

Paper presented to a Conference of the New England Political Science Association,
Portland, Maine, April 29-30, 2005

The British Columbia Citizens' Assembly as a Model for Electoral Reform

Gary Levy
Editor

Canadian Parliamentary Review

Abstract

The British Columbia Citizens' Assembly on Electoral Reform was a group of individuals, chosen at random to review the way British Columbia elects its political representatives. It was given a mandate by the government to recommend either the status quo or a change and if it opted for change its recommendation would be put to the voters in a referendum on May 17, 2005. This article looks at the background to this unusual process, how the members were selected, the educational phase, the public hearings, the deliberations and the final report as well as reaction to the recommendation and prospects for success at the upcoming referendum.

Electoral reform is a hot topic in various Canadian jurisdictions¹. In March 2004, the Law Commission of Canada presented a study calling for a new national electoral system. The House of Commons Standing Committee on Elections is currently studying the best process to be used for considering electoral reform. In December 2004 a draft Bill on electoral reform was tabled in the Quebec National Assembly and is currently the subject of hearings in that province. In January 2005 the New Brunswick Commission on Legislative Democracy presented its Final Report which called for electoral reform. The governments of Prince Edward Island, Ontario and Yukon are also committed to studying electoral reform and in the case of PEI it is likely that a referendum will be held in the near future.²

The most innovative approach was in British Columbia where the task of considering electoral reform was entrusted to a Citizens' Assembly. The idea for a Citizen's Assembly can be traced back to the 1996 provincial election when the Liberals, under the leadership of Gordon Campbell, received 42% of the vote compared to 39% for the New Democratic Party but the NDP narrowly retained power with a majority of the seats.³

This discrepancy between votes received and seats won has always been a major criticism of the first past the post system particularly in a system where government goes to the party that wins the most seats. Not surprisingly the Liberals promised to address this problem in the 2001 election campaign and when the dust had settled they found themselves with 57% of the vote and 77/79 seats. This tendency of first past the post to

produce huge majorities with virtually no opposition is the other major criticism so in a period of four years British Columbia had experienced the worst of first past the post.

To remedy the situation the Liberals promised to appoint a Citizens' Assembly on Electoral Reform to assess all possible models for electing MLAs. If the Assembly recommended changes to the current electoral system it further promised that this recommendation would be put to a province-wide referendum. If adopted by 60% of the overall population and by a majority in 60% of the ridings the recommendation would be enacted by the government.

Premier Campbell proposed that the Assembly be chosen like a jury by random selection. The task of determining exactly how such a body would work was assigned to Gordon Gibson, of the Fraser Institute in September 2002. His 30 page report was delivered to Attorney General Geoff Plant three months later.⁴ The government took another four months to consider the report and on April 28, 2003 the Attorney General tabled in the Legislature an order in council establishing the Terms of Reference. It also named Dr. Jack Blaney, former President of the University of Simon Fraser, as Chair of the Assembly.

The Government proposal drew heavily on the Gibson report although it deviated in several important respects. Gibson recommended one member per riding, for a total of 79 (plus the Chair) with the Chair having power to add up to 21 more members from among those not initially successful if initial selections were highly unrepresentative. The Government wanted two members per riding, for a total of 158 (plus the Chair) with no top up power for the Chair.

Gibson proposed that randomly selected delegates be invited to regional selection meetings where the actual members would be elected by the persons assembled. The Government felt this would introduce an element of electioneering into the process and preferred a pure random model.

Gibson thought the Assembly should be created by the Legislature, table its report with the Speaker of the House and obtain its budget from a Special Committee of the House. The Government preferred to establish the Assembly by Order In Council and have it report to the Attorney General who would also be responsible for its budget. A Special Legislative Committee was established to liaise with the Chair and to approve staff appointments.

Gibson thought the Chair should be appointed by an all-party committee of the Legislature but the government thought it should have the power to nominate the Chair with subsequent endorsement by an all party committee.

With these and other minor housekeeping changes the Government and the Legislature approved creation of the Citizens' Assembly and on May 8, 2003 Dr. Blaney was confirmed as Chair.⁵

Over the next several months the rest of the staff was assembled. Leo Perra, an experienced post-secondary administrator and educator in the province, was appointed

Director of Operations. Ken Carty of the University of British Columbia, was named Chief Research Officer. A budget of \$5.5 million was adopted to underwrite the experiment from start to finish. This included an honorarium of \$150.00 per meeting day for Members of the Assembly as well as accommodation, meals and travel expenses based on excursion fares.

The Selection Process

The first step in the selection process was to update the provincial voters list since selection was only possible if one was on that list. A brochure was sent to all households in British Columbia encouraging people to register and update their voter information before August 22, 2003.

On August 29, 2003 Harry Neufeld, Chief Electoral Officer, delivered to the Citizens Assembly 15,800 names randomly selected from the voters list (200 from each electoral district). The sample was stratified by gender so that one half of the names chosen were female. It was also stratified by age within five groups. The most recent Census data was used to determine the percentage of people within each age group, by gender, for each electoral district. This percentage value was then used to determine the number of 18-24 males that should be included within a group of 100 males in each district. The process was repeated for each age group.

An initial letter was sent to these 15,800 people asking if they were interested in serving on the Assembly. Elections BC also produced a second set of randomly selected names to be used only in the event of a shortage of responses to the initial letter. In one riding where no males responded to the first or second letter a third letter was sent to males only.

Table 1						
The Random Selection Process						
Age Group	18-24	25-39	40-45	56-71	71+	Totals
1st Mailing Numbers of letter sent (and responses received)						
Female	849 (82) 10%	2023 (190) 24%	2432 (298) 38%	1263 (163) 21%	1332 (54) 7%	7899 (787)
Male	962 (109) 12%	2145 (210) 23%	2594 (313) 34%	1414 (224) 24%	786 (72) 8%	7901 (928)
2nd Mailing (Sent to ridings where there was a shortage of responses to first mailing)						
Female	392	849	1076	568	633	3518
Male	434	1100	1114	600	328	3576
3rd Mailing (Vancouver Kingsway males only)						
Male	24	31	29	30	22	140
Invited to selection meetings						
Accepted invitation to selection meetings						
Attended selection meetings						
Females	75 48	177 149	248 188	140 115	49 33	689 533

	38	127	170	104	31	470
Males	88	172	262	176	54	672
	63	142	193	132	42	572
	53	120	169	117	35	494

Those who answered these invitations formed the pool for the next step of the process. A letter was then sent to 10 men and 10 women, maintaining the age distribution percentage, inviting them to a selection meeting. This letter also contained more information on the duties of the assembly.

At the selection meeting the staff of the Assembly gave a detailed presentation about the aims and objectives of the Assembly and each person was asked to individually confirm his or her willingness to serve. They were also advised of the eligibility requirements and asked to confirm that they were eligible. Excluded were:

- non citizens;
- non residents of BC;
- persons under the age of 18;
- judges;
- members and officers of the Senate, House of Commons, provincial legislature, local government, school board or park board;
- Anyone who had been a candidate in the last two federal, provincial, municipal or regional district elections;
- Anyone who had been an official agent of such persons or the immediate family member of a sitting Member of the provincial legislature;
- Chief or band councillors under the Indian Act and elected members of a Nisg'a Government;

Once these formalities were taken care of the selection meeting proceeded to the key step. In most ridings between five and twenty persons of each gender accepted the invitation to the selection meeting. In only a handful of ridings was there less than three persons of either sex in attendance. The names of all persons present were put into individual envelopes and placed into a hat. Someone was asked to pick a name and the person selected was announced. An alternative name was also selected and kept in a sealed envelope to be opened only if the individual selected decided to withdraw. Gender equality was ensured by having a separate draw for the male and female member in each constituency.

The first members of the Assembly were chosen on October 14, 2003. By December 8, 2003 the 158th and last member was selected. However, the random process had not resulted in any aboriginals being selected for the Assembly although several had been in the original sample of 15,800. This situation was the cause of some concern in the aboriginal community and as a result Jack Blaney asked the provincial cabinet to approve the addition of two aboriginal members, also selected from the random pool. This was approved by Cabinet and on December 22, 2003 the aboriginal members were selected bringing the total membership to 160.

It is difficult to classify the profession or ethnicity of members from their biographies but it appears that the Assembly was quite representative of the province in both respects. There were teachers, civil servants, professors, lawyers, businessmen, farmers, housewives, nurses students and retired persons. Members came from the wide variety of ethnic backgrounds that make-up the electorate; and like British Columbians, they came from all over the world (40% were born in the province, 30% in the rest of Canada and 30% from abroad)

As shown below the membership of the CA was slightly under represented in the highest and lowest age categories.⁶

Table 2 Composition of the Citizens' Assembly by Age Compared to the Provincial Population						
	18-24	25-39	40-55	56-70	71+	Total
British Columbia	11%	26%	32%	17%	14%	100%
Citizens Assembly	7%	24%	35%	28%	6%	100%

The Learning Phase

The task of informing and educating 160 randomly chosen individuals on the nuances of electoral systems was key to the success or failure of the Citizens' Assembly Project. The planning was done in November 2003 by Professor Carty and a Research Programme Working Group.⁷

Meetings of the Citizen's Assembly were held in the Morris Wosk Centre for Dialogue, a restored heritage building with a semi-circular seating and numerous small meeting room. Most lectures were given by Professors Carty and Campbell Sharman of the University of British Columbia, however, on week five David Farrell of the University of Manchester and Elizabeth McLeay from Victoria University in New Zealand led the sessions. The textbook for the Assembly was Farrell's *Electoral Systems: A Comparative Introduction* (2001). Several other professors and consultants also made presentations to the assembly⁸

	The Learning Phase
Week-end 1 January 10-11, 2004	Introduction to Citizens Assembly Determining Learning values and Processes Politics in BC What Do We Want Criteria for evaluating electoral systems
Week end 2 January 24-25, 2004	Elections, representation and parliament Parties and party competition BC Experience and Practice and Reform Impulses

Week end 3 February 7-8, 2004	Democratic Electoral System (1) Electoral Systems An overview of types Plurality systems Majority systems
Week end 4 February 21-22, 2004	Democratic Electoral Systems (2) Proportional representation systems Single transferable vote systems Mixed systems
Week end 5 March 6-7, 2004	Changing Electoral Systems Choosing electoral systems The impact of changing an electoral system Lessons for British Columbia
Week end 6 March 20-21, 2004	Options for Public Discussion Assessment of our current system A Preliminary Report to the Province Preparing for Public Hearings

Following each plenary session the Assembly was divided into workshops for discussion. The plenary sessions and one workshop each day was open to the public and the media.

At the first session the Chair emphasizing the importance of informal structures and procedures. He then asked the members to meet in discussion groups and to identify the three most important values for the successful working of the Assembly. A member from each discussion group reported back to the Assembly. The values developed by the discussion groups were discussed and the Chair proposed:

“That the following shared values will guide our work together, recognizing that all the values suggested in the discussion group reports are important to some members and that this set of shared values will be adopted today and may, at any time, be reviewed and changed.”

- Respect people and their opinions
- Open-mindedness; challenging ideas not people
- Listening to understand
- Commitment to the process
- Focus on mandate; preparedness
- Simple, clear, concise communication
- Inclusivity: all members are equal
- Positive attitude
- Integrity

The stage was set for a consensual and collaborative process rather than an adversarial one.

The pattern for subsequent meetings was to begin the morning with a brief question period followed by a staff member or guest speaker presentation on the scheduled topic,

then a coffee break followed by an hour meeting for the twelve separate discussion groups, allowing more focused review of the lecture and reading materials. The morning ended either at that point or with a brief reconvening of the Assembly in order to exchange summaries of small group discussions. Afternoons followed roughly the same schedule. The discussion groups were composed of 13-15 members, their composition changed each weekend by random assignment in order to foster exchanges between the maximal number of Assembly members.

According to one observer, the learning phase was remarkably successful: “members were visibly transformed from mainly passive listeners into mindful observers and commentators on the current BC electoral system and the known alternatives. This transformation was due, in no small measure, to the developing solidarity between members of the Assembly, which seemed to boost individual confidence. A near-familial setting was created by the Chair’s interventions, self-effacing humour, and personalizing tidbits such as birthday announcements, all of which helped to promote debate with minimal discord.”⁹

Several decisions were made by the Assembly at the end of the learning phase, both relating to the next phase of the process. First, the members decided that since not all members could attend all public hearings, one set of presentations, chosen by a committee of the Assembly, should be made to the entire CA. Second, the members decided that a review session of what was learned at the public hearings would be useful, requiring an additional meeting in late June.

A third decision related to the nature of the interim report which would be the main background document used at the regional hearings. Some wanted to put forth a specific proposal and use the public hearings to gauge reaction. Others felt this was premature and felt the interim report should only set out the questions and therefore encourage the population to feel their input was part of the final decision. This preliminary statement, adopted on March 21, outlined strengths and weaknesses of various electoral systems, summarized the work of the Assembly and invited British Columbians to submit their ideas on electoral reform at a series of public meetings to be held throughout the province.

Public Hearings and Submissions

During a sixty day period in May and June 2004 public hearings were held in fifty British Columbia communities. Some 3000 people participated ranging in size from twenty to over 150. Some 350 citizens were given an opportunity to make ten minute presentations. Each CA Member was expected to go to two or three public hearings in his or her riding and neighbouring ones. There were between four and sixteen CA members in attendance.

In addition to the public hearings the Assembly received 1603 substantive submissions by the closing date of September 2004. They varied in length from a single sentence to documents of over 70 pages and came from eight other Canadian provinces or territories and eight foreign countries. It is difficult to categorize all the ideas in the submission but

the Assembly staff estimated that between 70 and 80% of the submission favoured some form of multi member proportional representation (MMP) and about 13% favoured some form of the single transferable vote (STV). A large part of the Assembly's resources were devoted to summarizing and circulating the submissions and making them available online to the members of the Assembly who had internet access.

Following public hearings the entire Assembly met for two days in Prince George to consider improvements necessary for the final stage of the project to begin in September. The main refinement was in the way of reporting back results of discussion groups. A decision was made to have a note takers responsible for producing a summary report of each discussion group so that Assembly members would not have the responsibility of summarizing the views and ideas of fellow members. As a result ten note taker were recruited, mainly from among graduate students at Vancouver universities.

The Deliberations Phase

The Deliberation Phase lasted from September to November 2004 but only five pages of the 264 page Final Technical Report are devoted to the discussions and votes that led to the adoption of the final report and proposal for adoption of STV.

The first day of deliberations consisted of nine presentations originally given in the public hearings. These covered the general issues facing the Assembly. For example Jim Nielsen, a former member of the BC Legislative Assembly made the case for retaining first past the post¹⁰. Everyone else favoured some kind of change. Julian West made a strong case for STV, quoting Farrell's opinion that, all things considered STV was the "best" system. Nick Loenen¹¹, founder of Fair Vote BC also made the case for STV although he combined it with an element of the alternative vote to be used in large rural areas. Arpal Donsanjh favoured the alternative vote system because it would not be a sharp break from the past. Two presenters, Tom Hoenisch and Katherine Gordon favoured an MMP system. Several of the presenters emphasized the importance of choosing a system that had a chance of gaining the requisite support among 60% of the population. Several members challenged this thinking and indicated their intention to choose what they regarded as the "best system" even if it might not persuade the electorate.

The second day of deliberations was devoted to a plenary overview from the research staff which featured ten elements of electoral systems. Members were then invited to deliberate on what they considered the three most important criteria and what was the least important. There was a general consensus that the three most important criteria for an electoral system were:

- effective local representation
- the share of seats should reflect the votes cast
- maximum choice for the voter

There was also agreement in all discussion groups that it was unimportant that an electoral system be chosen because solely for its propensity to create single party majority governments.

Table 3 The Deliberation Phase	
Sept 11-12, 2004	Hear nine presentations to the plenary assembly chosen from among the 350 presentations to the regional meetings
Sept 25-26, 2004	Presentation by consultant with experience in group dynamics.
Oct 16-17, 2004	Discussion and adoption of a possible MMP model for electoral system
Oct 23-24, 2004	Discuss and vote on which of two alternatives MMP or STV would serve British Columbia better. Vote is STV 123, MMP 31. Vote on whether to retain current first past the post (no) or to recommend STV (yes).
Nov 13-14, 2004	Review the recommended STV model with respect to size of electoral districts and to consider elements of draft report
Nov 27-28, 2004	Adoption of final report and discussion of how to communicate the result to the wider publics

The second week end opened with a presentation on Getting to Yes by an external consultant. The Assembly then adopted a ten step process to reach its decision. The process was a bit odd in that it envisaged members coming up with two or more electoral systems that best reflected the values they thought were important. Then they would choose the best among these systems. Finally, assuming that the status quo was not one of these they would then choose between the status quo and their first choice.

An alternative way of proceeding, more in keeping with their terms of reference, would have been to first decide if they were satisfied with the status quo. If yes that would have terminated the work of the committee. If no they could have spent the rest of their time coming up with their recommendation. However in practice the process probably did not matter since by this time the vast majority of members seem to have already decided to reject the status quo.

The Assembly adopted, by consensus, the three criteria for electoral systems identified at the previous meeting. These underlying values led the Assembly to conclude that either STV or MMP could provide acceptable alternatives to the present system. It opted to devote one session to proposing a model of STV and another session to coming up with a model of MMP before deciding which of these two was superior. "MMP struck members as more reliable in terms of effecting proportionality province-wide; STV seemed closer to fulfilling all core values: accenting local accountability without creating two tiers of candidates. The debate was civil, subtle, and exhaustive."¹²

The STV model developed by the Assembly included the following elements:

- The size of districts would vary from 2 or 3 member ridings in rural areas to 5 to 7 in urban ones.

- The Droop quota would be used for calculating the number of votes necessary to elect a member.¹³
- The ballot would have candidates grouped by party and candidates names randomized within each group.
- Voters should rank order their choices, ranking only as many choices as preferred
- By-election vacancies would be filled using the preferential vote method.

The following week end was devoting to coming up with a model MMP electoral system. This proved slightly more complicated as there were more variations to consider but the same process was followed. A plenary review of the decisions that would have to be taken was followed by discussion groups and then back to plenary to identify and agree on the model.

The model agreed to would include the following elements:

- The mix of seats-member constituency seats and party list seats would be in the ratio of 60:40.
- There would be two separate ballots, one for constituency and one for the party list.
- Party vote shares would be determined on the basis of a party's overall provincial vote share.
- Party list seats would be assigned from regionally-organized, open lists.
- The threshold for representation would be 3% of the provincial vote.
- Candidates could be listed on either or both ballots.
- In single member constituencies elections would be held using the preferential vote method.
- Vacancies would be determined through by-elections using the preferential vote method.

Certain other issues could not be decided and it was agreed that if MMP was chosen as the best option these matters would be worked out later.

The fourth week-end turned out to be decision time. After discussions in plenary and in smaller discussion groups it was decided to put the choice to a secret ballot. The result was an overwhelming victory for STV which received 123 votes compared to 31 for MMP.

The following day there were discussions and votes on two questions. First STV and the present system were compared and the Assembly voted against retaining the present

system by a margin of 142 to 11. This was followed by a second question. Do we recommend the STV system to the people of British Columbia in a referendum on May 17, 2005? The result was 146 to 7 in favour.

The final two week ends were devoted to completing the final report and to the greater challenge of communicating their message to a wider audience.

The Citizens' Assembly As A model for Electoral Reform.

Almost before the ink was dry on the final report of the Citizens' Assembly a debate emerged over whether the CA experiment could or should be used in the various other jurisdictions considering electoral reform.

Not surprisingly those involved with the Assembly have been extremely positive in their assessment. According to Gordon Gibson "this was a very bold experiment by the government and legislature of British Columbia, and it worked....it could be easily adapted to serve the same purpose at the federal level, should there be an interest in doing that."¹⁴ Professor Carty agreed that the Assembly had been a success in large part due to the random selection process. "Members came as unencumbered individuals. In many citizen engagement processes people come as representing a group or an interest or a party, these people came as, in fact individual voters, many of them with no previous policy commitments, with open minds, prepared to learn and debate and listen."¹⁵

He suggests the Citizens' Assembly experiment could change the way we do democratic electoral politics. "Irrespective of the outcome of the electoral system outcome on May 17, the Assembly needs to be assessed on its own terms. I believe it was a success: it met, it worked effectively, and it produced a thoughtful report that fulfilled its mandate."¹⁶

He cited five important lessons from the BC experience:

- Citizens want to contribute to making important decisions for their society
- Ordinary' citizens can master complex issues.
- Deliberative decision making not only works but it offers an escape from the disenchantment many have with the sterility of our contemporary parliamentary politics.
- Diverse, multi-cultural groups can make principled, value-based decisions.
- Citizens define problems, and propose solutions, differently than established elites

Other experts were more critical in their reflections about the Assembly as a model for Electoral Reform. Professor David Smith argued that the assembly model was not logistically feasible for the whole country and "philosophically to my mind, it is also flawed because it removes the question of change to the voting system from where it should belong, that is to say with Parliament."¹⁷ He went on to paraphrase British parliamentarian and scholar Philip Norton who has observed that comparing the weakness of an existing system to the strengths of a hypothetical alternative system is intellectually dishonest and potentially disastrous.

Another student of electoral systems, Professor Peter Aucoin, raised questions about the absence of an adversarial process in the Assembly, the lack of input from parties and politicians and the great emphasis on values. “These values mean nothing until they become objectives that drive an assessment of reform. So you have to bring them down from this high level, and many of them compete against one another. I think it's terribly important that you talk to the political participants. The stakeholders here are everyone, but in particular those citizens who volunteer to participate in the political process.”¹⁸ The citizen's assembly, he said, would not pass the charter test. Legislators were excluded without any demonstrable public interest reason for their exclusion.

Even Ed Broadbent, former Leader of the NDP and a former supporter of the Citizens' Assembly approach, said there were serious reasons to question whether the Assembly was really a model for other jurisdictions.

“First of all, none of us is an unencumbered individual. We come laden with a whole set of values and even if we were not active members of any political party, we grew up in families and if we look at normal voting tendencies we sort of acquire political tendencies, as others, so to speak, with our mother's milk. Second, the particular concern that I have, and it's the opposite to what I thought was a virtue originally, was the exclusion of people with political experience. In the citizen assembly, not only were active politicians excluded, anyone, as I recall, going back two elections who had active political experience was also excluded. This seems to me a little like designing a health care system without asking the participation of doctors and nurses, which, in that case, would be a serious mistake.”¹⁹

In Ontario where the government has decided to follow the BC model Fair Vote Ontario came up with numerous ways in which the process could be improved²⁰.

For example it felt the assembly should not have taken upon itself to identify the values to be reflected by the electoral system. An assembly can best learn about voting systems by hearing expert advocates present their views and debate with those advocating other systems. If Ontario were to follow the CA route the assembly should not be constrained by the need to keep the same number of seats. If they cannot reach a general consensus on the single best alternative voting system, the OCA should be allowed to present two alternatives, with voters using a preference ballot in the referendum to choose among the alternatives and the status quo. The Fair Vote Ontario report concluded:

The Ontario process should include adequate funding for public education and discussion.

To signal the non-partisan nature of the exercise, and to provide a highly visible symbol of fairness, the OCA should have two co-chairs, rather than a single chair. This would allow appointing both a man and a woman, and people from differing professional and political backgrounds.

To ensure the process is not steered deliberately or inadvertently to a pre-determined outcome, the role of the Research Director and other staff needs to be limited to collating the views and information received from all sources, rather than filtering and prioritizing these views in a significant way. Due to the deference to authority that can develop over a several-month process, it is particularly important that a variety of expert opinion be used to evaluate options, and that various experts be available to the OCA in their final deliberations, as well as earlier in the process.

Once a referendum has been called, the OCA should have a continuing, pro-active leadership role in the campaign lead-up to the referendum itself, publicly standing behind and promoting their recommendations. Adding this to the OCA mandate will help to ensure that the OCA comes up with a recommendation that they believe voters will support.

The Ontario government and political parties should put no extraordinary super-majority requirement on implementing the decision of the electorate. If the Government claims the right to make binding and far-reaching policy decisions based on simple majority rule, the same standard should apply to citizens.²¹

The Debate Over STV in British Columbia

While the rest of Canada took a somewhat detached view of the Citizen's Assembly, in British Columbia passions were more intense, particularly among those who would have preferred MMP over STV. Their dilemma was whether they dislike STV enough to vote against it and in favour of first past the post. As this debate is in progress and will not be concluded until the result of the May 17, 2005 referendum is known, this section will give only a brief overview of the position of some of the main protagonists.

Premier Campbell said the government would remain neutral on the referendum but that individual members of the legislature could support or oppose the recommendation as they saw fit. The government did establish a publicly funded referendum information office (www.gov.bc.ca/referendum_info/) but most Liberal members appear to have chosen to follow the government's position and remain neutral on the referendum question.

The Opposition New Democratic Party is divided. Some former members like David Shreck and Moe Sihota oppose STV while others like Andrew Petter, former Minister and Dean of the University of Victoria Law School, are working hard to support it. The issue is notably absent from the party website which links its position on electoral reform to a policy paper written before the CA was even established.

The Leader of the Green Party, Adrian Carr, had lobbied hard for the Assembly to recommend some form of MMP. When she learned of its decision to support STV she is reported to have broke down in tears and called October 24, 2004 "one of the hardest days of my life ... I put so much faith in that Assembly"²² Her original reaction was to

recommend that her party endorse the no campaign however the membership subsequently persuaded her to change her mind and not discredit the “democratic process of the Citizens Assembly”²³

On its web site the Green Party urges citizens to become fully informed on how the BC-STV system would work before voting on May 17, 2005. It further states that Green Party candidates and constituency associations are free to take a position either for or against the proposed BC-STV system

The press while initially sympathetic towards reform was skeptical about STV. Well known columnists like Norman Spector and Bill Tieleman, made STV the butt of jokes for its complicated system of counting votes. Others saw it as a path to single issue parties getting representation in the House.²⁴ Rafe Maier is one of the more influential mainstream journalists to support STV.

The issue of STV versus MMP is hotly debated in web blogs such as rabble.ca with a number of Assembly members joining in under either real or assumed names. There seems to be a high level of frustration among former members that bloggers are not as enamored of the virtues of STV. There was also frustration with the political system for not providing resources or leadership to make the case for the Assembly recommendation.

A survey by Ipsos Reid in February 2005 claimed that only half of British Columbians said they were aware of the BC Citizens Assembly and of those 64% said they knew very little or nothing about the proposed STV electoral system. Of those who were aware 51% said they would vote yes in the referendum but given the low level of awareness this was not considered to be a good predictor of the final outcome.

Can the Operation be a Success if the Patient Dies?

If the CA recommendation is adopted on May 17 there will be tremendous pressure on legislators elsewhere to follow a similar process. However, in the more likely event that the recommendation is defeated what should we conclude about this experiment?

One recent study urges “we should not count the process a failure simply because the voters fail to approve the Assembly’s recommendation. Whatever the outcome, the process stands as an exemplar that can guide future efforts to give citizens greater control over their electoral systems.”²⁵ According to this line of thinking our opinion of the CA deliberations should not depend on whether we think the assembly reached the correct conclusion. “How we judge the overall quality of the deliberations depends on the standards of comparison we employ, as well as on our prior expectations.”²⁶

Since the only comparable institution with which to compare the CA is a legislative assembly let us see how they compare in certain respects..

Representativeness

One major criticism of our elected assemblies is their failure to adequately reflect the population, particularly in terms of gender. There is no doubt that the random selection process produced a body more reflective of gender than any elected body in Canadian history. If we consider gender parity a fundamental objective of the democratic process, perhaps it is time to think in terms of separate electoral lists or some other radical reform to produce a similar result. Of course other groups, such as the poor, could probably argue that they were just as under represented in the CA as they are in actual legislative assemblies. In any event democracy is about more than representativeness.

Legitimacy

The Citizens Assembly did not have the legitimacy that goes with direct election but it was constituted by a unanimous vote of the legislature. Like legislators they wrestled without really resolving the question of who they spoke for. “It was never entirely clear whether CA members conceived of themselves as representing the province, their own region or district, the contributors to the hearings and submission process or simply themselves.”²⁷

Supporters tend to claim the Assembly’s legitimacy is based on unhappiness with the British Columbia political system and a belief that elected members a conflict of interest when it comes to determining the rules by they are elected. This view has been challenged by students of electoral reform who cite more than half a dozen reforms to provincial electoral systems between 1920 and 1960. “In certain cases, a majority government imposed its will on the opposition. In other cases, the decision was more consensual. Everywhere, the process was strictly parliamentary. Therefore, it is certainly not true, in my opinion, to start from the premise that no change is possible through parliamentary means. Politicians do not necessarily represent, as some may advance, a compact block of hostile opponents to change. Some have an interest in keeping the status quo, others do not.”²⁸

The real problem relating to legitimacy was the exclusion of the entire community of political parties. As Professor Aucoin noted, only half joking, this process “would not pass the charter test.”²⁹

Rules, Procedures, Folkways

The CA did not have anything corresponding to the Standing Orders, or privileges, which are central to the operation of a legislative assembly. However they did approach their task the same way as do legislators, informing themselves about issues, hearing from experts, listening to the public, deliberating and then deciding by majority vote. They adopted some rudimentary procedures based on principles of fairness and respect and with some minor criticism these procedures seemed to work well.

“More could have been done to make the participation more nearly equal... More women needed to be encouraged (and perhaps required) to speak. To this end, the Assembly could have adopted some simple procedures, such as authorizing the

chair to call on members rather than waiting for them to volunteer. The chair could also have distributed assigned tasks more widely, for example, asking less vocal members to take on the responsibility of preparing short reports for the Assembly or the website.”³⁰

The CA like a legislative assembly had an impartial presiding officer who did not vote except in the case of a tie. However unlike Speakers who consider themselves servants of the House and are loath to exercise discretion, the Chair of the Citizens’ Assembly took a leadership role in setting the agenda and indeed in every aspect of Assembly life. He established the atmosphere (consensual rather than adversarial), he used his powers to establish the timetable and calendar, he used discretion rather than standing orders to keep the debate moving. All of this was essential to the success of the Assembly and one wonders if our legislatures would not benefit from having Speakers with stronger mandates and more willing to use some discretionary powers.

Assembly members were changed by the experience in ways that ordinary voters cannot fully appreciate. Like legislators they developed an obsession with media coverage, particularly if it was the least bit critical. More significantly the erstwhile outsiders became the quintessential insiders who had that special knowledge that enabled them to come up with solutions that the average person would not understand. , “Designed to reduce the gap between citizens and experts, the process itself reproduced the problem that it was intended to overcome. The more successful the deliberative process, the greater the gap between the Assembly and the electorate.”³¹

Consultation

Another perennial complaint about legislatures is the way they consult with individuals and interest groups. Elected members usually hear mainly from the “usual suspects.” The CA undertook a very ambitious consultation programme which gave everyone who wanted to appear the opportunity to address the public meetings. While only a few Assembly members could attend each public hearing those who did not were given copies of the material and many appeared to read and think about the submissions beyond what one usually finds with legislative committees. The idea of inviting a few presenters back to address the entire Assembly and dialogue individually with members is probably something that more legislative committees could emulate. The web site and the communications plan was well done compared to legislatures having much greater resources at their disposition.

The main criticism of the public hearings process is the same as that leveled against real legislatures. The evidence pointed in one direction, support for MMP, the Members went in another direction. They concluded, probably correctly, that part of the support for MMP was an orchestrated campaign by groups who would benefit from its establishment. As independent minded individuals, they were going to follow their own best judgment as to what was the best course of action. This Burkian idealism was not combined with any sophisticated sense of practical politics and no doubt many CA members have been surprised by the intensity of the anti-STV reaction.

Leadership and Accountability

Where the CA suffers in comparison to a legislative assembly is in the areas of political leadership and accountability. There was no organized leadership of the STV or the MMP or the status quo forces. The rules were constructed and interpreted in such a way as to keep such forces from emerging. There were debates, some very animated, and serious differences of opinion but the adversarial tradition, the idea that truth emerges from conflict between two (or more) competing sides was conspicuously absent from the start of the Assembly to the very end. “The absence of partisanship and the exclusion of politicians, intended to encourage the members to be dispassionate and judicious, removed the passions and interests that usually are necessary in politics to motivate people to care about the judgments they need to make, and to learn what they need to know to make sensible judgments.”³²

Also absent, of course, was any meaningful concept of accountability. Members of the Assembly did not have to take into account whether their proposals would be popular or unpopular and there was no question of them facing re-election or any other form of discipline. Perhaps that was the whole point of the exercise – to make clear minded recommendation unhampered by constraints or limitations of any kind. But that is a far cry from traditional understanding of politics as “the art of the possible” or the reconciliation of opposing interests. Unless we are willing to completely change our understanding of politics it is hard to envisage the CA approach being expanded to other policy areas or followed by others interested only in electoral reform.

In conclusion perhaps the best thing we can say about the Assembly is that it was an imaginative process bringing together a group of civic minded individuals with a sincere interest in public policy. They applied themselves to the task as best they could for over a year and produced a defensible recommendation for electoral reform. In the process they resurrected some “old time” attitudes like civility that seem to have disappeared from our legislative assemblies. They even developed some innovative procedures that might be emulated by our legislatures. At best the CA process can be viewed as one of those Canadian compromises between traditional Westminster institutions and the kind of initiative procedure found in many American states.

As a model for public policy making the CA is unlikely to be widely copied. It was born of circumstances peculiar to British Columbia. It will be remembered more for the depth of anti government thinking that it demonstrated rather than the intellectual strength of its recommendation. Yet the root causes for disaffection with electoral and parliamentary politics as practiced in BC and elsewhere were off limits to the Assembly. Perhaps we need a Citizen’s Assembly to examine and reinvent our entire approach to democratic government? Or perhaps what we really need is to devote more energy to parliamentary reform and reform of political parties and less on electoral reform if we want to address the issues that were really of concern to the BC Citizens’ Assembly.

Notes

¹ The author is grateful to Professor R.S. Ratner for comments on an earlier draft of this paper.

² See Law Commission of Canada, *Voting Counts: Electoral Reform for Canada*, Ottawa, 2004; Commission on Legislative Democracy, *Final Report and Recommendations*, document dated December 31, 2004 and tabled in the New Brunswick Legislative Assembly on January 16, 2005; *Avant Projet de loi Remplacant la Loi Electorale*, Document explicatif, Gouvernement du Quebec, 2004, Ken McKinnon, *Interim Report on What Yukon Can Learn from the Electoral Reform Process* July 31, 2004

³ For an informative account of events leading up to the inception of the Citizens' Assembly, see Geoff Plant, "Reforming Politics in British Columbia" *Canadian Parliamentary Review*, vol 25, no 1, 2002; Norman Ruff, "Electoral Reform and Deliberative Democracy: The British Columbia Citizens' Assembly," Chapter 11, in *Steps Toward Making Every Vote Count: Electoral System Reform in Canada and its Provinces*, ed. Henry Milner, 2004, Broadview Press: Toronto, pp.235-248; Kenneth Carty, "Doing Democracy Differently: Has Electoral Reform Finally Arrived?" *The Timlin Lecture*, March 1, 2004, University of Saskatchewan, 19pp.

⁴ See Gordon Gibson, Report on the Constitution of the Citizens' Assembly on Electoral Reform, Vancouver, December 23, 2002.

⁵ For the debate in the Legislature see, Campbell, Gordon et al., "The British Columbia Citizens' Assembly: A Round Table," *Canadian Parliamentary Review*, vol. 26, no.4, Summer 2003, pp.4-13.

⁶ For a summary and discussion of the selection and learning phases of the Assembly, see Ratner, R.S., "British Columbia's Citizens' Assembly: The Learning Phase," *Canadian Parliamentary Review*, vol. 27, no.2, Summer 2004, pp. 20-26.

⁷ This group included Gordon Gibson, Avigail Eisenberg and Norman Ruff of the University of Victoria, Lynda Erickson, Andrew Heard, Doug McArthur and Kennedy Stewart of Simon Fraser University, Richard Johnston, Donald Blake and Fred Cutler of University of British Columbia, André Blais of the Université de Montreal and Linda Johnson of Elections BC

⁸ David Baxter, Futures Institute Vancouver, André Blais, University of Montreal, Michael Fogel, Justice Institute of BC, Lisa Young, University of Calgary, Charles Homes, Learning Strategies Group, SFU, Steven Rosell, Viewpoint Learning, La Jolla, Ca, Glenn Sigurdson, Graduate Business Programme SFU, Doug Strachan, Media and communications training facilitator and Barry Stuart, mediator, facilitator.

⁹ See R.S. Ratner, British Columbia's Citizens' Assembly: The Learning Phase, *Canadian Parliamentary Review*, vol 27, no 2, 2004

¹⁰ For a summary of his presentation see *Canadian Parliamentary Review*, vol 27 no 4, winter 2004-2005, pp 2-3.

¹¹ See also Nick Loenen *Citizenship and Democracy: A Case for Proportional Representation*, 1997, Dundurn Press: Toronto.

¹² See R.S. Ratner, The BC Citizens' Assembly: The Public Hearings and Deliberations Stage, *Canadian Parliamentary Review*, vol 28, no 1, 2005. p. 29

¹³ For more detail on how the votes would be counted see Appendix 1 "BC-STV Counting Votes

¹⁴ Standing Committee on Procedure and House Affairs, *Minutes of Proceeding and Evidence*, March 10, 2005.

¹⁵ Ibid.

¹⁶ Timlin lecture

¹⁷ Ibid March 9, 2005.

¹⁸ Ibid.

¹⁹ Ibid. March 10, 2005

²⁰ See Joe Murray, Improvements on the BC Model, Recommendations by Fair Vote Ontario, January 20, 2005

²¹ Ibid.

²² *Sunday Herald*, November 28, 2004

²³ She put out the following statement: I remain strong in my belief that a Mixed Member Proportional (MMP) voting system is the very best electoral reform option for BC and disappointed that the Citizens' Assembly decided to put the Single Transferable Vote (STV) electoral system to a referendum vote at the May 17, 2005 election. However, I have listened to people who want the chance to reform BC's voting system and decided that our party can best serve democracy at this time by encouraging every BC citizen to learn about STV and make sure their vote is principled and informed in the May 17, 2005 referendum. I

support a "free vote" by Green Party members on the referendum ballot and will recommend to the BC Green Party AGM, that our party not develop or support a 'No' campaign in the lead up to the May referendum. I commend the volunteer Citizens' Assembly members for their dedicated work and fully support their decision to reject BC's current voting system. See <http://www.greenparty.bc.ca/>

²⁴ See *Victoria Times Colonist*, January 7, 2005 and *Vancouver Sun* January 11, 2005 also www.members.shaw.ca/nspector4)

²⁵ See Dennis F. Thompson, "Who Should Govern Who Governs"? Draft Paper prepared for the Workshop in Law, Philosophy and Political Theory, Kadish Centre for Morality, Law & Public Affairs, University of California, Berkley, March 31, 2005.

²⁶ *Ibid.* p. 32

²⁷ See R.S. Ratner The BC Citizens' Assembly: The Public Hearings and Deliberations Stage, *Canadian Parliamentary Review*, vol 28, no 1, 2005.

²⁸ See Louis Massicotte, House of Commons, Standing Committee on Procedure and House Affairs, Transcript of Evidence, Meeting 24, March 9, 2005

²⁹ See Peter Aucoin, *ibid.*

³⁰ *Ibid.* p. 39.

³¹ *Ibid.* p. 41

³² *Ibid.* p.. 27.