



February 4, 2010

Initial Request to Premier's Local Government Elections Task Force

Fair Voting BC (FVBC) is a province-wide non-profit society which works to promote fair, accountable and transparent democratic processes at all levels of government in BC. We served as the official proponents in the 2009 BC-STV referendum campaign and have over 10,000 supporters from across BC who have opted-in to our email lists and Facebook pages. Think City (TC) is a Vancouver-based non-profit society that has worked since 2002 to bring citizens together to discuss the challenges facing our city and to develop practical solutions. TC believes citizens can make the best decision about the kind of city they want when they are given the time, support and tools they need. In the past three years, over 10,000 Vancouverites have taken part in Think City events, surveys and advocacy initiatives. Think City and FVBC co-sponsored a public forum on electoral reform in Vancouver in December 2009.

We are pleased that Premier Gordon Campbell has convened this task force to make recommendations for legislative changes to improve the electoral process for local government elections across BC, and we look forward to participating fully in your consultation processes. FVBC has already spoken in front of Vancouver City Council in support of a motion (unanimously passed) calling for the city to undertake a public engagement process leading to the city's official submission to your task force. At this point, FVBC and TC would like to make some suggestions regarding the scope of your enquiry and the processes you intend to use which we think would significantly enhance your consultation.

Municipalities' Right to Self-Determination Regarding Choice of Voting System

Justice Berger Recommends Right of Self-Determination: In 2004, Vancouver convened an Electoral Reform Commission headed by Justice Thomas Berger. One of Justice Berger's key recommendations was that Vancouver, in particular, and any other municipality that might wish to, be granted the right to choose their own voting system. Justice Berger explained his reasoning as follows (emphases ours):

*"In my view, these [ie, electoral reform issues] should be matters over which the **City Council should now have a measure of control** currently not permitted by the Charter. **If Council agrees, it should petition the provincial government to change the Charter** [and, should the Legislature decide to extend this measure of control to other cities, the Local Government Act as well] in order to give the City greater flexibility in designing a system that best meets the needs and expectations of its citizens, as these change over time. **This increasing empowerment of municipalities appears to be the emerging trend in other Englishspeaking common law jurisdictions** (Berger mentions legislation in California and Illinois permitting cities to adopt alternative systems of voting, as well as the recent developments in New*

*Zealand and Britain). ... **The amendments I foresee should be framed sufficiently broadly to permit, at the very least, preferential voting on municipal ballots.** This would provide sufficient flexibility to allow election by STV at large or in multi-member wards, and preferential balloting (IRV) in single member wards."*

Following this explanation, Berger then issued his Recommendation #12:

"That Council seek amendment of the Vancouver Charter to permit elections to be conducted using systems of proportional representation."

Vancouver City Council Agreed and Petitioned Province: Vancouver City Council under Mayor Larry Campbell affirmed a number of Justice Berger's recommendations and, in particular, **passed the following motion on March 15, 2005:**

"THAT City Council request the Government of British Columbia to amend the Vancouver Charter to allow Council the option to adopt a proportional representation electoral system, such as the Single Transferable Vote system, including multi-member wards."

See <http://vancouver.ca/ctyclerk/cclerk/20050315/a11.htm> for the administrative report and <http://vancouver.ca/ctyclerk/cclerk/20050315/regmins.htm> for the meeting minutes. Given that this request has already been submitted, the Task Force's consultation seems to be an excellent time to discuss how the province's response could be incorporated into the planned legislation.

Recommendations on Process

Public Meetings: We note that the primary mechanism for public consultation appears to be written submissions. We would suggest that the public have opportunities to provide input in person and that the Task Force have an opportunity to ask questions of those making submissions. Such public meetings will likely attract media attention and will promote public awareness of the consultation process. We recognize that it will not be possible to have public consultations on the same scale as those of, say, the Electoral Boundaries Commission, but these electoral system reform issues deeply affect all British Columbians and all of us should have the maximum opportunity to participate in this discussion, especially since there are no opposition MLAs on the Task Force to ensure that there is balanced representation across the political spectrum. We recommend that at least three meetings be held – one in central BC, one in the Lower Mainland, and one on Vancouver Island.

Post Online Submissions: To maximize transparency in the consultation process, we recommend that you post all online submissions as soon after posting as possible, preferably immediately, or, if posting needs to be done manually, within a day of submission.

Publish Interim Recommendations: We further recommend that the Task Force commit itself to issuing interim recommendations with sufficient lead time to allow for public feedback prior to final submission of your report. Given that you have set a deadline of April 15th for written submissions and have a May 30th deadline for submission of your final report, we recommend that you plan to issue interim recommendations around May 1st and to allow further responses until May 15th.

Summary of Recommendations

In summary, Fair Voting BC and Think City respectfully recommend that the Task Force:

1. Explicitly consider the issue of municipalities' right to self-determination in regard to choosing the most appropriate voting system to use for local elections,
2. Hold at least three public meetings to solicit input from the public.
3. Post all online submissions as soon as practical after submission.
4. Publish interim recommendations of the Task Force for public response prior to submission of the Task Force's final report.