

05. ENGAGING BUSINESS AND COMMUNITY ON ELECTORAL REFORM

Issue

Recognizing that the provincial government has determined that British Columbians should vote, for a third time, on potential changes to the voting system, and that the provincial government is conducting ongoing consultation regarding this process, we, the business community, offer the following recommendations.

While the mechanics of how proportional representation would be implemented in British Columbia have yet to be defined, it is clear that a shift to this model would fundamentally change the governance structure of the province, with significant implications to the business community. Any changes to our electoral system that a) bring about substantive changes with unclear outcomes and b) put us at variance with other provinces and/or territories must be carefully considered.

Background Discussion

The current electoral reform initiative provides insufficient clarity as to what BC voters will be asked in a mail-in fall 2018 referendum and, thus, there is no opportunity to engage citizens in a productive discussion to better understand each option, how each would work, and what the likely impact on the public agenda (government priorities and focus) would be. Voters may be asked to vote on something, the details of which they are not fully aware. It is that exact outcome the BC government was concerned about almost twenty years ago when it decided to take the extraordinary step of creating the Citizens' Assembly.¹

The second concern being expressed in some regions of the province is that a new proportional representation system could result in more MLAs representing the major metropolitan areas and that could exacerbate the growing rural-urban divide – those additional metro voices will have greater numerical influence over the setting of the public agenda (proposed legislation) than those in rural areas.

Supporters of proportional representation suggest that more diversity can be represented in rural areas but that does not affect the total number of representatives: that will be heavily tilted in favour of the major metropolitan areas. As population in BC is not evenly distributed, the 2.8 million people living in the Lower Mainland would have a disproportionate amount of representation and control over the entire province. Yet, the industries of the rural areas in BC to a great extent support the metro population.

History of Electoral Reform in BC

Alternative approaches to balancing the growing urban-rural divide have not been discussed. As an example, creating multiple houses within Parliament – where there is representation by population and representation by geographic distribution – would yield a system that would ensure the majority do not run roughshod over the minority. That option is not being discussed, even though many believe addressing our growing urban-rural divide is a far more important discussion than switching from FPTP to PR.

The final issue of concern is setting the bar for approval at 50% +1 instead of establishing a clear majority threshold as was the case in 2005 (60% of voters overall and approval in at least 60% of all ridings).

Legislatures, parliaments and congresses around the world have long recognized that 50% plus one isn't the only way to make a democratic decision. Some decisions are so momentous that they ought to be made unanimously (jury convictions, for instance), while others are so minor they require just a plurality.²

1 "Making Every Vote count: The Final Report", <https://citizensassembly.arts.ubc.ca/>

2 LA Times Article – Mar. 22, 2009 <http://articles.latimes.com/2009/mar/22/opinion/oe-goldberg22>

Noting Precedent for Super Majority Thresholds

There are precedents in B.C. and elsewhere in Canada with respect to requiring a supermajority in order to receive approval. As an example, in British Columbia's two previous electoral system referenda in 2005 and 2009 a 60% vote in favour of the Single Transferable Vote electoral system across the province (of those voters participating) was required along with a 50% plus one majority in at least 60% of British Columbia geographic ridings voting in favour.

The 2009 referendum was defeated, with 60.9% voting against the reform and 39.09% of voters supporting the change. This represented a remarkable drop in the share of voters supporting reform in 2005 referendum which narrowly missed one of two approval thresholds required to pass. The yes vote surpassed the 50% threshold in 77 of 79 electoral districts, but the province-wide vote was 57.69% in favour - 2.31% below the required threshold to pass.³

BC of course is not the only province to have precedent in establishing a higher threshold on such a referendum. In 2007 the province of Ontario held a similar referendum where the threshold was set as:
(a) at least 60 per cent of all the valid referendum ballots cast; and
(b) more than 50 per cent of the valid referendum ballots cast in each of at least 64 electoral districts.⁴

As noted in one of the submissions received recently by the BC Government, the current direction being proposed with respect to the threshold to pass runs counter to other provincial legislation that in fact requires even higher thresholds of 75% in order to make far less significant changes.⁵

By lowering the threshold to 50% plus 1, the legitimacy of the outcome is significantly reduced and sets the stage for a perpetual debate over the issue, a fact that has been recognized by political leaders and governments across the country.

Supermajority rules are those that call for more than 50% support but less than unanimity. Often, they require two-thirds of the voters, other times it is three-fifths (the votes required to call an end to a filibuster in the U.S. Senate or to pass a substantial matter through the United Nations Security Council).

Supermajorities go back at least to jury deliberations in classical Rome. A thousand years later, the medieval church adopted a two-thirds supermajority rule for ecclesiastical elections, including the election of a pope (a rule that is still in place despite Pope John Paul II's effort to change it in 1996).

Obviously, requiring a supermajority can make it more difficult to achieve an affirmative outcome on a question. That means some proposals fall by the wayside, but for those that ultimately get passed, the result is a clear indication of broad support. Most political theorists agree that such broad consensus makes for stronger, more durable law. The BC Chamber itself has long required a two-thirds majority of members to pass policy recommendations. The result is greater confidence and certainty when communicating important issues with government.

On the other hand, other organizations like the Union of BC Municipalities (UBCM) only require 50% plus one in debating and voting on its policies. As a by-product of that approach, they quite often have the same policy come back year after year with a different result, resulting in an inability to take a firm and predictable position when debating that issue with the province.

3 Elections BC Fact sheet, January 2009 <http://www.elections.bc.ca/docs/news/FF-Ref-20090129.pdf>

4 Government of Ontario Electoral Referendum Act <https://www.ontario.ca/laws/statute/s07001>

5 BC Strata Property Act-Section 97 http://www.bclaws.ca/civix/document/id/complete/statreg/98043_06

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As stated previously, if passed, a super majority makes for a more durable and lasting decision-making process.

THE CHAMBER RECOMMENDS

That the Provincial Government:

1. Appoint a non-partisan examination of the likely outcomes of an alternative system prior to issuing a referendum, comparable to the previous Citizens' Assembly, examining the implications of the proportional representation being considered, particularly, its implications on rural/urban divide.
2. Clearly define the system of proportional representation that is being considered, well in advance of any referendum; and
3. Adopt the same threshold required for approval as was used in the referendum in 2005 and 2009.
4. Delay the referendum until such time as the government has properly engaged the electorate and provided adequate time for question review and program definition.

Submitted by the Kamloops Chamber of Commerce and the Kelowna Chamber of Commerce

Supported by Greater Westside Board of Trade and Mission Regional Chamber of Commerce

The Policy Review Committee supports this resolution.

ATTORNEY GENERAL