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Electoral System Reviews in New Zealand, Britain and Canada: A Critical Comparison

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Abstract: This article compares the use of people outside government to consider electoral reform in three countries using the single-member plurality electoral system. The composition of electoral reform bodies, ranging from commissions of experts (New Zealand) and ex-politicians (Britain) to assemblies of randomly selected citizens (British Columbia), appears to have influenced how well their recommendations were received by the public. Governments should be careful not to assume that they can retain control of the electoral reform process once they let it out of their hands, as the cases of New Zealand and British Columbia show, where majorities of the voters chose reform.

Since the 1970s, calls for electoral reform have gained momentum in Commonwealth countries using the single-member plurality (SMP) electoral system, colloquially known as ‘first-past-the-post’. In a few instances, governments have responded by appointing panels of outsiders, made up of experts, politicians, or even average citizens, to investigate whether the electoral system should be changed, and if so, in what way. New Zealand abolished its SMP electoral system after almost 54 per cent of the voters in a 1993 referendum chose the mixed-member proportional (MMP) system, based upon the German form of proportional representation (PR) recommended by a government-appointed commission composed mainly of non-partisan experts.

In another case, however, a government managed to renege on a promise to hold a referendum on changing the electoral system. The British Labour Party promised in its 1997 election manifesto to allow voters a choice on an alternative to SMP, but the Labour government never held that referendum, despite the fact that the mixed-member electoral system, ‘alternative vote top-up’, recommended by the commission (composed mainly of ex-politicians) it appointed was arguably the option preferred by, or the least objectionable to, the government. In the final case, a Canadian provincial government took the most radical step of the three by appointing randomly chosen citizens to an assembly that would recommend an alternative to SMP. The British Columbia Citizens’ Assembly recommended the single transferable vote (STV) electoral system, the Irish form of PR, but the government required a supermajority of 60 per cent of voter support in a referendum for passage, meaning that the 57.7 per cent that was actually obtained in the May 2005 referendum was insufficient.

This article will examine the cases of New Zealand, Britain and British Columbia, where electoral system changes were considered by outsiders and recommended to governments, from the 1980s to the present. The cases are similar in that all are Commonwealth countries with a Westminster political tradition and institutions, including

SMP elections (up to 1993 in the New Zealand case). Furthermore, in all three cases, a major political party suffered the ‘injustices’ of SMP – in New Zealand Labour lost two successive elections despite winning more votes than its opponent; in Britain Labour was in the political wilderness for 18 successive years and began to question whether it would ever return to power under SMP; and in British Columbia the Liberals had lost an election despite winning more votes than their opponent, as in the New Zealand case. Ultimately, in all three places, people from outside the government were appointed to review the SMP electoral system. These unusual circumstances make the three cases worthy of a critical comparison.

This article argues that the composition of the outside review bodies determined how radical the recommendation of an alternative to SMP would be, with the more independent bodies selecting electoral system alternatives less likely to find favour with governments (or the political establishment in general). There were major differences in the independence, and even in the very *culture* of each body, from the randomly appointed citizens in British Columbia, to the prestigious academic experts in New Zealand, to the partisan ex-politicians in Britain. The more independent the body, the more seriously its recommendation for electoral reform might be taken by the public, while reform proposals from those who were closer to the political establishment could, perhaps, be more easily dismissed. Governments attempted to protect themselves by using some form of sabotage of the reform effort along the way, although the New Zealand government ultimately failed in its attempt to prevent wholesale electoral system change, from SMP to the proportional MMP. In British Columbia the prospect of a switch to STV still looms over the government, which ultimately agreed to hold another referendum in 2009 once new constituency boundaries – one set for SMP and one for STV – are drawn up.

HOW ELECTORAL SYSTEMS ARE CHANGED

The electoral system is arguably the most important rule of the political game, and the likely consequences of electoral systems have been well known by politicians and political scientists for some time. Josep Colomer recently summed up the preferences of politicians in this concise way: ‘the large prefer the small, and the small prefer the large’, meaning that parties with large electoral support prefer single-member constituency systems and small legislatures, both of which favour large parties, while small parties prefer large electoral districts (typical of proportional electoral systems) and large legislatures.¹ Colomer also observed that there is a trend towards PR worldwide, and once PR is chosen, it is very rare (almost unheard of) for a country to revert to a majoritarian electoral system. Shifts to PR are likely to occur, according to Colomer, when there is electoral support for a greater number of parties, even if that support does not immediately translate into a significant number of seats for those parties.²

Greater electoral diversity has appeared since the 1970s in some Commonwealth countries that use SMP, including Britain. There, the share of the vote won by the two largest parties, Labour and the Conservatives, went from about 90 per cent in the 1950s to about 70 per cent in the 1970s, where it remains. This shift has led to calls for electoral system change from academics and outside observers, as well as from the politicians most disadvantaged by SMP. The Hansard Society Commission on Electoral Reform recommended a PR system based on the (then West) German model (MMP) in 1976. Later, the Labour Party itself reviewed electoral systems under the guidance of Raymond (Lord) Plant, himself a supporter of MMP. His 1993 final report, however, recommended the supplementary vote (SV), similar to the alternative vote (AV), a highly majoritarian electoral system used in Australia to elect its House of Representatives. Labour was, of course, in no position to influence the House of Commons electoral system in the 1980s and most of the 1990s, as the Conservatives managed

constantly to win under SMP while its opposition, Labour and what are now called the Liberal Democrats, remained divided.

Elsewhere in the English-speaking world, more political parties were trying to enter the system and break the two-party stranglehold often seen where legislatures are elected by SMP. New Zealand saw the rise of small parties that took votes away from the ‘duopoly’ of the Labour and National Parties. In the 1978 and 1981 elections, Labour lost to National, despite having won more votes each time. In Canada, where third parties had existed for decades within a federal parliament elected by SMP, provincial elections were also showing signs of becoming more than two-party contests by the 1990s. In British Columbia, four parties won seats in the 1996 provincial election, but the leading party on vote share, the Liberals, lost to the New Democratic Party, which won a majority of seats.

These perverse election results, as well as Labour’s exclusion from power for 18 consecutive years in Britain, prompted renewed questioning of the SMP electoral system by those large parties that normally would expect to benefit from it. The resulting promises – usually made when parties were in the opposition – to review the electoral system that had harmed them could be blamed on ‘sour grapes’ and simply dismissed once these parties came back into power. Yet in each of the cases examined here, the parties that promised external reviews of the electoral system carried out at least that portion of their promises, and in some cases, more. These outcomes appear to contradict the common-sense assumption that politicians will only consider changing electoral rules when they believe that such a change will increase their share of seats beyond what they would otherwise expect, at the next parliamentary election.

This rational choice assumption has been used by many political scientists over the years to explain why so many countries changed from majoritarian electoral systems to forms of PR.³ Recently, however, Richard Katz has argued that real-life political situations may not

be so simple, and he lists out several reasons why, in his words, ‘parties might change, or allow to be changed, the rules of a game they are winning’.⁴ These include the belief that the existing electoral system might not always be kind to them, perhaps because of changing political circumstances, as well as a simple misunderstanding of the consequences of electoral reform (or of the public mood regarding the issue if put to a referendum). The cases of New Zealand, Britain and British Columbia, described below, illustrate how particular circumstances pushed governments into appointing outsiders to review the electoral system, and how *who* these outsiders were had much to do with the outcome of their recommendations.

INDEPENDENT EXPERTS: NEW ZEALAND

Serious debate over the merits of New Zealand’s SMP electoral system arose largely as a result of the ‘wrong winner’ of the 1978 and 1981 general elections, in which the National Party won the majority of seats and formed governments, despite receiving less of the popular vote than the other big party, Labour. A change in the party system in the 1970s also affected the debate on electoral reform. As in Britain at the time, a shift away from two-party domination of the popular vote took place, with third-place Social Credit gaining 16 per cent of the vote and only one parliamentary seat in 1978, and two seats from 20.7 per cent of the vote in 1981.⁵

This question of fairness was the first criterion used by the Royal Commission on the Electoral System, established by the Labour government in 1985, to judge electoral systems; other questions were concerned with the native Maori people and other minority groups and how well they were represented and integrated into the political system.⁶ The Royal Commission held public hearings in New Zealand, and also travelled abroad to investigate the workings of alternate electoral systems. Its 1986 report, subtitled ‘Towards a Better

Democracy’, surprised many observers not only in that it recommended such a radical departure from SMP, but also in its advocacy of the (West) German form of PR, rather than the ‘Anglo-Saxon’ STV form of PR used in the Republic of Ireland and Malta, as well as the Australian Senate.⁷

The Royal Commission coined the term ‘mixed member proportional’ (MMP), rather than use the British term ‘additional member system’, used by the Hansard Society, to apply to a system in which half of the members of Parliament (MPs) would be elected in single-member constituencies by the plurality method, with the remaining 60 members to be taken from party lists to make the overall partisan composition of Parliament proportional to each party’s national list vote. Each voter would have two votes on the ballot, one for a constituency MP, and one for a party, so that splitting the vote between two parties would be allowed. Therefore, the system is ‘mixed’ in the sense that MPs would be elected in two different ways, but proportional because list MPs would be added to compensate for deviations from party proportionality arising from SMP voting. The term MMP has since come to be the common label for this type of PR system among political scientists, replacing ‘additional member system’ or ‘personalized PR’ (often used in Germany) in most of the recent scholarly electoral systems literature.⁸

Despite widespread pessimism that a referendum on the issue would never be held, both Labour and National promised that voters would have their say on the question of electoral reform in the face of massive unpopularity of economic austerity programmes begun in 1984 by Labour and continued by National. These policies, sometimes implemented contrary to manifesto commitments, had a powerful effect on public attitudes towards politicians. One observer noted that the Labour government pursued ‘new right’ economic reforms with great zeal, ‘hell-bent on a course of action irrespective of the wishes of the people, and as such seemed to be treating the people with something approaching contempt’,

concluding that ‘without any effective political or institutional restraints’, there was ‘unease at all levels of society that perhaps the New Zealand people couldn’t trust their own governments’⁹. Therefore, support for a referendum on electoral reform grew, keeping alive the Royal Commission’s recommendations.

Another factor in the public support for a referendum on electoral reform was the fact that the members of the Royal Commission were largely non-partisan experts, not politicians. This fact, couple with their appointment by one of the few senior Labour ministers critical of the SMP electoral system, Geoffrey Palmer, gave the Royal Commission’s recommendations a great deal of legitimacy.¹⁰ Those appointed were the chairman, John Wallace, a High Court justice; John Darwin, a former government statistician; Kenneth Keith, a constitutional law professor; Richard Mulgan, a political theorist; and Whetumarama Wereta, a research officer and the only female and Maori member. As Jack Nagel argues, ‘the possibility that at least some powerful leaders will be concerned more with constitutional principles than with individual or partisan advantage’, and ‘provisions in law or practice allowing for influence or decision by disinterested actors’ can help overcome the large parties’ hostility to changing the electoral rules that the conventional wisdom would expect.¹¹

However, the two largest parties threw up obstacles to further consideration of electoral reform wherever possible. While the Labour leader, David Lange, promised a referendum on electoral reform in a 1987 pre-election debate (possibly a mistaken reading of his notes, or an attempt to gain an advantage over National), he reneged on the promise once Labour was re-elected, leading National to make this a campaign issue in the 1990 election, which it won. Both parties this time had promised referendums, and National delivered, but attempted to sabotage the process by presenting the voters with five different electoral system options, rather than a straight choice between SMP and MMP. Despite this complication, over 70 per cent of the voters chose MMP, and only about 15 per cent supported the SMP status

quo in the 1992 ‘preferendum’. Furthermore, this was only the first stage of a two-stage referendum process; a year later, a binding choice was offered between SMP and MMP at the time of the next parliamentary election, and MMP won with almost 54 per cent of the vote. The new electoral system was implemented, more or less as the Royal Commission recommended, in time for the 1996 election, and has remained in place ever since.

PARTY POLITICIANS: BRITAIN

The British experience with a government-appointed electoral reform commission was very different to that of New Zealand. One major difference between the two commissions was the nature of the appointees. While Labour in New Zealand appointed largely non-partisan experts, New Labour in Britain appointed largely partisan ex-politicians. The Independent Commission on the Voting System, as the British government called its group of electoral system reviewers, was composed of chairman Roy (Lord) Jenkins, a Liberal Democrat peer and former Labour cabinet minister; Robert (Lord) Alexander, QC, a Conservative lawyer and banker; (Sir) John Chilcot, a civil servant; Joyce (Baroness) Gould, a Labour peer and campaigner on women’s issues (and the only female member); and David Lipsey, a journalist and former aide to Labour minister Tony Crosland.¹² Lipsey was later made a Labour peer.

The highly political nature of the Jenkins Commission (as it was known) was criticized by many observers, including journalist Andrew Rawnsley, who wrote that the commission’s full title, the Independent Commission on the Voting System, was ‘a joke to be enjoyed by those who knew the truth’, since, according to Rawnsley, its chairman was secretly talking to the prime minister, Tony Blair.¹³ Academics could only contribute calculations of how election results under various electoral systems might look, or submit their views to a second volume published with the final report. Unlike their counterparts in New Zealand, whose report was subtitled ‘Towards a Better Democracy’, the members of the

Jenkins Commission worked under terms of reference that Iain McLean argued could be rephrased as ‘Find something which satisfies reformers just enough to count as barely acceptable to them, while comforting conservatives that it is the minimum you could offer’.¹⁴

Unfortunately for the Jenkins Commission, its recommendation was unappealing to both advocates and opponents of reform. The proposal, called ‘alternative vote top-up’, called for the vast majority of MPs to remain elected in single-member constituencies (using the Australian form of preferential voting often called the alternative vote (AV), in which voters rank candidates in order of preference), while 15 to 20 per cent of MPs would be elected from party lists in a way that would attempt to compensate for the party disproportionality arising from the AV part of the system.¹⁵ The compensatory regions would consist of very small multimember clusters formed from groups of constituencies in the ratio of roughly eight constituencies to one list seat, with two list seats being the maximum. The commission wanted to overcome concerns that party list MPs might be seen as ‘second class’ due to their election from party lists in areas larger than traditional constituencies, although it could be argued that having so few list MPs simply exacerbates the perception problem, and using the label ‘top-up’ MPs does not help. The tiny number of list MPs, allocated in such small compensatory regions, also reduces the proportionality of AV top-up to such an extent that it should more accurately be called a ‘diluted majoritarian’ system – it would have been one of the least proportional electoral systems that scholars could (very technically, thanks to the compensatory element) label a form of PR.

Most scholarly reaction to AV top-up was scathing. One political scientist, Matthew Shugart, argued that the proposal was ‘only a very timid step towards PR, yet is so complex that it may fail to provide for the outcomes desired by either the pro-PR or the anti-PR side of the debate’.¹⁶ The Electoral Reform Society, long-time advocate of STV, only reluctantly supported AV top-up as a temporary measure until STV is adopted, and among the wider

public a ‘Make Votes Count’ campaign never really got off the ground. Jack Nagel argued that the Jenkins Commission proposal, unlike its counterpart in New Zealand, MMP, ‘never inspired a popular movement, in part because of the perception that its ingenious plan was contrived to satisfy the partisan requirements of the government in power’.¹⁷ Furthermore, the recommendation of AV top-up, with its low level of proportionality, seemed at odds with the use of MMP for the Scottish Parliament, Welsh Assembly, and Greater London Assembly elections around this time. If genuine PR could be used for these bodies, then why not for Westminster?

The Jenkins Commission’s proposal, combining elements of previous British electoral reform proposals (the Hansard Society’s 1976 recommendation of a proportional ‘additional member’ system, and the Labour Party’s Plant Report’s recommendation of the majoritarian, AV-like ‘supplementary member’ system) appeared to be a compromise designed to satisfy the government’s desire to retain a system that would yield single-party government most of the time, while placating the Liberal Democrats, whose leader, Paddy Ashdown, had become a potential ally for Tony Blair when both parties were in opposition to the Conservative government. On record as supporters of the proportional STV system, the Liberal Democrats nevertheless offered a cool welcome for AV top-up, perhaps because alternate electoral system scenarios showed that this system (or even undiluted AV) would offer them far more seats than SMP. The Conservatives, on the other hand, strongly opposed AV top-up, suspecting that it was designed at their expense, as implied by commission member Lord Alexander’s note of dissent regarding the use of AV rather than SMP for constituency voting. The party also claimed, however, that it supported SMP out of principle, despite the system’s disastrous impact on the Conservatives at the 1997 election.¹⁸

Perhaps the most surprising result of the Jenkins Commission process was the level of hostility to AV top-up from much of the Labour Party itself. Academic modelling suggested

that Labour would do well by the system, and while some advocates of electoral reform within the party genuinely saw PR as a virtue, others (perhaps considering the long Tory domination of twentieth-century British politics) wanted to use a new electoral system to harm the Conservatives, even if that meant a ‘progressive’ pact with the Liberal Democrats. The potential for sharing power, however, did not appeal to others in the Labour Party, particularly those on the left of the party. Others were concerned about who would lose their seats when new constituency boundaries were drawn up that would, under the Jenkins plan, mean fewer single-member constituencies. This reduction meant that AV top-up was, in the words of Labour MP Martin Salter, ‘a recipe for civil war inside the Labour Party’.¹⁹

Bringing about electoral system change while avoiding internal strife inside the Labour Party could be accomplished by introducing undiluted AV, which would not require the redrawing of, or reduction in, constituencies. AV, however, is not a form of PR, but a highly majoritarian system, in which losers are heavily penalized. Some observers, including Jenkins Commission member David Lipsey, saw signs in the years after Jenkins’s report that Labour might have been planning a referendum on its introduction.²⁰ After Labour’s poor showing in the 2005 election, with the votes of just over 35 per cent of the electorate, coupled with anti-government voting, AV might appear too risky, as Labour could end up severely hurt by Conservative and Liberal Democrat voters who give each others’ parties their first and second preferences. PR might actually appear more attractive, as it had done to so many other parties facing declining support in early twentieth-century Europe, leading to the adoption of PR in most European countries.

AVERAGE CITIZENS: BRITISH COLUMBIA

The most obvious difference between the British Columbian electoral reform process and its counterparts in Britain and New Zealand was the nature of the outsiders appointed by the

provincial government to investigate the workings of the SMP electoral system. Instead of appointing ex-politicians or even independent experts, the British Columbia (BC) government failed to appoint a conventional commission at all. It randomly chose average citizens from across the province who were willing to participate in a long series of meetings over the course of 16 months, starting in 2003. The non-partisan body Elections BC, which conducts elections in the province, updated the electoral roll and randomly chose equal numbers of men and women, balanced by age cohort, from each of the 79 ridings (electoral districts), plus men and women of First Nations (aboriginal) background. From among those who were chosen, interested people attended informational meetings that described what the Citizens' Assembly on Electoral Reform would entail after the selection process – a three-month 'learning phase', public hearings and deliberations – and ultimately one man and one woman were chosen from each riding and from the First Nations community, meaning that the Assembly had 160 members, plus its chair, Dr Jack Blaney, former president of Simon Fraser University in a suburb of Vancouver.²¹

Such a radical departure from the conventional commissions seen elsewhere was the result of a wave of anti-establishment sentiment sweeping through the province, in part due to corruption scandals associated with the New Democratic Party government, which lost power (and all but two of its seats in the 79-seat legislature) in 2001. The opposition British Columbia Liberal Party leader Gordon Campbell had previously promised a 'citizen review' of the SMP electoral system that prevented his party, which had won the most votes, but a minority of seats, in 1996. Henry Milner stressed that the 'citizen' element of this assembly 'reflected the commitment to keep the process of electoral system reform out of the hands of politicians, with their inevitable vested interests: anyone directly involved in party politics was excluded'.²²

Using electoral reform for any sort of democratic enhancement, whether one agrees with the populist critique of party politics or not, represents a shift in the direction of the Canadian debate over the merits of PR. As Ken Carty points out, questions ‘of “democratic fundamentalism”, a vital element in the debate over electoral systems in most other places, have been pushed out of a central position in most Canadian discussions about the country’s basic electoral institutions’.²³ What pushed out debate, until recently, on the democratic fundamentals of electoral systems in Canada was a 1968 article by Alan Cairns that questioned the long-held assumption that the Canadian ‘brokerage’ party system acted as an agent of national unity. Cairns claimed that the electoral system instead ‘exacerbates the very cleavages it is credited with healing’ by making ‘sectionalism’ (regionalism) a ‘fruitful basis on which to organize support. Divisions cutting through sections, particularly those based on the class system, have been much less salient because the possibility of payoffs in terms of representation has been minimal.’²⁴

In other words, Cairns argued that parties devote their efforts to regions where they have strong support to ensure that they win the ‘bonus’ of seats manufactured by the SMP electoral system, and in the process, not only will class as an issue dimension be neglected, but some regions will not have adequate representation in the governing parliamentary party, with grave implications for national unity. Although Cairns wrote in 1968, the federal election result of 1993 forcefully illustrates the continuing relevance of his concerns. Two parties reflecting regional discontent with federalism, the separatist Bloc Québécois and the western-based Reform Party, won enough seats to become the second- and third-largest parties in Parliament respectively, while the Progressive Conservatives, with support spread out across Canada, lost all but two seats. The victorious Liberal Party won almost all the seats in the province with the largest population, Ontario.

In Canada, almost all PR proposals have advocated some version of MMP, in which party list seats are awarded to parties that do poorly in single-member constituency races so that not only is party proportionality achieved, but also so that the governing party will most likely have MPs from all over the country, enhancing national unity by allowing the inclusion of MPs from most provinces in the federal cabinet. William Irvine's 1979 MMP model, for example, recommended a system in which single-member constituencies would become somewhat larger, and about half of MPs would continue to be elected by plurality from these ridings, with the other half elected from party lists in each province (and one list for the territories) in such a way that the total delegation from each would reflect the popular vote on a partisan basis.²⁵ More recently, the Law Commission of Canada in 2004 also recommended MMP, similar to the model used for the Scottish Parliament, but it expanded upon the traditional argument that PR would enhance national unity. The Law Commission argued that a 'Scottish-inspired mixed member proportional system would do a much better job of being fair and making every vote count than our current system', citing fairness and better representation as justifications for the reform, in addition to the reduction of 'regional imbalances in the legislative caucuses of all the major parties'.²⁶

The language of the Law Commission, invoking democratic improvement as an important reason for electoral reform, is also visible in proposals for PR in provincial legislatures. MMP has been the model proposed for the legislatures of Quebec, New Brunswick, Prince Edward Island, and Ontario. In Quebec, draft legislation to replace the Election Act aimed 'to ensure effective representation of electors on the principle that all votes should count equally'.²⁷ In New Brunswick, the Commission on Legislative Democracy recommended MMP, expecting, in addition to better representation and voter choice, that voter turnout 'could also rise, along with general satisfaction with our democracy as voting becomes more meaningful'.²⁸ In Prince Edward Island, a 2005 referendum did not support

MMP, despite the advice from the electoral reform commissioner that MMP would ‘provide effective representation for the electorate of Prince Edward Island and allow each elector to play a meaningful role in the electoral process’.²⁹ In Ontario, a randomly selected Citizens’ Assembly recommended that MMP face SMP in an October 2007 referendum, arguing that MMP ‘preserves the strong local representation of the current system and adds new elements that will increase voter choice and produce fairer elections results’.³⁰

While the above four provinces considered MMP, however, British Columbia came up with something different. The Citizens’ Assembly recommended BC-STV, the single transferable vote ‘customized for this province’.³¹ The Assembly rejected MMP by a wide margin, with 31 supporting MMP and 123 supporting BC-STV. The MMP model devised by the Assembly was actually quite similar to the ill-fated AV top-up proposed in Britain by the Jenkins Commission, but far more proportional, with 40 per cent of the seats allocated from open party lists to compensate for disproportionality arising from single-member constituency results, where the majoritarian AV would be used.³²

Arguably, the great appeal of BC-STV was the perception of Assembly members that the system could reduce the role of parties and give voters more choice. The Assembly’s report claims that ‘the voter will have real power in determining who is elected’ because of the preferential nature of BC-STV, in which voters rank candidates according to their preference, and large parties would nominate more than one candidate per constituency.³³ The report also notes that BC-STV ‘is also the only proportional system that allows independent candidates a real chance to be elected’, arguing that such candidates ‘must have opportunities to participate in our provincial elections equal to candidates who work through political parties’.³⁴ Much of the report’s wording was hostile to parties, as this example illustrates: ‘In our current electoral systems, political parties, not voters, control the way MLAs [Members of the Legislative Assembly] represent their communities. BC-STV corrects this imbalance by

being voter-centred and candidate-focused: to be elected, candidates will need to put communities first.’³⁵

As might be expected, BC-STV was not the choice of the provincial New Democratic (NDP) or Green parties, both of which preferred MMP, and did not appear to be welcomed by the ruling BC Liberals, who won almost all the legislature’s seats under SMP in 2001. This reaction is not surprising – political parties generally like the control they have over candidate nominations in single-member constituencies, or on close party lists, if PR is to be used – while the Liberal Democrats, Scottish National Party and Plaid Cymru in Britain prefer STV. Despite, or perhaps because of, the anti-party sentiment associated with BC-STV, the referendum held in 2005 saw an overwhelming public endorsement of the proposal, with 57.7 per cent of voters voting yes to the question ‘Should British Columbia change to the BC-STV electoral system as recommended by the Citizens’ Assembly on Electoral Reform?’. The proposal had widespread support, with majority support in 77 of the 79 provincial electoral districts, but it failed to surpass the 60 per cent popular vote threshold required in the legislation unanimously passed by the previous legislature. Furthermore, some critics questioned whether voters really knew what they were voting for, and even whether they were actually endorsing the Assembly’s electoral system, or just the democratic nature of the process and perhaps the anti-party outcome of that process.

Some pollsters had misgivings about the wording of the question, which did not cite the alternative ‘first-past-the-post’ as an option (as was the case in the New Zealand referendum), and pointed out that less than a third of voters knew very much about BC-STV before the election.³⁶ Nevertheless, it was apparently too difficult for the provincial premier, Gordon Campbell, to ignore the referendum’s result, and in September of 2005 he announced that another referendum would be held on the issue in November 2008, after the Electoral Boundaries Commission has come up with two sets of new boundaries for provincial

legislature elections, one for SMP and one for BC-STV. Campbell claimed that ‘it is most appropriate to allow all British Columbians a second, more informed, vote on STV’, knowing what their new constituencies would look like under both electoral systems.³⁷ The second referendum would also require 60 per cent support for BC-STV in order for the PR system to replace SMP, but it would go into effect for the May 2009 legislative election (set for this date because of another democratic innovation of the Liberal government – it made British Columbia the first Canadian province to implement a fixed, four-year term for governments). The BC government found out the hard way that jumping on the populist bandwagon could be costly. The failure of the BC-STV referendum, despite the support of an overwhelming majority of the voters, put the Liberal government in a very awkward position. How could it justify rejecting the wishes of 57.7 per cent of BC voters when it only took 45.8 per cent of the voters to elect a Liberal majority government in the same election? The premier’s decision to hold another referendum, also with a 60 per cent threshold, was a gamble. It is likely that the BC premier calculated that the political fallout of ignoring the referendum result would have been worse than the risk of another referendum that might not achieve the required 60 per cent.

Alternatively, another ‘majority that is not a majority’ – between 50 and 60 per cent – would cause another headache, as the result would maintain SMP against the wishes of the majority of the voters. While this could again present a problem, the government could always decide to enact BC-STV in such a situation if the Liberals are doing poorly in the polls and appear likely to lose to a resurgent NDP. Furthermore, allowing outsiders to consider electoral reform proposals that could be submitted to the voters in a binding referendum is fraught with dangers for governments, but could potentially rescue unpopular parties by distracting voters from bigger problems that are more costly and difficult to solve. As William Cross has argued, it is much more expensive to solve the problems associated with health care

and education, so Canadian ‘premiers may be looking, at least partially, at building their legacies around democratic and electoral reform’.³⁸

CONCLUSION

As summarized in Table 1, this article examined three instances of external investigations into electoral system change across three decades. While different specific circumstances brought about these investigations, in each case there was a history of dissatisfaction with the SMP electoral system in use, with academic and often other criticisms, with the grievances of political parties instrumental in instigating a review of SMP. Once an external investigation of electoral system change was ordered by each of the three governments, the composition of the external bodies chosen varied considerably, however. In 1980s New Zealand the Royal Commission was composed mainly of independent experts. In 1990s Britain the Independent Commission was composed mainly of former politicians. In post-2000 British Columbia there was no conventional commission; instead, an assembly of randomly selected citizens was chosen.

Table 1

Summary of Electoral System Reviews

<i>Location/date</i>	<i>Reviewers</i>	<i>Proposal</i>	<i>Referendum(s)</i>	<i>Result</i>
New Zealand, 1986	Mainly experts	MMP	1992; 1993	Electoral system changed
Britain, 1998	Mainly ex-politicians	AV top-up	Not held	No change
British Columbia, 2004	Average citizens	STV	2005	No change; second referendum promised 2009

Each instance of electoral reform investigation was instigated by a perceived electoral injustice. In New Zealand the Labour Party had won more votes than the National Party in two successive elections, but lost both times because National won a majority of seats in each

instance. Coming to power in 1984, Labour was in the position to examine what had happened and to consider changes to the electoral system. The British Labour Party was out of power for 18 years and did some investigation into electoral reform of its own during these wilderness years. Its 1993 Plant Commission recommended SV, a majority preferential system very different from the MMP system recommended by the Hansard Society in 1976. Upon returning to power in 1997, New Labour's leader, Tony Blair, launched the so-called Independent Commission on the Electoral System. The British Columbian Liberal Party, deprived of power in 1996 when the New Democrats' seat majority in the provincial legislature came from a lower vote share, went ahead with an investigation of the electoral system after its huge landslide victory in 2001.

In each of the cases above, the party that was once aggrieved by election results managed to return to power later. Upon the return of each party, the sense of injustice experienced earlier had dissipated. In New Zealand, Labour did not want wholesale electoral system change, nor did National, yet both parties were stuck with a referendum promise. In Britain, Labour moved strongly against electoral reform after its landslide victory of 1997, with Tony Blair only half-heartedly endorsing the Jenkins Commission's recommendation. In British Columbia, the Liberals went ahead with the Citizens' Assembly, despite a landslide victory in which the party won all but two seats in the legislature.

Making promises about electoral reform can be dangerous, as these parties found out. Election results can eventually go in your favour. It is difficult, once you promise an external review of the electoral system, to get out of the promise when that system now works for you again. Therefore, in each case, some attempt was made to sabotage the investigation or the referendum process. In New Zealand, when governments could no longer ignore the radical recommendation of a truly independent, non-partisan commission, the referendum procedure was complicated by the dual referendum requirement. There would be a 'preferendum'

offering voters the choice of *five* different electoral systems, and then only a second referendum if SMP failed to come in first place (which did not go the way the government wanted).

In Britain, however, a referendum was never held, with Blair ignoring his party's 1997 manifesto commitment without any substantial public outcry. The Jenkins Commission's proposal, arguably designed to satisfy the government, was so unpopular with both the majority of the Labour Party *and* many of those wanting PR, rather than a diluted majoritarian system, that it simply died. The sabotage was possibly *too* successful, as the existence of genuine PR systems, MMP and STV, already in use for other levels of UK government, could mean that future moves towards electoral reform will consider these models instead of the deeply unpopular 'AV top-up'. In British Columbia there was an altogether different approach to the consideration of electoral reform, one that invoked democratic legitimacy by using a highly representative assembly of non-partisan citizens who devised a 'made in BC' system of PR. Yet in creating this process, the BC government required that an unusually high threshold – 60 per cent – be applied to the referendum. This successfully repelled the result of the nearly 58 per cent 'yes' vote achieved in the referendum, but put the government in the difficult position of appearing to ignore the wishes of the vast majority of the voters. The government's solution: another referendum, with the same high threshold.

A critical comparison of the three cases reveals that the more independent of the government (and the wider political establishment) the reviewers, the more radical the electoral reform recommendation. In a climate of voter disenchantment with politicians in general, a more radical recommendation is more likely to pass in a referendum, something that the BC government might have anticipated in view of its supermajority requirement. Voter disenchantment with the political establishment in New Zealand appears to be a major reason for the successful passage of the MMP referendum. In Britain, voters were not allowed

the opportunity to vote on AV top-up, so we do not know. A more genuinely proportional alternative to SMP than AV top-up would probably have inspired those in favour of reform, but opposition among Labour and Conservative MPs would most likely have remained high. Furthermore, the recommendation of a less elitist, more non-partisan body of commissioners, rather than one crafted by the political establishment, would have been more difficult to reject in the way that the Jenkins Commission's proposal was.

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² *Ibid.*, pp. 17–18.

³ John G. Grumm, 'Theories of Electoral Systems', *Midwest Journal of Political Science*, 2: 4 (1958), pp. 357–76; Stein Rokkan, *Citizens, Elections, Parties*, Oslo, Universitetsforlaget, 1970; Carles Boix, 'Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies', *American Political Science Review*, 93: 3 (1999), pp. 609–24; Kenneth Benoit, 'Models of Electoral System Change', *Electoral Studies*, 23 (2004), pp. 363–89.

⁴ Richard Katz, 'Why Are There so Many (or so Few) Electoral Reforms?', in Michael Gallagher and Paul Mitchell (eds), *The Politics of Electoral Systems*, Oxford, Oxford University Press, 2005, pp. 57–76, quoted at p. 63.

⁵ *Report of the Royal Commission on the Electoral System: Towards a Better Democracy*, Wellington, New Zealand Government Printer, 1986, para. 2.8.

⁶ *Ibid.*, para. 2.1.

⁷ Arend Lijphart, 'The Demise of the Last Westminster System? Comments on the Report of New Zealand's Royal Commission on the Electoral System', *Electoral Studies*, 6:2 (1987), pp. 97–103, quoted on p. 100.

⁸ See, for example, Matthew Soberg Shugart and Martin P. Wattenberg (eds), *Mixed-Member Electoral Systems: The Best of Both Worlds?*, Oxford, Oxford University Press, 2001; and Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven, CT, Yale University Press, 1999.

⁹ Paul Harris, 'Changing New Zealand's Electoral System: The 1992 Referendum', *Representation*, 31: 115 (1992), pp. 53–7, quoted on p. 54.

¹⁰ David Denemark, 'Choosing MMP in New Zealand: Explaining the 1993 Electoral Reform', in Shugart and Wattenberg, *Mixed-Member Electoral Systems*, pp. 70–95.

¹¹ Jack H. Nagel, 'New Zealand: Reform by (Nearly) Immaculate Design', in Josep M. Colomer (ed.), *Handbook of Electoral System Choice*, Basingstoke, Palgrave Macmillan, 2004, pp. 530–43, quoted on p. 542.

¹² Iain McLean, 'The Jenkins Commission and the Implications of Electoral Reform for the UK', *Government and Opposition*, 34: 2 (1999), pp. 143–60.

¹³ Andrew Rawnsley, *Servants of the People: The Inside Story of New Labour*, London, Hamish Hamilton, 2000, quoted on p. 203.

¹⁴ McLean, 'The Jenkins Commission', p. 153.

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- ¹⁵ Report of the Independent Commission on the Voting System, Chairman Lord Jenkins of Hillhead, London, The Stationery Office, 1998, Cm 4090-I, Chapter 9.
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- ¹⁷ Nagel, 'New Zealand', p. 542.
- ¹⁸ John Morrison, *Reforming Britain: New Labour, New Constitution?*, London, Reuters, Pearson Education, 2001, p. 244.
- ¹⁹ *Ibid.*, p. 254.
- ²⁰ *Ibid.*, p. 266.
- ²¹ British Columbia Citizens' Assembly on Electoral Reform, 'Making Every Vote Count: The Case for Electoral Reform in British Columbia', Final Report, Victoria, 2004, pp. 10–13.
- ²² Henry Milner, 'First Past the Post? Progress Report on Electoral Reform Initiatives in Canadian Provinces', *Policy Matters*, 5: 9 (September 2004), quoted on p. 22.
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- ²⁴ Alan C. Cairns, 'The Electoral System and the Party System in Canada, 1921–1965', *Canadian Journal of Political Science*, 1 (1968), pp. 55–80, quoted on p. 64.
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- ²⁷ Government of Quebec, 'Draft Legislation Replacing the Election Act', Background Paper, Quebec City, 2004, p. 6.
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- ³¹ BC Citizens' Assembly, Final Report, p. 1.
- ³² BC Citizens' Assembly, *Making Every Vote Count: The Case for Electoral Reform in British Columbia*, Technical Report, Victoria, 2004, p. 92.
- ³³ BC Citizens' Assembly, Final Report, p. 6.
- ³⁴ *Ibid.*, p. 5.
- ³⁵ *Ibid.*
- ³⁶ Richard Warnica, 'Hot Box for Campbell: Vote Reform', TheTye.ca, 9 June 2005, at <http://www.thetyee.ca/News/2005/06/09/HotBox>.
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