

The Citizens' Assembly of British Columbia: A Model for Electoral Reform

G O R D O N G I B S O N [†]

I divide democratic reform into four areas: electoral, institutional, constitutional (which very much includes freedom of information), and direct democracy. We don't talk much about direct democracy.

I'm going to talk about it today because in British Columbia we have invented a new addition to the direct democracy toolkit, and it is quite astonishing. I'll be talking about electoral reform as well, because that's the exercise that we've gone through.

Our Citizens Assembly is a thing of tremendous significance—certainly in British Columbia. I think it will also be that in Canada, and in the world because it's a first in the world. As for its characteristics, it's representative of the province in ways I'll describe, it's got very high credibility with the public, it's non-partisan, it's objective, and it's empowered. It's empowered because the recommendation of the assembly is guaranteed to go without a comma changed to the public in a referendum. This single fact symbolizes the most astonishing transfer of power—a voluntary transfer of power—from politicians to a group of ordinary people that I've ever seen, watching politics all my life.

This all began, I suppose, the day that the B.C. Liberals lost the 1996 election in terms of seats, even though they got more votes. That has to have a searing impact on the soul of any politician. At that point, the now Premier Campbell no doubt started thinking about electoral reform and cast about for how this might be arranged. And in their so-called New Era document (their platform for the election of 2001), the Campbell Liberals promised that there would be electoral reform, brought about by a Citizens' Assembly. That was the concept. There was no flesh put on those bones, but that was the promise. (They also

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promised incidentally that they would be a fixed four-year election term, which has been brought into law).

I was hired by the government in the fall of 2002 to put some details to that idea of an Assembly. I brought in a report, the government largely adopted it (they doubled the size of the Assembly, but otherwise they largely adopted it) and then appointed a first-class Chair and staff.

How is this Assembly put together? First of all, it is drawn at random from the voters list. Sixteen thousand letters (roughly) were as sent out around British Columbia, saying in effect: "Here is this assembly thing, do you want to be a part of it? And if you do want to be a part of it, you're going to have to work so many weekends over the next year; it's going to be about a subject you probably know nothing about right now; the local press will look into your background—are you worried about that? You're going to have to work with people you've never seen before, and so on and so on. If you're interested in this, come to a meeting."

Roughly 10 per cent of those people came to such meeting. And this element of self-selection it turned out was tremendously important because the people came to these meetings turned out to be pretty impressive people. They got a description of what the assembly was going to do and then they were asked: "who now still wants to take part?" Of those that still wanted to take part, the men's names were put in one envelope, and the women's in another. For each constituency, one name was drawn out of each envelope, and there you had an assembly of 160 people (there were a couple of others who were added to make up for an aboriginal deficit in the contingent)—and that was the assembly. It was balanced as to gender, geographically by riding, and also by age (not perfectly by age, but the initial 16 000 letters that were sent out were balanced pretty perfectly by age and the end result was pretty close).

So here you've got a result that was pretty much a mirror of the province. But not any ordinary mirror, it was a mirror of people who were concerned about the future of the province. They had no fixed ideas on electoral reform—I would say probably none of them did. But they were interested and ready to become engaged.

They then went through a three-part process. Part one concerned education. Incidentally, the staff of these assemblies is tremendously important. They've got to be great facilitators. To have 160 people who have never met each other before sit down and work with each other over the weeks on something complicated takes a lot of talent. The Chair and the Director of Education and Research and others of the staff were superb.

The Assembly went through the first phase, which was education. For six weeks, they worked Saturdays and Sundays. (This was actually every second weekend over a total period of three months.) So after 12

sessions they had a pretty good idea about the electoral systems of the world. A few outside experts were brought in as well as well, but the staff did the main work.

Then they went on to a session of public hearings. They broke down into committees, of course. Fifty public hearings took place around the province. At the public hearings and elsewhere, a lot of submissions came, in writing and via the Internet—1 900 submissions in total. And a lot of the members read all of those. They had their own private Intranet and there was tremendous chat back and forth about these systems as the progress unfolded.

Then they recessed last summer for a period of reflection, and came back this fall for deliberations. There have been four weekends of deliberation (there are only two more), but the fourth weekend was the crucial weekend when they came to their decision, and at that point they considered the systems that had been their favourites as they came along.

Their two favourite proportional systems were the single transferable vote and mixed member proportional, which Professor Tanguay just described. The assembly debated which of these two they liked best, and decided by a four-to-one ratio that the single transferable vote, which I'll explain more about in a minute, was the one they liked. Then after another very strong presentation from the staff and debate among themselves as to whether or not they should recommend the replacement of our old tried-and-true system (which we've used for over a hundred years, and therefore has to be afforded respect). They thought very carefully about that. And there were strong arguments put on both sides, but there was certainly no doubt about the outcome because when they took their vote on shall we recommend STV or the current system, 146 said STV, and only 7 said keep the current system. An astonishing, overwhelming consensus, in other words, had developed over that period.

And these people, by golly, they worked hard. The attendance at each session was about 98 per cent. In other words, anybody who could get themselves out of their sickbed, possibly, or whose daughter wasn't being married that weekend—they were there. It was just exceedingly impressive.

How did they reach their decision? They came to a value-based assessment. They asked: of the possible aspects of political systems, which are the ones that we think important? They had three top values. Local representation was extremely important to them. That immediately, of course, ruled out any full proportional representation system where there are no constituencies, or technically one constituency. It also was a bit of a knock against mixed member

proportional, but not definitive, because roughly half the members in MMP come from ridings.

The second value that they felt strongly about was proportionality. By that one doesn't just mean that the number of seats in the House should be roughly like the percentage of the votes that the various parties got, but also does the House reflect the province? Could most people in the province see themselves in that legislature? Are the minorities well represented? And so on.

Their third important value was voter choice. They wanted to make sure that the voter could do more than just put an X on a piece of paper for only one name. They wanted to give them more flexibility than that (and of course STV delivers that wonderfully well).

And they wanted less party control. They recognized that political parties are always going to be the central organizing function of legislatures, but they wanted more power for their representative. They also talked about things like accountability, of checks and balances in government, and so on.

As I said they came down to STV. Now, STV is very rare in this world. Ireland and the Upper House in Australia are the two main examples. Why should this be? The answer is quite simple as it turns out. Parties detest STV. Political parties don't like it. STV makes the world more difficult for them, takes power away from them. Voters have more control over the party choice. For example, suppose you have a five member STV riding (they are always multimember ridings). The Liberal party, lets say, thinks they can probably elect two or three members, so they'll probably run four candidates strategically. But now those Liberal candidates have to fight, not just the others. They have to fight among themselves to see who is going to come out on top to take the two or three slots earned by the Liberals. Parties don't like that.

The way the so-called quota system in STV works, in a five-member riding, for example, is the quota to get elected is 17 per cent first preferences (I won't get into the details). Now that makes it very easy to elect independents, and in fact independents do get elected. In the Irish House of 166 members there are currently 13. Incivility is dampened in campaigns, because you want other people's second choices. (Remember, you mark your ballot one, two, three, four, five, and so on.) If what you want is a four-year elected dictatorship, in our Canadian style, you won't get it out of STV, because you will get much more coalition government where power must be shared. And again, like Professor Tanguay, I'm not worried about coalition governments—they work around the world.

This system will go to referendum on May 17, 2005. I think it will pass. Notwithstanding the fact that the Charlottetown Accord failed; an electoral system change in Vancouver failed last month, because people

voted it down—these were different situations. In each of those cases, Charlottetown and the Vancouver thing, the parentage, if you like, of the proposal was not very well received by the people. In this case, the parentage is absolutely pristine. These are ordinary people who've worked hard to come up with this idea.

Secondly, in the Vancouver situation at least, people said to themselves: “why change, this is a pretty good city?” But as people look at the federal and provincial legislatures, they don't say: “these things are working pretty well.” They do want some change there, and I think the referendum on the electoral system will pass.

A very interesting question after this is: where else can we use the Citizens' Assembly idea? I think it can be used in a number of areas. There are some essentials for an assembly. Your selection process has to be very credible and honest—random works well. The decision-making process within the assembly has to be honest and open. The information gathering process and the excellence of the Chair and staff as indicated earlier, are critical. The assembly has to have the time to do its work; it has to have money. But if you're prepared to invest those kinds of things then I think this new tool of direct democracy can be used in such areas where, for example, politicians are themselves conflicted.

Electoral reform is a perfect example. Can you imagine a greater conflict of interest for a politician than for designing a system that puts them and their friends in power? Well, that was solved here because it was given to the people.

There are other places where it might be used. Places where, you could give them a focused mandate where there are not too many trade-offs. You couldn't for example, use an assembly to write a provincial government budget. It just wouldn't work. I think it's not good as a tool where very difficult questions are to be reconciled. Things like abortion, or capital punishment—I don't think that it is suitable for those things. But in other areas, for example, suppose you wanted to debate as a nation how much of our national wealth should go into the equalization system. You might use a citizens' assembly for something like that. If you really wanted Senate reform, and it's an open question whether we want that or not, but if you really wanted Senate reform, this might be the only tool that could blast its way through the huge constitutional impediments to making that kind of change.

I now have one minute left, and therefore I will stop.

Thank you.¹

¹ Editor's note: Although the proposal "failed" at the referendum, it passed by any reasonable standard—almost 58 per cent of the overall vote, and majority acceptance in 77 out of 79 ridings. This result was so powerful that the government has promised to resubmit the proposal to a referendum in 2008 with the