

# **Electoral Justice Now!**

Liberating Democracy from an unjust electoral system, to better reflect and serve the 'Will of the People'

# Electoral Justice: our challenge is to achieve 'true' Democracy!

To: The Leaders of the BC Parties, and Members of the Legislative Assembly

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# 1. Summary

- 1. <u>Electoral Reform is about **Electoral Justice**</u>. Specifically, the rights of all Citizens to have 'true' Democracy, with election results that are always a true reflection of the 'Will of the People'.
- 2. <u>Electoral justice is impossible under the Westminster electoral system</u>, 'First-Past-The-Post' (FPTP). FPTP ought to be declared unjust, anti-democratic and unacceptable for future elections.
- 3. FPTP, with its long history of electoral distortion and often dysfunctional results, was responsible for the set of problems with BC's 2017 election.
- 4. In a Democracy, every Citizen ought to have the right to an equal vote in the election of their government, under the principle of 'majority rule'. In fact, NO Citizen is given a vote in the election of any government under FPTP, which grants this right only to the body of elected representatives, which is always a misrepresentation of the 'Will of the People' (with about half of all Citizens' votes having NO representation).
- As a right of every Citizen, <u>it must not be possible for any citizens (or government) to deprive other Citizens of the right to vote for their government</u>.
   Hence, **there should be NO REFERENDUM on Electoral Reform**, because its potential defeat would violate the inalienable right of Citizens to have a vote in the election of their government.
- 6. Every legislature ought to affirm such democratic rights, and enshrine them in their governing laws and/or constitutions.
- 7. The goal of Proportional Representation (PR) is electoral justice—i.e. to ensure that the voting power of each party in Parliament is approximately proportional to their share of Citizens' votes.
- 8. The new and better version is **ProxyPR** (made in BC), with the Parliamentary voting power of each party being derived from (hence exactly equal to) their total number of the Citizens' votes.
- 9. One of the unique advantages of ProxyPR is that it could be implemented at any time (i.e. without waiting for another election) to precisely offset the distortions of an FPTP election—producing perfectly proportional Parliamentary voting power for each party, by making every Citizen's vote count (with no 'wasted votes').
- 10. With this new understanding, <u>BC's new government—and the entire legislature—now has an obligation to the People of BC (and to Democracy itself) to enact a new electoral system that is designed to produce electoral justice.</u>

- 11. Once the Legislature acknowledges this, the question is when should it take effect?

  <u>ProxyPR will never be more needed than it is right now</u>, and there's no satisfactory reason for delaying implementation!
- 12. ProxyPR also includes the option of regional 'top-up' seats to provide more <u>balanced representation</u> to offset inevitable imbalances.

#### 2. Recommendations

- 1. Form a "PR Implementation Committee" (with membership proportional to party vote-share) with an explicit mandate:
  - to determine and recommend the best form of PR;
  - to develop an appropriate implementation plan;
  - to identify required ER legislation.
- 2. Enact legislation to adopt PR as soon as possible, without a referendum.
- 3. If ProxyPR is chosen, it should be implemented asap as the voting method within the BC Legislature, to correct the distortions of the 2017 election, and thereby to provide stability while liberating all members to be free to vote their conscience. [If implementation is delayed for some reason, Parliamentary voting records should be revised to include both the seat counts and the Proxy vote counts. Also, it would be recommended that non-confidence votes should require a 'double-majority'—i.e. both seat counts and Proxy vote counts.]
- 4. If ProxyPR is chosen, consideration should be given to adding an appropriate number of <u>regional</u> <u>'top-up'</u> members to provide more **balanced representation** by party, region, gender and demographics.

[It being noted that the exceptionally close results in total votes and seat counts was marred by extremely distorted regional imbalances for the two major parties (even though both won about 40% of their votes in regions dominated by the other party), along with gross under-representation of the third party.]

Based upon the number of 'wasted votes' (i.e. for defeated candidates) for each party (Liberal: 319,013; NDP: 313,352; Green: 290,880), it is suggested that reasonable numbers of regional 'top-up' representatives might be 6 each for Liberal and NDP, and 5 for the Green Party. These additional seats should be allocated regionally where each party was most under-represented, and filled by their defeated candidates with the most votes, with consideration for gender balance. [It's noted that, under ProxyPR, the addition of regional representatives would have no impact on the Parliamentary voting power of each party, and the votes for defeated candidates would be equitably reassigned such that all members of the same party would have the same number of Proxy votes.]

# 3. Analysis of BC's 2017 Election

The following table clearly illustrates that <u>the problems arising from this election are entirely due to FPTP</u> distortions, which would not have occurred under PR, and which could easily be rectified by ProxyPR.

2017/07/22

2017 BC Election Results	<u>LIB</u>	<u>NDP</u>	<u>GP</u>	NDP+GP
Number of Elected Members (Seats)	43	41	3	44
Votes for Elected Members (non-wasted)	477,759	481,754	41,507	523,261
Votes for Defeated Candidates (wasted)	<u>319,013</u>	313,352	290,880	604,232
Total Citizens' Votes	796,772	795,106	332,387	1,127,493
Equivalent Seats (based on PR)	36.02	35.95	15.03	50.98
Over or (Under) Representation	6.98	5.05	(12.03)	
Percent of Votes 'Wasted'	40.0%	39.4%	87.5%	
Regional 'Top-up' for Balanced Representation	6	6	5	11
Avg.votes per 'Top-up' seat (based on 'wasted' votes)	53,169	52,225	58,176	
Total Seats (with Regional 'Top-up' option)	49	47	8	55

#### In particular:

- Whereas the NDP-Green combo won just one more seat than the Liberals (**44 to 43**), which is lost with the appointment of the Speaker, the electoral margin was quite substantial—one-third of a million Citizens' votes (**1,127,493 to 796,772**).
- The only reason that the electoral results measured in seats was so close was that <u>87.5% of the Green votes were 'wasted'</u> (as compared to about 40% for the Liberals and NDP). FPTP's distortions, by its unjust mistranslation of votes into seats, effectively cheated the Greens out of 12 seats.
- Under PR, the Liberals and NDP would have each won 36 seats and the Greens would have 15. The
  result would be a stable Government with a comfortable margin of 15 seats over the Opposition,
  which would liberate representatives to 'vote their conscience' (or be sick) without precipitating a
  governmental crisis.
- FPTP distortions also produced <u>extreme rural/urban polarization in the regional distribution of seats—</u> <u>even though both major parties won about 40% of the votes in the regions they lost.</u>

#### 4. The Case for Electoral Justice

#### 1. Context:

- Public confidence in Democracy seems to be declining everywhere—along with the People's trust in their governments and political leaders.
- The democratic disconnect seems to be increasing with each younger generation.
- The Digital Age has changed how People live in the 21st Century. But our Democracy remains tethered to the limitations of the 19<sup>th</sup> Century.

#### 2. FPTP's anti-democratic record of distortions in BC's last 7 elections:

If there are any doubts about the need and justification for Electoral Reform, an examination of BC's last seven elections (1991-2017) reveals that every election under FPTP results in gross injustice—to Citizens, Parties, and indeed to Democracy itself:

- Five of the seven elections produced a 'false majority' Government—a pseudo-dictatorship with the winner holding 100% of the power based on less than 50% vote-share—and, in each case, with their majority being entirely due to FPTP distortions.
- Over these seven elections, FPTP distortions gave the Government an average bonus of 14.4 seats, and the Official Opposition an average handicap of 9.8 seats (i.e. the spread was on average 24.2 seats more than it would have been under PR).
- The 1996 election produced the 'Wrong Winner' with a 'false majority' Government—FPTP's most disgusting distortion; the winning NDP won 39 seats with just 39.5% vote-share—whereas the losing Liberals won only 33 seats with 41.8% vote-share.
- The 2001 election produced a 'blow-out'—largely due to FPTP distortions—as the Liberals took 77 of 79 seats (97%) on 57.6% vote-share. FPTP distortions gave the winners an unearned bonus of 31.5 seats—by taking 31.5 earned seats from the losers. FPTP distortions produced a **Government** without an effective Opposition—the antithesis of Parliamentary Democracy.
- The exceptionally close 2017 election produced a "hung Parliament" (i.e. with no party holding a majority). While FPTP distortions were smaller than usual (bonuses of about 8 seats for the Liberals and 6 seats for the NDP), the impact was vastly greater because of the fragility of the *Minority* Government—due to the fact that FPTP cheated the Greens by about 12 seats.

There are many more reasons and detailed analyses that form an indisputable case against FPTP. Indeed, the only reason some parties (i.e. the duopoly) want to block ER and retain FPTP is that they are the regular beneficiaries of its distortions.

# 3. What makes FPTP inherently unjust, anti-democratic and unacceptable for future elections:

Canada, as a former colony of Great Britain, was given the Westminster system of parliamentary government, with its 'First-Past-The-Post' electoral system.

The horrible truth about FPTP is that the votes of all Citizens who don't vote for the winning candidate in their riding have NO value, and are effectively 'wasted'; those votes (and voters) are essentially thrown into the political garbage can by FPTP. This is tantamount to systemic disenfranchisement by design, that typically deprives about half of all voters of their fundamental Democratic right of equal and effective participation in choosing their government. This problem is compounded by the fact that typically more than half the ridings are so-called 'safe seats', in

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- which only one party has a realistic chance of winning under FPTP (often with less than 50% vote-share)—meaning that there is no freedom of democratic choice for all Citizens in such ridings.
- For most voters, their most important objective is to vote for the party they would prefer as their government. By usurping this democratic right from about half the people who care enough to vote, FPTP contributes to public disillusionment with the political system, as reflected by the large percentage of people (typically 30% to 40%) who don't care enough to vote.
- Even worse, FPTP is a coercive system that severely distorts the expression of the *true 'Will of the People'*. To avoid having their vote *'wasted'*, a large percentage of Citizens are driven into so-called *'strategic voting'* against their will (Broadbent Institute 2015 report: "46% have voted for a party that was not their first choice, in order to prevent another party from winning").
- Beyond having about one-third of Citizens not believing their vote has any value, throwing away about half the votes cast, and forcing a large percent of voters to vote against their best interests, FPTP also has many other seriously anti-democratic defects:
  - Citizen's votes do not have equal value. Whether they have any value or not depends on how others vote in their riding. And the relative value of votes is also dependent on the population differences between ridings.
  - The values of Citizens' votes to each party are unequal. Voting concentrations that are too low (or too high) are under-represented.
  - The 'vote splitting' problem between two similar parties competing for the same voting segment can be very unfair to those parties (and Citizens who support them)—usually leading to their mutual defeat (and often gifting victory to a mutual opponent on the opposite side of the political spectrum). Again, the degree of inequality depends on the concentrations of votes for each party.
  - The 'slicing and dicing' of the population into regions and ridings inevitably leads to anomalous results which can be seriously undemocratic, including: the 'wrong' winner (BC1996); no Official Opposition (BC2001); an extremely fragile minority government with grossly distorted regional polarization (BC2017).
  - A routine distortion of FPTP is 'false majority' governments, with the winning party holding 100% of the power (a quasi-dictatorship of the PMO) with less than 50% vote-share.
  - FPTP's unequal treatment of votes and geographic concentrations have often been exploited to political advantage through "gerrymandering". [Wikipedia: "The term gerrymandering has negative connotations. Two principal tactics are used in gerrymandering: "cracking" (i.e. diluting the voting power of the opposing party's supporters across many districts) and "packing" (concentrating the opposing party's voting power in one district to reduce their voting power in other districts)."]
- The fundamental flaws of FPTP have long been recognized by political scientists and Democratic reform activists. England's Electoral Reform Society was founded in 1884, and its vision statement is: "The Electoral Reform Society operates on a simple premise that politics can be better than it is. We campaign for a better democracy.
  - Our vision is of a democracy fit for the 21st century, where every voice is heard, every vote is valued equally, and every citizen is empowered to take part. We make the case for lasting political reforms, we seek to embed democracy into the heart of public debate."
- While there have been many significant achievements of electoral reform, this is always strenuously
  opposed (often surreptitiously) by those who've been the major beneficiaries of its distortions—i.e. the
  major political parties and their dance partners (the insiders and the corporate lobbyists).
- A partial list of countries that have replaced FPTP:
   <u>Australia</u> (replaced by <u>IRV</u> in 1918)

   <u>Belgium</u> (adopted in 1831, replaced by Party list PR in 1899)

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Denmark (replaced by PR in 1920)

Hong Kong (adopted in 1995, replaced by List PR in 1998)

Netherlands (replaced by Party list PR in 1917)[27]

New Zealand (replaced by MMP in 1996)

Scotland (replaced by Party list PR in 1999)

South Africa (replaced by Party list PR in 1996)

## 4. What are defining criteria for Electoral Justice?

Ideally, Electoral Justice would be best served by an electoral system that eliminated all of the antidemocratic defects of FPTP, and included new possibilities to achieve true Democracy, by truly serving the 'Will of the People' along with enhancements to minimize inevitable imbalances:

- Make every vote count—always and equally—in the election of each representative as well as the government.
- Empower voters to elect their own government.
- Ensure each elected representative has true 'democratic legitimacy'—i.e. the support of a majority of voters.
- Eliminate the electoral injustices of 'false majority' governments, wrongful winners, and lack of an Official Opposition.
- Ensure that the Government has the support of a majority of Citizens.
- Ensure that every vote in Parliament is determined on the basis of a majority of Citizens' votes.
- Give every voter a good reason to vote—knowing that their vote will always count equally—regardless of riding boundaries, population sizes, population shifts, and how others vote.
- Empower voters to vote for their true preference—by eliminating the coercion that leads to 'strategic voting'.
- Ensure equitability for all voters and all parties—by eliminating the 'vote splitting' problem.
- Eliminate the potential of political advantage based on riding boundaries and concentration of votes hence eliminate the 'gerrymandering' effect (intentional or unintentional).
- Ensure that the parliamentary voting power of each party is always (and automatically) proportional to their share of Citizens' votes (PR).
- Minimize the possibility of tie votes in Parliament.
- Provide a capability to achieve more balanced representation—by party, by region, by gender and demographics.
- Provide a capability for representation of independent candidates if and as appropriate.
- Provide a capability for voters to constructively express dissent.
- Provide a better way to engage young voters.
- Provide a better way for Citizens to hold their Government accountable.
- Make voting simple and easy to understand.
- Ensure that Citizens understand the needs for and benefits from electoral justice.

## 5. Lessons from the history of Electoral Reform:

Electoral Reform (ER) is about Electoral Justice. It's about Democracy—true Democracy. It's about a social struggle to achieve real Democracy by breaking down the walls of fake Democracy.

What we were given centuries ago was fake Democracy—not true Democracy. It was a form of elite rule, that only gave limited democratic rights to a limited segment of the population, to preempt the People from taking power into their own hands. Over the last century, the privilege of voting in fake Democracy was gradually extended to include the full population. The existence of free elections was fraudulently mispresented as true Democracy.

Our fake Democracy came with FPTP. The People never chose FPTP, and have never understood that FPTP defects form the electoral foundation of this fake Democracy.

FPTP ought to be abolished, as it is incompatible with Electoral Justice. Hence it would be unjust to hold any referendum on ER that might not replace FPTP.

The elite rule of the past has been superseded by the guasi-dictatorship of the PMO, and its subservience to 'corporate rule'—through the powers of lobbyists and 'Big Money', and the funding dependencies of political parties.

A primary characteristic of FPTP is the political duopoly known as the 'two-party' system. Typically the public tolerates a political regime under a strong leader for several election cycles, then 'throws the bums out' only to get a similar regime under another strong leader from the other duopoly party. The cycle repeats endlessly, with hardly any changes other than the political players. The dominant power continues to be exercised by the corporate connection to backroom operators in the PMO. Oversight is substantially reduced by FPTP's capacity to routinely produce 'false majority' governments.

Lincoln's definition of Democracy as 'Government of the People, by the People and for the People' captures the essence of true Democracy. By contrast, an honest definition of fake Democracy would be 'Government of the People, by ambitious politicians from a Duopoly Party, for their financial patrons and major financial/corporate interests'.

Given that Electoral Reform is about Electoral Justice, it must inevitably collide with the interests of Money and Power. And the last thing that Money and Power want is to change the system of fake Democracy that they have built, own and operate.

This explains why ER is a threat to Money and Power—and why ER is always so strongly opposed (openly and covertly) by agents of Money and Power, and especially by associates of the duopoly parties.

The lesson from Canada's long history of failed ER initiatives—in the absence of principled and politically courageous leadership—is that any referendum on ER is doomed to subversion by negative campaigns covertly run by unprincipled political pros (backroom operators of the duopoly parties), who're experienced in the undemocratic practices of nurturing and exploiting public ignorance and indifference, apathy and anxiety.

The reality of why ER never wins in the dirty game of hardball politics under FPTP is really quite simple—and very sad for the People and for Democracy. FPTP rules are systemically biasedalways distorting both how People vote (many Voters are coerced into so-called 'strategic voting' i.e. 'holding their nose' and voting for 'the lesser of evils'), and how the People's votes are mistranslated into election results (all votes for losing candidates—typically more than 50%—are effectively 'thrown away' by the FPTP voting system).

All FPTP's distortions work to the advantage of the winners—and hence to the disadvantage of the losers. Periodically, some victimized loser promises Electoral Reform. But they are powerless until they become the Government, at which point the roles are reversed—as they're then the lucky beneficiaries of the unfair electoral system that they had vowed to replace! And this presents their ultimate test of character.

Canada's recent federal flirtation with Electoral Reform exposed how the PM and his Government shamefully failed their test of character and integrity. They were faithfully aided and abetted by their duopoly dance partner, the Conservative Party—which, in their role as Official Opposition, equally shamefully pretended that there's nothing wrong with FPTP, and scurrilously demanded that any ER should be subject to a referendum (well knowing that it would be politically sabotaged).

The Government was able to posture that there was no national consensus on electoral reform based on a phony survey that 'discovered' what everyone always knew—that most Citizens (just as most politicians) do not really know or care very much about voting systems. Also, the Government and its allies—addicted by then to the unaccountable power of their 'false-majority' (a routine result of FPTP distortions)—conveniently forgot all the principled reasons why they had previously espoused ER with such seeming 'conviction', and deliberately ignored the fact that a vast majority of expert witnesses strongly advocated some form of PR.

So here we go again. The very notion of another study and referendum on Electoral Reform—having gone down that treacherous road so many times before—seems misguided (or disingenuous). Reconsideration of this dubious plan—a proven exercise in futility—is strongly urged. [Dr. Dennis Pilon, one of Canada's leading political scientists, has explained why a referendum on ER is unnecessary, inappropriate and inadvisable: (Pilon, Vancouver Sun Op-ed, 2017/05/29: Change the voting system without a referendum ) ].

## 6. Lessons from the Tragedy of BC-STV:

- "<u>Lessons from the Tragedy of BC-STV</u>": MP3 audio file of a documentary produced by Jeff Jewell in 2009 for Vancouver Co-Op Radio.
- BC-STV was the recommendation of the BC Citizens' Assembly on Electoral Reform (2005)
- This was an exceptionally thorough and well supported study by 160 BC Citizens, randomly selected. They short-listed MMP and STV. They chose STV over MMP by 80% to 20%. They chose STV over FPTP by 93% to 7%.
- STV was chosen because it gave more power and more choice to Citizens, whereas MMP gave more power to the political parties. Unfortunately, STV was comparatively much more complex.
- The 2005 referendum on BC-STV was approved by 57.8% of BC voters, with a majority in 97% of the ridings. The BC Government (Liberal) arbitrarily set the undemocratic requirement of 60% (despite the fact that a 50% + 1 majority was recognized as sufficient for the breakup of Canada).
- A strong majority of BC Citizens democratically chose BC-STV (despite a strong negative campaign against BC-STV). This election was effectively stolen by the BC Government (Liberal), with no objection from Official Opposition (NDP). Duopoly agents were prominent in the NO campaign. Essentially, the duopoly closed ranks to deprive the Citizens of BC from obtaining the ER that they had democratically chosen. [In the spirit of 'truth and reconciliation', BC's new Government ought to pass a motion apologizing to the People of BC for this democratic injustice committed in 2005.]
- The 2009 referendum on BC-STV, by then an issue forgotten by most voters, was approved by only 39%. It provided a textbook example of how to delude the majority into voting against democratic reform.
- STV is a highly regarded option, but rather too complex for most voters.
- "Rural-Urban PR" would be a better alternative than STV or MMP.
- "ProxyPR" would be the best alternative.

## 7. ProxyPR:

If there are any doubts about the need and justification for Electoral Reform, an examination of BC's last seven elections (1991-2017) reveals that every election under FPTP results in gross injustice—to Citizens, Parties, and indeed to Democracy itself:

- Founded on the principle of 'the primacy of the Citizen's vote'.
- Makes every vote count—always and equally!
- Ensures that every elected representative is the 'rightful' winner with true 'democratic legitimacy', by applying the fundamental democratic principle of majority rule.
- Ensures that each party has parliamentary voting power that is perfectly proportional to its share of Citizens' votes.
- Eliminates the anti-democratic defects of FPTP:
  - 'strategic voting'
  - 'vote splitting'
  - 'false majority' governments
  - 'wrongful' governments
  - blow-out elections that fail to produce an Official Opposition
  - fragile minority governments

Here's an outline of ProxyPR and alternatives that it makes possible:

- **ProxyPR** evolved from **PPR123** ( <u>Perfect Proportional Representation</u> ), which was <u>presented to ERRE Committee</u> in Vancouver on 2016/09/28.
  - Preferential ballot recommended (although a single choice ballot would work). Voters could rank any number of candidates (or suggested limit of three).
  - Votes would be scored according to the iterative process of elimination (i.e. Instant Runoff Voting or Alternative Vote) until the winner is elected with a majority (i.e. true 'democratic legitimacy').
     This ensures that the 1<sup>st</sup> choice is a true vote.
  - Proxy voting in Parliament, with each party holding in trust all of the Citizen's votes they received.
     Votes for defeated candidates are retained by the party, and equitably reassigned amongst their members.
  - Some representation should be provided for independent votes and small parties that achieve a specified threshold (e.g. 3%) but fail to elect a member.
- PPR123+ ( <u>Perfect Proportional Representation + Balanced Representation</u> ) was the first major enhancement to PPR123.
  - Inspired by comments from the ERRE Committee, stressing that an important goal of ER is to produce more balanced representation.
  - With proxy voting in Parliament based on the votes of all Citizens, requiring the reassignment of all votes for defeated candidates, <u>PPR123+ is uniquely capable of adding any reasonable number of 'top-up' members</u>—for the sole purpose of providing more balanced representation—without changing the voting power of the parties in Parliament!
  - Balanced representation can easily be achieved (with no adverse impact) by party, by region, by gender and other demographic factors.
- "Voter's Choice" was proposed as a politically pragmatic alternative for the adoption of <u>ER without a referendum</u>.
  - Inspired by the dilemma faced by the ERRE Committee, with intransigent partisan positions on the need for a referendum.

- With proxy voting ensuring perfect proportional representation, the choice between a preferential ballot (IRV) or single choice (FPTP) could be democratically decided within each riding—and without either system being imposed against the 'will of the People' in any region.
- "RPV" ( Reassignable Proxy Vote ) was proposed as a positive method whereby Citizens could hold their Government to account between elections.
  - Inspired by PM's betrayal of his promise to implement a new voting system for the 2019 election.
  - The idea is that voters would have some capacity to switch their vote, perhaps once a year.
  - The intent would be for Governments to behave more respectfully and honestly.
  - Re-voting would not affect the elected members—just the proxy voting power of the parties.
  - It should be possible for re-voting to be safely done online. Implementation of changes would be periodic (e.g. monthly or quarterly), with ample time to verify the changes, ensuring integrity.
- Consideration should be given to online voting for Citizens as they reach voting age (16?), without waiting for the next election.
- Consideration should be given to providing annual votes for all Citizens on their birthday, to increase public participation in their Democracy, and to increase Government accountability.
- If there are any constitutional issues calling for unequal representation of any group of Citizens (e.g. provincial guarantees, or rural constituencies), it would be easy to accommodate any such requirements by adjusting the proxy voting with appropriate weighting factors.

## 8. Democracy in the Digital Age:

It's time to reinvent our Democracy and its electoral processes, to escape from the deficiencies and limitations of medieval or 19<sup>th</sup> Century voting systems, and take advantage of the new possibilities of the Digital Age.

- We must carefully design secure online voting systems.
- We should make voting a much more frequent opportunity.
- We should make Governments more accountable and more responsive to their Citizens.
- We should do everything possible to increase voter participation.
- BC should become a leader, and we should transform BC's Democracy into the model for all of Canada—and for the World!