
The Prince Edward Island Plebiscite on Electoral Reform

by Jeannie Lea

On November 28, 2005 the voters of Prince Edward Island rejected a proposal for the introduction of a Mixed Member Proportional electoral system by a 2 to 1 majority. This culminated five years of discussion on electoral reform in Canada's smallest province. It ended for the time being the chance for PEI to make political history and be the first to adopt a new voting system. Instead, the status quo was endorsed by a margin of 64% to 36%. This article reviews the five years leading up to plebiscite day and discusses the results and the lessons learned.

Throughout the history of Prince Edward Island there have been a number of very lop-sided legislatures. Over the course of the last five elections twice there was only one opposition member returned and once, two members made up the opposition. I served in one of those legislatures under Premier Catherine Callbeck. With 55% of the popular vote and the First Past the Post system we were rewarded with 97% of the seats. The two opposition parties, with a combined total of 45% of the popular vote, were awarded one seat or three % of the seats so that legislature had 31 on the government side and one in opposition.

A number of people found this situation disturbing. How can a Westminster style parliamentary democracy, that has a strong role for the opposition in holding government to account, work with only one person? Or, have a government-in-waiting when there is only one person? Simply put, it cannot.

In December 2000 the Institute of Island Studies released a *Discussion Paper on Electoral Reform on PEI* by Andrew Cousins¹. This paper looked at our past history, researched systems from other countries and suggested some alternative models. It looked at several models and showed what a different voting system might do in terms of our election results. It illuminated, probably for the

first time for many of us, the extent of the problem and the exaggeration of the election results that our present First Past the Post (FPTP) system produces. At the same time FPTP drastically minimizes or shrinks the results for the losing side, the opposition parties. This study also looked at the popular vote results from a number of elections and started to analyze the patterns. We started to realize that the popular vote was significant to the overall results and that the system had been skewing the final results.

Winner-take-all systems are designed to deliver decisive wins and large majority governments. They were designed for another era and a two party system. Many in the province were of the view that FPTP no longer was doing what we either wanted or needed. The thinking was, that in going forward, we needed to modernize our systems that govern us, including the voting system.

In 2001 a legislative committee that was reviewing a number of issues relating to elections had over half of the public presenters suggest that they consider some form of PR for our province. (Many of these groups and individuals later came together to form the Yes Coalition.) As a result the Chief Electoral Officer was asked to look at PR which he did in a report in April 2002.² As a result of this and work of groups such as Every Vote Counts (a non-partisan citizens group) the Premier announced in a speech from the throne that he would appoint a commissioner to review this report and to recommend a course of action.

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In January 2003 former Chief Justice Norman Carruthers was appointed as a one person Commission on Electoral Reform. He spent a year doing research and consulting with the public across the province. His conclusions were released in December 2003.³ He recommended that we consider moving to a Mixed Member Proportions System (MMP) system and that there be; a citizens assembly similar to that in British Columbia to choose a model; then an education process; and that these be followed by a plebiscite to get the views of the citizens of PEI. He also suggested that the issue of women be given special consideration as well as minority populations such as francophone and aboriginal islanders.

In the spring of 2005 another body was put in place called the Commission on PEI's Electoral Future chaired by Leonard Russell a retired school superintendent. He was joined by seven other islanders, two women and five men. The imbalance of males to females was pointed out to government before the commissioners started their work but there were no extra members added. It seemed to some very ironic that a body that was to look at a new system that would be fairer and more closely reflect our population was itself not a more balanced group. This commission worked for about eight months developing a model, educating the public and drawing up the question for the plebiscite. They had asked government shortly after they started their work in April 2005 for an extension to their mandate as they were worried that they would not have enough time to do their job properly. This request was denied stating that there was no compelling reason to do so. This was the first of a number of events and decisions that would eventually sink the possibility for reform.

The CBC strike in the late summer and early fall meant that they were not available to cover the last few public meetings held by the commission. They were the only local TV network and the main source for Islanders to hear debate and discussion on the pros and cons of both the present system and the proposed MMP one. Added to this challenge was the short time frame of about four weeks for the final education process after the plebiscite question and model were released in late October. The letters to the editor page in our daily provincial paper became the main forum for discussion. When CBC came back on the air they did pick up the ball and just the week before the vote hosted a very successful debate featuring both a representative from the "Yes" and "No" side; a representative of cabinet Mitch Murphy and Commission chair Leonard Russell. The spokesperson or face of the Yes side was a young, passionate Islander, Mark Greenan, who took time off from finishing a Masters in

Political Science to throw himself into the campaign. The No side was represented by the former leader of the PC party and former cabinet minister Pat Mella.

Following the release of the final recommendations in mid- October, and one month before the plebiscite, a "Yes" coalition was formed. It consisted of a number of organizations and individuals who came together to promote voting Yes. They included organizations representing labor; women; francophones; anti poverty groups; individuals and Every Vote Counts. In response to this a "No" group was formed consisting mainly of former politicians and active party members. They claimed to support change but not this model. A number of them had unsuccessfully tried to influence the commissioners to modify their model and when that did not happen they worked against it. Because the final model came out so close to plebiscite day the Russell Commission had decided not to make any substantive changes to their proposed model for fear of confusing people. In my mind and in hindsight (which is always so clear) a few fairly minor changes might have satisfied some of these concerns. It would be interesting post plebiscite to find out if the "No" side really did support change but a different model or if this was just part of their strategy to get Islanders to support their campaign of voting no. In speaking to people from BC who voted on an entirely different system, that of the Single Transferable Vote, the "No" side also said that they did not support this model for many of the same reasons.

A number of excellent events were held in the last few weeks before voting day that helped to engage people in the discussion. It was then that people really started to take notice and find out more about this MMP model. The Charlottetown Chamber of Commerce held a breakfast debate that included former Commissioner Carruthers with others representing various points of view. I was one of the panelists and interestingly all four of us said the system needed fixing and three of us supported electoral reform. In the final week, CBC TV and radio organized a public forum that was well covered both on radio and television. Various other events happened all across the province that were smaller in size but kept the education process and discussions going.

Adding another dimension to this were people from outside of the province publicly supporting the "Yes" side and encouraging Island voters to make history and lead the country down the path of electoral reform. These included many prominent Canadian women including Doris Anderson, former UPEI Chancellor, leading Canadian feminist and author. Several people even traveled to the island to show their support such as Senator Hugh Segal, former President of Institute of Research on Public

Policy; Maude Barlow of the Council of Canadians; Troy Lanigan the Canadian Taxpayers Federation; and Adriane Carr, Leader of the Green Party in BC. Others through letters to the editor also encouraged us to adopt this new MMP system and lead the way citing our role in the birthplace of Canada and now the opportunity to be the birthplace of renewed Canadian democracy.

Another set of hurdles that turned out to be insurmountable and I think delivered the final blow was a new set of rules for the plebiscite. About a month before the voting day the Premier announced that he was imposing the same super majority rules that had been used in the earlier BC referendum. For this to have any chance of being implemented a 60% overall popular vote support and 60% of the ridings must support this by a majority vote (50% plus 1). The problem with this is not only the deviation from the normal rules of 50% plus one needed for something to pass, but also that this was a stand alone plebiscite unlike BC where it was held in conjunction with a provincial election. In BC they had adopted fixed election dates so voters knew the date well in advance and the Premier had announced at least two years prior that the referendum would be held in conjunction with the election. To add even more of a challenge, in what government stated was an effort to save money, only 20% of the normal number of polling stations were to be used and there would be no voters list. Further, neither the Yes or No side was funded through public dollars as had happened in BC.

In PEI we had the following situation: a very high threshold had been set; an abbreviated time frame for an education process; and a reduced number of polling stations. Although a number of advanced polls were open for a week preceding November 28th, Islanders do not typically take advantage of these. Because of the reduced number of polling stations and no voters list and add to this the fact that people were also voting at different places than they normally would, many had no idea where to go to vote. There was a series of ads in the local paper which I would say many did not see. One person told me that they felt that they were in a third world country with the confusion and long lineups at the polling stations. The chief electoral officer had over 700 calls from people looking for help on plebiscite day. People in PEI are accustomed to receiving a piece of paper that tells them the riding they are in and where to vote. Without this many were even confused about what riding they were in let alone where to go to vote. All of this added up to a less than level playing field as far as the "Yes" side was concerned. Many including Commissioner Carruthers expressed strong concerns over what they saw as manipulation to negatively affect the outcome.

Some of the Yes coalition members were considering a law suit over what they saw as a flawed, unfair process, however this idea was later dropped.

It was very unfortunate that over a year went by between the original Carruthers Commission and setting up the implementation commission. In hindsight, this was a mistake as many people did indeed feel that they did not have enough time to really grasp the details of the MMP model and its implications. This extra time would have been extremely helpful to allow the second commission to do a longer, more extensive public education campaign and perhaps the commissioners might have considered some tweaking of the model in response to public input. All of this meant that time that could have been spent on public education and consultation to get people ready for the decision on whether to support a new model was lost.

Another factor in all of this was a report of an electoral boundaries commission that had been released during the same time period. This report was a requirement that had been put in place after the last major change to our system. After a charter challenge in 1996, the legislature of the day voted to change from 16 dual member ridings to 27 single member ridings as per the direction of a court ruling to make the ridings closer in size. It was also mandated that after every three elections these ridings be reviewed and adjusted to keep them more or less the same size. There were and still are some very large discrepancies, as some of the smaller rural ridings have a variance of plus or minus 25% in comparison to some of the larger ridings. Government put off the response and implementation of these suggested boundary changes and decided to have the education process and plebiscite first. This seemed to make sense because if the MMP model was adopted the ridings would have to be changed, so why do it twice. However, in some peoples view this muddied the waters and it was speculated by others that the whole exercise of looking at electoral reform had been done to delay the required boundary changes. This did create some skepticism and questioning about how serious government was about the whole process in the first place.

The Proposed Model

The model proposed was a mixed member proportional model similar to that in New Zealand and Scotland. It would have 17 constituency seats across the island (down from 27) and 10 list seats that would be used to balance the legislature. There would be two ballots; one for the local member using the FPTP system and the second would be a vote for the preferred party list. The percent of votes that each party would gain on this

second ballot would determine the makeup of each party in the house. The D'Hondt formula would be used to determine the distribution of the ten list seats. There would be a threshold of five % of the popular vote required for a smaller party to gain a seat through the lists. The lists would be closed and selected by each party through some open process that they would control. The commission also recommended a review of the model and results after three elections similar to what had happened in New Zealand.

The Yes side stated that this would be first and foremost a fairer system that would actually reflect how people vote. It would make every vote count in determining the make up of the legislature. It would ensure a decent sized opposition that would do a better job of holding government to account and also be a government in waiting. Both of these are considered to be critical components of a representative democracy. The MMP system would see more diversity in the legislature including more women and minority sectors of our population. It would allow smaller parties such as the NDP to have a fairer chance at gaining a seat. In the history of the province only one NDP candidate has ever been elected. It would move us towards a legislature where cooperation and collaboration would come to predominate. Also, it would give us the kind of system that the vast majority of democratic countries use and that many former British styled FPTP systems have now adopted.

The main arguments made by the No side were that they wanted open lists where voters could actually vote directly for the candidates of their choice on the list. They stated that the list members would be appointed and it would be a step backwards for our democratic rights. That the system would lower the number of rural seats and that it would produce endless minority governments. They also claimed that it would not of itself see more women elected. Some prominent women involved on the No side stated that they were insulted to think that women would need changes to the voting system to get elected.

Members of the Yes side countered this argument by stating that the numbers show it all. In the history of the province only 18 women have ever been elected compared to over 1100 men.

The Yes side claimed that the No side was misrepresenting the model. Even the chair of the commission Leonard Russell stated the same thing at the CBC debate. They both stated that the list candidates would first be elected by party members and then elected by all Islanders with their party vote in the general election and therefore would not be appointed. Also, not only were rural seats were being reduced but also urban seats. The par-

ties should and would ensure that people from across the province would be on their lists and that no one would see their comparative influence reduced. The Yes side acknowledged that there would be minority governments but also pointed out that minorities can also happen under our present system. Further, they stated that minority governments in themselves are not bad or to be feared and that many minority governments have been very successful, citing the Pearson era in our own country. Finally, almost every other PR system in the world has more women serving than we do. In New Zealand the number of women went up after the first election under MMP as it did in Scotland and Wales.

The irony of the PEI situation was that both the Yes and No sides were saying the same thing, that our system needs to be changed and that indeed there probably was a better model out there for us. What they could not and did not agree on was the MMP model that the Commission on our Electoral Future had recommended. Even though the Commission had recommended a review of the model after several elections, the No side still would not endorse it. With no option on the ballot except the proposed MMP model many voted no, even though they supported reform. Commission Carruthers had stated that he chose Mixed Member Proportional because it was the best fit for our province because it retains the best aspects of our present system- stability and geographic representation and adds an element of proportionality to give us the benefits of both systems. This model does not throw out our present system but in fact enhances it. However, that sentiment was not shared or understood by enough Island voters on November 28th.

Another significant factor was that the politicians with the exception of one Cabinet Minister and the MLA from the francophone area of our province did not support change. All members were asked this question by a CBC reporter and it was more than obvious that they had no appetite for this. It is not surprising that sitting politicians would not support any change that would have a direct impact on them. Another interesting result was that the No side which included a former party leader, did not trust political parties to do the right thing in creating the lists. It revealed the depth of the distrust and skepticism surrounding political parties and politicians.

The results of the plebiscite were disappointing but not surprising. Of those who voted, 36% supported the proposed MMP model and 64% voted no. The Yes side had felt that anything over 40% would be considered a victory on our part, given the challenges that we faced. The really disappointing result was a 33% voter turnout. In a province that prides itself for the high turnouts of usually over 80% it was a shocker. In our last stand alone plebi-

scite for the fixed link 65% had turned out to vote. The Commission on PEI's Electoral Future in its own polling in late October had showed that 85% of those surveyed had intended to vote. What happened in a month to see less than half of that number turn out to vote? There were wide spread reports that without a voters list and cards to remind people where and when to vote many did not have a clue where to vote and when they finally found the polling station they were faced with hour long line-ups and just left without voting. Also in our province political parties work very hard on Election Day to get the vote out. In the last provincial election I had three different calls to my home when I had not voted by 4:00 p.m. There was no one reminding voters to get out on plebiscite day.

There were many questions that arose from the plebiscite results. Did the reduced number of polling stations effect the turnout? Most certainly. Did it have an effect on the overall result? Which side did it affect more, the Yes or the No? This is impossible to know in the absence of any post plebiscite polling. How effective were the No side in spreading distrust and even fear about the model? I would say very effective in the smaller rural areas. I also think that the political parties themselves worked hard in those areas to get people out to vote No. I think the urban areas are not as influenced by these party tactics and are more open to reforming our system. After the last major change, when the number and size of the ridings had been adjusted ending with fewer seats in some of the rural areas, the rural voters felt that they had lost some of their influence. I really believe that many saw this as an extension of that process. In reviewing the results this was obvious as the ridings at either end of the Island voted as much as 90% No while the only two ridings that voted over 50% Yes were in the downtown Charlottetown area.

Lessons Learned

The first lesson for a jurisdiction considering a referendum or plebiscite on electoral reform is to make it a two step process like the one New Zealand followed. If a first ballot had presented one question such as do you support changing our present electoral system, it would have won by a landslide. Even two questions on the ballot, with one giving voters the option to support change and the other the MMP model that was proposed, would have given us a better indication of the level of support for change. Second, it is very important to get well respected opinion leaders out early publicly supporting the Yes side. Third, the vacuum that was created with the Russell commission not being able to promote their own model could have been avoided if we had opted for a citi-

zens' assembly similar to BC's. That assembly had members from every riding; they had their meetings in public; and they traveled across the province. When their work was done they were free to go out and promote the model they had selected, while our commissioners had to remain neutral. In other words, they were not permitted to publicly promote their MMP model over the existing FPTP system. It was reported in the media that many BC voters did not understand the model but they did have confidence in the process and the recommendation of the assembly and thus voted Yes. Fourth, it is also very important that there be sufficient time for the public education process and meaningful input from the public. Finally, funding a Yes and No campaign would have also made their efforts much more effective and in turn helped to create more meaningful debate and dialogue.

Where to go from here? Initially the premier had publicly said that as far as he was concerned this issue was dead for the time being. The No side was saying that it was just this model that was dead and they hoped that the discussion would carry on. The Yes side was saying that we needed to have a closer look at the results and make some concrete suggestions of where we might go from here. It is obvious that Islanders are not ready to lead the country on reforming our antiquated and unfair voting system. However, 36% did vote Yes and I am convinced that many of the 64% who voted No were not against change but that they just did not like this model. Perhaps it was too radical a change and the answer might lie in a modified MMP model that voters would be more comfortable with. I do not think that the politicians can ignore this movement nor should they.

The Premier in his end of the year media interviews seems to have reopened the door on the issue of electoral reform here on the Island. Further, he has since indicated that he plans to offer for a another term as premier so maybe there will be a chance to revisit the whole debate and hopefully learn something from our first experience.

Notes

1. For an edited version of this paper see John Andrew Cousins, Electoral Reform for Prince Edward Island, *Canadian Parliamentary Review*, vol 25 no. 4, Winter 2002-2003.
2. See *Report on Proportional Representation by Elections Prince Edward Island* at <http://www.gov.pe.ca/election; 0;;0;>
3. See *Report on Electoral Reform Commission Report*, 2003 by Hon. Norman Carruthers at <http://www.gov.pe.ca/election>.