the unique opportunity to reverse one hundred years of emasculating the provincial parliament and restore some power to the peoples' representatives: the MLAs. It is the first time in our province's history that citizens will make the rules by which British Columbians permit rulers to rule over them. This is heady stuff, because historically, it is so significant.

To illustrate the grasping for power at the top, consider just two examples. First, it is now law that a candidate for election must have the nomination papers signed by the party leader. Few measures give more control to a premier. MLAs are supposed to serve the interests of their voters, but their job security is in the hands of the very person they are supposed to supervise. The premier has this power by law. In contrast, MLAs have nothing, not even whistleblower protection.

Second, while the original Constitution Act of 1871 placed a limit on the size of cabinet to ensure the government's caucus would always have more non-cabinet members than cabinet members, that limit was first enlarged by a NDP government and removed entirely by a subsequent Social Credit government. As a result, modern-day cabinets frequently hold a majority of votes in their caucus. In such instances, even within the government caucus all power rests with cabinet. Politics is about power and those who have it will do all to keep it. The division of power within the legislative assembly needs to be re-balanced in favour of the peoples' representatives.

None of the above is to suggest that MLAs, particularly those on the government side, should at all times be in an adversarial relationship to their party's leader, premier, and cabinet. On the contrary, MLAs get elected on the party's platform and largely because of the leader's popularity. Hence, in the normal course of events they will and should support the government, particularly in matters clearly

spelled out prior to the election. Also, MLAs serving in their ombudsman and lobbyist functions are usually most successful as a supportive member of the government.

Controls on the enormous and coercive powers of government are not needed when all goes well, but in those instances where there is mismanagement and abuse, particularly when for partisan gain. In the British parliamentary system there is no control on government between elections, except parliament itself. For such control to be possible, MLAs must have a measure of independence from party control. To argue for such a measure of independence is not to argue that MLAs must show their independence at all times. It is the complete inability of MLAs to assert some independence when needed that renders our legislative assembly dysfunctional. A redress of the current imbalance should not aim to abolish all party discipline and destroy political parties but to lessen the way political parties inhibit MLAs from exercising their oversight of government function.

If the Citizens Assembly can, by a judicious choice of voting system, give MLAs a measure of independence from party control it will make a very significant contribution to greater accountability in government for years to come.

Toward Greater Accountability

Our current voting system translates a minority of the popular vote into a majority of seats for one party. Thus it manufactures parliamentary majorities. It is this feature which generates excessive powers for premiers. Any voting system which is more proportional will make the legislative assembly more lively and less prone to be dominated by one party leader. This is born out by the New Zealand experience. Under a more proportional voting system no one party can stack the Standing Committees of parliament as is the case now. Parliament would be a more deliberative body.

This paper proposes replacing the current first-past-the-post¹ voting system with a mixed system made up of the multi-member Single Transferable Vote (STV)² and the single-member Alternative Vote (AV)³ system. Both are time-tested, proven systems that use a preferential ballot in which voters rank their candidate preferences. Ireland uses STV while Australia uses AV.

This proposal would not require an expansion of the provincial legislature or a significant redraw of existing constituency boundaries. Votes are for candidates not political parties. STV should be used for the more urban ridings and AV for the most rural ridings.⁴

While most proportional voting systems create the potential for giving MLAs a greater legislative function not all voting systems have the same potential for

lessening party discipline and strengthening local representation.

STV/AV and Party Discipline

The proposed mix of STV/AV has the greatest potential to give MLAs a measure of independence from party control, sufficient to check government when needed. Why is that so?

STV/AV particularly in the multi-member ridings allows voters to rank candidates of the same party as well as candidates of different parties. It maximizes choice for voters. Competition is not just between candidates of different parties but also between candidates of the same party. For candidates, gaining a party's nomination is but the first step; the more important step occurs on election day, when all voters — not just paid up party members — participate in what is essentially the nomination process. This step is comparable to a US-like primary.

US party discipline is less severe than ours. An important contributing factor relates to the US primaries. US candidates can not even get to first base unless one is popular, not with the party, but with the voters. It ensures that US politics is focused on the local electors. It places the voters in the driver's seat. Similarly, the logic of STV/AV ensures voters are the most important determinants of who gets elected. STV/AV abolishes all "safe" seats. Every seat will be decided on Election Day, no seats will be decided in party back rooms or at unseemly nomination battles with bus loads of instant party members whose fees are paid by candidates and whose loyalty is short and shallow. The ability of parties to affect the election outcome is severely curtailed.

In addition, and most importantly, STV/AV permits independents to get elected. There is no threshold. Candidates whose appeal is limited to a local constituency can get elected. MLAs who feel unduly pressured by their party have the option of appealing to the voters directly. The possibility to win as an independent neutralizes the premier's ability to withhold signing nomination papers. STV/AV, more than any other system, permits candidates to pay as much attention to voters as to party.

STV/AV and Local Representation

Accountability requires, in addition to less party discipline, a law-making role for MLAs. To obtain a level of proportionality sufficient to give MLAs a law-making role requires a mix of STV/AV ridings such that the total wasted vote does not exceed 20 percent. That is entirely possible. (The wasted vote is just over 50 percent in a typical election, now. Wasted votes are votes for losing candidates and do not contribute to the election outcome). The third requirement to attain accountability is stronger local representation. Here, too, STV/AV shines.

To create multi-member ridings, contiguous existing ridings need to be amalgamated. It is important to note that within multi-member ridings each existing riding retains sufficient numerical strength to elect their own MLA if the voters are so minded. Unlike the Mixed Member Proportional model⁵, local representation is not diluted in a STV/AV system. Electing a MLA for an existing riding is not just possible but highly likely. When parties field more than one candidate such candidates will want to distinguish themselves from their running mates. Selecting different areas of the same multi-member riding is a good way to carve out one's own share of the political market.

In addition, multi-member ridings give voters more than one local MLA, and more voters will be represented by a MLA of one's own political persuasion. In multi-member ridings MLAs will compete to provide the best service to voters, citizens, taxpayers. Such competition is not limited to elections but is ongoing, between elections. This element of competition, completely lacking in most systems including our present voting system, will empower voters in new and surprising ways, including making government accountable to those who pay the bills.

Summary

Changing the voting system will not automatically and by itself resolve all the challenges that face our system of governance, but this much is sure. The status quo is serving taxpayers and citizens poorly.

The CTF's proposal aims to make government more accountable to citizens and taxpayers by addressing three primary shortcomings of first-past-the-post:

- Excessive party discipline;
- Excessive concentration of power in the hands of the premier and cabinet; and
- Weak local representation.

STV/AV addresses each of these shortcomings in addition to wasting fewer votes, giving voters more choice and providing stable government. Moreover, the combination of systems ensures that British Columbia's vast geography, diverse population and polarized political culture are not only taken into account, but are in fact embraced.

Your experience as a member of the Citizens Assembly on Electoral Reform has empowered you profoundly. Why? You have been given opportunity for meaningful participation. Your opinion and your vote matter. Would you not like to similarly empower all British Columbian voters and taxpayers? If so, remember who you represent. You do not represent political parties and political interests. You represent the people and the public interest. Your opportunity is both unique and historic.

It will take five, ten, or fifteen years before greater accountability and more responsive governance are realized. Old habits die hard. The choice you make today determines if we embrace in the years before us the yearnings of countless British Columbians – and Canadians -- for a more complete democracy that will give birth to greater accountability and a new optimism in our democracy.

Endnotes:

1. An electoral system in which the candidate with a plurality of votes wins the seat in a single member district. Electoral system currently used in British Columbia for electing members of the legislative assembly.
2. A type of proportional voting system which rests on the assumption that voters can choose between candidates rather than parties. Voters rank candidates in order of preference by numbering the candidates on the ballot. The ballots are then counted in a way which aims to ensure that the candidates with the highest preferences are elected.
3. A preferential electoral system which requires a voter to number the names of the candidates on the ballot paper in the order of the voter's preference (that is, to rank the candidates by putting 1,2,3, etc. next to their names). If no candidate gains a majority of votes on the first count, the second preference listed on the ballots of the least successful candidate are distributed among the remaining candidates. This process continues until one candidate has a majority of votes. British Columbia used the alternative vote to elect members to the legislative assembly in the 1952 and 1953 general elections.
4. In his Assembly submission "Preferential Plus: a new, effective, made-in-BC voting system to elect MLAs," December, 2003, author Nick Loenen proposes 14 multi-seat and 9 single-seat ridings. The CTF recognizes the STV/AV mix is open to many possibilities.
5. An electoral system which usually combines first-past-the-post with proportional representation. Voters are required to vote for both their choice of local member, and a preferred party. This system is used in Germany's lower house and more recently by New Zealand's House of Representatives.

SAMPLE BALLOT FOR MULTI-MEMBER RIDINGS

Note: Single-member ridings use the same ballot except that each part nominates just one candidate. For animated graphics illustrating the vote count see www.seo.sa.gov.au/flash.htm

Rank	Candidate	Party	North Shore Riding
[]	Adams, Henry	NDP	Five (5) seats to be elected
[]	Beaver, Shirley		
[]	Yeung, Kwok		
[]	Goodenough, Bill		
[]	Hugh, Trustme		
[]	Bencher, Albert	Liberal	Instructions Rank candidates in order of preference. Place 1 opposite your first choice, 2 opposite your second choice, and so on. You may rank as many or as few candidates as you wish. Do not put the same number opposite more than one name, or skip a number. It spoils your ballot. If you do spoil your ballot return it for another.
[]	Who, Joe		
[]	Deepvoice, Brian		
[]	Lee, Wong		
[]	Watchme, Pierre		
[]	Duck, Donald	Unity	
[]	Evancio, Roger		
[]	Freud, Sigmund		
[]	Vander Smuck, Jr.		
[]	Fromm, Eric	Green	
[]	Dover, Louie		
[]	Evans, Glenn		
[]	Choice, People's		
[]	Faithful, Bea	Family First	
[]	Goofy, Fred		
[]	Friendly, Jessica		
[]	Laka, John	Independent	
[]	Soother, Marg		
[]	Dogood, Mary		
[]	Johal, Sarah		