

COMMENTARY

AN ASSESSMENT OF THE CITIZENS' ASSEMBLY ON ELECTORAL REFORM

JOHN H. REDEKOP

THE ESTABLISHMENT OF the Citizens' Assembly by the BC government was an important exercise in populist democracy. Its creation was promised by Liberal party leader Gordon Campbell in the party's platform for the election of 16 May 2001. In September 2002 the Liberal government appointed Gordon Gibson, a respected commentator and former provincial Liberal party leader, to advise the government on the mandate and to guide it in the establishment of a Citizens' Assembly. The Gibson Report was tabled in the legislature on 23 December 2002. On 30 April 2003 the Citizens' Assembly on Electoral Reform was established by Order-in-Council. Its mandate was spelled out on 16 May 2003. The detailed document focused on four items. The Citizens' Assembly was to assess models for electing Members of the Legislative Assembly and to issue a report by 15 December 2004, with one or more recommendations; it was required to consult with British Columbians and to receive submissions; any model recommended by the assembly was to be consistent with both the Constitution of Canada and the Westminster parliamentary system; and the assessment of models by the assembly "must be limited to the manner by which voters' ballots are translated into elected members."

On 16 May 2003 the Legislature unanimously appointed Dr. Jack Blaney as the chair of the Citizens' Assembly. Between June and late fall of 2003, two persons from each of the seventy-nine existing provincial constituencies were chosen more or less randomly – with separate lists for men and women. Two members from the Aboriginal community were added to the list of 158. The chairperson was the 161st member. Eight persons withdrew and were replaced; a later resignation created a vacancy that was not filled. The Citizens' Assembly met for six weekend "learning" sessions between 11 January and 26 March 2004. Professors

Kenneth Carty and Campbell Sharman, political scientists from the University of British Columbia, designed and delivered the learning sessions. Other experts were also brought in to augment the teaching.

During May and June 2004, fifty public hearings were held throughout the province. Three hundred and eighty-three people made presentations. In addition 1,603 written submissions were given to the assembly. These hearings were followed by a "Deliberation Phase," which consisted of a series of group sessions during September and October. On 23 October 2004 the assembly voted as follows: 31 votes in favour of the Mixed Member Plurality system and 123 votes in favour of the Single Transferable Vote system. On 24 October the Citizens' Assembly voted 142 to 11 not to recommend the continued use of the traditional single member district plurality vote system. The final vote, also on 24 October, was on the following resolution: "Do we recommend the STV (BC-STV) system to the people of British Columbia in a referendum on May 17, 2005?" The result was Yes, 146; No, 7.

Several positive aspects come to mind as one analyzes the establishment, operation, and results of the Citizens' Assembly. As the implementation of an election promise, this novel initiative was successful in having ordinary citizens become active participants in making important political decisions. From a populist perspective it could be described as successful: it solicited and received extensive public input, it produced a specific proposal, more than 90 percent of the 160 assembly members supported the proposal, and in a referendum almost 58 percent of British Columbia's electorate ostensibly expressed support for it. The whole exercise was a remarkable experiment, one for which Premier Gordon Campbell, in particular, received many accolades. Conceptually and logistically, it was impressive. Significantly, the entire undertaking was carried out without any political interference. Since, however, the government had specified a 60 percent threshold, it did not pass.

Although these positive aspects must not be ignored, the various weaknesses in this entire venture strike this observer as being more consequential. First, given that the whole experiment was intended to emphasize the importance of participatory democracy, the organizers can perhaps be faulted for relying on the centralized and secret appointment of assembly members rather than on some type of local election, perhaps one associated with municipal elections, to procure assembly members.

Second, and much more significantly, the establishment and operation of the Citizens' Assembly incorporated a central populist belief. This belief holds that the outcome of political decision making, in this instance the assessing of electoral options and the recommending of a reform proposal, will be more satisfactory if undertaken by mostly uninformed members of the public rather than by knowledgeable experts, presumably including academics and esteemed former politicians. This belief, in turn, rests on the fundamental assumption that, in the political realm (particularly with regard to electoral processes), knowledge, experience, and expertise are irrelevant if not disadvantageous. One is reminded of the neo-Marxist notion that to locate true virtue and morality in society we should look to the "common man," the ordinary proletariat, and not to those persons who are part of the economic or political bourgeoisie, who have become relatively successful and influential both economically and socially.

Some of us are not impressed by such populist reasoning. In the first place, where is the evidence that the common folk, whether uninformed or informed, are more moral or more astute than are other people or that they make wiser political decisions? The data are lacking. The Marxists and Communists never did find or create the so-called "new man" or "new socialist man," nor have scholars specializing in electoral systems and electoral behaviour found any "new voter" or "unspoiled citizen," possessing unique morality or insight. In my view, the populist assumption that unique, distinctive virtue is found in so-called ordinary folk – the grassroots – is a myth.

In the second place, the notion that people should bypass the experts and trust the common folk is, fortunately, not accepted as a guiding principle in any other area of human endeavour. This notion deserves very close scrutiny and evaluation because it lies at the heart of the rationale for how the members of the Citizens' Assembly were recruited. The justification for selecting largely uninformed citizens to recommend major electoral reform, as published in news releases and media reports, seems simply to rest on the assumption that such selection is a good thing; I have not found any logical analysis by members of the Citizens' Assembly or any of its supporters; unspoken and untested assumptions seem to carry the day. Where is the evidence that, when solutions, remedies, reforms, or corrective action are needed, non-experts and people with no experience can help us more than can those with training and expertise?

Who would argue, for example, that when a bus driver discovers that her vehicle is not functioning properly, she should ignore trained and experienced mechanics and let untrained common folk, who do not possess any expertise in the area, try to undertake corrective action? To pose the question is to indicate how illogical such a stance would be. Similarly, let us consider the matter of illness. While acknowledging that certain home remedies and practices, rooted in generations of experience, can be of some value, who of us, if suffering from a serious malady, would argue that it is better to consult with untrained ordinary folk and follow their recommendations than to see a trained and licensed physician?

Further, if a farmer observes that his crops are failing and no obvious explanation is at hand, should he be guided by the comments of other farmers who are also perplexed? Or perhaps by uninformed non-farmers? Such people may be able to make useful comments based on experience or hearsay, but they have not been schooled in scientific/technical realities. Would the farmer not be better served if he were to seek the counsel of a trained and experienced agronomist, an expert who would carefully check the soil, investigate the possible presence of a disease, and conduct whatever scientific tests the situation might require? Again, the answer is obvious. Useful comments may come from many sources; reliable expertise and tested insights come from experts.

If the positive and crucial role of trained and experienced experts is recognized in these and countless other situations, then why should we hold to an opposing view concerning electoral systems? Why should anyone agree with the notion that the analysis of electoral systems, which is at the heart of our democratic practices and institutions, and the drafting of supposed reforms will be conducted more successfully by persons who lack training and experience in such matters than by trained and experienced experts? To opt for the populist approach seems to this observer to be more a matter of faith in some sort of mythical folk ideology than a conclusion based on logic, evidence, and common sense.

The argument has been made that, after the learning sessions with trained experts, the members of the Citizens' Assembly had achieved a considerable understanding of the electoral systems to be considered. Clearly, progress had been made; these grassroots citizens had heard much information. It still is not clear to me, however, that the population of British Columbia is better served by people having

recently and quickly achieved some knowledge than by people possessing a considerable amount knowledge that has been derived from years of rigorous study and research. According to what criterion is inexperience to be trusted more than long-term, disciplined, and tested experience? Since when and according to what kind of logic is limited competence better than much competence?

This criticism of populism as it pertains to political decision making is not meant to imply that the public should not be involved. Quite the contrary. Citizen involvement is very important in a democracy; however, one must address the question of what form this involvement should take. I hold to the view that the main public input in political decision making in large political jurisdictions such as the Province of British Columbia (with its more than four million people) should generally consist of electing the decision makers rather than making the political decisions. Subsequent input to lawmakers, by individuals and pressure groups, is also very important.

Direct democracy and indirect democracy are two equally valid forms of political participation, with the latter being more functional when populations become so large that the citizenry can no longer be assembled in any one location. Further, while I see no logical reason why the so-called grassroots common folk should be asked to develop policy options, especially involving complex proposals, I have no problem with having voters make the final decision on matters such as the continuation of the monarchy, the choice of a flag or anthem, the adoption of military conscription, and other straightforward issues. However, concerning issues such as complicated taxation questions, the protection of minority rights, the continuation of foreign aid, and similarly complex matters, I would rather leave both the development of policy options and the decision itself to elected representatives who can spend time weighing arguments and evidence, who have research staff, and who can therefore become well informed about the question to be decided. Let the lawmakers make the decisions, informed and guided by the input of all sectors of society as well as by the expertise offered by the best resource people available, and then let them be accountable to the electorate for the decisions that they make. Democracy should not be equated with populism; there are other forms.

What does this discussion mean for the evaluation of the Citizens' Assembly? From my perspective it means that the populist approach in constituting the assembly was at most a second best option. The proposal could have had a different and more successful genesis. A panel

of experts, with only very limited or no representation from currently active politicians, would probably have done better. In my view it would have been better to have such a panel weigh all options, develop one or more proposals, and then let the voters decide. Probably a panel of experts would also have been more astute in anticipating the difficulty of explaining the STV proposal and in developing one or more proposals that could be more readily understood. Is there any evidence that the ultimate BC-STV proposal had any unique quality because it was, at least in theory, drafted by non-experts? I have detected none.

My third main criticism of the Citizens' Assembly phenomenon grows out of the second. If populist assumptions prevail in the selection of the panel members, then it necessarily follows that these mostly uninformed people need to be trained before they can be effective. After all, if, for example, none of them has ever heard of the STV system, then how can they evaluate it? This is not a far-fetched notion. I understand that, at the outset, not one of the 160 panel members knew enough about the STV system to explain it to colleagues. In a public lecture on 24 March 2005, Professor Kenneth Carty noted that "the great majority had never heard" of STV. The inevitable and justifiable result in such a situation is that an expert is brought in to explain the various options. Perhaps several experts are brought in to help the uninformed assembly make sense of the task entrusted to it. That is exactly what happened to the members of the Citizens' Assembly.

Clearly, an expert, or perhaps several experts, can, in explaining the options, shape the thinking of panel members. An eloquent analysis and rationale, presented in intensive weekend sessions by an impressive professor – who may even be a staunch supporter of a particular electoral system – can quite easily shape the thinking of those charged with coming up with a proposal. What we may end up with, then, is not the presumed innate wisdom and perspicacity of 160 unspoiled grassroots voters but, more likely, the preferences of a brilliant expert being expressed, at least as a general orientation, by the instructed panel members. Thus the members of the Citizens' Assembly, I suggest, may ultimately have voted not so much according to their innate values and insights as according to what they had been taught by the experts. The fact that experts had to be brought in to school the mostly uninformed "noble voters," to adapt Rousseau's designation, indicates that the populist faith in the decision-making capacity of untrained and uninitiated common folk may not be warranted. Moreover, once

the 160 selected assembly members had been educated, they were, of course, no longer representative of the grassroots!

My fourth criticism deals with the assembly's substantial, although not complete, disregard of citizen input at the broader level. Of the 1,603 briefs that were submitted by respondents who took the time to submit their ideas, only 3 percent supported the STV option, and one-third of that small number came from observers in the United Kingdom or the United States. There was virtually no grassroots support for STV: only 2 percent of respondents favoured it. Conversely, about 60 percent of the submissions, close to 1,000, supported mixed-member proportional representation. I have read many of these submissions: after the first few hundred they become repetitive. The widespread demand for some reform, generally favouring the mixed-member proportional option, was quickly evident. Significantly, despite the constant emphasis on the central importance of grassroots input, the Citizens' Assembly ignored the preferences of the 60 percent and opted for the preferences of the 2 percent of BC respondents who supported STV.

My fifth criticism deals with the hearings that the Citizens' Assembly conducted across the province. As it happened, I was invited to make my presentation at the Abbotsford hearings on 5 June 2004. The experience was disappointing, to put it candidly. In the first place, only fifteen assembly members were present. My ten-minute summary, based on a detailed brief that I had distributed, was followed by about ten minutes of questions and answers. It soon became evident that some of the members were not knowledgeable about some key issues that I had raised in my description of a modified German mixed-member proportional system. It seemed to me that my submission, as well as the other submissions, was not taken very seriously. The whole undertaking lacked depth and significance.

While one must commend the organizers of the fifty hearings conducted across the province and admire assembly members for travelling to many centres and listening to a disparate array of sometimes uninteresting and illogical presentations, one wonders whether the whole enterprise was worth the effort. I am not convinced that it was. The main problem was that various groups of assembly members heard different submissions. The fifteen members in Abbotsford heard one set and similar groups of assembly members in other centres heard other sets of presentations. Even if the various written submissions were distributed and read by all of the assembly members not in attendance at a given session – an assumption that may not be warranted – those not in

attendance did not hear the questions and answers and the additional explanations.

This phase of the undertaking struck me, therefore, as being of little value. It lacked sophistication and utility and perhaps even integrity. To have the entire panel of 160 people evaluate the submissions delivered at the hearings when only 10 percent or so have actually heard each presentation (and the resulting discussion) is about as logical as having a five-person panel of art judges select the best painting from a selection of fifty paintings when each judge has carefully studied only ten.

In my view it would have been more useful to have a panel of perhaps six to ten experts solicit written submissions. These should then be reviewed and sorted by competent staff members. The authors of the most useful thirty to forty, perhaps more, should then be invited to present their views to the entire panel and be subjected to tough questioning. Additional experts should probably also be called to testify. Thus the entire panel would hear all of the evidence and the entire debate. Such an exercise would have depth and significance. My suggestion would be that all sessions of such a panel should be open to the public, with opportunity being given to all to present written responses and (within certain time constraints) even verbal comments. All of the initial submissions should, I suggest, be submitted to all panel members for perusal.

My sixth criticism relates to assembly publicity. It focuses on two related issues, and additional shortcomings could be cited. Some of the published statements, such as those asserting that the percentage of a party's electoral support would result in the same percentage of that party's representation in the Legislature, were simply untrue. In its final report, *Making Every Vote Count: The Case for Electoral Reform in British Columbia*, the Citizens' Assembly asserts, or at least very strongly implies, that BC-STV will achieve "Proportionality – ensuring that each party's share of seats in the legislature reflects its actual share of votes." The written text of Professor Carty's 24 March lecture makes the same point about BC-STV: "This will produce legislatures in which a party's seat shares reflect the electoral support they have among the public." The second and related issue deals with the widespread insistence by its supporters that, under BC-STV, "every vote counts." My criticisms of these misstatements require some detailed explanation.

While the result of an election utilizing the STV model would likely create a closer correlation than we now have between the percentage of voter support for a party and the percentage of seats won by that party,

the statements that I have cited greatly overstate – indeed, distort – the reality. Nobody knows in advance of an STV election how the percentage of popular support will correlate to the percentage of seats won by any party. Let us consider the following example involving a two-member constituency of which the BC-STV proposal envisioned more than a few in the interior and the north of the province. Let us assume that 30,000 people voted. The electoral quota is established as follows. A “1” is added to the number of seats, generating the number three. This is done to try to prevent a very serious problem. If the electoral quota remains at two, and if there are numerous candidates with many supporters who do not indicate second, third, fourth, and so on choices, then it is possible that no candidate (or perhaps only one candidate) could achieve enough votes (i.e., the electoral quota – in this example 50 percent) to be declared elected. Therefore the bar is lowered.

In our example the actual electoral quota thus becomes 10,000, and a further adjustment is required. It is theoretically possible that, in this two-member district, with its electoral quota of 10,000, three candidates could each get 10,000 first-choice votes or combinations of first-choice and fractional votes totalling 10,000! Then we would have a real crisis: we would have three winners in a two-member constituency. To prevent such a possible (albeit unlikely) outcome a “1” is added to the 10,000. The official electoral quota is thus established at 10,001. Now there can be only two winners.

Next let us assume that, in this two-member constituency, the first choices of the 30,000 voters were as follows. New Democratic Party candidate A got 10,001 votes; New Democratic Party candidate B got 10,001; Liberal candidate A got 5,000; Liberal candidate B got 3,000; Green Party candidate A got 1,000; and the Democratic Reform candidate A got 998 votes for a total of 30,000. (Please note that the electoral outcome and my criticisms would be the same if the votes – other than those for the two NDP candidates – were distributed in any percentages whatsoever among any number of candidates from any number of parties or independent candidates or if the winning 10,001 votes consisted of a combination of first-choice and transferred fractional votes.) In this two-member constituency, then, the electoral outcome is that the two NDP candidates, together receiving only 66.7 percent of the votes, are elected. All other votes – 33.3 percent in this example – are wasted and all other candidates get nothing.

While in most instances the distortion would almost surely not be this great, voters should expect that there would always be significant

distortion if the BC-STV model were to be adopted. It is immediately obvious that party candidates or independents who get only a small percentage of votes will almost never be elected. Small parties will still lose. Despite what various Citizens' Assembly members and apologists state, with BC-STV elections, voters should expect a large number of wasted votes. Even among the major parties the percentage of seats won may be much different from the percentage of votes received. In general, although there would be some improvement, voter support for a party would not necessarily or even likely be accurately reflected in percentage of seats in the legislature. It was very unfortunate that, before the 17 May referendum, voters were led to believe that this would be the case. The fact that the final report of the Citizens' Assembly was entitled *Making Every Vote Count* was at best misleading and at worst dishonest. Did the members of the Citizens' Assembly really believe what they were saying? If they did, then they were not adequately informed; if they did not, then why did they make such a statement?

In summing up this criticism it should be stated, as everyone knowledgeable about the BC-STV proposal understands, that, in a two-member constituency, theoretically up to one-third (less two) of the votes (or combined whole and fractions of votes) cast can be wasted; in a three-member constituency up to one-quarter (less three) can be wasted; and in a seven-member constituency up to one-eighth (less seven) can be wasted. Whatever case can be made for the BC-STV proposal, it is fundamentally incorrect to assert that in a provincial election employing the STV option, "every vote will count" and that "each party's share of seats in the riding reflects its share of votes" as stated in the Citizens' Assembly news release of December 2004. Both statements are false.

A further instance of unfortunate and misleading assembly publicity deals with the examples given to illustrate how BC-STV would work. Almost without exception the description simplified matters to the point of distortion. In its final report, as elsewhere, the assembly provided a sample ballot for a three-member constituency having eight candidates: three from each of two parties, one from a third party and one independent candidate. The publicity and the verbal descriptions typically listed fewer candidates in a three- or four-member constituency than actually ran in many single-member constituencies in previous provincial elections. In May 2001, for example, the average BC constituency had 5.8 candidates. The figure for the 2005 election was only slightly lower.

Since, according to BC-STV apologists, the STV model would provide greater opportunities for smaller parties and independents, a three-member constituency under BC-STV would likely have at least eighteen or twenty candidates, not eight. In the 2001 BC election, which involved only single-member constituencies, two constituencies had nine candidates, five had eight, thirteen had seven, twenty-three had six, and twenty-five had five. In the 2005 BC election, fifty-five of the seventy-nine constituencies had between five and nine candidates. Since some seven-member ridings are envisioned under BC-STV, it seems reasonable to assume that these large constituencies would have at least thirty-five or forty candidates, perhaps more. That high figure is not unrealistic given that the Citizens' Assembly itself has insisted that, in using the BC-STV model, it would be easier for independents and candidates for minor parties to win and that, therefore, we would see increased numbers of candidates. To rank thirty or forty candidates, or even half that many, would surely be a daunting task for most voters. The greater the number of candidates on a BC-STV ballot, the more problematic such an election would be.

Several Citizens' Assembly apologists, in responding to me, insist that the number of candidates would almost certainly be much lower than I am suggesting; they challenge my multiplying the average number of candidates in our present constituencies by the number of members to be elected in the proposed new STV constituencies. They cite some lower figures in some Irish elections under STV. The flaw in their argument is twofold. In the first place, in promoting BC-STV they have themselves argued that the new system will make it easier for independents and candidates for small parties to be elected and imply that, therefore, more of these types will become candidates. They cannot have it both ways. In the second place, the Republic of Ireland does not have either the geographic mass or the ethnic, religious, racial, social, and economic diversity and resulting cleavages that characterize BC society.

It has been argued that coping with such a long list of candidates is no different from electing councillors at large in civic elections in major cities such as Vancouver. There are, however, important differences. In a Vancouver civic election, with ten councillors being elected at large, a voter simply identifies his or her choices up to the maximum. This is a fairly simple exercise, especially if the candidates are identified by party, as is typically the case. In the 2002 Vancouver civic election, there were forty-six candidates for council positions, but that large number posed no great problems. Voters simply selected up to ten names, often a

party slate. There was no need to do any ranking and no expectation to deal with any of the candidates not selected. In an STV election, on the other hand, both ranking and voting for significantly more candidates than the number to be elected are inherent in the system if it is to work as intended. True, in an STV election it is possible to vote for only one candidate, as STV supporters often and correctly assert, but if almost all or most voters do so, then the whole system collapses and we would have exactly what we have now: we would, in essence, be counting first choices.

To put it another way, if, in a Vancouver civic election conducted according to BC-STV rules, a voter wants to support ten COPE candidates but does not want to do any ranking, then she/he would put a "1" beside one name and that would be the end of it. There is no way of voting for the other nine without ranking them. An STV election, thus, is fundamentally different from, and vastly more complicated than, an at-large election with the same number of candidates to be elected.

In an STV election in a seven-member constituency, it would, accordingly, be highly advisable for voters to rank at least half of perhaps thirty or forty candidates in order to prevent ballots from being exhausted. This ranking, including the ranking of candidates within the party a given voter supports, quickly becomes a time-consuming and complicated undertaking that requires a great deal of political knowledge and much more voter involvement than simply checking off ten candidates' names. It becomes a daunting task, all the more so given the expectation that voters should also rank a fair number of the candidates whom they do not support. Frankly, how many voters will become sufficiently well informed about candidates they do not support in order to rank them? Likely very few. To start ranking candidates one does not support brings in a whole new set of challenges and disincentives. The STV electoral system can thus itself become a barrier to voter participation and be counter-productive in terms of citizen involvement. Finally, we should note that the larger the STV constituency, the greater the challenge for voters. These challenges and problems were not explained by the Citizens' Assembly.

My seventh and final criticism focuses on the outcome of the undertaking. For me the utility of such an enterprise is best measured by the quality of the product. We therefore need to ask to what extent the Citizens' Assembly was successful in carrying out its mandate to develop a proposal for reforming British Columbia's electoral system. Obviously, individual assessments of the undertaking and the outcome

will vary. At one level most observers would probably agree that in going through the various steps in the process, the assembly did reasonably well, perhaps with the exception of the hearings. But the outcome also needs to be measured according to other criteria, and here observers will doubtless disagree. For me the most important criterion is that the final proposal must be readily understandable to those who shall vote on its acceptance.

In my view the Citizens' Assembly's proposal definitely fell short according to the criterion of clarity and ease of comprehension. I was heavily involved in the public discussion of the assembly's recommendation, and my general perception was that very few people understood it. In fact, during the long build-up to the referendum, I found only three or four people, other than experts speaking for or against it, who understood the proposal well enough to explain it correctly. Significantly, all the editorial writers in the numerous newspapers that I read did no better: they all failed to explain BC-STV correctly. Many did little more in their explanation than transfer a winner's surplus votes at full value, an exercise that never happens in such a system.

Given the documented voter desire for electoral change, we should not be overly impressed by the almost 58 percent who cast ballots in support of the STV proposal. I have discussed this broad public support with scores, perhaps hundreds, of voters. Among those voters who voted in favour of the recommendation, I encountered only a few who did so because they liked that specific proposal. My reading of the situation is that apparently a sizable majority of those who voted for the STV proposal did so because they wanted some change in an electoral system that can produce unwarranted lopsided majorities. Since they had no other means of expressing their wishes, they voted for the only alternative presented – BC-STV. On the basis of poll results as well as anecdotal evidence, I suggest that the almost 58 percent support should not be interpreted as an endorsement of the specific assembly proposal; most of the votes merely represent a desire for change.

Any Citizens' Assembly that produces a proposal that, as polls suggest was the case with BC-STV, is not fully understood by the huge majority who are to vote on its acceptance has, in my opinion, fallen short of its goal. In this sense, the Citizens' Assembly was not successful.

The British Columbia Citizens' Assembly on Electoral Reform was an interesting, even exciting, experiment in participatory democracy. It fulfilled an important educational function and has focused the

challenges British Columbians face in achieving electoral reform. One can identify various positive aspects of it. As a model for future implementation in British Columbia or as one to be adopted by other jurisdictions, however, it leaves much to be desired.