

CASE STUDY

Setting Minimums: PEI Votes on Electoral Reform

Canadian federal and provincial elections use the first-past-the-post voting system. The candidate with the most votes wins. A candidate does not need to receive 50% of the vote: they simply need to receive more votes than any other candidate.

One criticism of the first-past-the-post system is that elected legislatures do not always reflect the popular vote. For example, in Saskatchewan's 2016 provincial election, the Saskatchewan Party won 62% of the popular vote. However, they took 84% of the seats in the legislature. The NDP's 30% of the vote only gave them 16% of the seats. Smaller parties, such as the Greens, Liberals, and Progressive Conservatives, received no seats whatsoever.

Legislatures could more closely reflect the popular will if we changed to a system of proportional representation, or some other alternative method of voting. But such a change could significantly alter how we are governed. Therefore, many believe reforming our electoral system can only be legitimately done if it is approved by the voters. Recently, three provinces held votes on proposed electoral reform:

- Ontario in 2007
- British Columbia in 2005, 2009, and 2018.
- Prince Edward Island in 2005, 2016 and 2019.

None of these votes resulted in electoral reform.

Several important considerations about plebiscites and referendums are well-illustrated in Prince Edward Island's last two votes on electoral reform.

PEI Electoral Reform: The 2016 Plebiscite

In 2016, Prince Edward Island's Special Committee on Democratic Renewal recommended that a plebiscite be held on electoral reform. The government obliged, and a non-binding plebiscite was held later that year. A ranked ballot asked citizens:

Rank the following electoral systems in your order of preference, 1 through 5 (with "1st Choice" being your most preferred and "5th choice" being your least preferred). You may choose as many, or as few, of the electoral system options as you want.

- ___ Dual Member Proportional Representation
- ___ First-Past-The-Post (the current system)
- ___ First-Past-The-Post Plus Leaders
- ___ Mixed Member Proportional Representation
- ___ Preferential Voting





RANKED BALLOTS

Ranked ballots allow people to choose options in order of preference. When the votes are counted, if no option wins at least half the votes an instant run-off begins: the option with the fewest votes is dropped, and the second choice of those who voted for the dropped option becomes their first choice. This process repeats until one option has at least 50% of the votes.

When the votes were counted, no option received a majority of the votes on the first count. First-past-the-post came in first at 31% and mixed member proportional representation came in second at 29%. Following three run-offs, mixed member proportional representation gained 52% of the votes, with first-past-the-post coming in second at 43%.

Despite the final victory for the mixed member proportional representation option, the government was unconvinced that the voting system should be changed.

At first, it seems unfair that the government rejected the will of the people. However, the premier was concerned that low voter turnout meant there was no mandate for change. Consider his statement following the plebiscite:

Notwithstanding unprecedented measures taken to encourage voter turnout and to facilitate voting, just under 36.5 per cent of registered voters cast a ballot during the ten-day plebiscite voting period. On the other hand, 63.5 per cent of registered voters did not participate.

Put another way, because voter turnout was so low, only 19% of eligible voters said they wanted to change the province's electoral system.

Low voter turnout is nothing new. However, low voter turnout is unusual on Prince Edward Island. The province boasts some of the highest voter participation rates in the world. Its provincial elections most often have turnout of over 80%. Given that the special committee on democratic renewal said that "the outcome of a plebiscite must be considered in concert with voter turnout," the premier had a point. It was difficult to say that the plebiscite produced a clear mandate for change.

The provincial legislature as a whole agreed with the premier. When legislators met shortly after the plebiscite, they voted 20-6 to not implement the result of the plebiscite.

However, this rejection did not spell the end of electoral reform in PEI. Rather than shelve the idea of electoral reform, the government proposed a binding referendum. It would be held in conjunction with the 2019 provincial election, and allow voters to choose between the two top vote-getters in the 2016 plebiscite: retain the first-past-the-post system or move to a mixed member proportional representation system.

Electoral Reform: The 2019 Referendum

The 2019 referendum ballot asked citizens:

Should Prince Edward Island change its voting system to a mixed member proportional voting system?

- ☐ No
- ☐ Yes

The government set two minimum requirements for mixed member proportional representation to be implemented. The yes side had to:

- receive at least 50% of the vote
- win in at least 17 out of PEI's 27 electoral districts.

As well, ground rules were created for the campaign. Both the official Yes and No campaigns were given \$75,000 in public funding. Individuals and groups not registered with either the Yes or No side could not spend more than \$1,000 campaigning. As well, a commissioner was appointed to oversee the referendum. One role of the commissioner was to hold non-partisan educational sessions across the island, to educate citizens about their choices. These rules helped ensure there was a balanced and informed debate.

The leaders of the Progressive Conservatives, Greens, and New Democrats came out in support of electoral reform. The leader of the Liberals declined to take a position, instead saying he would respect whatever decision the voters make.

On voting day, the Yes side failed to meet either of the referendum's minimum requirements. Yes received slightly less than 49% of the vote, and only won 15 out of the Island's 27 constituencies. The Yes campaign accepted the loss, although its representatives said they would continue to work for electoral reform.



A Vote Yes PEI flyer in a Charlottetown mailbox. The Yes and No campaigns were independent of any political party.

DISCUSS

1. Was PEI's premier and legislature right to reject the result of the 2016 referendum?
2. Should spending limits be put in place for each side of a referendum campaign?
3. Should public funding be provided for each side of a referendum campaign?
4. Should a referendum be held during a general election? Or will the referendum not get enough attention?