



Prime Minister Trudeau says the 2015 election was the last under the first-past-the-post system. What's the alternative? Adam Scotti photo

In Defence of Canada's Electoral System

Jennifer Smith

While recent prognostication asserts that the new Liberal government's electoral reform plans, which include the abolition of the first-past-the-post voting system, could represent an existential threat to the Conservative Party, Dalhousie University political science professor Jennifer Smith argues otherwise. "Those who support a robust version of PR in the expectation that it will underpin progressive coalition governments forever," writes Smith, "had best be careful what they wish for."

Prime Minister Justin Trudeau says that the election of October 19, 2015, is the last to be held under the single-member-plurality electoral system, or first-past-the-post (FPTP), under which the candidate with the most votes wins. His government aims to have a new system in place for the next election, either some form of proportional representation (PR) or a preferential ballot.

Apparently all kinds of people agree with him, many of them political sci-

entists who have been preaching the idea for years. It should be stressed, however, that these advocates of change are champions of PR, not the preferential ballot, and there is a big difference between the two. PR is designed to bring the number of seats the political parties win in the legislature into line with their percentage of the popular vote. By contrast, the preferential ballot simply allows voters in each of the districts to rank order the candidates, and ballot counting continues until one of the candidates—possibly most voters' second or third choice—wins. In other words, the preferential ballot is about the candidates, not the political parties.

In the discussion that follows, I assume that a robust form of PR is on offer. The advocates of PR argue that it will correct two of the most allegedly egregious flaws of the existing system. The first is that voters for the losing candidates are not represented by the winning candidate. This claim is simply wrong. The second alleged flaw is a common misalignment between the percentage of the popular vote won by a political party and the percentage of the seats it holds in the legislature. This claim is not wrong, but instead highly misleading.

First is the notion that the winning candidate represents only those who voted for him. Those who voted for other candidates, often a majority of the voters, apparently are left high and dry. This is nonsense. The point can be illustrated by reference to the *Carter* decision in 1991, when Madame Justice Beverley McLachlin, writing for the majority, said that the elected representative has an ombudsman role and a legislative role. In the ombudsman role, the representative helps constituents to gain government support for local projects, to access government services like employment benefits, and to resolve personal disputes in dealings with government agencies. The representative does not ask about voting preferences and then turn away constituents who happened to have

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What about representation in the legislative role? Obviously the governing party will not represent opponents on some specific issues. But it will represent them on other issues, for example: the few issues on which there is all-party consensus (like the formal apology made by former Prime Minister Harper to First Nations people on the subject of residential schools); issues on which there is overlap or middle ground (like the range of what is acceptable for budget deficits); issues on which opponents agree with the party that they decline to support (like the Keystone pipeline, supported by the Liberal party and Conservative voters); and issues on which parties reverse themselves, thereby suddenly representing the views of opponents (Prime Minister Chrétien's conversion to the North American Free Trade Agreement that his Conserva-

tive predecessors negotiated with the United States). In other words, representation on legislative items is not a black and white matter. It is unsophisticated to say that votes for losing candidates are simply “lost” votes and those who cast them are unrepresented in the system, although it is, of course, true that a winning party with a strong ideological bias may be more inclined to display the same orientation across a wider array issue areas than a centrist party with an interest-aggregation focus.

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The second alleged flaw of the FPTP electoral system is misalignment. The recent election produced an excellent example of misalignment in relation to the Liberal party, which won 54.5 per cent of the seats in the House of Commons on the basis of 39.5 per cent of the popular vote. The result is not an uncommon occurrence in Canada and is a consequence of the dynamic that takes place when the FPTP system meets the multi-party

system. The successful party can take seat after seat after seat on the basis of pluralities (the most votes, but not a majority of them), thereby winding up with a robust majority of seats on the basis of a plurality of the vote overall. And the reverse occurs as well, when a party loses seat after seat after seat, possibly by very little, yet winds up with a tiny minority of seats that is fewer than the party's percentage of the popular vote recommends. This has often happened to the New Democratic Party, and did once again in the recent election, in which the party gained only 13 per cent of the seats in the House with 19.7 per cent of the popular vote.

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There is no doubt that PR can correct misalignment. But is misalignment the real issue here? The real issue for PR advocates is misalignment as it affects the progressive vote. In their minds, misalignment is invariably mixed up with the fate of the progressive vote, almost always diminishing its weight. Why? Because advocates of PR keep looking through the rearview mirror at past elections. The results of the general election of May 2011 illustrate that point.

In that election, the Conservative party won 54.4 per cent of the seats in the House on the basis of 39.5 per cent of the popular vote, almost exactly the result that the Liberals got this time around. (Political scientist Peter Russell says such results produce “false majorities.”) By contrast, the NDP got 33.0 per cent of the seats with 30.6 per cent of the popular vote and the Liberals managed only 11.0 per cent of the seats with 18.9 per cent of the popular vote. The Greens got 0.3 per cent of the seats (1) with 3.9 per cent of the popular vote. If the progressive popular vote had been amalgamated, it would

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have totaled nearly 44 per cent. Under a robust system of PR, the seats won by the progressive parties would have matched that figure, while the Conservative party's share of the seats would have dropped to about 40 per cent. A different outcome indeed.

It is easy for PR advocates to do such calculations for past elections in a bid to show that they are unfair by the benchmark that a party's percentage of seats won ought to reflect accurately its popular vote share. But why bother? What can the results of past elections, recalculated as if they were run under a different electoral system, possibly tell us? In my view, nothing at all, for the very good reason that a significant change in the electoral system will trigger an equally significant change in political parties. Within two elections, the political-party system will be unrecognizable by today's standards.

The combination of the FPTP electoral system and the Westminster system of responsible parliamentary government sets up significant incentives for disciplined political parties to aim to be *national* parties capable of forming majority party governments. And often they succeed, as did the Conservatives in 2011 and the Liberals in 2015. But not always. Canada is an exceptionally large country comprised of distinct regions that can defeat efforts at national integration. Regional parties began with the Progressives, mostly from Western Canada, who broke away from the Liberal party under the leadership of William Lyon Mackenzie King and gained 60 seats in the general election of 1921, thereby depriving King of a majority government. Between 1962 and 1979, the Ralliement des créditistes under Réal Caouette gained seats in Quebec in every general election,

including 1963, when their 20 seats ended Liberal hopes of gaining a majority government in that election. For its part, the Progressive Conservative party was eventually destroyed by regional parties, the Western-based Reform party under Preston Manning founded in 1987 and the Bloc Québécois founded under Lucien Bouchard in 1990.

None of these regional parties lasted. In one way or another, all were reabsorbed into the established parties. The point is that even the existing electoral system cannot discourage them. By contrast, a robust form of PR would positively encourage them. It is all too easy for ambitious, entrepreneurial politicians to trade on regional grievances and establish a regional party. And the rewards of electoral success in gaining a regional bloc of seats are tempting. What might such rewards be? At best, one or more seats in the cabinet of a coalition government and an opportunity to secure policies and publicly-funded projects that favour the region.

The rub for progressives is that regional parties tend to lump together voters that cover the left-right spectrum under the banner of the region. In other words, regional parties tend to suppress the progressive faction of their support because they are an amalgam of so many other voices, fearful conservative and regionally-preoccupied voices among them. In sum, those who support a robust version of PR in the expectation that it will underpin progressive coalition governments forever had best be careful what they wish for. **P**

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