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**Wednesday, August 31, 2016**



**Chair**

**Mr. Francis Scarpaleggia**



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• (0935)

[Translation]

**The Chair (Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.)):** Good morning, colleagues.

This is the 20th meeting of the committee and the third day of testimony this week.

We have several guests this morning. They are all appearing by video conference. There are no witnesses in the room with us. They are in Germany and Scotland.

From Germany, we will hear from Joachim Behnke, professor at Zeppelin University in Munich and chair of the Department of Political Science. In 1990, he earned a master's degree in arts, communications, economy and political science from Ludwig-Maximilian University in Munich. He has worked in the university setting since 1991.

Professor Behnke contributes on a regular basis to reviews on election law and elections in various well-known publications, including the German *Financial Times*, *Der Spiegel* and *Die Zeit*.

In 2011, he testified before the legal parliamentary committee of the State of Schleswig-Holstein, which sought to reform the election law of that region. He also testified before parliamentary committees on the Constitution of Bavaria. He appeared before the German Federal Constitutional Court and spoke about a constitutional challenge to the election law recently passed by the coalition government.

[English]

Also with us from Germany today is Professor Friedrich Pukelsheim, a professor of stochastics at the Institute for Math at Augsburg University and chair of the department of stochastics at the university. Professor Pukelsheim's research focuses on the mathematical analyses of electoral systems. He is often invited as a witness to parliamentary committees on electoral law. Professor Pukelsheim is known for having developed an electoral process known as the "new Zurich allocation method", colloquially referred to as the "double Pukelsheim", a system used in 2006 during Zurich's council elections.

From England we have joining us today—and please correct me and forgive me if I don't pronounce your last name properly—Mary Pitcaithly.

Is that correct?

• (0940)

**Ms. Mary Pitcaithly (Convener, The Electoral Management Board for Scotland):** That's absolutely right.

**The Chair:** Good.

She is the chief executive of Falkirk Council, a local authority responsible for local government functions in Falkirk, and the convener of the Electoral Management Board for Scotland. Ms. Pitcaithly studied law at the University of Edinburgh. She was the first woman to hold the post of chief executive of a Scottish council in 1998, as well as one of the youngest. She has been a representative of local government on a variety of national bodies, and is a former member of the Arbutnott Commission, which was set up to consider boundary differences and voting systems in Scotland. In 2005, Ms. Pitcaithly received the Order of the British Empire for her service in local government.

Also joining us from the U.K. is Mr. Andy O'Neill.

[Translation]

Mr. O'Neill is the head of the electoral commission in Scotland. He has held this position since 2001. He appeared before the Scottish Affairs Committee during its study on the Scottish independence referendum.

Also with us is

[English]

Chris Highcock, who is secretary to the EMB, the Electoral Management Board for Scotland. He supports EMB's policy and strategic work and is a key liaison between it and Scotland's 32 returning officers and 15 EROs. He engages with governments, the electoral commission, and various suppliers to ensure that stakeholders understand the requirements of the electoral administrators. As senior deputy returning officer for the City of Edinburgh, he oversees the capital's delivery of elections and referendums.

Thank you so much, again, to all of you for being here.

This is the way we work. We have for the first group from Germany 20 minutes for presentations, as we have for the second group from the U.K. You will go through your presentations. Then the committee will have two rounds of questions. In each round each member—and we have 11 members asking questions—will have five minutes for a Q and A session. There will two rounds of this.

I would remind you that if we get to the end of the five minutes and you haven't been able to fully answer a question, it doesn't mean you can't address it the next time the floor is yours. So don't worry about that.

We'll start with Professor Behnke, please.

**Professor Joachim Behnke (Professor, Chair, Political Science, Zeppelin University, Germany, As an Individual):** A central theme in the committee's inquiry into the system for the election of the members of the House of Commons is the problem of proportional representation of political parties. Hitherto, members of Parliament have been elected in single seat constituencies. However, Parliament's daily work relies on party affiliation, not on regional provenance. This mismatch has been the cause of many debates and initiatives for electoral reform. Similar electoral issues have been encountered in German history. Based on the German experience, we would like to sketch some ideas that may possibly aid in identifying feasible solutions for the Canadian problems.

In section 2, we give a short review of the essentials of the electoral system for the German Bundestag. In section 3, we turn to the Canadian House of Commons and sketch a hypothetical electoral system, tagged as "SMP and PRP", that we view to be a natural enhancement of the current single-member plurality system.

I will begin with section 2.

I'm very pleased to appear here as a witness and to introduce to you the main features of the German electoral system. The double vote system for the election of the members of the Bundestag has become something like a democratic export hit. In contrast to other exports, like German diesel cars, it has caused no considerable mischief. Quite the contrary, it is held in high regard. Without doubt, this esteem is not undeserved, but there are at least some precautions you should take when implementing the German system.

To explain the system as a whole would be a very demanding task because the current German system is one of the most complicated systems in the world—but this is valid only for the way it works, not for the way it is executed. Furthermore, the complex intricacies of the German system are mostly due to its federal structure and the specific way the German system is adapted to that.

Although Canada is also a federal state, due to constitutional constraints, especially the fixed numbers of seats for every province, a one-to-one transfer of the German electoral system to the context of Canada is probably not possible. The only solution we could imagine, therefore, consists in the application of the system within each province separately. This is also the way it was used in the first German federal election in 1949. The separate application within each province makes things much easier. Therefore, I will concentrate on the main features of the German electoral system only.

In the literature, the German system is often referred to as a mixed member proportional system. The key point is its combination of two ballots that are used at two different tiers: the direct and personal election of candidates in single-member districts, and the voting for party lists in an upper tier, which is big enough to ensure that the proportional distribution of seats between the parties can be guaranteed. The intention was to maintain the proportional system of the Weimar Republic, but to complement it with the advantages of directly elected local representatives to which the citizens could establish a special personal relationship.

In the German electoral system each citizen has two votes. With the first vote—the *Erststimme*—the voter selects one of the candidates in his constituency. With the second vote—the *Zweitstimme*—the voter votes for a so-called *Landesliste*, which is a party list for one of the 16 Länder of the Federal Republic of Germany. For a better understanding, I will refer to the second vote as the "party vote".

One-half of the seats in the German Bundestag are constituency seats and are attributed to the candidates who have won the plurality of first votes in their constituency. The second half are list seats. Only those parties that have won more than 5% of all valid second votes, or have won at least three constituency seats, are entitled to participate in the proportional distribution of seats according to the Sainte-Laguë procedure.

● (0945)

We can skip, for reasons of simplicity, the complex distribution of seats among the Länder. What is important is the fact that in the end each party is entitled to a certain number of seats according to its share of party votes. From that number, the number of constituency seats that the party gained in that Land is subtracted. The remaining seats are distributed according to the ranks in the *Landesliste*.

Persons on the list who have already won a constituency seat are not considered, so it is possible that the number of constituency seats achieved in one Land is higher than the number to which the party list is entitled. Such seats are called "surplus seats" or "overhang seats". As long as there are no overhang seats, the distribution of seats among the parties is more or less proportional, depending on the rounding effects and the effective threshold.

The linkage between the single-member district tier and the upper tier of the Land guarantees that the whole number of seats of a party, including the constituency seats it has won, is covered by its second votes. Thus, usually the first votes are important only in regard to the personal occupation of seats. They are, with the exception of the emergence of surplus seats, irrelevant for the number of seats a party gains.

The whole purpose of this linkage between the two tiers is to correct for violations of proportionality that occur in the course of the distribution of seats in the single-member districts.

As mentioned, the situation is more complicated when overhang seats emerge. These are seats for which the appropriate [*Inaudible—Editor*] and party votes are not raised, so proportionality is violated.

One possible solution to restore proportionality could be to enhance Parliament until the overhang seats are covered by the proportionally distributed seats for the parties. This solution is applied in all electoral laws of the German *Bundesländer*, which also have mixed member proportional systems, and since 2012 it has also been valid in the federal electoral law.

This solution is obviously not available if the size of Parliament is fixed. In this case, restoring proportionality isn't possible as long as the gain of a constituency seat is guaranteed. It would certainly violate fundamental considerations of fairness to deny the winner of a plurality of first votes his constituency seat, so some deviations from perfect proportionality may be the necessary price for preserving the principle of direct representation by personally elected MPs in the single-member districts. At least, this price should be no higher than is required by the wish to satisfy our taste for fairness.

The best response to that problem consists in the attempt to prevent the creation of overhang seats whenever possible. Sometimes overhang seats are the consequence of the structure of the party system. Since this is a materialization of voter preferences, it cannot be manipulated. However, some overhang seats are created by strategic voting, especially by ticket splitting, which occurs if a first vote is given to a candidate who is not a candidate of the party to which the second vote is given. These overhang seats can simply be avoided by abolishing the two-vote system. Then, the voters have only one vote, which they cast for candidates in their constituency. The party votes, which are the base for the proportional distribution of seats, are calculated by summing up all personal votes for constituency candidates.

This system was also used in 1949 for the first German federal election, and it is still used in Baden-Württemberg. This would also have the nice advantage that parties have an especially strong incentive to nominate attractive candidates.

Mr. Pukelsheim will now continue with the presentation.

● (0950)

**Professor Friedrich Pukelsheim (Professor, Institut für Mathematik, Universität Augsburg, Germany, As an Individual):** Since Confederation in 1867, members of the House of Commons have been elected using the single-member plurality system, which has its focus on constituency representation.

On the other hand, when Parliament convenes, it is not local representation that is dominant, but party affiliation. However, the number of seats a party holds in the House is visibly at odds with the support a party enjoys in the electorate. With our German background, we propose to rectify this representational mismatch by enhancing the current provisions in the direction of a system implementing single-member plurality combined with proportional representation of parties.

The Canadian constitution includes detailed rules to determine how many members of the House of Commons are assigned to each province and territory. In electoral jargon, these seat guarantees are referred to as district magnitudes. In order to meet the constitutionally mandated district magnitudes, our hypothetical system allots seats separately per province and territory. Hence, our model calls for 13 separate seat apportionments. The 13 apportionment calculations are split into two categories. The first category assembles the districts with a district magnitude too small for proportionality to take effect. The second category comprises the other districts.

In first-category districts we propose to maintain the single-member plurality system as is. The three territories belong to the first

category because they command just one seat each. Evidently, a single seat is insufficient to achieve any degree of proportionality whatsoever. As a matter of fact, for proportionality to function properly, theoretical investigations recommend that the district magnitude should meet or exceed twice the number of participating parties. Therefore, we also place Prince Edward Island, with four seats, in the first category, and Newfoundland and Labrador, with seven seats. Whether to do so or not is a political decision. If so, the already large constituencies do not have to be enlarged yet further, which is good. On the other hand, the votes that are not cast for constituency winners are wasted, which is bad.

In summary, first-category districts enjoy the same electoral system as in the past. For the eight provinces in the second category, the old single-member plurality system is enhanced by proportional representation of parties. In order to set some seats aside for the system's proportionality component, we propose to reduce the number of constituencies. Of course, it is a genuinely political decision to fix the number of constituencies per province. For our hypothetical model we choose to roughly halve the number of constituencies—for instance, by merging two into one. Then, about half of the seats are filled by way of single-member constituencies, and the other half from party lists.

Specifically in the last two elections, our model apportions the district magnitude among parties using the Sainte-Laguë method, as it is known in New Zealand and continental Europe, or Webster method in the Anglo-Saxon world, or from a more systematic point, the divisor method with standard rounding, because it functions in the following way: a party's vote count is divided by an electoral key—that's the divisor—and the ensuing quotient is rounded to yield the party's seat number. For example, in 2015 in British Columbia, every 56,000 votes justified roughly one seat, and “roughly” reminds us that the quotients have to be rounded. All resulting seat numbers for the parties happen to meet or exceed the number of constituencies won by a party in a province in the last two elections.

In every instance there are enough seats for constituency winners. Any additional seats beyond constituency seats are filled from closed party lists. Closed lists encourage parties to promote social cohesion and to include under-represented groups. Generally, the legal provisions would codify not the ordinary divisor method with standard rounding, but its direct-seat restricted variant. The variant inhibits the occurrence of overhang seats and thereby ensures adherence to the constitutionally mandated district magnitudes.

● (0955)

The direct-seat variant imposes minimum restrictions, which the ordinary method neglects. A party is allotted at least as many seats as are needed for its constituency winners. In cases where the minimum restriction becomes active, the required seats are transferred from the competing parties to those parties that feature an excess number of constituency winners. That is, proportional representation is compromised in favour of constituency representation.

Finally, we address the question of which vote pattern to use. The answer is as simple as can be: nothing changes. Voters are issued ballot sheets with the old design they are accustomed to. Every voter casts a single vote that is a composite appreciation of eligibility of a person and preference for a party. Our proposal only changes the law's scheme of evaluating the information supplied. In second-category provinces, where the old system is enhanced by proportional representation of parties, every vote is tallied twice: once for the candidate, towards constituency plurality; and once for the party, towards district-wide proportionality. The essential novelty that people need to understand is that now their votes are more carefully evaluated by the law by lending particular weight to party affiliation. At this juncture, every vote counts.

In our brief we illustrate our hypothetically proposed system by applying it to the last two general elections. Our proposal is seen to achieve more proportionality among parties than the status quo. Due to its hybrid character, it does not coincide with pure proportionality, but it preserves much of the charm of past traditions.

Thank you very much for your attention. Back to the new world.

●(1000)

**The Chair:** Thank you very much.

Through the magic of modern communications, we will now go to Scotland. Who will be starting in the U.K.? Will it be Ms. Pitcaithly?

**Mr. Andy O'Neill (Head of Electoral Commission, Scotland, The Electoral Commission):** Mr. Chair, I'm going to do the whole presentation. Thank you for inviting us to give evidence to your committee.

My purpose is to provide a brief presentation, which we hope will stimulate some questions afterwards. I'll seek to very briefly explain who we are and what we do. I'll then seek to explain Scotland's electoral systems and the four voting methods that we use, explain how we manage to finish up with four different electoral systems, and then raise some issues that might be of interest to you in your deliberations as we've sought to administer various elections in Scotland.

First, the EMB is the Electoral Management Board for Scotland and we have an electoral commission. I don't intend to spend too much time on this. Slides 1 to 8 of our presentation are really there for information, but I would probably point out to you the following salient points because we administer elections slightly differently than you do in Canada. Neither the EMB nor the electoral commission run elections in Scotland. That's important to note. That's the job of the individual 32 returning officers, of which Mary is one.

The Electoral Management Board seeks to coordinate returning officers during their administration of elections. Mary, as convener of the Electoral Management Board, has a power of direction for local government elections and recommends courses of action in other elections, such as a common issue date for postal boards across the whole of Scotland.

We, the commission, provide advice to governments on electoral law and guidance to returning officers and electoral registration officers. We register the political parties who campaign. We seek to ensure that candidates, agents, and parties, understand the financial

rules within which they campaign. We administer the observer scheme for observers at elections and we also seek, through public awareness activity, to ensure that voters know how to register and how to vote, which is important because we have four different electoral systems. Both our organizations seek to put the interests of the voters first and what we do by thinking about our actions, how they will impact on the voters, and ensure that they impact in a positive way.

Turning to slide 10, which briefly lays out Scotland's four main elections, which we use a different electoral system at each time. The Scottish Parliament, established in 1999, has 129 members. It uses the additional member system—"MMP" to everyone else in the world apart from the Welsh, but we call that AMS. It's a combination of first past the post and a closed party list using the modified D'Hondt system for calculation. For our 32 councils, we use a single transferable vote to elect our 1,223 councillors in 353 multi-member wards. The U.K. House of Commons uses first past the post; and for the European Parliament, we elect 73 members through a closed list in the U.K., with Scotland electing six members.

Turning to slide 11, we have 4.2 million electors in Scotland. We estimate that 86% of the eligible electorate is currently registered. A recent innovation in Scotland is that 16 and 17-year-olds can now vote in the Scottish Parliament and local government elections.

Turning to slide 12, I don't intend to talk about the U.K. Parliamentary electoral system, because you understand that is first past the post. For the European Parliament election, the six MEPs elected in Scotland are all elected for the whole of Scotland. Scotland is an electoral region for that election. We use a single X on a closed list and we use pure D'Hondt to allocate seats.

●(1005)

Turning to the Scottish Parliament elections, which were first held in 1999, we have 129 members. Of these, 73 constituency seats are elected by first past the post—that's 57% of the seats—and there are 56 regional seats, with 7 members elected in each of the 8 regions that Scotland is divided into. We use an X on two ballot papers, with one X on each ballot paper, and there is a maximum number of 12 names on a regional list.

If you turn to slide 15, there is a representation of the two ballot papers. The lilac ballot paper is the constituency ballot paper. You use an X for whichever candidate you have. On Scottish ballot papers you would see the candidate's name, the party, and a description underneath. It's not on this one that I show here, but there is also an emblem or a logo next to the box in which you put your X.

On the region, you can stand as an independent or individual on the regional list. Individuals appear at the bottom, alphabetically. Parties appear above the independents, and they also appear alphabetically. We use two separate ballot papers, unlike, I believe, in Germany—correct me if I'm wrong—and New Zealand. We did try a joint ballot paper in 2007. I think it's fair to say that poor design issues led to an increase in the number of rejected votes on that occasion. Politicians decided that we wouldn't use the combined ballot paper again, so we went back to two individual sheets of paper in 2011.

On slide 16 we've shown you a calculation for the regional list. How the seats are allocated under modified D'Hondt—essentially, the connection between the constituency and the regional votes—is that the number of seats a party wins in that electoral region is added to one to create the divisor. For instance, in the representation, party 1 has won two constituency seats, so its divisor is three, and that carries through. You then do simple division, and the one who has the most seats and most votes is allocated the first seat, until you've allocated all seven. As you gain a seat, your divisor goes up by one.

Turning to slide 17, for Scottish Council elections we have used the single transferrable vote since 2007 to elect the 32 councils. Again, we have 353 multi-member wards. The number of seats elected per ward varies. It was a very contentious issue during the passage of the bill in the Scottish Parliament. You either have three- or four-member wards, and I think that people who would argue that STV is the best electoral system would probably argue that you need more seats per multi-member ward, but politicians decided it would put three or four in Scotland.

If you turn to slide 18, there's a representation of the Scottish ballot paper. You vote your preferences—1, 2, 3, 4, and so on. You don't have to vote for all candidates; you can stop your preferences whenever you want. We tested that ballot paper with electors before it was used, and we saw that the instructions were very important.

It is the only electoral system we use in Scotland where numbers are used. When we first brought it in, it was held on the same day as an EMS election, and the concern was that we were using Xs as well as numbers, so we spent a lot of time making sure electors understood the difference.

• (1010)

To count STV, we use the weighted inclusive Gregory method, which we count electronically. It is thought that it would take us possibly two days to manually count a weighted inclusive Gregory STV election. Our colleagues in Northern Ireland manually count elections in which they use STV and they regularly go into the second day. However, the Scottish government agreed to fund the e-Counting Project. The system is common throughout all of Scotland. There are 32 count centres. The system isn't connected; they're individually set up, but it's the same system throughout Scotland to ensure consistency.

Slides 20 and 21 are an explanation of how STV works. I didn't intend to go into it, although my colleagues who administer the elections are happy to answer questions. I thought I'd move swiftly on to slide 22 and try to explain why Scotland has four different electoral systems.

Essentially it's the decision of politicians and government. Mary, Chris, and my job is to advise on the workability of the electoral systems that we employ. It's not our decision to say which one is best; in fact, we don't have any views.

For the four systems, the U.K. Parliament has always used first past the post. It's an act of the U.K. Parliament. For the European elections, member states agreed in the seventies that it had to be a proportional system, and the U.K. Parliament in the seventies passed an act that requires the use of a closed list. I think at the time that was seen as very important, because it used an X, the same as first past the post, and they simply voted once.

Turning to the Scottish Parliament, why do we use the additional member system? It's widely accepted in Scotland that the desire amongst politicians was to maintain the constituency link with voters, so they were very keen to ensure that constituency seats still existed. It was also thought that the use of Xs was important because it was familiar to the electorate.

We finished up with that because the Scottish Constitutional Convention, which was a cross-party civic society organization that existed in the 1980s and 1990s, suggested the use of AMS, which led to the document "Scotland's Parliament. Scotland's Right", which was published in 1992, ahead of a U.K. parliamentary election at that time. When the Labour government of 1997 came in, they passed the Scotland Act 1998, which brought in AMS, which we first used in 1999. Finally, we finished up with STV for council elections, which is a departure from Xs.

Essentially the story behind that is the McIntosh Commission on Local Government and the Scottish Parliament proposed the use of proportional representation in 1999. The Working Group on Renewing Local Democracy, known as the Kerley committee, then suggested in 2000 that we consider single transferable vote. There then occurred in 2003 a Scottish Parliament election in which negotiators between the coalition partners of the Labour Party and the Liberal Democrats agreed to introduce single transferable vote. I think it was considered to be a deal breaker for the Liberal Democrats, who were very pro-STV at that time, which led to the Local Government (Scotland) Act 2004 and our first use of STV in 2007.

We have highlighted some issues that you might want to consider as part of your deliberations. Firstly, we would say that whatever you do, change needs time, planning, resources, and testing to be successful. You would expect that. We're a bunch of bureaucrats after all. However, we did have a period of major change, I think it's fair to say, in the period 2005 through to 2007. We then suffered from some local difficulties in our elections. I think it's commonly accepted that too much change was brought in in too short a period of time, which led to higher rejection rates than we normally expect and the e-Counting system didn't work quite as we expected. It essentially broke down on the night in certain places.

•(1015)

We would argue that testing voter-facing materials, such as, of course, the ballot paper, is very important. Make sure that what you're giving the voter works, and have good guidelines, something that the electoral commission produced post the 2007 event. We produced "Making your mark" guidelines to explain how we thought a good ballot paper should be designed and then tested.

I think one thing which also came out of 2007 was not to be driven by process. You have to put the voter first. The needs of the machinery for e-counting are secondary to the needs of the electorate. In two of our electoral regions in 2007 at the very last moment, because of the size of paper which the counting machines needed to use, the instructions to voters at the top of the ballot paper were reduced. This led in those two regions to an increase of 2% over the Scottish average for rejected votes. Certainly, that's something we learned. In 2011, it didn't happen.

We would also suggest that you consider the size of your constituencies. Certainly the six MEPs who represent Scotland are widely thought to find it difficult to connect with their electorate. They literally represent the whole of Scotland. Whilst it is a small country, it's a relatively big place to try to connect with 4 million electors.

Under single transferrable vote, as an elector, you get three or four councillors to represent you, and that can be seen as a bonus, as a positive. It also means that in remote rural areas, councillors also have to represent very large areas, areas of several islands, which generally but not always have ferry connections. You have to think about the size of the wards.

The Kerley committee suggested two member wards in certain remote areas. Lord Steel, way back in the sixties, recommended that if you were going to introduce STV, you could consider single-member wards in very remote rural areas. It's fair to say that neither of those proposals have been brought into legislation yet, but that's an option for trying to get away from the problem of remoteness from your electorate.

There are also some other issues which surround single transferrable vote. I should say that these aren't the views and opinions of the U.K. electoral commission. This is taken from a paper by Professor John Curtice of the University of Strathclyde, a famous commentator and psephologist in Scotland and the U.K. There are issues that we have noticed of alphabetic bias, identified by academics in 2007. We know this, of course, because we have e-counting, so there is data available in an anonymous form after the event which people can then analyze.

In the first STV election in 2007, around 60% of all voters gave their first preference to a candidate higher on the ballot paper than the candidates for whom they gave their second preference. Also, it was found that if a party nominated more than one candidate in a ward, then the voter was more likely to vote for the party candidate higher up the ballot paper than the second party candidate. That happened 80% of the time in the 2012 Scottish local government elections. However, of course, that doesn't always happen. If they were a well-known or an incumbent candidate in 2012, they'd go against that trend.

Politicians in Scotland are aware of this and are considering solutions. The solutions talked about include rotating—Robson's rotation—the candidates on the ballot paper so they appear equally in all positions. They are also considering bracketing party candidates together, and perhaps also rotating them within the brackets so that all party candidates appear in different places.

The commission doesn't have an opinion on that. What we've said is that they have to consider two things. Voters are used to seeing ballot papers with candidates laid out alphabetically, so there is a need to see the effect of changing that.

•(1020)

In general, you should test any ballot paper before giving it to the electorate, so we recommend that you test the voter-facing product. We also think you might want to consider the following: do voters, while filling in the ballot paper, fully understand an electoral system? For instance, under EMS in Scotland—

**The Chair:** Mr. O'Neill, we have about one minute left before we go to the round of questions in which members will be able to explore in greater detail the points in your presentation.

Would you take a minute to wrap up?

**Mr. Andy O'Neill:** I'll just finish up.

The issue of second vote strategies, which my German colleague talked about, is ticket splitting which I'll not talk about. The other issue under STV is that about 13% in 2012, and 20% in 2007, of voters only expressed a single preference. Many of them we see, because we see them being counted, with single Xs. How we seek to deal with that is through public awareness campaigns.

The final presentation slides—27 through to the end—explain how the commission undertakes that. We provide public leaflets to households. We do TV and radio ads. We do a lot of partnership work with people who we identify as connected to people who are likely to need information on how to register and vote.

I'll stop with that.

**The Chair:** Thank you so much.

We'll go to our first round of Q and A. We'll start with Ms. Romanado, for five minutes.

**Mrs. Sherry Romanado (Longueuil—Charles-LeMoyne, Lib.):** I'd like to thank our esteemed colleagues from across the pond for their presentations this morning. A lot of information to digest first thing in the morning.



My first question is actually going to be to our professors in Germany. I want to ensure that I understand the proposed model for Canada, so I'm going to take my home province of Quebec, which currently has 78 seats. In your model, if we were to divide it into two, that would be 39 districts. Separating those out, I don't know if it would be 20 that would end up being direct vote districts, and the other 19, because it's an uneven number, would end up being the party list. Because it's a closed list, half of the population of Quebec wouldn't actually be having a voice on who actually got elected from the party.

Is that correct?

**Prof. Joachim Behnke:** All of the electorate contribute to the party votes, so all of the electorate contributes to the successes of the parties.

**Mrs. Sherry Romanado:** In terms of the two types of MPs, as we would call them, you mentioned two different tiers: the upper tier and the lower tier. Would that constitute sort of a different kind of model in our House of Commons? For instance, would we have a lower tier of MPs, and then a middle tier, or a higher level tier of MPs, the ones that are party?

I'm trying to figure out how it would actually work in practice and who would do what.

• (1025)

**Prof. Friedrich Pukelsheim:** In Germany it works in practice that members of parliament are members of parliament. There's no difference in their functions and their access to financing and political positions. The difference is in the understanding that half of them directly represent a constituency. The other half, of course, also live in some constituency and they are very active and keen to give a good performance in the constituency—although they do not have the status of being the plurality winner in that constituency. But they are active, they maintain office hours, visits, associations, and they try to be visible. In Germany the everyday political work is very similar between both types of representatives.

**Prof. Joachim Behnke:** I think it depends on culture, because in Germany we only know this kind of system. We've never had a system in which we had only constituency seats or only members of constituency seats with us. So the members of the small parties are always list members, and they certainly would not be happy about being members of a second class or something like that. I know if you talk with the Greens about a special relationship with the constituency candidates, they are not—how should I say it—so amused about it.

The point is that most list members or most list-seat members are also, in many cases, constituency candidates. They have lost in their constituency, but they have a special relationship to the constituency, so they are known, and they have an office in the constituency. So in reality, the people have more than one member in Parliament that they can approach if they want to go directly to one of the members of the Parliament.

**Mrs. Sherry Romanado:** Some of the members can appear on both lists, the constituency list and the party list. So if they don't win in the constituency, they could still be named from the party list. Is that correct?

**Prof. Friedrich Pukelsheim:** That is correct, and that's the case normally.

**Mrs. Sherry Romanado:** Now, how would it work in terms of our regions? We have very large regions compared to our urban centres, the rural areas compared to...?

**Prof. Friedrich Pukelsheim:** That's true. The boundary commission would have to draw up new boundaries for the constituencies.

**The Chair:** We'll go to Mr. Reid now, please.

**Mr. Scott Reid (Lanark—Frontenac—Kingston, CPC):** Thank you very much, Mr. Chair, and thank you to all of our witnesses. Both presentations were excellent, but I'm going to confine my questions to Professors Behnke and Pukelsheim to follow up on the model you've proposed.

First of all, let me say that this is a very impressive paper. You should consider publishing it in an academic journal. I think it would meet the standards of most political science journals.

I want to ask about the compromise that I think you have been trying to incorporate as you apply Germany's model to certain practical considerations that exist in Canada. Of course, in Canada we have this very inflexible requirement that the number of seats in each province be fixed. There's no room for adjustment to that without an amendment to the Constitution.

As I understand it, you've said that on the one hand we have the problem that in Germany, and also in New Zealand, is dealt with through overhang seats, and on the other hand we have a goal of achieving as much proportionality as possible so that the total number of seats for each party in each province accurately reflects the proportion of the vote that was cast for that party on the party list vote.

You have gone in the direction of saying that when we face this conflict of proportionality versus every constituency seat being allocated to the person who wins it, we have veered or chosen in favour of the seats, not in favour of proportionality.

I assume that the way you've compromised is that you've made the number of list seats as high as possible. It can go only as high as 50%, I think, under any version of the MMP model, and you've gone right to the largest number in order to deal with that. Is that why the constituencies are only 50% of the total number of seats per province?

• (1030)

**Prof. Friedrich Pukelsheim:** That's an entirely political decision that you or Parliament has to take—how many constituencies you want to have.

In our sample calculation we took half and half, because in Germany we have roughly half and half. But there are other countries that have 60% to 40%, and one has to look at the data, look at past elections, for what is feasible for Canada and what is best. But the decision on which is best is not ours; it's yours.

**Mr. Scott Reid:** I appreciate that very much.

Let me rephrase the question, because I was not asking you to make a political statement here. Let me try it this way. If one has 50% of the seats as list seats in each province, versus having, say, only a third of the seats being list seats, am I correct that this is more likely to produce a proportional result, given the constraint we have in Canada that you cannot create overhang seats?

**Prof. Friedrich Pukelsheim:** Yes, you are correct.

**Prof. Joachim Behnke:** The problem is, the greater the share of the constituency seats, the greater the probability that you have overhang seats. This depends on the structure of the party system. If you have a more or less fragmented party system so the biggest party has about 30%, it is possible to win almost all of the constituency seats. If you have more than 30% of the constituency seats, this party would have overhang seats. It depends on what you expect the share of votes that the biggest party can achieve.

In Germany, they usually have a fifty-fifty division. This was not a problem until the reunification in 1990, because the biggest parties always had about 45% or 50% of the second votes. Even if they got all constituency seats, there were no overhang seats. However, with an all-new party system after the reunification—because we had a strong leftist party in the eastern German Länder—you could also win with 35% of the votes, almost all direct seats, constituency seats, so you would have 50% of all seats with only 35% of the votes. The number of overhang seats has increased dramatically since 1990.

**The Chair:** We will go to Mr. Cullen now.

**Mr. Nathan Cullen (Skeena—Bulkley Valley, NDP):** Thank you to our guests.

This is incredibly informative. I share my colleagues' admiration for your work.

I have one question for our friends from Scotland. In terms of the percentage of first past the post and proportional seats—I think you had it at 57% to 43%, if I am not mistaken—how is that decision made? Was it based on some research, or was it simply a political decision?

**Ms. Mary Pitcaithly:** This was a political decision. It was entirely the decision of the Parliament.

It was based on the intention that the new parliament would be proportional but without going as far as 50/50. When they set up the Welsh Assembly, they went for a slightly different percentage between constituency and list seats. It was purely a decision of politicians.

**Mr. Nathan Cullen:** I would like to get a sense of the sequence of time. The act was passed in 1998, and that brought in this new proportional system. If I am not mistaken, you ran an election in 1999 under that system. Is that right?

**Ms. Mary Pitcaithly:** We did, and we had a referendum to determine whether there would be a parliament in 1997, so it was a very hectic period of time. It was a time of a very fast-moving process of devolution. Yes, we did have the legislation in 1998, and we then had to run the election in May 1999. It actually went very well. There were no issues. We had to do a fair amount of voter education, as we sometimes call it, informing the voter about the type of system there was, trying not to get too bogged down for the voter in how we would then count those votes and allocate the seats.

As you can see from the slide, it was relatively complex. My experience is that most voters are content to leave that to us. The information the commission was giving out was very much about how the voter would vote and what the voter needed to understand about how the new parliament would be constituted.

I would just go back for a second to the previous question about the status of the two different sets of MSPs, members of the Scottish Parliament. It was an issue for us in the first election. There certainly was a bit of a status issue, and constituency MSPs were held to have a slightly higher standing than the regional list MSPs, but that was ironed out very quickly, and very quickly all the parties were making statements to confirm that every MSP was to be regarded as having exactly the same standing and the same status. That needed a political statement.

• (1035)

**Mr. Nathan Cullen:** That is interesting to me.

In the current status, right now, there isn't a political party in Scotland that suggests that there are two classes. It doesn't break down under any partisan lines. In terms of the Scottish voters' perspective, they don't perceive two classes of representation.

**Ms. Mary Pitcaithly:** No, absolutely not. As I say, it was an issue. It was actually quite helpful that that surfaced quite quickly and we were able to be very explicit about it. But it required the major parties to make those statements and to make it absolutely clear that they regarded their MSPs, regardless of how they had been elected, as having the same status. I suppose in some of the parliaments, Labour has been the main party and in other parliaments it's been the Scottish National Party. Everybody is entirely clear that it doesn't matter how you're elected. Whether you're a constituency MSP or you represent a wider region, you've got the same standing.

**Mr. Nathan Cullen:** That's helpful.

I have a last couple of questions, one around that question of complexity. Sometimes those who are seeking the status quo will suggest that complexity would overwhelm the voter and there will be mass hysteria and—

**An hon. member:** It's also said by those who oppose a referendum.

**Mr. Nathan Cullen:** —terrible consequences. The education component is to walk to the voter through not only how they vote, but also how their vote will be represented in Parliament. That's the focus, as opposed to the complexity of how the votes are then tabulated.

First, is there a level of confidence with how those votes are tabulated? Do any of the political actors try to take a shot at that piece, suggesting unfairness?

My second question is around size of constituency. My riding right now in northern British Columbia is four times the size of Scotland, so there are sometimes concerns about any system that would enlarge rural representation even more. How has Scotland gotten around that?

Those two questions are my final ones.

**The Chair:** Be very brief, please.

**Mr. Nathan Cullen:** Sorry, Chair.

**The Chair:** Go ahead.

**Ms. Mary Pitcaithly:** On the first point, in relation to voter understanding, I wouldn't suggest that everybody has a deep understanding of how the D'Hondt method works or the weighted inclusive Gregory method works, but people have a level of trust in it because we've explained it to those who want to know—mainly the academics and some journalists, I have to say—and the public has as much information available to them as they choose to access because it's all out there available to be seen. The biggest thing that we've been able to do through electronic counting is to make all of that information available, not just what the totals were, but how people voted: whom they gave their first preference to, whom they gave their second preference to, etc. That's at the level of local government elections obviously, but making that level of information available whatever the election is really important just to give the voter confidence that it's all done properly and correctly.

**The Chair:** We'll have to go to Mr. Thériault now.

[*Translation*]

**Mr. Luc Thériault (Montcalm, BQ):** Thank you, Mr. Chair.

Ms. Pitcaithly and gentlemen, thank you for your generous and rigorous contributions to our work.

Mr. Behnke and Mr. Pukelsheim, in your brief, you talk about reducing the number of ridings. I know that it's a hypothetical model.

In Quebec, we tried to implement a reform based on the German model. The idea was to automatically go from 125 ridings to 75. At the time, there were 75 federal electoral districts and people found it quite normal for it to be done that way.

However, it was a major challenge, particularly for the Quebec regions. Quebec is huge. Quebec is a number of times bigger than France. The people did not accept this proposal.

If you had to think about your hypothesis in a different way, without reducing the number of ridings by 50% in such a draconian manner, but by increasing their number, what would be the breakdown? Which model would you come up with if the number of our ridings were to go up? What threshold would be needed to maintain proportionality as well as the territorial integrity and connection of the MPs?

• (1040)

[*English*]

**Prof. Friedrich Pukelsheim:** We tried to argue from our German experience, which mixes the constituency representation with proportional representation of parties and requires that a certain number of seats are available for the proportionality component.

If these seats are not available, then I simply cannot see how proportionality can be injected in your system—not even in a low dose. If all seats are filled via constituency plurality, or even more constituencies, I wouldn't know how to do it other than increasing the size of the House in Parliament. If there are no seats available for proportionality adjustment, then I have run out of ideas of what we could suggest.

[*Translation*]

**Mr. Luc Thériault:** If there were 78 ridings, we would not divide them by two because that would make no sense.

In your view, by what percentage would the number of ridings need to be increased to achieve proportionality?

[*English*]

**Prof. Friedrich Pukelsheim:** I think the eventual decision is a political decision, because it is a question of how much weight you give to constituency representation and how much weight your committee or Parliament gives to the proportionality component.

We can offer sample calculations if you wish, but I cannot give you the certain percentage or number that that you are asking for.

[*Translation*]

**The Chair:** Mr. Thériault, your time is up.

Thank you.

[*English*]

Ms. May.

**Ms. Elizabeth May (Saanich—Gulf Islands, GP):** While we were discussing matters with you, Professors Behnke and Pukelsheim, I noted that you've given us a very helpful paper on how members are elected to the Bundestag. But in contrast to our friends from Scotland, you didn't mention how you elect members to the European Parliament. Do German voters, like Scottish voters, have different systems they utilize at different levels of election?

• (1045)

**Prof. Joachim Behnke:** Indeed, the election for the European Parliament is a pure list election.

**Ms. Elizabeth May:** So it's a list system just like in Scotland.

Do you have any way of sensing whether voters in Germany express a preference for one of their electoral systems versus another, or are they equally comfortable with both?

**Prof. Friedrich Pukelsheim:** We have different systems. We have 16 states, because we are also a federal republic. All state parliaments have electoral systems that are, at face value, very similar, but when you look at the details they are different.

There are 16 different systems in each of our 16 states. There is a different system for the Bundestag, there is a different system for the European Parliament. All systems, however, I would subsume under the description of proportional representation combined with the election of persons.

However, you can mix the two components in a different way and what we've tried to do is to mix them in a way that we understand is an issue in your committee work, or is an issue in Canada right now.

**Ms. Elizabeth May:** No, and exact...

Were you going to add something?

**Prof. Joachim Behnke:** If you were referring to the public, and if they could express a preference for a specific electoral system, some of our electoral systems in the Länder were changed after referenda, but referenda exist in Germany only at the level of the Länder, so there is not the possibility of holding a referendum for the Bundestag elections.

There is a civic movement to try to change the Bundes law to introduce referenda on the level of the Bundestag. Certainly there is also the intention to use this referendum for a change in the electoral system. But the changes where this took place are changes.... They kept the essentials of the mixed member proportional system, but they replaced the closed lists with open lists.

**Ms. Elizabeth May:** Okay.

I turn to our colleagues in Scotland. Of course, Scottish voters are exposed to the distortions that we experience in Canada through first past the post when you're electing members to the U.K. Parliament, and then have proportional voting when you're electing your Scottish Parliament.

Given the explanation of the four different voting systems, is there any way you would have any sense of what Scottish voters prefer? Given that they experience single transferable vote, some form of mixed member proportionality, and first past the post, are there opinion polls or surveys that you can assess which ones Scottish voters find most satisfactory?

**Mr. Andy O'Neill:** As part of our statutory duties, we have to report on all elections.

We do many things to get information. We do public opinion surveys, and we ask the question, "Did you find it easy to vote in the polling place or via postal vote?" We regularly get in the low 90% saying that it's easy to vote and expressing their preference, easily, for all four electoral systems.

We haven't actually ever asked which electoral system they prefer. However, they do find all four easy enough to fill in, if you think of it in terms of completing a ballot paper.

**Ms. Elizabeth May:** Do you see a difference in levels of voter participation and voter turnout at the four different levels?

**Mr. Andy O'Neill:** Yes.

**Ms. Elizabeth May:** What are those differences?

**Ms. Mary Pitcaithly:** For example, we had over 90% voting in our independence referendum. In a local government election, the turnout might well be closer to 50%. It's much more a function of how voters view the specific importance of the election rather than what the system is, though. Voters will vote more if they think their vote will count more. That's been our experience. You can usually tell in advance whether the turnout is going to be very high or not so high, and it has nothing to do with what the system is.

One of the other things I would say, though, is that another indicator of whether voters find it difficult is the level of rejected papers and the level of papers that are not accepted into the count. Those that are specifically rejected because a voter hasn't managed to cast a vote clearly are very low in Scotland. In the referendum we had two years ago, fewer than 0.01% of papers were rejected. People obviously found it relatively straightforward.

• (1050)

[Translation]

**The Chair:** Thank you.

I will now give the floor to Mr. DeCoursey.

[English]

**Mr. Matt DeCoursey (Fredericton, Lib.):** Thank you to our presenters in both Germany and Scotland.

I'll start with the German experience as it relates to strategic voting because it was mentioned in the brief. An oft-heard claim here by advocates of different PR systems is that these would do away with the need for voters to vote strategically. We've had plenty of testimony to the contrary, or suggesting that the compromise a voter makes is shifted to a different consideration.

I wonder if you can expand on the experience in the German system with strategic voting. What strategies, compromises, or decisions do voters employ, as a matter of us understanding that and being able to speak to that reality when we tour the country to speak with Canadians about different electoral systems?

**Prof. Joachim Behnke:** To put it rather casually, we understand that by strategic voting, a voter will not vote for his favourite party, his highest-preferred party. The motive for strategic voting consists in avoiding a wasted vote. I will concentrate here only on the first votes, because I think this would also be the important part for you.

Strategic voting in this case means that a voter will not give his first vote to a candidate who has ostensibly no chance of winning the constituency. The usual pattern here is that supporters of small parties, such as the liberal FDP in Germany, or the Greens, will vote for the constituency candidate from a big party that is closest to their own party, such as our coalition party. Whether this pattern of strategic voting is desired or not depends on the electoral system and on the normative beliefs you have. But the consequences are certainly set. The point is that it is possible to induce overhang seats by this kind of ticket splitting and strategic voting. This means that a coalition can enhance the share of seats it will get by steering some of its voters to this ticket splitting. This has been a main problem in Germany since 1990, and obviously, it increased in the last election.

There's also a case in [*Inaudible—Editor*] that had a dramatic influence. Imagine, for example, that you could found a party named the "Friends of Conservatives", and then recommend that supporters of Conservatives vote with their first vote for the the Friends of Conservatives, and with their second vote for the real Conservative Party. This would mean that the constituency seats that are won for the Friends of the Conservative Party could not be accounted as party votes for the Conservative Party, and this would create a potentially huge number of overhang seats. This is the reason that we recommend you take only the one-vote solution.

**Mr. Matt DeCoursey:** In Scotland, are there any lessons learned on the way that voters make strategic decisions when they go to the ballots, particularly in the Scottish parliamentary system, but not exclusive of the others?

**Mr. Andy O'Neill:** In Scotland we don't have overhang seats on the AMS, or our version of AMS, so it's slightly different.

Split voting, which our German colleagues talked about, is called here “second vote” strategies. We just went through a Scottish Parliament election in May. The biggest party, the Scottish National Party, argued that both votes should be for the SNP, because that was in their interests. The Scottish Green Party—which doesn’t stand in constituencies, but stands, apart from one or two places, only in the regional lists—would argue for the second vote to go to the Greens. So do some of the smaller parties, because they believe it is to their advantage. They tend to suggest to the electorate that they aren’t going to win for their party in the regional list, they won’t get any regional members, so they should vote for them because they are their second choice.

• (1055)

**The Chair:** We’ll go to Mr. Richards.

**Mr. Blake Richards (Banff—Airdrie, CPC):** Mr. O’Neill, I have some questions for you. I’m sure in your role with the electoral commission you have overseen a number of referenda on different topics, correct?

**Mr. Andy O’Neill:** We’ve had a few, yes.

**Mr. Blake Richards:** With legislation governing referenda, how does it work? Is there a single piece of legislation that governs referenda in the U.K., or when each referendum is held, does it require a stand-alone piece of legislation to set up the referendum? How does that work?

**Mr. Andy O’Neill:** There is PPERA, the Political Parties, Elections and Referendums Act, which set up the U.K. electoral commission in 2000. Essentially, for U.K. referendums, either across the board in the U.K. or in part of it, the chair of the electoral commission is the chief electoral officer, the chief counting officer. The rules and everything else, and the financial regulation that comes with that referendum, including the question and the testing, all come in a separate act of the U.K. Parliament, and that is bespoke to each individual referendum.

So the Brexit vote which we had in June had a single bit of legislation. Of course, Scotland is slightly different. The independence referendum that took place in 2014 was a creature of the Scottish Parliament, following a deal between the U.K. and Scottish governments whereby the Scottish Parliament was allowed to legislate under what was known as the Edinburgh agreement for that referendum.

Mary, on that occasion, was the chief counting officer for the independence referendum and all the rules that related to it were in that particular act. That gave us, in the U.K. referendum, a number of rules. We weren’t the chief counting officer, or the chair wasn’t, but we regulated the parties.

Mary gave guidance to the counting officers where we would do it at a U.K. level. It sounds very complicated but—

**Ms. Mary Pitcaithly:** It was actually very straightforward and it worked very well.

**Mr. Blake Richards:** In order to have a referendum here in Canada on electoral reform—which my party believes very firmly is necessary before we can undertake electoral reform, so we receive that consent, and which an overwhelming majority of Canadians seem to agree is important before we undertake any electoral reform

—we would certainly have to update our existing legislation or create some kind of stand-alone legislation.

As an example, our current referendum laws haven’t kept up with some of the changes in campaign financing or third-party spending, for example. Could you give us some advice with respect to putting laws in place to ensure that we have a fair and well-run referendum?

**Ms. Mary Pitcaithly:** I suppose it would be helpful perhaps to refer you to the referendum that we had in the U.K. in 2011, which was exactly about moving to a different form of voting for the U.K. Westminster Parliament. We called it the AV referendum. We were going to move to an additional vote system if the public had agreed, but the electorate didn’t agree, and so we didn’t make those changes.

However, the provisions that allowed us to move very quickly toward that referendum when there was a coalition government the election before last were very much based on the 2000 legislation that Andy referred to. So the framework was all there. It was just a question of specific discussion in Parliament about who the franchise should be extended to, when the actual referendum would take place, and what some of the rules would be, but the basic thing was there in the legislation dating back to 2000.

So set up your referendum legislation before you think about the specifics of what your referendum is going to be.

**Mr. Andy O’Neill:** I think you would need a very long answer to a question like that, but a short answer would be that we could send your clerks the report on the Scottish independence referendum, which we produced in December 2014. It goes through the whole development of the process, what was done with the question testing, how it was tested, the development of the legislation, and the agreement between the U.K. and the Scottish Parliaments.

That’s probably the easiest way of getting it in a concise form.

• (1100)

**Mr. Blake Richards:** Ms. Pitcaithly, with your experience on the ground running the referendum, is there anything that you would suggest would be required to help us ensure a fair and respectful process when we undertake a referendum on this topic?

**Ms. Mary Pitcaithly:** Yes, regarding the referendum on independence, people had very, very strong views on it. But actually, in terms of running it as a process, it was really quite straightforward. A lot of what we did was focused on ensuring voters understood how to cast their votes, understood that their vote would count, understood the importance of registering in advance, and then turning up on the day to actually cast their votes. A lot of it was fairly basic voter education, but it took a lot of effort and it was absolutely worthwhile.

**The Chair:** Ms. Sahota.

**Ms. Ruby Sahota (Brampton North, Lib.):** I’m finding this very interesting. My questions will be geared toward the Scottish electoral representatives here today. I find it fascinating that the voters in Scotland are able to work within so many different systems. Has there been any confusion caused by that at the municipal level, and at the level of the Scottish legislature, the U.K., and EU, all of which are using different systems?

**Ms. Mary Pitcaithly:** There was back in 2007. We did have a very difficult election then, because we were trying to run two very different systems on the same day, with a single ballot paper for the two types of MSPs, and a separate ballot paper for the council elections. With hindsight, that was far too much to expect voters to take on board—all those changes at once, all the different systems—and we did have fairly significant levels of rejected ballots.

We had an inquiry. It was actually chaired by Ron Gould from Canada, who helped us enormously to get to the bottom of how we might refresh the confidence and trust in the system. For us, particularly for the EMB, but also for the commission, the confidence of the voter in the integrity of the system is really critical. We had to work very hard to get it all back on track again. By the time we got to the same elections a few years later in the next round of the cycle, everything went like clockwork and it was all really good. We had a good positive experience.

That pulled us up short, I have to say. They weren't huge numbers, but they were higher than normal, which gave us cause to pause and to think again about how we did things.

Very importantly, I would say, never try to run two different systems on the same day, have a clear distinction between two different sets of elections, and give the voter a chance to make sense of it all.

Then do some decent and sensible voter education. We have this kind of material that is a voting guide, which every single voter gets from the commission. It's entirely factual information—nothing to do with political information. Voters have said that it's been extremely valuable for them.

**Ms. Ruby Sahota:** Has your commission taken on most of the responsibility for education, or have the political parties also been participating heavily?

**Mr. Andy O'Neill:** The electoral commission undertakes the national public awareness campaigns—the TV ads, the radio, and the booklets we give to householders and such. We also work with our partners, the returning officers, because they directly engage with voters. We provide certain products—template press releases, adverts, and such—that they can use in various guises. We also work with the voluntary sector and civic society widely, including religious groups, whoever we can engage, because they get to the people much more than we do. We will provide information they can use.

We also work with political parties. Political parties obviously deliver leaflets to the electorate. We'll provide templates of ballot papers so people will see the ballot paper in the political leaflets before the event. They can see what they're going to use. For us, a good ballot paper design—

**Ms. Ruby Sahota:** I want to try to squeeze in one more quick question because I'm really intrigued. It may be my narrow-mindedness, but I'm hoping that when we pick a federal system to change to it's going to be so good that all levels will want to change to that system.

Have you found a desire amongst the people to move towards one system because it's so good? If so, do you know which way that desire is going? Is it the MMP? Is it the STV, or what?

●(1105)

**Ms. Mary Pitcaithly:** Most of the time voters aren't really given a choice about the electoral system; it will be a decision that the politicians take for them.

The only time we've given voters a choice was in 2011, when there was a U.K.-wide referendum on moving to the additional vote system. From memory, I think the vote was about 65% to 70% against moving to it. In that instance, for the U.K. Westminster Parliament, people preferred the first past the post system and not enough people were in favour of changing it.

**The Chair:** Thanks very much.

Monsieur Boulерice.

[*Translation*]

**Mr. Alexandre Boulерice (Rosemont—La Petite-Patrie, NDP):** Thank you very much, Mr. Chair.

My thanks also go to our distinguished guests for taking the time to participate in our study.

My first questions are for our Scottish friends.

For 149 years, we have known only one voting system here. The supporters of the status quo often hide behind the argument that it's complicated. In their view, the citizens will not understand what is happening and will be confused by a new system. However, in Scotland, the citizens manage to understand the process and to vote within four different electoral systems. Given the viewpoint of the status quo supporters here who say that Quebecers and Canadians are not able to adopt this change, I feel that the Scots are geniuses. But I suspect that they are human beings like the rest of us.

The people who think it is difficult to operate in an electoral system with proportional features often say that small radical and marginal parties will multiply, which will prevent the election of stable governments that would be able to introduce public policies.

What has your experience been with the Scottish Parliament since 1999?

[*English*]

**Ms. Mary Pitcaithly:** I think voters are more sophisticated than we give them credit for. In my experience, particularly if you're setting up a new institution like the Scottish Parliament, voters are very open to considering a different system from the normal first past the post one. The Scottish Parliament has never had first past the post. On the other hand, the public very clearly think that's still the best system for Westminster. I think voters are quite sophisticated to make choices.

One of the things that surprised everybody, I suppose, was that when the Scottish Parliament system was set up, it was said to be designed to ensure that no party would ever have a clear overall majority and that consensus would have to be the norm and that people and parties would have to work together, but in the last election—not the one we just had this year, but the one five years ago—there was a very clear majority for one party. Voters managed to make that work despite a system that was allegedly going to prevent that from happening. Voters ultimately will use their vote, and if enough of them make the same choice, then they will prevail.

[Translation]

**Mr. Alexandre Boulerice:** Thank you.

I would like to ask a question about the election that took place in the U.K. last year. If memory serves, it was held in May. Something odd happened. I suspect that for a Scottish citizen who is used to a proportional system or a single transferable vote system, the results of the first past the post system for Scotland were quite surprising, if not shocking. The Scottish National Party obtained 50% of the votes, but 95% of the seats, which means 56 members. The Conservatives obtained 15% of votes and only one member. The Labour Party mustered 24% of the votes and only one member. Were Scotland's Labour and Conservative voters at all discontented with last May's results in the region?

[English]

**Ms. Mary Pitcaithly:** I'm sure they did. Certainly the very statistics you just quoted have been used in the media here to highlight the potential benefits of having more proportional systems for Westminster. Last year was unique, I think. But it does show that in a straightforward first past the post system, in most places, getting more than 50% is going to be sufficient for you to have a very significant majority.

• (1110)

[Translation]

**Mr. Alexandre Boulerice:** Do I still have time, Mr. Chair?

**The Chair:** You have about 30 seconds.

**Mr. Alexandre Boulerice:** How did Scotland manage to maintain the relationship between voters and members locally?

[English]

**Mr. Andy O'Neill:** The more the councillor link or the constituency link is always.... In the political culture in Scotland, elected members see themselves as the representatives of the people and as dealing with local issues, much more than in other cultures where you go to an official of the local government body or whatever. They fulfill that through the desire to have a constituency, and that's why they used DMS in 1999. It was really important to keep the councillor link, the member link. STV for local government was a political compromise to have three or four member multi-member wards. It reduced the level of proportionality, but it also meant that you didn't have huge electorates and that there was a possibility of people being able to understand who their elected representatives were. Whether the average Scot understands that they actually have eight MSPs representing them in the Scottish Parliament, I'm not sure that's the case. But certainly they will know who their local member is. Of course, the most active regional members will ensure or concentrate on getting themselves into the local newspaper.

**The Chair:** We'll go to Mr. Rayes, please.

[Translation]

**Mr. Alain Rayes (Richmond—Arthabaska, CPC):** Let me welcome the witnesses and thank them for participating in our work. Before I begin, I would like to set the record straight.

My colleague joked a little and implied that some members are in favour of the status quo. Our opinion is that everyone should be able to speak up and that there are a number of options, not just one, on

the table. So I would like to clarify that situation, which I find unfortunate.

I now have a few questions, particularly for the witnesses from Germany.

You said that, in your country, there is a movement of citizens who would like to change your voting system and that, to do so, a referendum would be needed, which we think is a perfectly fine approach. We believe that the public must be able to express its opinion on changing the voting system. Can you tell me what are the arguments made by those who want to change the proportional voting system in Germany?

[English]

**Prof. Joachim Behnke:** There is a civic movement that wants to hold referenda to change the electoral systems. In effect, they want to make the list candidates more responsive to electoral districts. Typically, the closed list was replaced by an open list. The changes took place in Hamburg and Bremen. This meant that the members who were not elected by their constituency could be given preference by the electorate on the party list, so you could move them to the top of the party list.

This is the key point of these referenda or reform movements.

[Translation]

**Mr. Alain Rayes:** I agree with the comments made by my colleague opposite. She said that we all hope to have a voting system that is strong enough for people to believe that every vote counts. All those in favour of the proportional voting system say that every vote will count if we adopt this method.

According to the statistics from your two countries on the percentage of people who vote, we see that, from 1997 to the last election, despite the fact that you have a proportional system, fewer and fewer people have been voting. The voting system does not directly lead to increased interest in the elections, but rather to a drop in voter turnout from one election to the next.

Am I mistaken in saying that?

• (1115)

[English]

**Mr. Chris Highcock (Secretary, The Electoral Management Board for Scotland):** In terms of the level of turn-out, our experience has been that it's not particularly been affected by the nature of the election as much as by the degree to which the individual elector feels that their vote is for something important. It's whether their vote counts—not in terms of its role in the proportional system, but whether their vote has a say on something that's of importance to them.

That was brought home particularly during the Scottish independence referendum when there was a turnout of over 85%. That was unprecedented in electoral events in Scotland and was reflected in the degree of engagement that people had with the topic.

Often it's the degree of engagement in the topic that's at debate rather than the process itself that affects turn-out.

[Translation]

**Mr. Alain Rayes:** Am I to understand that it's not the fact of having a proportional or a first past the post system that gets more and more people interested in voting? Is it the interest in the election, the referendum or the issue that makes a difference?

[English]

**Mr. Andy O'Neill:** That would be our problem. Scotland is probably one of the most engaged countries at the moment, but there is an element of tier. Academics here would talk about the U.K. Parliament being the first tier.

Turn-out in Scotland was 71% in 2015. It was only 65% in the rest of the U.K. That's probably because we're very engaged post the independence referendum.

The Scottish Parliament is considered to be a second-tier institution. We had a 55% turn-out. In local government in the last election, we got 40%, so there is a tiering effect, but there is also the engagement effect and if people are interested in the subject, they'll come out and vote. That is what we saw in September 2014.

**The Chair:** Mr. Aldag.

**Mr. John Aldag (Cloverdale—Langley City, Lib.):** I'll start by exploring a number of areas that have already been raised by my colleagues around the table, because I'd like a bit more information.

I'm going to start with Scotland. You talked about some of the education that's required for your various processes. What I'm hearing this morning is that there is no one perfect system. Looking at Scotland, I would think that might be the case, that different systems do different things, and you have great experience with it.

On the communications education side of it, could you provide any comments on what's involved? I know there were some slides that we skipped over, but I'm particularly interested in things like budget and timeframes. You talked about partnering and that the government has a bit of a lead for some of it. I don't know if you can actually quantify the percentage of an election's budget that goes to communications and education, but what kinds of resources go into educating the public on all of the different systems, and in what kind of timeframes? Is it an ongoing part of the dialogue in Scotland, or is it during the writ period when you actually get in and talk about it?

Could you talk a bit more about education and communications?

**Mr. Andy O'Neill:** I'll start and colleagues may want to chip in as we go along.

I think it's accepted, firstly, in Scotland that public awareness education is important, and the Scottish government has always helped fund that with us. On average, if you take the local government elections next year, for example, we will spend approximately £1.5 million on the public awareness campaign. Much of that will go in paying for television time. We tend to use recycled creative ideas, which are cheaper, for the TV and radio ads. Click-through in terms of messaging by television is very successful. However, because you can't really get beyond the high-level messages in the TV or radio ads, we also underpin the key message on how to complete a ballot paper through household leaflets that we deliver to every household in Scotland, partnering with civic society

and anyone else we can find who engages with people and is prepared to help us do that.

• (1120)

**Mr. John Aldag:** Do things like leaflets go out when you're actually into a campaign? Is that the time for it? So for this specific campaign, this is the process that's being used, and this is what the voter needs to be aware of?

**Mr. Andy O'Neill:** Yes. What we tend to find is that although we have long-term information on our website, and we share with other people in various ways, the time when the electorate is most engaged is near the electoral event. We would normally issue a public voting guide about two weeks before the close of the registration deadline—that's 12 working days before the electoral event—so we can get registration messages through to people.

We will also have the TV ads starting then, and we'd ramp up towards the electoral event and move from a registration phase into a how to vote phase, so that the messaging changes.

**Mr. John Aldag:** On that—

Go ahead.

**Ms. Mary Pitcaithly:** The only thing I was going to add was that our schools have recently taken a role in making sure that young people, who now have the vote in Scotland at age 16 and 17, meaning students in schools, colleges, universities, have a clear understanding of the importance of registering and then casting their vote. Schools have been very positive about doing this, and that's been a very successful part of the process. When you're bringing 16 and 17-year-olds into the franchise for the first time, I think it is important that we dedicate some time to that. They would not necessarily read these sorts of leaflets, but they'll certainly pick up on the stuff that's online, the Twitter messages and Facebook messages. All of that social media material is very important as well, as well as the more traditional printed leaflets.

**Mr. Andy O'Neill:** Yes, we go big on social media and digital advertising now. Over the years we've moved much more into that as people become much more Internet-based.

Mary was talking about the #ReadyToVote campaign. We got nearly 80% of all schools to run registration and how to vote sessions with young people ages 15 through to 18, who can vote now in Scottish Parliament and local government elections.

[Translation]

**The Chair:** Thank you.

We will now begin the second round of questions and answers.

Mrs. Romanado, go ahead.

[English]

**Mrs. Sherry Romanado:** I didn't have enough time to ask our colleagues from Germany some additional questions in the last round.



You mentioned in your proposal that because of the fewer number of seats in our territories and two of our Atlantic provinces, they would actually maintain the current system of first past the post. Is that correct?

**Prof. Friedrich Pukelsheim:** That is correct. That was our proposal. And we called our proposal a “model”, because we just wanted to point out that one needs to make a decision on that question.

**Mrs. Sherry Romanado:** It's actually quite helpful, because what I'm trying to understand is the application of something. One concern here in Canada is that if we were to tell two of our Atlantic provinces that their vote was not going to be counted the same way as their sister provinces', I don't know if it would fly, to be honest. So I'm not sure how applicable that would be, given the current culture.

**Prof. Friedrich Pukelsheim:** Absolutely, I can understand the problem. Another solution would be to put the two Atlantic provinces together with the other eight provinces. That would be an option. But since we just wanted to make a proposal, we did not want to draw the line between the provinces and territories, because we wanted to indicate that there were other options. But, as you say, the decision is political at another point.

**Mrs. Sherry Romanado:** Okay.

Actually, my colleague next to me just made a cute comment, that we could put the three territories with Nathan's riding, my colleague from B.C., and he'll have a really large one.

We did talk about education, but I want to drill back a bit. I know there's outreach through the electoral commission in Scotland, and you did talk a bit about your schools, the 15-year-olds to 18-year-olds who are coming up to an election.

Could you explain, both Scotland and in Germany, the education in your schools? What kind of civic literacy is there? Are there specific courses that children in grade school or middle school are being subject to, so that right from a young age they have some civic literacy? Or is it strictly the role of your electoral officers?

• (1125)

**Ms. Mary Pitcaithly:** I would say that over the last two or three years schools have taken on much more of a role in this area.

Particularly, we've engaged with the directors of education for each of the local authorities, with School Leaders Scotland, who represent head teachers, and with the educational establishment. They are very keen not to get involved in anything which could be construed as party political or less than impartial. They are very keen not to get involved in who people should vote for. They are absolutely focused on making sure that people understand the importance of voting in a democracy, that people know that before they can do that they have to register, that they understand the whole process.

It's very much about, as you say, civic literacy: understanding the rule of voting and how it happens. Equally, because these are educationists doing this, we are very clear that they can't get involved in anything at all that would tend to suggest they favour one party or one side over another, for example.

**Mrs. Sherry Romanado:** Okay, perfect.

**Ms. Mary Pitcaithly:** That was particularly [*Technical difficulty—Editor*] during the referendum. If any teacher or educationist had been able to be accused of promoting votes for or against independence, I think their career might have been over. It would have been a very difficult area for them to get involved in.

**Mrs. Sherry Romanado:** Perfect.

And in Germany?

**Prof. Friedrich Pukelsheim:** In Germany, the political system is certainly part of the subjects which are treated in school, including the elections. Of course, that's only the election for the particular state where the school is located.

Also, the federalist election authority produces a lot of material for the federal elections. Each state has a state electoral authority, and they produce the material for the elections of the state parliaments. I think that the efforts in Germany are very similar to Scotland's.

**Prof. Joachim Behnke:** I would add some special experience, which refers to the referendum and the electoral system change that took place in Bremen after a referendum. The other thing that was changed simultaneously was lowering the voting age to 16. This provided a very interesting opportunity. The teachers were able to teach the new electoral system to the pupils, and this had the effect that the turnout of youth was significantly higher than normal.

**Mrs. Sherry Romanado:** Thank you.

**The Chair:** Mr. Reid.

**Mr. Scott Reid:** Once again, I'm going to ask Professors Behnke and Pukelsheim a couple of questions. One follows up on Ms. Romanado's question. She asked about Newfoundland and Prince Edward Island. You did not attempt to run your simulation in those two provinces for either the 2011 or the 2015 elections, but I get the impression from looking at the numbers that had the mixed member proportional system been in place in those two elections, the actual seat count would have been very similar to what it actually was under the first past the post system.

Is that a generally correct statement? I know I'm asking you to say something without the ability to calculate it, but does that seem like a generally correct statement?

**Prof. Friedrich Pukelsheim:** It's generally correct.

The results would have been similar—albeit slightly different. We didn't include it in our brief because we didn't want to swamp you with too many prints. Of course, you can do it easily, and we did it. What we presented to you shows the option of including small provinces with low district magnitudes into the first category group, but whether to do so or not needs to be decided at another point.

**Mr. Scott Reid:** All right.

**Prof. Joachim Behnke:** We have made the calculations, and the seat distribution would have changed from 7, 0,0 seats by party, to 5, 1, 1 seats by party in Newfoundland and Labrador, for example.

**Mr. Scott Reid:** That is helpful to me. I realize you don't want to make political comments, but I think it is correct that in Canada people would feel most comfortable with a single electoral system across provinces, even if its implications were less proportional in some of the smaller provinces than in the larger ones.

I want to ask as well about the issue of overhangs. You mentioned the example of one of the Länder in former East Germany and how one party had 35% of the vote but 50% of the seats. We have some very extreme vote swings in Canada, and I want to give you some examples.

In the elections of 1993, 1997, and 2000, in the province of Ontario, the Liberal Party won, almost literally, all the seats. When I was elected in 2000, for example, I was one of three non-Liberals elected in Ontario, out of 103 seats. They had 50% of the vote. Similar results, in fact even more extreme results, were obtained in 1993 and 1997.

Similarly, in Quebec in 1980, if my memory serves me correctly, the Liberal Party won all but one of the seats—maybe all but two. There have been similar examples where the Conservative Party has won all the seats in Alberta.

Does your model deal with that? How do you deal with that kind of extreme disproportion—one party gets half the vote but literally all the seats? Would that be corrected for in your model, and if so, what would the list-versus-seat total look like in one of those provinces?

• (1130)

**Prof. Friedrich Pukelsheim:** The two past elections that we looked at did not show any problems like that. Maybe former elections would. The system we propose does not produce overhang seats, but if a party is overly successful with constituency seats, then the seats will be transferred from the competing parties to the party with the excessive success in constituency seats. By the way, this is the same provision that is used in Scotland. It is defined with different wording in the law, but with this provision you do not have overhang seats. When you do not have overhang seats, you are in a position to honour the constitutionally mandated number of seats per province and territory.

Whether there are problems.... One should probably look at older elections, too, but we had only a limited amount of time, so we restricted our evaluation to the last two general elections.

**Mr. Scott Reid:** Thank you very much, Professors.

**The Chair:** Mr. Cullen, go ahead, please.

**Mr. Nathan Cullen:** I have a couple of questions. I want to understand the impacts we've seen in Scotland or Germany, if any, of lowering the voting age to 17 and then 16, in terms of voter turnout. Have you done any research to see what the impacts have been? What type of resistance did you face? I proposed a bill in my first term in Parliament to do such a thing. We actually had a coalition of a Conservative, a Bloc, and a Liberal go on tour with the bill in Canada, but there was a fair amount of uncertainty among Canadians about making such a move. What results have we seen, if any, in Scotland and Germany so far?

**Mr. Andy O'Neill:** In the independence referendum in 2014, 16 and 17-year-olds were given the vote. It was a very engaged

electorate. There were thought to be well over 90% of 16 and 17-year-olds registered, and very high levels of participation in terms of voting.

We are about to publish our report on the Scottish Parliament next week. Through opinion polling of the age group, we have again found very high levels of registration, and claimed turnout is well over 70%—which of course is higher than the actual turnout, but that is a common phenomenon.

The electorate, the 16 and 17-year-olds, has been very interested in registering and voting, and that is seen through the activities in schools.

**Ms. Mary Pitcaithly:** Anecdotally, it's been welcomed here and there was some disquiet that 16 and 17-year-olds couldn't vote in the Brexit referendum earlier this year in June. There was a very specific debate in the House of Commons and the House of Lords about that. I'm sure it would be of interest to you to read those debates. At the end of the day, it was decided that they wouldn't have a vote, although the Lords did suggest that it was a good idea. There is now a bit of confusion, in that 16 and 17-year-olds up here have the vote for some elections but not for some others, and I don't think that is ideal.

• (1135)

**Mr. Nathan Cullen:** If I understand the German case, it's by some levels of government and some regions. The voting age is not uniform across levels of German politics. Is that correct, or do I have that wrong?

**Prof. Friedrich Pukelsheim:** That's correct.

The voting age differs on the state level, on the local level, and on the federal level. On the federal level, it's 18 years, but in Austria it's 16 years. There is a permanent discussion going on about whether we should lower it to 16 years. So far, any attempt in this direction has not been successful in the Bundestag.

**Mr. Nathan Cullen:** Perhaps not today, but if either of the professors from Germany have any evidence on what the impact has been, because you have a neighbour who is using a lower enfranchisement age, that would be interesting to us.

Turning back to Scotland for a moment about the education component of changing systems and how vital it is to engage young people in particular—regardless if they're at voting age or not, because they'll inherit the system—what efforts were made? What advice would you have for us in speaking to young people about what determinations we make?

**Mr. Andy O'Neill:** It interests me because 16 and 17-year-olds are easy to find because the vast majority of them are all in school. We work with the education lists at both the local level and the [Technical difficulty—Editor] to help teachers undertake registration drives, because you can register online now and learn how to vote. We also work with Skills Development Scotland for about 8% of 16 and 17-year-olds who aren't in formal education to get messages out. We arrange for tweets to be sent to that core vote, which actually [Technical difficulty—Editor] good registration level.

**The Chair:** Mr. Thériault.

[Translation]

**Mr. Luc Thériault:** Thank you, Mr. Chair.

In terms of the right to vote at 16, I would like to point out that education falls under provincial jurisdiction and that all the budgets are managed by the provinces. If the federal government decided to go ahead with this amendment, changes would automatically need to be made at the provincial level. Training would have to be added to all the schools, which would require funding. That might be a challenge.

As we listen to the testimony of experts, a number of nuances emerge. Proponents of the mixed member proportional system sometimes say that this will increase voter turnout. Others say that it's not the case or that it's not significant, but that it will allow for more ideological pluralism. I think that makes perfect sense. However, changes to the voting system depend on the values we want to uphold in a democracy.

In terms of the ideological pluralism, I will turn to the witnesses from Germany.

How are small parties treated in your Parliament? Earlier, you said that, notwithstanding the 5% of mandatory votes to have access to effective representation in Parliament, those parties had the same rights in terms of participating in committees or taking the floor in Parliament.

Is that correct or are there differences, like in Canada? For instance, my party, which has 10 elected members with almost 20% of the votes, is excluded from all the parliamentary committees.

Should we not change the procedure while we are discussing, within very tight deadlines, how to establish the physical presence in our Parliament?

In your country, does each member of the smallest party actually have the same rights as the rest of the parliamentarians?

• (1140)

[English]

**Prof. Joachim Behnke:** The small parties have to reach the five-person threshold. This is very important point because it's connected with the point of strategic voting. I think the most important failure of the first past the post system is that it discriminates between votes depending on the preferences that are expressed in the vote.

In the first past the post system, the design was intended to reward strategic voting, that some citizens give their votes to parties that are not their preferred party. Without the strategic adaptation to the electoral system, plurality systems couldn't produce the desired

manufactured majorities of a single party. This means that the cost of a sincere truthful vote, which is in accordance with your true preferences, depends on your political convictions. If you aren't very happy in situations and your preference is for one of the candidates of the two biggest parties, your cost of casting a truthful vote is equal to zero, because this is exactly what you should do. However, if you are a member of the Green Party, in most constituencies the cost of a truthful vote is high, because for a truthful vote you have to sacrifice your only chance to have any impact on the electoral result.

The point is that there is no system without strategic voting, and strategic voting is needed to make systems function in the way they're intended to function. To give the voters of small parties a chance for a bigger percentage, we have a level that is low enough, at 5%, and also high enough to prevent a total fragmentation of parliament.

[Translation]

**The Chair:** You have 20 seconds, Mr. Thériault.

**Mr. Luc Thériault:** At any rate, regardless of the voting system, strategic voting can always take place.

I would have liked to talk with you about the duty to be accountable at the end of a term and how that influences the electoral dynamic. Perhaps colleagues will be able to ask you a question about that.

Here, it seems that we change government every eight years. The government is accountable for what it did. With a coalition government, I imagine that a group may last from one election to the next. In that case, the dynamics of alternance are not clear. But that's a value that Quebeckers uphold.

**The Chair:** Thank you very much.

Ms. May, the floor is yours.

[English]

**Ms. Elizabeth May:** Thank you again to the witnesses. I know it's difficult testifying by video. We're all together here and looking at you disembodied on our screens.

I want to try to pursue the issue of closed party lists, first with the German academic team and then with our friends from Scotland.

Thank you, again, for taking such time and care to try to apply the German system to a Canadian model hypothetically. It's much appreciated, and I know it must have been a lot of work.

Looking at page 6 of your brief, where you describe what we would do to fill the party lists, you suggest, "The seats left may be filled from closed party lists. Closed lists encourage parties to promote social cohesion and to include underrepresented groups."

Now, as you have probably suggested with your experience in Germany, some people don't want to know that the lists are closed; they want some access to them.

I wanted to ask particularly how... You must be familiar, of course, with Baden-Württemberg, and their use of people who were on the constituency lists and failed to win a seat but had done very, very well. They become, as I understand it, the party choice to fill those seats.

Do you have any observations on how that works in practice?

**Prof. Joachim Behnke:** Baden-Württemberg is very complicated. The point is that in Baden-Württemberg you have something like an open list because there's only one vote for the constituency seat. For the parties that had not gained constituency seats, the list is constructed in accordance with a percentage of the votes that the candidates have won in the constituencies. The most successful candidate for the Greens, for example, was the first who got one seat, and the second successful one, the second seat, and so on.

The point is that if you want, for example, to take in women's representation, the list is the best opportunity to force every party to give half of their seats to women. There is no enforceable quota in Germany. The quotas are all informal or voluntary commitments of the parties.

The party that first made this commitment was the Green Party. They have a quota of 50%, and they always have the biggest share of women. In Württemberg, where it's something like an open list, the Green Party has the biggest share of women in Parliament, but it's only 40%. In the other Länder, when there are lists, they have 50%.

• (1145)

**Ms. Elizabeth May:** You may or may not know that I am the Green Party member of Parliament on this committee, so I stay friends with my German Green friends.

There's a tension, is there not, between a closed party list as a way of promoting social cohesion, inclusion of women, and inclusion of minority groups, and a public sense that, perhaps, this is party cliques and insiders who don't have the same rigours of running for election? Is that tension felt in Germany?

**Prof. Friedrich Pukelsheim:** Yes, the tension is felt in Germany, but it's not viewed as something bad or indecent. In fact, it's in the interests of parties to ensure that their leading personnel are seated in Parliament. There's nothing wrong with it, I think, in the public's opinion in Germany.

**Ms. Elizabeth May:** Turning to Scotland, because you also used a closed list system for the Scottish Parliament, are there informal or formal quotas around inclusion of women on that closed list? In general, how is the list system regarded in the Scottish Parliament?

**Mr. Andy O'Neill:** In terms of diversity and women on lists and such, there's nothing in the electoral rules that formally requires it. It's really been left to the parties to deal with that and create a more inclusive, representative Parliament.

Parties have tried various devices to ensure a better representation amongst women. For instance, the Labour Party in the European elections requires the list to be female, male, female, male, alternating down the list.

In the past, in the Scottish Parliament election, again the Labour Party used a thing called "pairing". It was in the early life of the Parliament when the Labour Party was winning a lot of the constituency seats. They paired two constituencies and they had to be winnable constituencies. Of the two, the party required one candidate to be a male and one candidate to be a female.

But all these things are really left to the parties to decide.

**The Chair:** Mr. DeCoursey.

**Mr. Matt DeCoursey:** I apologize if I missed this in earlier conversation. In Germany, with the closed list, I understand that it's common for candidates to run in a riding and be on the list. Must they do both? Or is it a matter of choice for candidates, in the way parties choose candidates?

**Prof. Friedrich Pukelsheim:** It is a matter of choice. Actually, most candidates are constituency candidates and they figure on the list. They have a list position.

There are a few exceptions. For example, the president of the Bundestag has no constituency because campaigning in a constituency would be so outspoken for his party that it would be detrimental to his continuing as president in the next legislature.

There are a few leading politicians who are only on the list, but most politicians are on both. They are constituency candidates where they live and they are on the party list of the state they belong to.

• (1150)

**Mr. Matt DeCoursey:** I have effectively the same question about Scotland. Is it a can, a must, or a do that candidates both appear on a party list and run in a constituency?

**Mr. Andy O'Neill:** It's a can. You can stand in both. In Wales, you could, then you couldn't. They're about to change it to, you can.

It really depends. Some parties choose not to because of the way they're packing their votes. The Scottish Green Party, for instance, in the recent Scottish Parliament election, stood in only two constituencies, but it stood in all the lists. It depends where your concentration of vote is.

**Ms. Mary Pitcaithly:** The parties change their position as they see their support changing. Originally, in the Labour Party, if you were a candidate you had to choose whether you wanted to be a constituency candidate or to be on the regional list. You couldn't do both. But in the last election, Labour was content to allow candidates from their group of candidates to be on either or both at the same time.

**Mr. Chris Highcock:** The names of the list candidates do not appear on the ballot paper. All that's on the ballot paper is the name of the political party. The names of the list candidates are disclosed separately on a poster in the polling place.

**Mr. Matt DeCoursey:** So is it largely then a matter of internal party policy whether or not they have candidates running for the constituency and on the list, or is it a bit of a mixed system, even within the different parties?

**Ms. Mary Pitcaithly:** It is mixed between the different parties, and the parties' own positions change. So I think there's now no party that says it will not allow a candidate to be on both, but ultimately, we're not really privy to how they go about making their selections. But it would appear to us that they are now all comfortable with having people appear on both.

So, for example, our current first minister was originally elected twice to the Scottish Parliament as a list MSP and only at the last election before this one did she come on as a constituency MSP.

**Mr. Matt DeCoursey:** Can you expand on some of the issues you've talked about in regard to the STV system for council elections and the number of members per ward. I sensed that it has caused some consternation around the relative proportionality represented by the different members. What's the conversation around what the size of the wards should be relative to what they are?

**Ms. Mary Pitcaithly:** Until we introduced STV, we normally had a system whereby each councillor would have a relatively small ward to cover, unless you were in one of the rural areas, like the Highlands, or Argyll and Bute, and the islands, where you might cover a very large geographic area. But your constituency in terms of electors wouldn't be huge. So moving from that, with a very clear link between the constituency and the councillor—the ward and the councillor—to something where there was less of a link, it was clear to the politicians that to get to something that was very proportional would have created wards that were too big, unwieldy, and unmanageable for a councillor who doesn't have an enormous support system behind him or her.

So they restricted it to three or four members. All wards are either three-member or four-member wards, which means that they're not as proportional as they might be if you'd gone to six, seven, or eight—but they're much more proportional than something that's just one to one. The wards end up not being too unmanageable, and it has worked relatively well. The members in a ward are encouraged to act together, to signpost constituents, or to each other, if they're going on holiday, for example, or if they're off sick. They're encouraged to do that. They don't all do that, but there are a fair number of them who do.

**The Chair:** Mr. Richards, please.

**Mr. Blake Richards:** I have a question for our friends from Germany, and I'll leave it to you to decide which of you two would like to answer.

How are the people who would sit in the overhang seats chosen? Are they chosen from the party list? Where would they come from, if and when overhang seats are required?

**Prof. Joachim Behnke:** The overhang seats are constituency seats, or at least a person, because overhang seats come into being if the party has one more constituency seat than it is entitled to, according to its share of second votes, party votes. So this party gained no list seats, has no list seats, though all seats are constituency seats and you cannot identify the overhang seats. You cannot say there's a specific seat that is an overhang seat. You only can say this party has three mandates more than it would have gained according to its share of second votes, but you don't know which three seats these are.

●(1155)

**Mr. Blake Richards:** I guess I had misunderstood. I had understood them to be seats that were provided to other parties in a proportional way to compensate for where one party... I misunderstood: it's not exactly a simple system. It's complex and I misunderstood.

So thank you for clarifying that for me.

In terms of the fact that you've got some members who are chosen in constituencies and others who are chosen from a list, you had mentioned, I believe in your opening remarks, the idea that those from the party list still do constituency work. You specifically mentioned the office hours they hold, and I'm wondering how that's determined. How would the location of their offices be determined, in what district or what location they would have an office, for example, where they would attend local events or have meetings or door-knock? Who determines that? How is it determined where an office would be located for a member who is chosen from the party list, and where is their constituency work done?

**Prof. Friedrich Pukelsheim:** It's very simple. It's determined by nature. People live somewhere, and so these members of Parliament also have a place where they live and where they are active. That's most often the place where they are also politically active, in that constituency, which belongs to their residents.

**Mr. Blake Richards:** Okay, that was kind of what I assumed.

I think it draws out something that I would see as maybe a potential concern in this type of a scenario, especially given that they would be both a constituency candidate in many cases and on a party list.

Obviously, it could transpire in a number of cases that voters in a certain area have decided this isn't the person they've chosen to be their local representative—they've chosen somebody else—and then, of course, the person makes it in as a person on the party list rather than someone the local voters have chosen. It would set up the possibility—and I want your opinion on whether this is a possibility—that you then have the second place candidate in a riding deciding to conduct a sort of campaign over the course of the entire term of office to try to make sure they are successful in that constituency in the next election campaign. It almost becomes like an ongoing election campaign, where two people who have competed in an election continue to compete.

Something that I know voters in Canada want to avoid is this idea of an ongoing or lengthy campaign like we sometimes see in some other countries.

Do you see a possibility of that happening?

**Prof. Friedrich Pukelsheim:** In fact, there is this possibility, but that political competition is always going on, and in this case it's going on in the constituency.

A couple of years ago, my constituency in Augsburg actually had five representatives in the Bundestag. We had five parties, five caucuses, in the Bundestag at that time, so in that particular constituency, we had a representative from every party in the Bundestag.

On the other hand, there were other constituencies in the country that only had one representative, namely that constituency winner, because the list people in that state happened not to live in that constituency. However, I cannot report any problems.

**Mr. Blake Richards:** I suspect that might be a problem all on its own as well. With some, you have multiple people, and others you just have one for the constituency.

I suppose that also could be considered a problem in itself.

[*Translation*]

**The Chair:** We will now move to Ms. Sahota.

[*English*]

**Ms. Ruby Sahota:** Thank you. I've had similar lines of questioning for other witnesses. I do find what Mr. Richards is talking about very interesting.

Given that more people live in urban areas, if you do end up having more representation in those areas and then lack representation in the more rural areas, that could be a problem for some constituents. We're trying to solve a problem by making sure that everyone feels that their voice is heard and that they're represented. An important aspect of this is local representation, which you can hopefully have within a certain reach and have accessible to you.

It seems that you're saying that the problem occurs in Germany but that people don't find it to be problematic. Here in Canada, the system we now have is riding based, and everyone has a local representative whom you can identify easily because they're within certain boundaries.

How would you see our being able to keep that intact, or fairly intact, with any system that we move to?

• (1200)

**Prof. Friedrich Pukelsheim:** I think in Germany the situation is such that everybody has a constituency representative who is easy to identify, namely the constituency winner, and maybe a second and a third constituency representative, who may be not so easy to identify but is very visible. It's hard not to recognize them, so it works.

**Ms. Ruby Sahota:** My next question is more about wanting to make sure that these list representatives and the other representatives have an equal amount of legitimacy. I have heard from you that there hasn't been a problem with people finding them to be legitimate.

In this past election, I did hear a lot of comments from people saying, "Wow, having nominations take place before a candidate is chosen to run in a certain area was a great idea. It really seems that you deserve it. You won this nomination before you actually ran in the campaign as a candidate." There was almost this extra legitimacy that people were giving the process.

Is there a certain nomination process that parties have in place to choose the list candidates, or to choose even the constituency candidates, for that matter? What are the different processes you have in Scotland and in Germany that the parties may engage in to give that legitimacy to the candidates?

**Prof. Friedrich Pukelsheim:** The nomination process is highly structured for the constituency candidates. There are delegate conferences within each party to choose the constituency candidate.

There are legal prescriptions that a party must follow in order to set up the list, which is a kind of hierarchical system. It starts at the bottom. There are small delegate conferences of party delegates, then some of them meet at a higher level because the party lists in Germany are state lists. All of this must be properly documented and be submitted to the federal election authority in order to be admitted to run in the election.

**Ms. Ruby Sahota:** What voting system do these delegates vote under? Do they have one vote per delegate or member, or whatever you want to call it? What system do they choose amongst the different parties that you may have?

**Prof. Friedrich Pukelsheim:** That's up to the party. The party can decide on how they do it, but they have to properly document it, and they have to submit these minutes to the electoral authority. There's no legal provision how this decision process must take place within a party.

**Prof. Joachim Behnke:** The legal prescription only says that the procedure has to be democratic.

**Ms. Ruby Sahota:** Can I also hear from our Scottish witnesses on this?

**Mr. Chris Highcock:** It's a similar position in Scotland, where it's up to the parties to determine how to select their own candidates, and they'll do that in different ways. The SNP, for example, use STV, a proportional system, to select the candidates who will stand both on the list and for constituencies.

**The Chair:** Mr. Boulerice.

[*Translation*]

**Mr. Alexandre Boulerice:** Thank you, Mr. Chair.

I will now turn to the professors from Germany.

I would like to ask you a question about the political culture that may encourage a certain voting system, namely the mixed member proportional system that you have known for several decades and that you have explored for a long time.

In the work Mr. Lijphart, a professor from California, presented to us a few weeks ago, he said that the mixed member proportional system can lead to a more consensual type of governance. This voting system forces the parties to talk to each other, to work together and to make compromises. People generally like that, unlike the majority-wins model where a bulldozer government can be in power for four years.

To enlighten those who are less familiar with the German system, could you tell us how the political parties work before and after elections, and how they are able to form coalition governments or to work together?

• (1205)

[*English*]

**Prof. Joachim Behnke:** Yes, you cited Lijphart and his concept of consensus democracies. The political culture in Germany is really consensus oriented. Most laws in the Bundestag are passed with a great majority from most parties. It's seldom case that the majority of the governing coalition passes a law alone.

The formation of coalitions is really not so complicated in most cases, because we have something like pre-coalitions in the electoral campaign. The parties signal with which parties they want to build a coalition, and if this coalition is possible after the election, it is henceforth automatically a coalition. In many cases, people say that the flaw of proportional systems is people not knowing which coalitions they will get, but in reality this is not the case, because in most cases they get what they voted for.

Sometimes the pre-coalition that was announced in the campaign isn't possible after the electoral result. This is a big problem for the parties, but again, in Baden-Württemberg we now have a relative coalition between the Greens and the Conservatives. It's the first coalition of its kind in Germany and it took no longer to build than the typical coalitions that are signalled before.

We seldom have problems building coalitions.

[*Translation*]

**Mr. Alexandre Boulерice:** I'm not sure whether Mr. Pukelsheim wants to answer the question.

[*English*]

**Prof. Friedrich Pukelsheim:** No, I think that the German system is consensus-oriented, and in a way you see it in the design of the Bundestag, which is a hemicircle, instead of being two sets of benches that face each other so that you jump each other. To jump each other is very difficult in the German Bundestag, merely because the seats are facing the wrong way.

[*Translation*]

**Mr. Alexandre Boulерice:** For your information, here, the benches of the government members and the opposition members are two sword lengths apart in case they want to fight. The philosophy is different here.

In Germany's experience, does the existence of coalition governments lead to political instability?

[*English*]

**Prof. Joachim Behnke:** That is one of the most popular arguments against proportional systems, but it is certainly not true for Germany. We have very stable governments. For example, Kohl reigned for 16 years, Schröder for 7 years, and Merkel has now reigned for 12 years. I think the stability of governments is not in question.

**The Chair:** Thank you very much.

**Prof. Joachim Behnke:** In some Länder we have problems, but not in [*Inaudible—Editor*].

**The Chair:** Mr. Rayes, go ahead.

[*Translation*]

**Mr. Alain Rayes:** Thank you, Mr. Chair.

Ms. Pitcaithly, you previously said that most people will vote when they feel that their vote counts and that it depends more on the issue than the voting system in place.

According to the statistics on voter turnout in your country and around the world, there is a downward trend, and it's not necessarily because of the voting system.

You said that your system is quite complex and, to my great surprise, that many people do not understand all the implications of their votes. I see that your role is also to suggest changes and improvements to your proportional system, which is not perfect, like all the other electoral systems around the world.

I guess you have made changes since it was first implemented. Does it take a long time for the changes to be applied to the voting system? How many years or months did it take you to make those changes?

• (1210)

[*English*]

**Ms. Mary Pitcaithly:** As I said, something new, a new institution like the Scottish Parliament... Their voting system hasn't changed. It has been the count system since it was created in 1999.

Turnout is actually up. This year, at the last Scottish Parliament elections, the highest number of voters ever turned out and cast their vote, so that is positive.

For some other changes... I suppose the biggest change has been around council elections, local government elections, where it was a very significant change from first past the post, one-ward-one-councillor, to the STV system. That was introduced relatively quickly. It was proposed during the term of the council, but by the time the next election was due to happen, in 2007, the change had been introduced.

We had to spend a fair amount of time in the run-up to the election explaining to people that they were to use numbers and not crosses, but we also highlighted that if they did cast their vote with just a single cross, that would count as an expression of preference for their first preference candidate. That helped with the transition.

Yes, it is possible to make the change fairly quickly, as long as there is plenty of time to discuss with people how they cast their votes and how they can ensure that their vote counts.

[*Translation*]

**Mr. Alain Rayes:** In Germany, did you make changes to your voting system? If so, how long did it take?

[*English*]

**Prof. Friedrich Pukelsheim:** There are two sets of changes. Some are initiated by the Federal Constitutional Court when it examines the electoral law, or in the states by the state constitutional courts. This is then amended promptly, more or less, as demanded by the court.

Other changes, which are more of a reform, are decided on the political level, and they take a while. I cannot cite any time span, but the reforms in the states of Hamburg and Bremen to leave the closed list and to establish a preference vote took quite a while because they were initiated from the outside and carried into the parliament. This may have been longer than four or five years, or two legislative periods. I don't really know. I would have to look it up.

**Prof. Joachim Behnke:** You have to keep in mind that all of these changes are minor changes in comparison to what you have to decide.

It was never a change between one type of system and another. It was always a change within the proportional system, and mostly within the mixed member proportional system. The changes referring to changes of the formula for distribution of seats from D'Hondt to Hare/Niemeyer and Sainte-Laguë, or from closed lists to open lists are not really essential changes, which I think is evidence that—

[*Translation*]

**Mr. Alain Rayes:** So this means that—

[*English*]

**Prof. Joachim Behnke:** —the German people are content with their system.

[*Translation*]

**The Chair:** Mr. Rayes, there's not enough time to hear the answers, but you can make a comment.

Since you are indicating that you have finished, we will conclude with Mr. Aldag's questions.

[*English*]

**Mr. John Aldag:** I'd like to start with Scotland on this one.

As we've seen, you have a number of systems in play. It seems that there have been changes, if I'm hearing you correctly.

Has every one of the new systems brought into place, or every change that's been made, gone to a referendum within the Scottish population? Are there any instances—and you don't have to give specific examples—where changes are made to your electoral system without referendum?

**Ms. Mary Pitcaithly:** Almost all changes—in fact, all of the changes—have been made without a referendum. The only referendum we've had was a U.K.-wide referendum on changing the system of voting for the U.K. parliament. As I said earlier, that was the AV referendum, changing to the initial vote system. That was not agreed by the electorate, so the change to the system did not take place.

Insofar as there have been changes, they've all been introduced without a referendum beforehand.

• (1215)

**Mr. John Aldag:** Thank you.

I'd like to hear from both of you—and I'll certainly bring in our German witnesses on this one—your thoughts on diversity. We have heard about proportional systems contributing to increased diversity. This is something that we're wanting to achieve in Canada to make sure that our population is represented in our House.

We're going to run out of time here, but I'll hear from our German witnesses first.

What is your experience with the mixed member proportional system? Do you find that it achieves the diversity you're looking for in your elected officials in relation to your general population? In any diversity that you see, does it come through the direct elections at the constituency level, or through the lists?

I'll put that to Scotland as well.

**Prof. Friedrich Pukelsheim:** It essentially comes through the list, but it's not formally enshrined in the legal provisions. The legal provisions provide the opportunity for the political parties to have lists with alternating placement of men and women. Parties have made use of this recently.

I would say that the system provides the opportunities to do that, but it is a challenge to the parties to carry this out in a party decision-making process.

**Prof. Joachim Behnke:** It's a part of the political culture of the party, especially with the Greens, as I mentioned, who use the lists not only for alternating women and men but also [*Inaudible—Editor*] for elderly people or people with ethnic backgrounds, or for immigrants, for example.

**Mr. John Aldag:** Okay.

**Prof. Joachim Behnke:** It depends on the parties.

**Mr. John Aldag:** In terms of Scotland and your experience with achieving diversity, do you see it happening in the Scottish Parliament? If so, do you see gains in diversity coming through the direct elections or through the list process?

**Mr. Andy O'Neill:** There's nothing formally in law requiring it. It's left to the parties, and they use various stratagems to try to achieve it. They're all committed to achieving greater diversity and ethnicity, but it really comes down to the parties to say how they do that.

**Mr. John Aldag:** With the overall results, there must be an analysis of that diversity? Does your parliament reflect the Scottish population?

**Ms. Mary Pitcaithly:** In terms of gender, not yet.

As Andy stated, all the parties have said that they're committed to trying to get closer to that. Their own processes for selecting candidates are designed to help that happen.

**Mr. John Aldag:** Thank you.

I'll go back to what we were talking about previously.

On the communications piece, there are two brief pieces. One of the figures you mentioned was £1.5 million, I think for a television campaign.

Do you actually have a line budget for your elections that says x percent of money goes to education and communication? Would it be 1%, 5%, or 20%?

That's my first question, and that might be all I have time for.

**The Chair:** I think we'd be good for an answer on that one, yes.

Go ahead, please.

**Mr. Andy O'Neill:** Funding for public awareness campaigns at the U.K. level is a specific line in our budget, which the Speaker's committee, which we report to in the House of Commons, has to agree to. Funding for public awareness for the Scottish Parliament or local government elections is agreed with the Scottish government, and we submit a budget. That's how we do it. I can send you more figures on that if you need them.

**The Chair:** Yes, if it's not too much trouble, if you could you forward those to our clerk, it would be greatly appreciated.



I'd like to take the opportunity to thank all of you for your testimony today, which was very rich in detail. I thank you also for the attention that you have given to us in helping us solve our challenge. I know that you did some work trying to figure out a little bit what might work here in Canada, and we appreciate the time that you've put into that.

Our report should be out by December 1, if you're interested in seeing how your testimony is reflected at that level. Again, we thank you for your time today.

Colleagues, I would—

• (1220)

**Ms. Elizabeth May:** *Danke schoen and tapadh leigh.*

**The Chair:** Thank you, Ms. May.

For members of the committee, we meet again at 2 p.m. in Centre Block, room 237-C. Thank you very much.

Sorry, Mr. Reid.

**Mr. Scott Reid:** I thought we were having a meeting now to discuss the....

**The Chair:** That's going to be at 4:30, I believe.

**Mr. Scott Reid:** That's fine. It's my misunderstanding.

**The Chair:** No, actually, this afternoon it's from 2:00 to 5:15, of which a segment at the end is for in camera discussion.

Thank you so much.

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