

# *Adapting a Mixed Member Electoral System to Canada: Four Relevant Proposals*

Gregg W. Hill

## Contents

List of Tables	ii
<b>Introduction</b>	<b>1</b>
The nature of the mixed member proportional system (MMP), 1. The constitutional and statutory obstacles to MMP, 3.	
<b>Kent Weaver's "MMP is Too Much of Some Good Things"</b>	<b>6</b>
Weaver's criticism of MMP, 6. His electoral system proposal, 6. Problems with his proposal, 8. The Hare largest remainder electoral formula, 13. The Parallel System as a mixed member alternative to MMP, 14.	
<b>The Report of the Task Force on Canadian Unity</b>	<b>15</b>
The Pepin-Robarts proposals of electoral reform, 15. The d'Hondt electoral formula, 17. Practical results of the application of the Pepin-Robarts proposals, 19.	
<b>The Report of the Hansard Society Commission on Electoral Reform</b>	<b>21</b>
A brief history of electoral reform movements in Britain, 21. The Hansard Commission's criteria for a new electoral system, 23. The Additional Member System (AMS), 24. Practical results of the application of AMS to Canada, 27. Rules for electing PR list candidates: the Hansard Commission's "best losers" principle; the closed list; the open list, 32. The implementation of AMS in Britain, 36. Why AMS is not MMP, 36.	
<b>The Report of the Independent Commission on the Voting System</b>	<b>37</b>
The Blair government's electoral reforms in Britain, 37. The Independent (Blake) Commission's criteria for a new electoral system, 38. The Alternative Vote (AV): advantages and disadvantages, 38. The Commission's recommendations on PR list districts and MPs, 40. Current prospects for reform of the British national electoral system, 42.	
<b>Conclusions</b>	<b>41</b>
The Italian version of AMS, 42. Suggestions for AMS in Canada, 44. A note on reforming Canada's Senate, 45. The Single Transferable Vote (STV) as the basis of a new electoral system for Canada, 46.	

## Tables

1. Party Popular Vote Percentages in Hypothetical Federal Election	8
2. Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Largest National Parties Allocation Bias	9
3. Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Most Under-Represented Parties Allocation Bias	11
4. Hypothetical Election Using Thirty Per Cent Additional Compensation Seats and Most Under-Represented Parties Allocation Bias	12
5. Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Plurality-d'Hondt Formula Allocation	27
6. National Seat Percentages in Hypothetical Election Using Additional Compensation Seat Allocation Methods	28
7. Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation	29
8. National Seat Percentage Results in Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation	30
9. Second Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation	31
10. National Seat Percentage Results in Second Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation	32

### *Introduction*

Of the various systems that have been proposed by advocates of proportional representation (PR) for Canada's electoral system, by far the most favoured is the Mixed Member Proportional (MMP) system. This is the case because it has been argued, and accepted it would appear by most political scientists in this country, that Canadian voters would not accept the loss of single-member constituencies or districts in electing members of Parliament. Therefore the conclusion has been that MMP, which mixes single-member district or local MPs and MPs elected by PR, would be the one most suitable to Canada, the more so since it became the electoral system of New Zealand in 1993 and, in a different form (debatably), of the Scottish and Welsh regional assemblies in 1997. It would therefore appear that MMP is the principal PR alternative in the English-speaking world to our present first-past-the-post (FPTP; also known as single-member plurality) electoral system, for the reason that unlike other PR systems it does not break with that system completely, but includes it. However it is in its inclusion of single-member district elections that MMP has a problem not shared with other PR systems, and this problem is especially great in light of certain Canadian political and constitutional realities.

Under MMP members elected by PR compensate for any disproportionality produced by single-member district results. It may not be known by some advocates of MMP that until relatively recently (the 1990s) it was considered a form of the party list system, or List PR. In List PR, generally the most proportional of PR systems, each party presents a list of candidates to the electorate, voters vote for a party, and parties receive seats in proportion to their overall share of the vote, with winning candidates taken from the lists in order of their position on the lists.<sup>1</sup> The vote on which list seats are based may be in a district that is nation-wide (e.g. the Netherlands) or regional (e.g. by state or province, e.g. Finland), and if the latter regional district seats may be supplemented by usually national upper-tier district seats in an adjustment-seats system to proportionally represent the national vote (e.g. Denmark). In 1994 one

of the greatest authorities on electoral systems, Prof. Arend Lijphart, wrote the following regarding the then-called German form of List PR:

Germany has taken the idea of small lower-tier districts, providing close voter-representative contact, to its logical extreme by adopting single-member districts at the lower level. The other side of the coin, however, is that this requires a relatively large number of upper-tier seats for the purpose of proportional adjustment.<sup>2</sup>

The reason why “a relatively large number” of upper-tier seats is required is because of the degree of disproportionality of single-member district vote results. As noted, MMP is essentially a form of List PR, as it is each party’s list vote that determines the number of seats each party should receive. Seats won by a party in single-member districts are subtracted from the total number of seats it should receive according to the party’s list vote to determine how many upper-tier list seats it should receive in order to have the number of seats allocated by that vote. However, it is the votes cast in single-member districts that may result in one or more parties receiving seats in excess of the number determined by the second, party list vote (a phenomenon called ‘overhang’). In Germany the established number of list seats is equal to single-member constituency seats, while in New Zealand the respective proportions are 42% and 58%<sup>3</sup>, so such disproportionality is not likely to occur. However it may happen that it does, so the German and New Zealand systems allow for the number of seats in the legislature to be enlarged temporarily, since no single-member district seats can be taken away from parties. It is because MMP includes single-member constituencies with the consequences outlined that it was eventually separated from List PR and given a category of its own among PR systems.

It is highly questionable that MMP as it has been described could be implemented in Canada. First there is the question of the number of MPs. The

---

<sup>1</sup> *The International IDEA Handbook of Electoral System Design*. Second edition (Stockholm: International Institute for Democracy and Electoral Assistance 1997), 61.

<sup>2</sup> Arend Lijphart, *Electoral Systems and Party Systems: A Study of Twenty-Seven Democracies, 1945-1990* (Oxford: Oxford University Press, 1994), 36.

<sup>3</sup> *IDEA Handbook*, 74.

German Bundestag or Parliament, currently of 656 seats, was built for MMP,<sup>4</sup> while in New Zealand the number of parliamentary seats was increased from 99 to 120 seats, with the number of single-member districts reduced about 33% from 99 to 65, requiring “a comprehensive redrawing of electoral boundaries.”<sup>5</sup> It is highly unlikely that Canadian public opinion would favour the doubling of the number of seats in the House of Commons, and it is likely that the same consideration in New Zealand, where MMP was derisively translated as “many more politicians”<sup>6</sup>, led to the choice of redistricting over massively increasing the number of parliamentary seats. In that country such a step was substantial, but in a country 37 times its geographic size as ours is, such a decrease in the number, and consequently an increase in the size, of single-member districts would be radical indeed. Then there is the problem that four features of MMP could not be implemented under Canada's present constitution.

The first feature of MMP in Germany and New Zealand that goes against the *Constitution Act* is the provision of adding seats to the legislature as noted earlier. The *Act* mandates a set number of seats in the House of Commons for each province and territory, the number being determined proportionate to each province's and territories population, with some important exceptions, according to a formula set by statute.<sup>7</sup>

The second feature is having national seats, as is the case with New Zealand's PR list seats, since the seats of the House of Commons are constitutionally by province.<sup>8</sup> While seats are by state in Germany, parties are given the option of pooling their votes nationally and then having them applied to states (this is outlined in greater detail in pp. 18-19). In practice all parties take this option, so it

---

<sup>4</sup> Michael Krennerich, “Germany: The Original Mixed Member Proportional System,” *ibid.* 76-8.

<sup>5</sup> Peter Aimer, “From Westminster Plurality to Continental Proportionality: Electoral System Change in New Zealand,” *Making Every Vote Count: Reassessing Canada's Electoral System*, ed. Henry Milner (Peterborough ON: Broadview Press, 1999), 146.

<sup>6</sup> *Ibid.*

<sup>7</sup> Canada. *Constitution Act*, 1867, c. C-IV, s. 51.

<sup>8</sup> *Ibid.* s. 37.

can be argued this is equivalent to national seats, and in fact it is standard in studies to refer to Germany's PR list seats as national.<sup>9</sup>

The third feature is the number of seats. The present constitutional formula, introduced in the 1985 *Representation Act* for allocating seats to the provinces and therefore the House of Commons, is as follows. Starting with the House of the present 301 members, three seats are set aside for each of the territories. The total population of the ten provinces is then divided by 298 (when the formula was first introduced there were 282 members) to arrive at a quotient. The population of each province as reported at the previous decennial census is divided by the quotient to determine the number of seats each receives. If the division produces a remainder of more than 0.50, the number of seats is rounded off to the next whole number. This allocation is adjusted by applying the so-called "Senate floor" rule and a special grandfather clause introduced with the 1985 amendment. The rule has been in effect since 1915 and guarantees that no province will have fewer seats in the House than it has in the Senate. This is what prevents the Atlantic Provinces from losing seats despite shrinking populations. The new grandfather clause provides that in future redistributions of seats no province will be allocated fewer seats than it had at the time the 1985 *Act* came into force (March 6, 1986), which protects Quebec, Saskatchewan, and Manitoba, which have also had declines in population.<sup>10</sup>

The fourth feature is the setting of constituency boundaries. The 1995 *Electoral Boundaries Readjustment Act* follows the constitution in making population the basic determining principle. Again a quota, a so-called "electoral quota", is calculated, in this case by dividing the population of the province by the number of members assigned to it by the present Commons representation formula. The division of the province into electoral constituencies and the description of boundaries should "as close as reasonably possible, correspond to the electoral quota for the province". Except in circumstances considered extraordinary, such

---

<sup>9</sup> E.g. *IDEA Handbook*, 61; Krennerich, 76; Lijphart, 34 (as he shows in a table, the national pooling option was not given until the 1957 election)

<sup>10</sup> Canada. *Constitution Act*, R. S. C. 1985, c. C-IV, as am by R. S. C. 1986, c. 8, s. 51; Terence H. Qualter and John M. Wilson, "Redistribution," *Canadian Encyclopedia*, 1997 ed.

as “sparsely populated, rural or northern regions of the province” the population of an electoral district must remain “within twenty-five per cent more or twenty-five per cent less of the electoral quota for the province”.<sup>11</sup>

Not all aspects of MMP face the same constitutional hurdles. The first two features would require the amending formula of the support of provincial legislatures representing at least two-thirds of the provinces and fifty per cent of Canada’s population<sup>12</sup> (often called the ‘7-50’ amending formula). The last two however would not, and would require only a majority of the House of Commons and Senate, so long as provinces are represented proportionately in the Commons,<sup>13</sup> excluding the grandfather and Senate floor clauses. The government of the day with majority support in both Houses would therefore have a free hand to amend the *Representation Act* to increase the number of seats by any amount it chooses. It would also likely need to amend the *Readjustment Act* if the increase in seats was to be less than twice the present number, since barring that amount, the less seats were added, the more single-member constituencies would have to be reduced in number and therefore increased in size to enable the creation of PR list seats. For example, while that same statute gives some leeway for the setting of electoral district boundaries, New Zealand’s 35 per cent reduction in the number of single-member constituencies would certainly exceed the present *Act*’s electoral quota provisions.

The greatest problems facing MMP would therefore likely be the low tolerance Canadians would have for anything more than a moderate increase in the number of Commons seats and at the same time for anything more than a moderate decrease in the number and therefore moderate increase in the size of single-member districts. If Canadians were ready to abandon single-member ridings, the two other types of PR systems, List PR and the candidate-centred single transferable vote (STV),<sup>14</sup> would only require amending the *Readjustment*

---

<sup>11</sup> Canada. *Electoral Boundaries Readjustment Act*, R. S. C. 1985, c. C-E-3, s. 19.

<sup>12</sup> Canada. *Constitution Act*, 1982, c. C-V, s. 38. (1).

<sup>13</sup> *Ibid.* s. 42 (1) (a), 44.

<sup>14</sup> “A preferential proportional representation system used in multi-member districts. To gain election, candidates must surpass a specified quota of first preference votes. Voters’ preferences

*Act* to create the boundaries for multi-member constituencies, since the number of seats in each province could remain basically unchanged, unless PR was desired across the entire country, so that seats would have to be added to the territories and other sparsely populated areas.<sup>15</sup> However, this ignores the strength of tradition. To quote one commentator on MMP in New Zealand: "A transition from FPTP to PR is a radical move, but an advantage of MMP is that it achieves proportionality while retaining the traditional and familiar presence of the local MP."<sup>16</sup>

It would appear then that despite the constitutional and statutory hurdles, as was the case in New Zealand MMP is the PR system most suitable to Canada in light of its political traditions. But it is precisely those hurdles along with those traditions that dictate the development of a PR system different from that used in Germany and New Zealand. While many MMP advocates may think amending Canada's constitution would clear away the roadblocks, there is no doubt that a PR system proposed for Canada has a better chance to be eventually adopted if it takes account of practical realities, and is not designed in defiance of them. What shape would or should such a proposal take is the question addressed by four electoral reform proposals that shall be examined for the remainder of this paper.

### *Kent Weaver's "MMP is Too Much of Some Good Things"*

As the title of his paper implies, Kent Weaver is not an advocate of MMP, for two reasons. First, because it would never be adopted by "Canada's political elites" since as a PR system "MMP tends to stimulate additional parties and to lower the prospects that any single party will win a majority of the popular vote or legislative seats".<sup>17</sup> Second, MMP "is a poor response to Canada's most

---

are re-allocated to other continuing candidates when an unsuccessful candidate is excluded or if an elected candidate has a surplus." *IDEA Handbook*, 148.

<sup>15</sup> While multi-member districts are a necessary condition for PR, it is not necessary that every constituency in a country be multi-member for PR at a regional or national level, so that thinly populated districts may have only one member. In Finland for example, the district made up of the Aland Islands only returns one MP (ibid. 72).

<sup>16</sup> Aimer, 153.

<sup>17</sup> Kent Weaver, "MMP is Too Much of Some Good Things", Milner, ibid. 79.



important political problems”, which for Weaver centres on the regionalization of purportedly national federal parties (i.e. every party except the Bloc Quebecois), because in his opinion “MMP could stimulate further growth of regional parties”<sup>18</sup> in part because as we have seen national compensatory seats are constitutionally prohibited. Weaver does not dismiss MMP entirely however. Instead he radically modifies it.

The electoral system Weaver proposes is designed “to strike a balance between political elites’ concern to retain single-party majority governments and the concern of reformers to lessen inequitable treatment of voters and parties.” In his scheme the federal government would pass an act to increase the number of seats in the Commons by 10 per cent, “each province receiving roughly 10 per cent more seats than it does now”. The additional seats would be compensatory and drawn from party lists drawn up before the election “on the MMP model” but there would be a rule for allocation not found in MMP as it exists in any country:

Priority in awarding compensation seats within each province would be given to the party that finishes first in the nation-wide vote until giving that party another compensation seat would take its provincial seat share over that of its provincial vote share, at which point it passes to the second party in national vote share, then the third, etc.<sup>19</sup>

Weaver’s express reasons for such a rule is that it would “lessen regional under-representation of the national governing party...[governing parties] would get the first crack at seats in regions where the plurality [FPTP] system has operated against them” and it would be a disincentive to parties’ making “regional appeals that would attract votes in one region but repel them in others, because doing so would likely move a party downward in terms of its rank order in total national popular vote, and thus dramatically lower its prospects for winning some of the limited number of compensation seats in regions where it is relatively weak”.<sup>20</sup> The key phrase is “limited number of compensation seats”. In any case, an example of Weaver’s scheme (and others as well) will be given, based on the hypothetical federal election popular vote results in Table 1 below. In his paper

---

<sup>18</sup> Ibid. 80.

<sup>19</sup> Ibid. 81.

Weaver used the 1997 federal election results, but the charge can be made that applying Weaver's or any alternative system to a past election ignores the possibility if not probability that under such a system FPTP and therefore election results would have been different. Therefore a hypothetical election has been used. These results have been created based on an averaging out of the results by province of the 1997 and 2000 federal elections, and they appear in Table 2 (p. 9) along with Weaver's compensation seats, based on his "largest national parties allocation bias"<sup>21</sup> rule.

*Table 1: Party Popular Vote Percentages in Hypothetical Federal Election*

	Liberal	CA	BQ	NDP	PC	Green
CAN	40	22	11	10	16	1
NF	42	4		18	36	0
PEI	46	3		12	38	0
NS	33	10		27	30	0
NB	38	14		15	33	0
QU	40	3	39	2	14	1
ON	50	22		10	17	1
MB	34	27		22	16	0
SK	23	42		29	7	0
AB	23	56		6	14	1
BC	29	46		15	7	2
YT	27	26		31	16	0
NW	44	17		24	15	0
NU	68			19	8	5

In his terminology, which will be followed for this and other schemes, Weaver uses 'constituency' to refer only to single-member districts, perhaps because that is the traditional type of constituency in Canada. Because compensation seats are provincially based, the provinces with more than one such seat would have multi-member as well as upper-tier districts. Weaver's allocation bias rule results in a measure of proportionality for some parties, but none at all for others. Compensation seats are so limited in number that parties are placed in a queue,

<sup>20</sup> Ibid. 82.

<sup>21</sup> Ibid. 83.

and according to his rule usually only one party gets all the compensation seats, which simply replicates the 'winner-take-all' attribute of FPTP elections. While he says his reform is "reasonably easy for voters to understand"<sup>22</sup>, one wonders if voters would understand that in Ontario for example the Canadian Alliance would get all of the compensation seats while the Progressive Conservatives with almost as great a popular vote would get none. If "MMP is too much of some good things"; to quote the title of his paper, Weaver's proposed electoral system appears to be too little.

Table 2: *Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Largest National Parties Allocation Bias*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	4	0		0	3	0
	Compensation	0	0		1	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	0	0
NS	Constituency	2	0		4	5	0
	Compensation	1	0		0	0	0
NB	Constituency	4	0		2	4	0
	Compensation	1	0		0	0	0
QC	Constituency	31	0	41	0	3	0
	Compensation	2	0	0	0	6	0
ON	Constituency	100	1		1	1	0
	Compensation	0	10		0	0	0
MB	Constituency	5	4		4	1	0
	Compensation	0	0		0	1	0
SK	Constituency	1	9		4	0	0
	Compensation	1	0		0	0	0
AB	Constituency	2	24		0	0	0
	Compensation	3	0		0	0	0
BC	Constituency	5	26		3	0	0
	Compensation	3	0		0	0	0
YT	Constituency	0	0		1	0	0
	Compensation	0	0		0	0	0
NT	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0
NU	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0

<sup>22</sup> Ibid. 82.

CAN	Constituency	160	64	41	19	17	0
	Compensation	11	10	0	1	7	0
CAN	Constituency <i>plus</i> Compensation	171	74	41	20	24	0

If a queue rule is to be used, a fairer one would be based on the principle that since compensation seats are provincially based, the conditions determining allocation should be entirely provincially based as well. A rule could be formulated that the party that in terms of its popular vote in a province is most underrepresented in constituency seats in that province "would get the first crack" at compensation seats. As can be seen in Table 3 (p. 11), the results would only be different in Quebec, with the Tories getting all the compensation seats. However if we expand the numbers of compensation seats the results are notably different. In Weaver's opinion in most cases "having compensation seats comprise 30 per cent produces outcomes close to full proportionality on a national basis".<sup>23</sup> Therefore in Table 4 (p. 12) this second allocation bias rule is applied to a House of Commons with 30 per cent additional compensation seats. With that number of compensation seats the results are certainly more equitable with Quebec and BC having the most resulting diversity in representation, with even the Green Party receiving a seat in each province. In Ontario however the NDP is denied any compensation seats despite having popular support more than half that of the Tories. So while there is greater fairness and diversity as a whole, the proportionality remains selective. It therefore would be appropriate to designate Weaver's proposed allocation formula, even modified along the lines previously suggested, as resulting in something other than a PR system, though of course a ten per cent addition of compensation seats would lead to less than proportional results no matter what allocation or electoral formula was used.

The reason Weaver gives for his allocation bias or queue rule is that it is designed to reward the most widely supported or largest national parties in

---

<sup>23</sup> Ibid. 81.

regions where they are weak and penalize parties that make narrow regional appeals, and so “only very modestly increases the prospects for minority government”.<sup>24</sup> As can be seen in comparing the results in Table 2 and Table 3, changing the allocation bias does not make a great difference with the modest number of compensation seats available. But there is another reason that he does not disclose as to why the allocation rule is needed. It is because with the number of compensation seats available, some type of formula is necessary to supplement that which translates the popular vote into compensation seats.

Table 3: *Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Most Under-Represented Parties Allocation Bias*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	4	0		0	3	0
	Compensation	0	0		1	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	0	0
NS	Constituency	2	0		4	5	0
	Compensation	1	0		0	0	0
NB	Constituency	4	0		2	4	0
	Compensation	1	0		0	0	0
QC	Constituency	31	0	41	0	3	0
	Compensation	0	0	0	0	8	0
ON	Constituency	100	1		1	1	0
	Compensation	0	10		0	0	0
MB	Constituency	5	4		4	1	0
	Compensation	0	0		0	1	0
SK	Constituency	1	9		4	0	0
	Compensation	1	0		0	0	0
AB	Constituency	2	24		0	0	0
	Compensation	3	0		0	0	0
BC	Constituency	5	26		3	0	0
	Compensation	3	0		0	0	0
YT	Constituency	0	0		1	0	0
	Compensation	0	0		0	0	0
NT	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0
NU	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0

<sup>24</sup> Ibid.

CAN	Constituency	160	64	41	19	17	0
	Compensation	9	10	0	1	9	0
CAN	Constituency <i>plus</i> Compensation	169	74	41	20	26	0

Table 4: *Hypothetical Election Using Thirty Per Cent Additional Compensation Seats and Most Under-Represented Parties Allocation Bias*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	4	0		0	3	0
	Compensation	0	0		2	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	1	0
NS	Constituency	2	0		4	5	0
	Compensation	3	1		0	0	0
NB	Constituency	4	0		2	4	0
	Compensation	1	2		0	0	0
QC	Constituency	31	0	41	0	3	0
	Compensation	8	3	0	2	8	1
ON	Constituency	100	1		1	1	0
	Compensation	0 <sup>1</sup>	22		0	10	0
MB	Constituency	5	4		4	1	0
	Compensation	1	1		1	1	0
SK	Constituency	1	9		4	0	0
	Compensation	2	0		1	1	0
AB	Constituency	2	24		0	0	0
	Compensation	3	0		0	5	0
BC	Constituency	5	26		3	0	0
	Compensation	5	0		2	2	1
YT	Constituency	0	0		1	0	0
	Compensation	0	0		0	0	0
NT	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0
NU	Constituency	1	0		0	0	0
	Compensation	0	0		0	0	0
CAN	Constituency	160	64	41	19	17	0
	Compensation	23	29	0	8	28	2
CAN	Constituency <i>plus</i> Compensation	183	93	41	27	45	2

Weaver denies that his “hybrid model” is a form of MMP. There are two features separating it from MMP as outlined at the beginning of this paper. MMP in Germany and New Zealand gives voters two votes, one for a constituency candidate and one for a party, whereas in Weaver’s model there is only the traditional constituency vote, with the popular vote being used instead of a party list vote to determine the total number of seats for each party, but that system was also used, based on states, in the first West German election in 1949.<sup>25</sup> It will for convenience be the one followed for successive seat allocation examples. The second obvious feature is that with the limited number of compensation seats available, proportionality is limited, but this is far from unheard of in PR systems, since a PR system’s degree of proportionality is determined by the number of representatives elected in districts, or district magnitude, and the smaller the average district magnitude the less proportionality there will likely be in an aggregation of districts, as FPTP elections generally so strikingly show. It is the third and fourth features that disqualify it, the allocation bias or queue rule, since it adds selectivity to proportionality in allocating compensation seats, and most importantly the fact that the PR electoral formula is of less importance in allocating seats to parties than the FPTP plurality formula. However it is the MMP adjustment-seats formula Weaver uses that makes some kind of supplementary allocation rule necessary.

The PR electoral formula Weaver uses, also used in German MMP,<sup>26</sup> is known in full as the Hare largest remainder method or LR-Hare. The formula calculation usually consists of three stages. First a quota, called the Hare quota, is calculated, arrived at by dividing the total vote in a district by the number of parliamentary seats in that district. Then the vote for each party is divided by the quota to determine the number of seats each should receive. So far the method is identical to the representation formula where the national population and provinces are used in place of the total vote and parties. However, there is no

---

<sup>25</sup> Krennerich, 78. In a single-vote MMP system the popular vote would be the functional equivalent of a party list vote in terms of allocating seats to parties.

<sup>26</sup> Ibid. 76.

rounding off of fractions as in that formula. Instead the largest remainder component of the formula, the third stage, is applied in which remaining seats are given, in order of fraction size, to the parties with the largest fractions of the quota i.e. unused votes or remainders after the second stage.<sup>27</sup> It should be pointed out that when popular vote percentages are applied to seats, the results are not surprisingly similar to those produced with the Hare, or 'simple', quota.

The Hare largest remainder formula, like all List PR formulas (LR and highest average<sup>28</sup>) determines the number of seats each party should receive based on the party list vote or, in Weaver's model and the 1949 West German election, the popular vote. This does not present a problem for the MMP adjustment-seats method if the number of PR list or compensation seats is sufficient for full proportionality for each party. If it is not, and there is no provision for increasing the number, then not only are there not enough seats for full proportionality for parties, the electoral formula on its own cannot determine which parties should receive what seats there are, even when there are 30 per cent additional compensation seats as shown in Table 4. For example, the Ontario results indicate that with thirty per cent additional compensation seats the Canadian Alliance should receive 29 compensation seats, the Progressive Conservatives 22, the NDP 12, and the Green Party 1 in addition to the one constituency seat each party except the Greens has received. But there are only thirty-two compensation seats available.

It may be because of the problems noted above that some favouring electoral reform for Canada have called for another mixed-member system, the Parallel system, in which PR seats are not meant to compensate for the disproportionality

---

<sup>27</sup> Lijphart, 154-6.

<sup>28</sup> LR or quota formulas differ by the way the quota is calculated. The LR-Droop quota is determined by dividing the total vote by the number of seats plus one, the LR-Imperiali quota by the number of seats plus two. The Hare quota not surprisingly is the oldest PR formula (Lijphart, 154). All three could also be used for STV which also uses a quota, but in practice only the Droop quota is used, although in a slightly different way from its LR form: "the quotient arrived at by dividing the total vote by the number of seats plus 1 is rounded up or, if the quotient is an integer, 1 is added" (ibid: 157). LR-Droop and LR-Imperiali were in fact designed to minimize or eliminate remainders after the second stage, at the cost of being less proportional and therefore less fair to smaller parties. Highest average formulas will be examined later in this paper. All PR formulas are named after their actual or alleged inventors.



of non-PR seat results, so that the system has been called 'semi-proportional', since the PR element is not decisive in allocating seats to parties,<sup>29</sup> as it is in MMP, so Weaver's proposal must be considered semi-proportional (semi-PR) as well. This type of electoral system, which first appeared in the 1970s, was used in twenty countries as of 1997,<sup>30</sup> whereas MMP in the same year was only used in seven.<sup>31</sup> But because Parallel PR list seats are not compensatory, a large number are required (such as Weaver's thirty per cent additional PR list seats) to incidentally offset a disproportionately large amount of seats going to one party through FPTP, particularly since that same party will likely receive PR list seats based on a party list vote and definitely receive them based on the popular vote (assuming in the latter case that contrary to all existing Parallel systems there is no second, party list vote). But the Parallel system need not be adopted for the House of Commons. The solution is not to adopt it but instead to propose as an alternative to Weaver's truncated form of MMP another mixed-member electoral system, considered by many to be a form of MMP, which avoids its need for a supplementary allocation formula. The electoral formula for such a system was recommended for the House of Commons in a report to the Canadian federal government in 1979.

---

<sup>29</sup> *IDEA Handbook*, 51, 55. The *Handbook* defines 'semi-proportional' as "Those electoral systems which provide, on average, results which fall some way in between the proportionality of PR systems and the disproportionality of plurality-majority systems" (ibid., 148). The term can be said to be based on the electoral formula(s) such systems use along with the district magnitude. All semi-PR systems use multi-member districts but voting is wholly or partly (as in Parallel systems) candidate-centred. In the Limited Vote (LV) vote counting is by plurality, as in FPTP, but electors have fewer votes than there are seats, and in the form known as the Single Non-Transferable Vote (SNTV) electors have only one vote (ibid. 51-2, 148, Lijphart, 40). The Cumulative Vote (CV) gives electors as many votes as there are seats to be elected, and they may arrange those votes however they wish, such as casting more than one vote, or 'cumulating', for a single candidate, with vote counting again by plurality (ibid., 186 n.48)

<sup>30</sup> *IDEA Handbook*, 55. It should be noted that some Parallel systems use instead of single-member constituencies the Block Vote (BV) system, meaning that the plurality electoral formula of FPTP or the majority method of the Two-Round System (TRS; once the dominant Continental electoral system, generally replaced by PR) or Alternative Vote (AV; effectively a single-member form of STV) is used in multi-member districts. There is a variant known as the Party Block Vote (PB) where instead of candidates electors vote for parties, and the party with the most votes wins all the seats in the district (*IDEA Handbook*, 36). While generally confined to the developing world it can also be said to operate in most states in the U. S. Electoral College, with presidential candidates in contention instead of parties.

*The Report of the Task Force on Canadian Unity*

The report of the federally commissioned 1978 task force, sometimes referred to as the Pepin-Robarts task force or committee after its co-chairs, former federal Liberal minister Jean-Luc Pepin and former Ontario premier John Robarts, is perhaps best known for its proposals to devolve federal powers to the provinces, the Task Force having been set up in response to the coming to power of the Parti Québécois in 1976. Among its proposals however was the introduction of a notable element of proportionality into the federal electoral system. Its summation of the problems with Canada's FPTP electoral system is even truer today:

Under our current electoral system, which gives the leading party in popular votes a disproportionate share of parliamentary seats in a province, the regional concentration in the representation of political parties is sharply accentuated. This makes it more difficult for a party's representation in the House of Commons to be broadly representative of all the major regions. In a country as diverse as Canada, this sort of situation leads to a sense of alienation and exclusion from power.<sup>32</sup>

While the report recommends retaining FPTP constituencies, it also proposes "a major change in the electoral system...a degree of proportional representation":

We would increase the overall number of Commons seats by about 60 and these additional seats would be awarded to candidates from ranked lists announced by the parties before the election, seats being awarded to parties on the basis of the percentages of the popular vote. We have opted for these additional seats being assigned to those on party lists announced before an election rather than to candidates who have run and placed second in individual constituencies in order to avoid any connotation that these additional members are second-class representatives and to encourage parties to use this means to attract candidates who might otherwise be difficult to entice into politics.<sup>33</sup>

The report gives no reason for why sixty should be the number of additional seats, but in the 282-seat Commons of 1980 that would have meant an increase

---

<sup>31</sup> Ibid. 74.

<sup>32</sup> *A Future Together: Observations and Recommendations* (Ottawa: The Task Force on Canadian Unity, 1979), 105.

<sup>33</sup> Ibid.

of 21.3 per cent and 20 percent in the Commons of today. As for the way that the PR list seats should be allocated, the report proposes two possible methods: "One...would base the allocation of the 60 seats on the basis of the vote in each province won by a party, the additional seats being awarded to those parties which otherwise would be proportionately under-represented". Since the provincial popular vote would be the basis of allocation, we can assume (it is not stated) that each province would simply have a number of additional seats based on the percentage increase in the overall number of Commons seats (similar to Weaver's proposal). The first method would presumably be based on the LR-Hare formula; the second is based on a different kind: "Another method would be to allocate the 60 seats on the percentage of the country-wide vote received by each party and apply what is known as the d'Hondt formula for allocating seats provincially among parties. The procedure...is more complex and difficult for electors to understand, but reduces the likelihood of minority governments resulting."<sup>34</sup> To see why this is the case, we must examine the d'Hondt formula itself.

The d'Hondt method, or in full the d'Hondt highest average formula, is unquestionably more complex and difficult than LR formulas, both in calculation and explanation. While LR formulas are quota systems, d'Hondt is a divisor system. The vote totals won by each party are initially divided by one, and the party with the highest average i.e. of original vote totals after being divided, wins the first seat. Its original vote total is then divided by two, two being the number of the seat it has won plus the initial divisor of one. If it still has the highest average it receives a second seat and its original vote total is then divided by three, three being the two seats it has won plus the initial divisor, and so on. Seats are awarded one at a time to the party with the highest average and each time a party receives a seat its original vote total is divided by the number of that seat plus previous seats if any plus the initial divisor of one. The divisor therefore is the number of seats won by the party plus one, so that the divisor series is 1, 2, 3, 4, and so on, while the average is a party's original vote total to which one

---

<sup>34</sup> Ibid. 105-6.

or more divisors have been applied. The process of applying divisors to highest averages or quotients continues until all seats are allocated. So while LR formulas only have three stages as has been shown, the highest average formula has as many stages as there are seats to be assigned.<sup>35</sup>

The d'Hondt formula is the most widely used of PR formulas, but it has been much criticized on two points, both based on its dividing up of parties' vote totals with sequential integers as the basis for allocating seats. First, it ignores the votes that parties have left over after all the seats have been allocated while LR-Hare as we have seen includes all votes in its calculations. Second, as anyone who understands a flat tax will realize, parties with the largest shares of votes 'pay' less in terms of having their averages reduced after divisors are applied than do parties with smaller shares. As a result the d'Hondt method systematically favours the larger (in terms of voter support) parties and is therefore less proportional than LR-Hare.<sup>36</sup> There is therefore an allocation bias, but it is not a supplementary rule like Weaver's but rather inherent in the operation of the PR formula itself.<sup>37</sup> The formula's prevalent use among countries using PR systems is in part explained by a concern to reduce the proliferation of

---

<sup>35</sup> There is however a procedure deliberately designed as a shortcut to d'Hondt allocation called the Hagenbach-Bischoff method, which uses the first and second stages of the LR-Droop formula to award all parties their seats according to the calculated quota but then allocates remaining seats according to the d'Hondt formula by using the number of seats already won by each party plus 1 as the initial divisor for parties' original vote totals; "its results are always identical to those of the d'Hondt formula" (Lijphart: 192).

<sup>36</sup> Lijphart, 21-3, 153. For its 1987 federal election Germany abandoned the d'Hondt formula for the LR-Hare method, which it has retained (ibid. 34).

<sup>37</sup> The bias in the d'Hondt method soon led to the invention of a second highest average formula in which the balance was redressed in favour of the smaller parties. The Sainte-Laguë formula only uses odd integers as divisors i.e. 1, 3, 5, 7, etc. Its divisor therefore is the number of seats won by a party times two, plus one. It "approximates proportionality very closely and treats large and small parties in a perfectly even-handed way. In practice, the Sainte-Laguë formula is [generally] used only in a modified form in which the first divisor is raised from 1 to 1.4 [i.e. all parties' original vote totals are initially divided by 1.4], thereby making it harder for small parties to gain their first seats—and hence reducing the proportionality of the election result to some extent" (Lijphart, 23). In fact in its pure form it is *more* proportional than LR-Hare since the latter as an LR formula may produce remainders that are not proportional to the number of votes for each party. A powerful case is made on this point by Andrew McLaren Carstairs in his *A Short History of Electoral Systems in Western Europe* (London: George Allen & Unwin, 1980), 16-30, 223. Historically, smaller parties have surmounted the effective threshold of d'Hondt (as well as other effective and legal thresholds) by being allowed to form electoral alliances (a device known as *apparentement*) and so combine their respective voter support in order to win seats, though this condition is not present in all List PR or mixed member systems.

small parties in legislatures, the other device serving that end being the legal threshold, i.e. the legally imposed minimum percentage of the total vote that a party needs for representation, as opposed to an effective threshold, which is incidentally created by the electoral formula used, the number of seats and the number of candidates in contention for them in a district. Not surprisingly, in practice only electoral systems using PR formulas might use legal thresholds, as in German and New Zealand MMP, which share a comparatively high legal threshold of five percent, but both also allow parties to bypass the threshold if they win at least three constituency seats in the case of Germany and one constituency seat in the case of New Zealand.<sup>38</sup> Weaver in having his largest national parties allocation bias rule in his proposed system sees a legal threshold as unnecessary,<sup>39</sup> but it can also be said that the low numbers of compensatory PR list seats given to the provinces create an effective threshold making a legal one uncalled-for.

We are now in a position to see how the d'Hondt formula would have worked in the second Pepin-Robarts Parallel system proposal. As it turns out, it intentionally or unintentionally replicates a feature of Germany's MMP system. It was previously mentioned that parties can bypass the 5% legal threshold if they win at least three constituency seats. But even before the national 5% threshold, there is the 5% threshold in each state or *Land*. Votes are cast for party lists at the state level. These can be used for the allocation of seats within the state by the LR-Hare method, but while parties may win enough votes to meet or exceed the threshold in some states they may not in others. But parties can choose to pool their votes at the national level and so win more seats than they would have state by state. In practice all parties have taken this latter option. Parties' list votes from all states are therefore aggregated at the national level and parties receive seats according to LR-Hare. Parties' list seats are then distributed among states according to a party's voter support within each state and according to the

---

<sup>38</sup> Krennerich, 76; David Denemark, "Choosing MMP in New Zealand", *Mixed-Member Electoral Systems: The Best of Both Worlds?* eds. Matthew Soberg Shugart and Martin P. Wattenberg (Oxford: Oxford University Press, 2001), 95.

<sup>39</sup> Weaver, 84.

d'Hondt formula. Only after this is done does the subtraction of constituency seats from PR allocated seats occur to determine the number of actual list seats each party should receive in each state, so that the subtraction is done at state rather than national level.<sup>40</sup> Because of this process, the number of parliamentary seats each state has varies depending on election results, with only the number of constituency seats being set.<sup>41</sup>

In the second Pepin-Robarts Parallel system proposal the national popular vote for each party determines how many of the sixty national list seats each would receive. In the 1980 federal election the national popular vote was 44% for the Liberals, 33% for the Conservatives, 20% for the New Democrats, and 1% for Social Credit. Using LR-Hare each party would win respectively 27, 20, 12, and 1 list seat. Using d'Hondt would give the Liberals 28 seats, with results for other parties being the same except for Social Credit which would receive no list seats. In either case the Liberals would have 51% of all seats, instead of the actual 52%. The report concludes that this second proposal would reduce "the likelihood of minority governments resulting", likely because of the d'Hondt method's favouring of the larger parties. Aside from the possible unconstitutionality of what are at least initially national seats before they are distributed among the provinces (presumably according to voter support as in Germany<sup>42</sup>), we can imagine what the results of the second proposal would be based upon recent federal elections. The purpose of the two proposals was to not only bring about national representation for all parties but also to encourage voting patterns to be more nationally uniform as well with the hoped for consequence of greater national unity, so it is perhaps not appropriate to judge it on the basis of federal election results since 1993. Either of the Pepin-Robarts proposals would have been a vast improvement on our existing electoral system

---

<sup>40</sup>Gary Cox, *Making Votes Count: Strategic Coordination in the World's Electoral Systems* (Cambridge: Cambridge University Press, 1997), 287-88.

<sup>41</sup> Steven Padgett and Tony Burkett, *Political Parties and Elections in West Germany*, second edition (London: C. Hurst & Co. Ltd., 1986), 289-90.

<sup>42</sup> The German principle of fluctuating numbers of parliamentary seats in each state would of course violate our constitution's principle of apportionment, but in 1979 there was no amending formula to present an obstacle to amending that principle. In any case the scheme of distributing list seats among the provinces would be compatible with a set number of list seats per province.

and would probably have prevented the regionalization and fragmenting of national party support that has plagued our country, particularly in recent years.

While the electoral reform recommendations of the Task Force were shelved by the federal government that had commissioned it, they did attract some notice in Canada and at least one other country eight years later. The New Zealand royal commission that finally recommended MMP in more or less the form in which it exists today in that country cites the Task Force's recommendation of what it calls the 'Supplementary Member' (SM) system.<sup>43</sup> In fact the Commission examines the proposal of a Parallel system at great length, and finally concludes in a recommendation of that system's introduction if there is not a change to MMP, with STV as its third choice.<sup>44</sup>

### *The Report of the Hansard Society Commission on Electoral Reform*

It is an irony of history that the country in which the concept of proportional representation was born would be the last to adopt it for elections, though not as yet at the national level. The English barrister Thomas Hare published treatises advocating PR for the House of Commons in the form of STV,<sup>45</sup> from 1859 on, and the principle of PR was given its classic defence by Hare supporter John Stuart Mill in chapter 7 of his *Considerations on Representative Government* (1861). The world's oldest association supporting PR, the Electoral Reform Society first known as the Proportional Representation Society, was formed in England in 1885.

---

<sup>43</sup> Report of the Royal Commission on the Electoral System. *Towards a Better Democracy* (Wellington: V. R. Ward, Government Printer, 1986), 33-34.

<sup>44</sup> Ibid. 38-43, 63-64. STV receives third place for three reasons. First, with its small district magnitude (a maximum of 7 as recommended by the Commission) it is less representative overall than MMP. Second, unlike the other two systems it does away with single-member constituencies. Third, again unlike the other two it can lead to competition between party candidates and a concentration of MPs on constituency work "to the neglect of their parliamentary functions" (ibid., 60-61). This third point will be considered in relation to the next electoral system to be examined.

<sup>45</sup> Though not in the form that it came to be actually used. Credit in this regard must go to the Danish politician (later prime minister) Carl Andrae who devised STV in a more practical form (Hare proposed STV for a *national* constituency) for the first, although only partially, PR based election in 1855, and the English barrister Henry Droop, who first proposed the now standard STV formula (later adapted for List PR) in a treatise in 1868 (Carstairs, 1, 15, 77, 193).

Yet while most of Western Europe had adopted PR in the form of the d'Hondt system (first proposed by the Belgian lawyer Victor d'Hondt in 1882<sup>46</sup>) by the 1920s, the most significant reform in the British electoral system had been made in 1867, when the practice of electing most MPs from two-member constituencies<sup>47</sup> was ended, and a semi-proportional system called the Limited Vote (in which voters had one less vote than the number of members to be elected) was introduced for electing forty-three MPs from thirteen three-member districts and one four-member constituency. It was not until 1884-85 that FPTP was established in the UK. In both periods PR in the form of STV was advocated inside and outside Parliament but was rejected in favour of expansion of the franchise. A Royal Commission on Electoral Systems in 1909 rejected PR in favour of the majority system of the Alternative Vote (AV; cf. p.15 n.30), but in 1916 an all-party speaker's conference of MPs made a unanimous recommendation of STV for urban areas electing three or more members, and AV in rural areas, where only single-member districts would exist.<sup>48</sup> A bill based on the recommendation was introduced, but was left to a free vote. While there was wide support for the bill among MPs, leaders of both the Liberal and Conservative parties were opposed. The recommendation of STV was rejected in committee, and AV was accepted by one vote. The Lords rejected AV in favour of STV, and a compromise of STV for 100 MPs was opposed by those affected by it, so the historically best chance for the introduction of PR to the Commons collapsed in 1917. After 1923 electoral success a majority of Labour MPs rejected PR, which was considered now and again by succeeding governments, but if electoral reform was considered at all, AV generally had more support from

---

<sup>46</sup> Ibid. 2. The founders of the Party List system itself were probably Victor Considérant in France in 1834, and Antoine Morin in Switzerland in 1862. Nonetheless d'Hondt is the father of the first List PR system to actually be used, and which is the one used predominantly in different forms in the world. The French mathematician A. Sainte-Laguë first proposed the Sainte-Laguë formula in 1910 (ibid. 5).

<sup>47</sup> In other words, the Block Vote system cf. 15 n.28. Only Denmark and Sweden used completely FPTP electoral systems (Carstairs, 10).

<sup>48</sup> It could be said that the proposal was for STV across Britain, since AV is equivalent to STV in single-member constituencies. STV however is not the same as AV in multi-member districts, where AV operates in a way similar to that in which plurality operates in the Block Vote.



MPs as Liberal MPs were reduced in number, replaced by Labour as one of the two main parties.<sup>49</sup>

In 1948 any two-member constituencies still existing were abolished, and FPTP became the sole electoral system in Britain. In the years that followed the governing party in what had become effectively a two-party Parliament (elections returned an average of 9 Liberal members from 1945 to 1974 in a Parliament of over 600 MPs) held fewer than 51 per cent of Commons seats in five out of eleven elections (1950, 1951, 1964 and February and October 1974), in one instance with less than 48 per cent (February 1974) and in two with more seats but fewer votes than the official opposition (1951 and February 1974). A speaker's conference was set up in 1965 and after three years by 19 votes to 1 rejected any changes in the existing system.<sup>50</sup>

Despite the general support for the electoral status quo among the MPs with the notable exception of the Liberal party, which had adopted PR in the form of STV as part of official party policy in 1922,<sup>51</sup> there were those who were disquieted by the results in certain elections, particularly after 1974. In 1944 parliamentarians and academics founded the Hansard Society for Parliamentary Government, to promote through research and discussion knowledge of and interest in parliament among the public. It was this organization that set up a commission in October 1975, headed by the former Conservative cabinet minister Lord Blake (so that it is sometimes referred to as the Blake Commission), to "examine the existing and any alternative systems of election to the House of Commons and possible systems of election for any devolved legislative assemblies that may be established within the United Kingdom and to report".<sup>52</sup>

---

<sup>49</sup> Carstairs, 191-97; Andrew Reynolds, "Electoral System Reform in the United Kingdom", Milner, 171, 173.

<sup>50</sup> Carstairs, 199.

<sup>51</sup> *Ibid.* 196.

<sup>52</sup> Hansard Society for Parliamentary Government, Commission on Electoral Reform (Chairman: Lord Blake), *Report*, (June 1976), v.

After reviewing and critiquing such factors in elections as the size of constituencies and the selection of party candidates<sup>53</sup> and stating the case for and against the “plurality voting” system of Britain,<sup>54</sup> the members of the Commission set out the criteria for a new electoral system, criteria which would be readily applicable to Canada:

- a) An electoral system should have a bias in favour of single party government, but this bias must not be so pronounced that one party may obtain a majority of seats, and more or less unlimited power for up to five years, on the basis of considerably less than 50% of votes cast.
- b) There should be a threshold which will exclude very small parties but those based on a feeling of national identity should be able to obtain seats even if their overall vote is low in percentage terms.
- c) If possible, any system should ensure that the major parties obtain some representation in areas where they have sizeable, but not majority, support.
- d) A close relationship between an MP and his constituency should be maintained.
- e) Any new system should be as simple, and should involve as few changes, as possible.
- f) While political parties are certain to continue to play an important and proper part, it is desirable nevertheless that the role of the individual voter should be enhanced.<sup>55</sup>

With these criteria the Commission goes on to briefly examine the alternatives to FPTP, clearly showing a preference for the PR systems of “proportional multi-member constituency systems” i.e. List PR and STV. Finally they consider PR systems with single-member constituencies. The “West German system” is criticized on much the same grounds as this paper has already presented, and the unnamed Parallel system is rejected as insufficiently proportional.<sup>56</sup>

---

<sup>53</sup> Ibid. 17-20.

<sup>54</sup> Ibid., 21-23.

<sup>55</sup> Ibid. 26.

<sup>56</sup> Ibid. 28-33. The non-PR systems briefly considered are AV, the “Double-Ballot” or Two Round System, the Block Vote, the Limited Vote, and the Cumulative Vote. Aside from MMP and the Parallel System, there is also reference to an alternative List PR system that would retain single-member districts, meaning that “some MPs would represent constituencies in which they had obtained a very small percentage of the vote”, and what must also be considered a kind of Parallel system with an upper tier of STV districts of about five members for about every five FPTP districts i.e. the lower tier. The Commission judges that elections under such a system “might result in considerable confusion”.

The Commission finally examines the two systems “which seem to meet all or nearly all...criteria”. The first is STV, the main problem for which is the size of districts. As the Commission members say, “In no case has STV been used in a country with a population anywhere near that of Britain”, and they argue that five seats should be the norm, with the number of seats only reduced “when geographical considerations make this essential”, so that smaller parties will not face too great an effective threshold, namely the electoral quota, to win any seats.<sup>57</sup> The second system proposed has the distinction of being original, though it can be considered a descendant of mixed electoral formulas using largest remainder quotas but replacing the largest remainder component with a highest average divisor to allocate remaining seats (e.g. cf. p. 17 n.33, p. 18 n.35). It is designed “to combine the advantages of the single-member constituency with an acceptable degree of overall proportionality without incurring the disadvantages of the West German system”.<sup>58</sup>

Called the “Additional Member System” (AMS), it is proposed with a number of underlying considerations:

- a) Existing directly-elected constituencies should be increased in size as little as possible: the smaller the constituency the closer the link between MP and his [*sic*] electorate.
- b) ...we do not regard a substantial increase [in the House of Commons] as desirable nor do we believe that public opinion would sanction it.
- c) All candidates should stand in constituency elections, thus submitting themselves to the verdict of the voter.
- d) If there is to be a statutory [legal] threshold, it should not be on a national basis.
- e) The size of the House of Commons should not vary.<sup>59</sup>

Over the lower-tier of constituency seats, an upper-tier of “additional seats” is proposed, the “larger the area in which the distribution of additional seats is made, the fewer such seats are necessary to overcome the distortions of the first-past-the-post-system”. Distribution is proposed as being “by county, groups of counties or by regions”. The method of allocating additional seats “gives a

---

<sup>57</sup> Ibid. 34-37.

<sup>58</sup> Ibid. 37.

<sup>59</sup> Ibid. 37-38.

slight but measurable bias towards the larger parties".<sup>60</sup> The method is the d'Hondt formula, but with an important difference:

- i. The aggregate number of votes for each party within the area of allocation is determined [this could apply to the party list vote, rather than the popular vote as the Commission recommends: see pp. 32-33].
- ii. This total is divided by the number of constituency seats already won by the party plus one [the initial divisor is retained since some parties may not have won any constituency seats].
- iii. The first additional seat is allocated to the party which now has the highest number of votes.
- iv. That party's original aggregate vote is redivided by the new number of seats which it has gained, plus one.
- v. The next additional seat is allocated to the party which now has the highest number of votes.
- vi. The process is repeated until all the additional seats have been allocated.<sup>61</sup>

While the Commission simply calls the method an "An Application of the Largest Average Formula" the term chosen for this paper is "plurality-d'Hondt", since the first divisor for parties' "aggregate number of votes" is based on the number of seats won by each party through the plurality method, i.e. FPTP, plus the initial divisor of one common to all highest average/divisor formulas.<sup>62</sup> The system is undoubtedly complex,<sup>63</sup> but as the Commission says additional seats can be allocated in a number of ways, and the method they have selected "gives a slight

---

<sup>60</sup> Ibid. 38.

<sup>61</sup> Ibid. 52.

<sup>62</sup> Since the constituency seats already won by parties may be won through any electoral system, the term varies depending on the particular allocation method used, so for example if the constituency seats were won through the Two Round System or the Alternative Vote the term would be majority-d'Hondt (see p. 40 of this paper), since these two systems are based on the principle of electing candidates on the basis of an absolute majority of votes, albeit a majority manufactured by the structure of the ballot. In the case of the former, a second round of elections is held if no candidate wins over 50% of the votes, and usually it is the case that only the top two winners compete in the second round, so that an absolute majority is assured. The Alternative Vote is more complex and is described and examined fully on pp. 38-40 of this paper.

<sup>63</sup> There is the additional problem that because this mixed version of the highest average method does not begin with only the initial divisor of one for all parties, the Hagenbach-Bischoff shortcut cannot be used (see p.17 n.35). However a simplified version of the Commission's proposed allocation method is possible, in which the only seats the divisor is based on are constituency seats, so that the divisor is only applied once to the popular/party list vote for each party. List seats can then be calculated from the resulting numbers by any List PR formula, with the degree of proportionality produced depending on which List PR formula is used. However, at present only the Commission's method is being used, so only it will be applied to hypothetical Canadian elections in this paper.

but measurable bias to the larger parties", which is what the d'Hondt method is intended to do. So unlike MMP, which is necessarily based on compensation through adjustment seats, the Additional Member System's compensation mechanism can be based on any formula,<sup>64</sup> and unlike MMP requires no minimum number of list seats to function. The MMP procedure of simply adding seats to achieve overall full proportionality is certainly more easily understood, but if those seats are not available for a mixed member electoral system the more complex procedure of AMS must be chosen if it is desired that fairness to all parties be achieved to the greatest possible extent.

Table 5: *Hypothetical Election Using Ten Per Cent Additional Compensation Seats and Plurality-d'Hondt Formula Allocation*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	4	0		0	3	0
	Compensation	0	0		1	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	0	0
NS	Constituency	2	0		4	5	0
	Compensation	1	0		0	0	0
NB	Constituency	4	0		2	4	0
	Compensation	0	1		0	0	0
QU	Constituency	31	0	41	0	3	0
	Compensation	1	2	0	1	5	0
ON	Constituency	100	1		1	1	0
	Compensation	0	5		1	4	0
MB	Constituency	5	4		4	1	0
	Compensation	0	0		0	1	0
SK	Constituency	1	9		4	0	0
	Compensation	1	0		0	0	0
AB	Constituency	2	24		0	0	0
	Compensation	1	0		0	2	0
BC	Constituency	5	26		3	0	0
	Compensation	2	0		0	1	0
YT	Constituency	0	0		1	0	0

<sup>64</sup> For example, a party's popular or list vote could be reduced by a percentage equivalent to the percentage that its share of constituency seats exceeds its share of the popular vote in a given area. While certainly simpler than the Commission's proposed system, the degree of overall proportionality produced would also be lower.

	Compensation	0	0	0	0	0	0
NW	Constituency	1	0	0	0	0	0
	Compensation	0	0	0	0	0	0
NU	Constituency	1			0	0	0
	Compensation	0			0	0	0
CAN	Constituency	161	63	41	18	17	0
	Compensation	6	9	0	3	14	0
CAN	Constituency <i>plus</i> Compensation	167	72	41	21	31	0

As can be seen in Table 5, despite the modest number of additional seats, compensation results are more fairly and broadly distributed than under Weaver's adjustment-seats formula with its necessary supplement of the allocation bias or queue method. How do the alternative systems that have been considered for the hypothetical election compare in terms of proportionality? Using one mathematical measure of disproportionality, the least-squares index,<sup>65</sup> we can see clear differences in results:

Table 6: *National Seat Percentages in Hypothetical Election Using Additional Seat Allocation Methods*

	Liberal	CA	BQ	NDP	PC	Green	DV Score
A	40	22	11	10	16	1	
B	53	21	14	6	6	0	12.16
C	52	22	12	6	8	0	10.63
D	51	22	12	6	8	0	10.07
E	46	24	10	7	11	1	6.12
F	50	22	12	7	9	0	8.46

- A) National popular vote
- B) Constituency seats (FPTP election)
- C) With ten per cent additional compensation – largest national parties bias
- D) With ten per cent additional compensation – most under-represented parties bias
- E) With thirty per cent additional compensation – most under-represented parties bias

<sup>65</sup> The calculation of the index is as follows: "the vote-seat share differences for each party are squared and the added; this total is divided by 2; and finally the square root of this value is taken". Lijphart regards it as "the most sensitive and faithful reflection of the disproportionality of election results", particularly in multi-party elections (Lijphart, 60-62).

F) With ten per cent additional compensation – plurality-d'Hondt formula  
 DV Score = average of deviations of seat shares from national vote share<sup>66</sup>

While the Weaver proposal in its fairer form with 30% additional seats has the lowest DV score, the Hansard Commission proposal does almost as well with only 10% additional seats. The Commission recommends an Additional Member System with one quarter of Commons seats being additional members,<sup>66</sup> but while this would be statutorily feasible in Canada, in line with the Pepin-Robarts proposal approximately sixty PR list seats will be used in the next application of the Hansard Commission proposal to the hypothetical election:

Table 7: *Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	3	0		0	3	0
	Compensation	0	0		1	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	1	0
NS	Constituency	2	0		4	4	0
	Compensation	1	1		0	0	0
NB	Constituency	3	0		2	4	0
	Compensation	1	1		0	0	0
QC	Constituency	28	0	37	0	3	0
	Compensation	3	2	0	1	8	0
ON	Constituency	90	1		1	1	0
	Compensation	0	9		3	7	0
MB	Constituency	4	4		4	1	0
	Compensation	2	0		0	1	0
SK	Constituency	1	8		4	0	0
	Compensation	2	0		0	1	0
AB	Constituency	2	21		0	0	0
	Compensation	2	0		1	2	0
BC	Constituency	4	24		3	0	0
	Compensation	4	0		1	1	0
YT	Constituency	0	0		1	0	0
	Compensation	1	0		0	0	0
NT	Constituency	1	0		0	0	0
	Compensation	0	0		1	0	0
NU	Constituency	1			0	0	0
	Compensation	1			0	0	0

<sup>66</sup> Ibid. 39.

CAN	Constituency	143	58	37	19	16	0
	Compensation	17	13	0	8	21	0
CAN	Constituency <i>plus</i> Compensation	160	71	37	27	37	0

In this example, so that the size of the Commons can be increased within what for Weaver is the politically tolerable limit of ten per cent<sup>67</sup>, constituency seats, or single-member constituencies, have been reduced in number by about the same percentage. As in the previous example, additional seats have been given to the territories and the province of Prince Edward Island on the basis of relative equality and regional considerations, such as when the North West Territories in reapportionment in 1976 received a second seat, even though according to the formula as previously applied it did not even merit one. It would not be unreasonable to think that such grounds could be appealed to again in the apportionment of additional or compensation seats; particularly since PR allocation would necessarily be by province rather than nationally. A legal threshold would not be necessary, since the small numbers of PR list seats in even the largest provinces and the d'Hondt formula<sup>68</sup> would provide a sufficient effective threshold for so-called fringe parties. While the largest provinces have been treated as single upper-tier constituencies for the sake of simplicity, they could be divided into multiple districts to lessen the discrepancy in sizes between provincial upper-tiers and the penalty to parties that have done disproportionately well in lower-tier constituencies.

Table 8: *National Seat Percentage Results in Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation*

Liberal	CA	BQ	NDP	PC	Green	DV Score
---------	----	----	-----	----	-------	-------------

<sup>67</sup> It should be noted that if Canada's House of Commons had the same seat to national population ratio as the United Kingdom's, it would have 340 seats, not 332 as proposed here.

<sup>68</sup> While the pure Sainte-Laguë formula would be fairer in principle, its application (with all divisors being multiplied by two) to such small PR list seat numbers would make little difference in even the largest provinces.



Population	40	22	11	10	16	1	
Constituency	52	21	14	7	6	0	11.49
Constituency plus Compensation	48	22	11	8	11	0	6.89

We see a notable difference in proportionality between the results of the hypothetical election being applied to the reduced number of constituency seats alone and being applied to all seats based on the plurality-d'Hondt formula. While the Liberal Party is unable to gain a majority, if a second hypothetical election were conceived based on the results of the 2000 Canadian federal election, that party would be able to win a 51% majority of seats:

Table 9: *Second Hypothetical Election Using Eighteen Per Cent Compensation Seats and Plurality-d'Hondt Formula Allocation*

		Liberal	CA	BQ	NDP	PC	Green
NF	Constituency	4	0		0	2	0
	Compensation	0	0		1	0	0
PE	Constituency	4	0		0	0	0
	Compensation	0	0		0	1	0
NS	Constituency	4	0		3	3	0
	Compensation	1	1		0	0	0
NB	Constituency	5	0		1	3	0
	Compensation	0	2		0	0	0
QC	Constituency	32	0	35	0	1	0
	Compensation	6	4	0	1	3	0
ON	Constituency	90	2		1	0	0
	Compensation	0	9		3	7	0
MB	Constituency	4	4		4	1	0
	Compensation	1	1		0	1	0
SK	Constituency	2	9		2	0	0
	Compensation	1	0		2	0	0
AB	Constituency	1	21		0	1	0
	Compensation	3	0		1	1	0
BC	Constituency	5	24		2	0	0
	Compensation	3	0		1	2	0
YT	Constituency	1	0		0	0	0
	Compensation	0	0		1	0	0

NT	Constituency	1	0	0	0	0	0
	Compensation	0	0	1	0	0	0
NU	Constituency	1			0	0	0
	Compensation	1			0	0	0
CAN	Constituency	154	60	35	13	11	0
	Compensation	16	17	0	11	15	0
CAN	Constituency <i>plus</i> Compensation	170	77	35	24	26	0

Table 10: National Seat Percentage Results in Second Hypothetical Election Using Eighteen Per Cent Compensation Seats and d'Hondt Formula Allocation

	Liberal	CA	BQ	NDP	PC	Green	DV Score
Popular Vote	41	25	11	9	12	1	
Constituency	56	22	13	5	4	0	12.63
Constituency <i>plus</i> Compensation	51	23	11	7	8	0	7.90

So we see that with its principle of broad rather than exact proportionality, the Hansard Commission's proposed system would achieve results in Canada similar to those the Commission members envisioned for Britain. Single-party majorities would still be possible, only less probable than under the present electoral system. Most importantly the system would conform to most of the present constitutional and statutory restrictions examined in the first section of this paper. The fact that this system was accepted over STV (though only barely<sup>69</sup>) is likely because it offered greater continuity with the present system than STV would. However, it is clear that an STV system would better realize the Commission's sixth criterion of electoral reform, enhancing "the role of the individual voter". Moreover, STV is like FPTP a candidate-centred rather than

<sup>69</sup> Lord Blake in his preface to the 1998 edition: "It is right to say that the members of the Commission were only marginally in favour of AMS and regarded STV as a perfectly acceptable alternative." Ibid. iii.

party-centred system (i.e. election results in terms of the number of seats for a party are based on votes for its individual candidates rather than for the party itself), so that MPs elected through STV are, like MPs elected through FPTP, directly elected. Since then PR list MPs are indirectly elected, i.e. through a party vote, how are they to be selected?

It is with regards to the selection of PR list MPs that the Hansard Commission makes its most controversial recommendation. To avoid “all traces of a party list” the Commission favours what has come to be known as the “best losers” principle. As in the 1949 West German elections and the Pepin-Robarts and Weaver proposals voters would only have one vote that would count both for the candidate and his or her party, so the format of ballots would be identical to those for FPTP elections.<sup>70</sup> Instead of a party list, all candidates would have to campaign for seats in single-member constituencies and would be “placed in order according to their performance in the constituency elections...the best method would be to use as the determining factor the percentage vote they obtained”.<sup>71</sup>

The Pepin-Robarts committee possibly had the Commission's proposal in mind in its concern that additional members that had been selected for placing second in constituency elections might be regarded as “second-class representatives”, and so proposed a closed list, meaning that voters cannot express a preference for any candidate on the list and so cannot affect his or her placement.<sup>72</sup> The New Zealand Royal Commission devotes some space to criticism of the “best losers” principle. The one-vote proposal restricts voter choice, though the principle could be used with a second party vote. Then a more substantive argument is made:

Best losers are those unsuccessful candidates with the highest percentages of the vote in their constituency. That percentage is affected by a party's traditional level of support in that constituency, and by the level of activity of third and fourth parties there. Under this scheme, therefore, a worthy but losing candidate in a seat that is safe for another

---

<sup>70</sup> The Commission prefers the one vote option “because it is simple and easy to understand” i.e. for voters (ibid. 39)

<sup>71</sup> Ibid.

<sup>72</sup> *A Future Together*, 105.

party would have little chance of being a “best loser” compared with a losing candidate in a highly marginal seat. Voter choice of “best losers” would be illusory.<sup>73</sup>

The Commission adds, echoing Pepin-Robarts, that requiring all list members (rather than giving them the choice of whether or not to stand in constituency elections as is the case in all existing MMP systems) “to be defeated constituency candidates may exacerbate rather than diminish a perception that there are “2 classes” of MP”. Finally we consider that there are benefits in having some MPs freed from the responsibility of serving a geographic constituency”.<sup>74</sup> The Commission does agree with the alternative Hansard proposal that closed list candidates be selected through secret ballot “by the party membership of a given area, or by an assembly of delegates elected by the membership for that purpose”.<sup>75</sup> This has been the standard practice for Germany’s closed lists, and it would likely be necessary to the legitimacy of a closed list component for a Canadian AMS system, it being one of the standard criticisms of PR by defenders of the electoral status quo that list selection is controlled by senior party officials.

There is a traditional alternative to the closed list that the Hansard Commission does not consider, possibly for the sake of simplicity in the ballot. This is known as the open list, in which voters can express a preference for a candidate within a party list, and so possibly influence their placement, though election results in terms of seats are still based on support for parties, not individual candidates (unlike STV). As the Commission says, “In the vast majority [of Western European countries with List PR; Spain is the only exception] the voter can have a greater or lesser influence on the order of the list...Indeed, in Finland, the voter has total control over the order of the list”.<sup>76</sup> This is because in the Finnish system voters are not “given the option to vote for a party *per se*; but only [once] for individual candidates nominated, but not ranked by a party or a non-party

---

<sup>73</sup> *Towards a Better Democracy*, 67.

<sup>74</sup> *Ibid.* 67-68.

<sup>75</sup> *Ibid.* 68.

<sup>76</sup> *Hansard Society Report*, 31.

list".<sup>77</sup> In other words, this form of List PR, like STV, gives voters *more* influence than they have under the FPTP system.<sup>78</sup> However this form, again like STV, has been criticized as leading to competition between candidates of the same party, a phenomenon particularly evident in Ireland's STV system.<sup>79</sup> The New Zealand Royal Commission comments,

...we consider that if parties were given little or no influence over the ordering of their lists, this might force candidates into public competition within, as well as between, parties. This may seriously weaken party unity and the collective responsibility of a party's representatives to the electorate. It may also deny parties the opportunity to provide representation to special groups and interests.<sup>80</sup>

It is understandable that the Royal Commission was opposed to an open list for its proposed (and enacted) national upper-tier district, but such a principle could be applied in even the largest provinces in Canada. While an open list would not preclude "public competition" within parties, it could be designed after the example of some countries so that such competition would be less likely to occur. For example, in Belgium and the Netherlands among other countries using List PR voters cast a vote either for a party or a candidate on the ballot. An effective threshold exists for candidates to move beyond the ranking by their party in the list:

In Belgium and the Netherlands seats are awarded in turn to each candidate on the party list who achieves a quota of votes determined by the number of seats and votes the *party* have gained...First, all purely *party* votes are given to the candidate first on the list, his personal votes are added, and his surplus of votes beyond the quota is transferred to the candidate next on the *list*. The personal votes of the second candidate are then added to the votes transferred to him, any surplus beyond the quota is transferred to the next candidate on the list, and so on down the list.

---

<sup>77</sup> Jan Sundberg, "Finland: Candidate Choice and Party Proportionality", *IDEA Handbook*, 72-73.

<sup>78</sup> There exist open list systems with additional flexibility. Used in Switzerland and Luxembourg, electors have as many votes as there are seats to be filled, and can vote for candidates in different parties (known as *panachage*) and use cumulative voting (see p.14 n.29) or 'cumulation', so such voting schemes have been called "free list" systems (*ibid.*, 90).

<sup>79</sup> Michael Gallagher, "Ireland: The Archetypal Single Transferable Vote System", *ibid.* 85-87. The New Zealand Royal Commission recognizes this problem, but argues that "intra-party constituency competition" is due in part to the country's political culture of "strong localist, clientelist, and brokerage strains" which STV simply exacerbates (*Towards a Better Democracy*, 60).

<sup>80</sup> *Ibid.* 68.

Since most electors either vote only for the party list, or for candidates at the head of the list, personal votes seldom result in the election of candidates lower in the list at the expense of those listed higher.<sup>81</sup>

The New Zealand Royal Commission followed this selection principle in recommending a “party box” option for voters in the event that STV became the national election system so that the degree of “intra-party competition” would be limited.<sup>82</sup>

While the Hansard Commission’s proposal of its Additional Member System may have met the fate of other creative proposals for electoral reform, as it happened it has come to be a great influence on recent electoral reforms in Britain. In the face of eighteen years of Conservative manufactured majorities (i.e. majorities not reflected in the popular vote) the Labour Party began to favour electoral reform and opened negotiations with the traditionally PR supporting (and far more electorally disadvantaged, particularly in the 1983 election in alliance with the recently formed Social Democrats) Liberals (now the Liberal Democrats). Part of the party’s electoral platform in the 1997 general election consisted of proposals for devolution for Scotland and Wales, with an elected legislature (although with limited powers) for each. After forming the government, the electoral system the party eventually chose for the Scottish Parliament and Welsh Assembly was an Additional Member System with an identical electoral formula, though there is a higher proportion of additional, or as they are referred to “regional” members (Scotland about 43%, Wales about 33%), who are elected on closed lists for each upper tier district or “electoral region” (eight in Scotland, five in Wales), and there is no legal threshold. The first Scottish and Welsh elections took place on May 6, 1999. More remarkably, AMS was also used as

---

<sup>81</sup> Carstairs, 33. The example of Denmark could also be followed, where a similar ballot is used, but parties have the choice of one of three methods of counting personal votes for each candidate, only one of which “gives the electors rather than the parties the determining influence”. Ibid.

<sup>82</sup> *Towards a Better Democracy*, 54. This option exists in the Australian Senate STV ballot. However, election law there requires that voters rank-order every candidate on the ballot paper, or simply vote “above the line” for a party “ticket” i.e. a closed list. The result according to the Australian Electoral Commission Library is that an average of 80% of voters choose the party ticket option. This has been derided by a number of STV supporters as a cynical move by parties

the basis for the first London Assembly election in the following year, with 44% of the twenty-five assembly seats elected (with a 5% legal threshold) being on a list.<sup>83</sup>

While the Additional Member System has often been called a form of MMP, is this really correct? In fact it combines aspects of both MMP and the Parallel system. Like MMP its PR list seats are intentionally compensatory, but like the Parallel System the PR formula is not decisive in allocating seats to parties. As a British journalist has said, commenting on the Scottish and Welsh AMS systems, AMS is

...a distant, very British, cousin of the system used in Germany...The second vote adds a small element of PR, but this mitigates, rather than corrects, the distortions of the FPTP first vote. The additional member system may be labelled "PR" but is still predominantly based on Britain's classic – and much criticised – FPTP voting system.<sup>84</sup>

While the writer refers to AMS as a "watered-down version of PR", it would be more in keeping with standard electoral system terminology to call it a form of semi-PR. Since the Hansard Commission Report was published, the term 'additional member system' has been used to refer to MMP, Parallel systems, and multi-tier List PR systems. However, considering the original Additional Member System's nature as in effect a semi-proportional hybrid of MMP and the Parallel system, it may be best for sake of classification to restrict the term AMS to any mixed member electoral system with PR list seats that are compensatory but not to the extent of full proportionality as is the case with MMP. In its own way the Weaver proposal can be considered a form of AMS, though of a much less desirable form than any based on the Hansard Commission's. Even with a large number of PR list seats, without a number of such seats sufficient for fully proportional results in a given regional or national constituency, what may appear to be MMP in fact is *not* MMP, since the PR formula only 'mitigates, rather than corrects', the disproportionalities of single-member district election results.

---

to in effect force a closed list on electors and retain control of the order of party candidate selection.

<sup>83</sup> David M. Farrell, "The United Kingdom Comes of Age: The British Electoral Reform "Revolution" of the 1990s", Shugart and Wattenberg, 526-30.

*The Report of the Independent Commission on the Voting System*

By the summer of 2000 the United Kingdom had moved far ahead of its former colonies, with the notable exception of New Zealand, on the road of democratic electoral reform. Aside from AMS for Scotland, Wales, and the London Assembly, regional closed list PR elections were introduced for the European Parliament and STV had long been used in Northern Ireland for local elections and elections to its Assembly (beginning in 1973, though the latter were based on List PR in May 1997, and restored to STV in June 1998 following the April "Good Friday" agreement in that year) and European Parliament elections (1979).<sup>85</sup> However the Labour Party had also campaigned on a pledge of submitting a proposal of electoral reform for the Commons to a national referendum, that proposal being based on the findings of a government-established commission (rather than a private one like the Hansard Society's).

The Independent Commission, or as it is better known the Jenkins Commission (after its chair Lord Jenkins), was established in December 1997 and ordered to report within a year. Its findings and conclusions were broadly similar to those of the Hansard Commission, and so examination will be confined to those proposals markedly different from that commission, whose influence on the Jenkins proposals is openly admitted.<sup>86</sup> The government-set criteria for electoral reform guiding the Commission members were the following: 1) broad proportionality; 2) the need for stable government; 3) an extension of voter choice; 4) the maintenance of a link between MPs and geographical constituencies.<sup>87</sup> The electoral system that the members conclude is most suited to those criteria is an Additional Member System. Its electoral formula is identical to the Hansard proposal and what would be used for Scotland, Wales, and the London Assembly but the resemblance ends there.

---

<sup>84</sup> Patrick Barkham. "How the voting works." *Guardian* Friday April 9, 1999.

<sup>85</sup> Farrell, 525; Reynolds, 172.

<sup>86</sup> United Kingdom. *The Report of the Independent Commission on the Voting System* (London: The Stationary Office, October 1998), 41.

<sup>87</sup> *Ibid.* v.



Rather than FPTP the Commission recommends the Alternative Vote (AV) for electing “constituency members” for which a good description is given:

Alternative Vote, which like FPTP is based on single member constituencies, is a majoritarian system. Winning candidates secure the support of over half the voters in a constituency. The vote is exercised by recording preferences against the candidates on the ballot paper. If no candidate receives more than half of the votes cast on the first count of first preference votes, the candidate who received the fewest first preference votes is eliminated and his/her second preferences are distributed between the other candidates. This process continues until one candidate has achieved an overall majority.<sup>88</sup>

The Commission criticizes AV on three points. First, it may “substantially” add to disproportionality rather than relieve it. “Second, its effects...are disturbingly unpredictable.” Third, it can discriminate against one of the main parties, as the other main party can be the second preference of third party supporters.<sup>89</sup> Therefore AV on its own is rejected, as is the Supplementary Vote (SV), which only gives voters a second choice.<sup>90</sup> Despite this, in conjunction with an additional member system the Commission argues that AV should be adopted, again for three reasons:

First, there will be many fewer ‘wasted votes’ in the constituency side of the election, and far more voters will potentially influence the result. This, we hope, will encourage turn-out and participation. Second, it would encourage serious candidates to pitch their appeal to a majority of their constituents, rather than just seeking to target a hard-core minority of the party faithful. This should lead to more inclusive politics than FPTP. Third, because second and subsequent preferences may count, it will discourage individual candidates from intemperate attacks on their rivals, since they will be hoping to gain their second votes and will not wish to alienate their supporters. This should contribute to the more consensual and less confrontational politics to which the majority of the public appear to aspire.<sup>91</sup>

---

<sup>88</sup> Ibid. ii.

<sup>89</sup> It should be noted that AV was introduced in Australia in 1918 by the Liberal and National parties in the face of increasing support for the Labour Party among voters: Ben Reilly, “The Alternative Vote in Australia” [http://www.aceproject.org/main/english/es/esy\\_au.htm](http://www.aceproject.org/main/english/es/esy_au.htm)

<sup>90</sup> Ibid. 26-27. This was the system under which the Mayor of London was elected (for the first time) in 2000. As the Commission comments, it is a cousin of the Two-Round, or as it says Second Ballot, System.

<sup>91</sup> Ibid. 38.

However there is a prominent dissent by one of the Commission's members. In a "Note of Reservation" Lord Alexander of Weedon QC rejects the majority opinion supporting AV. The example of Australia he argues does not promise "a less confrontational style of politics", and because it could "further heighten the tendency" of "tactical" (also called strategic) voting "and lead to attempts by two parties to marshal their supporters so as to gang up on a third." But his strongest criticism is reserved for the workings of the AV system itself:

AV comes into play only when a candidate fails to secure a majority of first preference votes. It does not, however, then take account of the second preferences of all voters, but only of those who have supported the least successful candidates. So it ignores the second preferences of the voters who supported the two candidates with the highest first preference votes, but allows the voters for the third or even weaker candidates to have their second votes counted so as to determine the result.... in 1931 Mr Winston Churchill described this proposal as taking account of "the most worthless votes of the most worthless candidates". He went on to describe AV as containing an element of blind chance and accident which would lower respect for Parliament.<sup>92</sup>

While the situation Lord Alexander describes is possible, it is highly unusual, and the "more homespun example" he gives, concerning a three party race, shows only that a slight difference in second and third preferences can lead to entirely different results.<sup>93</sup> However it is clear that this system is of the most benefit to that candidate or party that has the majority of second preference support among voters; otherwise results are less predictable.

The second striking feature of the Commission's proposal is the rather small size of upper-tier, or PR list, districts. While the Hansard Commission had suggested the distributing of additional member seats by county, it unquestionably favoured regions. But counties are chosen by the Independent

---

<sup>92</sup> Ibid. 53-54. A modified version of AV, in use in Nauru (the only other country using AV) in mainly two-member districts avoids these problems: "...there are no eliminations and preferences are simply counted as 'fractional votes'; a first preference is worth one, a second preference is worth half, a third preference is worth a third and so on. If no candidate has an absolute majority of first preferences, these lower-order preferences are tallied and the candidate(s) with the highest total(s) wins the seat" (*IDEA Handbook*, 39). Of course, in the process AV is no longer a purely majority system, but rather majority-plurality like the French parliamentary (but not presidential) Two-Round System, where in the second round candidates with the most votes are elected, regardless of whether or not they have won an absolute majority (*ibid.*, 43).

Commission as the primary basis of additional member districts, and these “Top-up” areas would consist of one or two additional or Top-up MPs. The Commission recommends a Commons consisting of either 15% or 20% Top-up MPs, who would be indirectly elected through a majority-d’Hondt formula (i.e. the initial divisor for parties would be the number of constituency seats won in AV elections, plus one). The primary reason given for the limited number of Top-up members and limited size of Top-up areas is that it would minimize the differences between indirectly elected PR list and directly elected constituency MPs:

The strong advantage, as it appears to this Commission, of this devolved county/city allocation is (i) that it would help to restore some cohesion of representation to the recently weakened traditional localities of Britain; and (ii) that one or two additional members locally anchored to quite small areas comprising a maximum of 12 and an average of eight current constituencies put together are, we believe, more easily assimilable into the British political culture and indeed the Parliamentary system than would be a flock of unattached birds clouding the sky and wheeling under central party directions.<sup>94</sup>

The last point is an example of countering one extreme with another, and like all such examples is not necessarily a strong supporting argument. Interestingly the Commission considers the electoral system traditionally thought by electoral reformers to be “easily assimilable into the British political culture”, STV, “too big a leap”,<sup>95</sup> and so is hardly a “perfectly acceptable alternative” to AMS as it was for the Hansard Commission. But another statement from that Commission is worth recalling, “The larger the area in which the distribution of additional seats is made, the fewer such seats are necessary to overcome the distortions of the first-past-the-post system”.<sup>96</sup> Since the Alternative Vote system clearly also produces distortions, the small size of Top-up areas would create a rather more sizeable effective threshold for smaller parties to surmount than would be the case in a regionally based Additional Member System. As it comments, ruling out

---

<sup>93</sup> *Report of the Independent Commission*, 54-55.

<sup>94</sup> *Ibid.* 40.

<sup>95</sup> *Ibid.* 33.

<sup>96</sup> *Hansard Society Report*, 38.

a legal threshold such as that used in Germany, “our system itself imposes an informal one more severe than the Germans’ 5%”.<sup>97</sup>

The small size of Top-up areas and the small number of Top-up MPs for each area can be explained by a strong emphasis by the Commission on their second criterion of reform, the need for stable government i.e. single-party majority government, and because the Liberal Democrats and Labour have much more in common with one another than either does with the Conservatives, the Commission’s advocacy of AV may have been to serve this criterion as well, although, as many Conservatives accused, in a distinctly partisan way. The fact that so many details of what was called by the Commission “limited AMS”, “AV Top-up”, or most famously in the media “AV Plus”, were correctly predicted by the media long in advance of the Commission’s report has raised the question of just how independent the Independent Commission was.<sup>98</sup> The third principal divergence from the Hansard proposal was perhaps the least expected, considering that the Blair government had instituted closed lists for European Parliament elections. The Commission recommends a Belgian/Dutch-style candidate/party open list for the second vote, on the basis of the third criterion, extension of voter choice.<sup>99</sup>

Despite the moderate proposals of the Commission, and despite the Blair government’s pre-election pledge, in consultation with the Liberal Democrats, to hold a referendum on choosing between FPTP and one alternative within the first term of the new Parliament, the system of AV Plus may never be realized. The Labour Party was and is badly divided on the question of electoral reform,<sup>100</sup> and the historically low voter turnout in the 2001 has evidently not improved support in that party for changing the system of Commons elections. As one political scientist has written, “In early 2000, Blair signalled his cooling ardour for the Jenkins proposals, and the current speculation is that he may seek some means of quietly dropping them, if at all possible”. But he also concludes,

---

<sup>97</sup> *Report of the Independent Commission*, 43.

<sup>98</sup> Farrell, 537.

<sup>99</sup> *Report of the Independent Commission*, 41-42. An example of the format of the proposed two-vote ballot paper is given in Annex B, 61.

At some point in the not too distant future, the government of Tony Blair is going to have to make up its mind whether to run with Jenkins, or with some alternative to it. Arguably, like New Zealand in the late 1990s, the issue has now gone too far to simply drop it. Status quo no longer seems available as an option.<sup>101</sup>

### *Conclusions*

While this paper has focused on the Additional Member System as proposed and implemented in Britain, mention should be made of a form of AMS that predates its actual use in Britain by some six years. In Italy, one of the two favourite examples (the other being Israel) used by defenders of FPTP to show the supposed deficiencies of PR, what has incorrectly been called an MMP system<sup>102</sup> replaced the previous two-tier List PR system.<sup>103</sup> The new system consists of 25% PR list MPs, or Chamber deputies, with the remainder elected under FPTP. The procedure for allocating list seats is markedly different from British AMS. The total vote cast for a party list (closed) in one of the regional districts (upper-tier) is reduced on the basis of the votes cast for candidates affiliated with the party who were elected in single-member constituencies (lower-tier), and then a List PR calculation is made for allocating list seats on the basis of the national aggregate of reduced regional district votes. Since the calculation is not made until after votes are subtracted, unlike the form of AMS used in Britain any List PR formula can be used, though in practice it is LR-Hare. The reduction in the regional district vote based on one single-member constituency is equal to one more than the number of votes received by the candidate who placed second in the same electoral district, subject to the provision that the deduction cannot be less than 25% of the total validated vote cast in that constituency “unless this would make the deduction larger than the number of votes actually received by the winning

---

<sup>100</sup> Farrell, 538.

<sup>101</sup> Ibid. 541.

<sup>102</sup> E.g., *IDEA Handbook*, 74.

<sup>103</sup> This form of two-tier List PR was not an adjustment-seats but rather a “remainder-transfer” system: “In the lower-tier districts, one of the LR formulas is applied, but instead of allocating the remaining seats to the parties with the highest remainders of votes in those districts, all remaining votes and seats are transferred to, and allocated in, higher-tier [national or regional] districts” (Lijphart, 32). Whereas MMP is based on the adjustment-seats principle, the basis of AMS systems can be said to be remainder-transfer, though the way the remainder is produced varies.

candidate, in which case the winning candidate's total vote is subtracted".<sup>104</sup> The aggregate of such results is the number subtracted from the party's regional district vote.<sup>105</sup> The Italian Senate is elected on a similar basis, though only on the basis of FPTP votes, rather than a FPTP ballot and party list ballot as for the Chamber, and a "best losers" principle identical to that proposed by the Hansard Commission is used to select PR list senators.<sup>106</sup> A proposal to apply the principle to Chamber deputies was introduced in a referendum in April 1999, and while it was approved by over 90% of those who voted, the turnout fell just short of the required 50% and so the change was not enacted.<sup>107</sup>

Whether the Additional Member System is based on the seat-divisor based British model or the vote-subtraction based Italian model or some other country's model,<sup>108</sup> its principle of limited compensation in PR list seats for the disproportionality of plurality or majority voting system results would make it a major improvement for Canadian elections in terms of more proportional results and better regional representation for parties, in the larger provinces possibly

---

<sup>104</sup> Richard S. Katz, "Reforming the Italian Electoral Law, 1993", Shugart and Wattenberg, 115-16. There is an additional provision if winning constituency candidates are affiliated with more than one party, but as that is not a practice familiar to Canadian voters it is not included here.

<sup>105</sup> Since this system is based on vote results from constituencies, rather than a count of seats as in British AMS, it cannot be applied to past elections without knowledge of what the number of votes cast in total and for each party candidate in each constituency were. Therefore no application of Italy's system to past Canadian elections has been made for this paper.

<sup>106</sup> *Ibid.* 115.

<sup>107</sup> *Ibid.* 121.

<sup>108</sup> In Hungary's electoral system, established in 1989 (making it the first working example of AMS, though it is closer in form to a Parallel system), single-member constituency elections (making up 46% of total seats) use the majority-runoff Two-Round System (all except the two highest vote winners are eliminated after the first round) and instead of subtracting votes from the party list votes affiliated with winning candidates as in Italy, first round votes for losing candidates in the first round or in the runoff are combined with any votes remaining for parties after distribution of regional or 'territorial' PR list seats according to the Droop quota, and these 'surplus' votes are pooled at the national level, where supplementary seats (to which are added regional list seats unallocated after application of the quota; the Hungarian model among AMS systems most closely conforms to remainder-transfer List PR) are allocated according to the d'Hondt formula: John W. Schiemann, "Hedging Against Uncertainty: Regime Change and the Origins of Hungary's Mixed-Member System", *ibid.*, 234-36. As with Italy, the preceding description is a simplification of a system built on deal making and compromises by the country's political party elites. One could adapt Hungary's example to have an AMS model in which list seats are based on wasted votes, i.e. votes that did not count towards electing a candidate, in constituency elections. This would be perhaps the simplest form of AMS, but besides being less proportional than the British and Italian models it would give the voter less choice, since there could be no party list vote separate from the constituency vote, as the other forms of AMS permit.

including fringe parties with sufficient support among voters.<sup>109</sup> However, this last consideration would be affected by the size of upper-tier districts, and since some provinces (and if granted, territories) would make up the entire areas for such districts, the larger provinces should be divided into as few electoral regions (to use Scottish/Welsh AMS terminology) as possible. As for the selection of PR list candidates, whether lists are closed, which would allow for greater opportunity for minority representation, or open, which would allow for greater extension of voter choice, such selection should be as free as possible from central party control, ways for which have been suggested in this paper (cf. p. 32). If open lists are used, ways have also been shown in which parties can retain some control over the ordering of lists (cf. p. 34). Despite its flaws the "best losers" option is worth considering, though only with substantial public support clearly demonstrated in opinion surveys and on the basis of a party vote option on the ballot. unless a majority of public opinion supports the maintenance of the ballot in its present form (which would of course mean less voter choice), a consideration that could also apply to a proposed AMS with closed party lists. An Additional Member System would, unlike MMP (with which it has been understandably confused), be feasible within the limits set by geography, public opinion, statute, and most importantly the constitution. Advocates in Canada are well advised to regard the last as the third rail of electoral reform insofar as they seek any changes, such as national seats or provisions for temporarily increasing the number of Commons seats, that would require the '7-50' amending formula (cf. pp. 4-5) and the inevitably self-interested involvement of provincial interests.

This caution of course applies to the Senate as well, which is constitutionally established as an appointed body, but there have nonetheless been a number of proposals in recent years, some quite well considered. In his paper on electoral reform Prof. Lawrence Leduc rightly argues that "there is potentially broader support in Canada for some type of senate reform than for electoral reform more

---

<sup>109</sup> The opportunity for representation for smaller parties would be improved by including the device of *apparentement* (cf. p.18 n.35) in a Canadian additional member system, but it is doubtful whether the present represented parties or the broad public would support it, since it

generally. The present Canadian Senate is a thoroughly discredited relic of a less democratic past, and it becomes from time to time a source of acute national embarrassment".<sup>110</sup> He proposes that a reorganized Senate be elected on a provincial, List PR basis, or that it be abolished as a separate chamber, so that in the latter case a Parallel system would be created and in the former Parliament may operate like one on some issues and perhaps increasingly so overall with the passing of time.<sup>111</sup> It may be that applying the amending formula in this instance would be less difficult, but that remains to be seen.

As stated in the first section of this paper, either a List PR or STV system could be instituted that would be within constitutional limits. In fact STV is the one PR system that has a history in Canada, namely in the Prairie Provinces and British Columbia in varying degrees until 1956.<sup>112</sup> What precludes STV for Canada is the as yet untested assumption of political scientists that voters are too wedded to the single-member constituency to abandon it.<sup>113</sup> Were an STV system to be introduced, it would likely require a mix of AV for thinly populated rural areas and STV for urban areas similar to the proposal of the 1916 UK Speaker's Conference<sup>114</sup> and actual historical practice in Canada (Manitoba and Alberta from the early 1920s to mid 1950s). It would likely be less representative of

---

would raise the spectre of the so-called 'pizza parliament' and its association with instability of government.

<sup>110</sup> Lawrence Leduc, "New Challenges Demand New Thinking About Our Antiquated Electoral System", Milner, 72.

<sup>111</sup> Ibid. 74-77. For a contrary opinion see Richard S. Katz, "Electoral reform is not as Simple as it Looks", which rejects electoral reform overall as a misplaced solution to a phenomenon produced by regional hostilities rather than by the inequities of FPTP: Milner, 101-08. A less dogmatic argument is made by John Courtney in his paper "Electoral Reform and Canada's Parties" to the effect that PR may in fact result in parties *narrowing* their appeal to voters: Milner, 91-99.

<sup>112</sup> Short studies but as yet no book-length ones have been written on STV and AV in Western Canada, see for example Dennis Pilon, "The History of Voting Reform in Canada", Milner, 111-21. However, at least one full-length study has been written advocating STV for Canada, largely on the grounds of giving greater independence to representatives: Nick Loenen, *Citizenship and Democracy: A Case for Proportional Representation* (Toronto: Dundurn Press, 1997).

<sup>113</sup> One example of this prejudice appears in J. Andrew Cousins' recent discussion paper concerning electoral reform for Prince Edward Island, where recent election results have been so distorted as to reduce the official opposition to a single member. Though the size of PEI would, based on the examples of Ireland, Malta, and Tasmania, make it ideal for STV, Cousins is certain that "STV's high district magnitude and complexity make it an unattractive prospect for PEI", preferring the adoption of a Parallel or MMP system: *Electoral Reform for Prince Edward Island*, Institute of Island Studies, University of Prince Edward Island, October 2000: 37-40.

<sup>114</sup> See p.22 n.48.



smaller parties than AMS, but a tier of adjustment seats to give all parties full representation has been suggested by a number of commentators<sup>115</sup>, though it would likely face the same obstacles in Canada that it has been shown faces MMP. Should resistance to abandoning the single-member district be as great as has been assumed however, then the Additional Member System would be the electoral system most appropriate for Canada, both for its promise of an improvement of democracy and its adaptability.

---

<sup>115</sup> E.g., Carstairs, 42, 223-24; Lijphart, 145-46; Dennis Pilon, *Canada's Democratic Deficit: Is Proportional Representation the Answer?* (Toronto: The CSJ Foundation for Research and Education, 2001), 25-27, where it has the apt name of "STV Plus".

