

AN ELECTION FOR ALL MANITOBANS: SELECTING SENATORS-ELECT USING “WEIGHTED DISTRICTS”

Written Submission to
The All-Party Committee to Make Recommendations on Electing Senators

by

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Context

In response to a series of reforms proposed by the Prime Minister of Canada, the Government of Manitoba is investigating new ways of selecting provincial representatives in the Senate of Canada. As part of this process, the Government of Manitoba is conducting public consultations.

Recommendation

Considering the committee’s purview and the opinions expressed by Manitobans at various public hearings throughout the province, one, clear option presents itself as the best means for selecting nominees to fill Manitoba’s vacancies in the Senate of Canada: a “Weighted-District-Elections” (WDE) model.

This submission begins by outlining the scope of the committee’s report, noting the strict limitations placed on their deliberations. Next, it identifies “The Question of Representation” that lies at the heart of the Senator-selection issue, pitting “provincialists” and “pluralists” against “partisans” and “universalists”. A final section offers the details and advantages of the proposed “Weighted-District-Elections” model – a system that satisfies the interests of all major voices in the Senate election debate.

Scope of the Committee’s Report

It is easy to get bogged down in the minutiae of democratic reform. Questions concerning the precise electoral formula, constituency boundaries, the timing of elections, and specific campaign regulations could occupy this committee for months. Remaining focused on more fundamental questions will keep these details in perspective, and move deliberations forward.

¹ While written by faculty member, none of the opinions expressed are endorsed by the Department of Political Studies or the University of Manitoba.

Fortunately, the directives given to this committee by the Government of Manitoba offer much guidance. As established in *An Act to Establish an All-Party Committee to Make Recommendations on Electing Senators* (Assented to June 13, 2006), the purpose of this committee's deliberations is "to make recommendations about how Manitoba's senators should be elected." The preamble places several, crucial constraints on the scope of the committee's recommendations. Specifically, the committee is not required to debate issues that deal with:

- changes to "the framework of the Constitution of Canada";
- the "preferred position of Manitoba [which] is that the Senate of Canada be abolished";
- the notion that "the Senate should consist of democratically elected members rather than members appointed by a process involving patronage";
- the principle that "all regions of the province be represented in an elected Senate"; or
- the requirement that any Senate elections comply with "the fundamental principles of Manitoba's elections financing law..."

These restrictions simplify the committee's deliberations in many important ways. The assumption that Manitoba Senators-in-waiting should be "elected" rules out the necessity of debating the merits of "appointment."² Members of this committee do not have to consider constitutional amendments, including those that would alter the powers ("effectiveness") or regional composition ("equality") of the Senate. Nor do they have to enter into the debate over whether the Senate should be retained or abolished; this decision is made for them. Furthermore, the committee does not need to decide whether future Manitoba Senators ought to be chosen in the present manner; the *Act* clearly states that the status quo (appointment through patronage) must be reformed. Lastly, the committee needs not debate whether Manitoba's various geographic communities

² There are two general means of selecting Senators: (1) by election, or (2) by appointment. Each method has its advantages and disadvantages. Elections are generally viewed as "more democratic," in that the electorate has a (more) direct choice over its representatives. This adds an element of accountability, as officials must answer to the electorate on a regular basis. The election process is more inclusive in terms of the "selectorate," as every eligible voter has the ability to participate, regardless of creed, colour, or circumstance. These are two advantages elections hold over appointments. The latter involves a much smaller selectorate, whose choices are seldom held to account on a regular basis, or in a public venue. The appointment process is not without its strengths, however, particularly if it is designed in a non-partisan way. By allowing the selectorate to vet nominees in depth – based on credentials, experience, backgrounds, or other desirable qualities – appointments may result in higher quality representatives, and more diverse legislative bodies. This is a significant benefit relative to many elections, which have a greater tendency to produce majoritarian results, to the detriment of traditionally disadvantaged groups like Aboriginals, women, visible, linguistic, and cultural minorities. Of course, not all elections are majoritarian; some electoral systems are better than others at securing minority representation. Nor are all appointment processes conducted in smoked-filled rooms; some involve considerable public input. The use of "citizens' assemblies" or independent commissions may prove quite effective, in this vein. In both instances, the key is to design a system that preserves the core values of any democratic system – inclusiveness and responsiveness.

deserve representation, or whether unions and corporations should be banned from contributing to Senatorial campaigns. Both of these are affirmed in the *Act*.

Contentious as many of these positions are – and as much time as has been devoted to these topics during the various public hearings – all are premises upon which the committee’s deliberations are based. As such, the present submission focuses solely on the core question put before the committee:

How ought Manitoba elect nominees to fill future vacancies in the Canadian Senate?

This question recognizes that “Manitoba” will not directly elect its Senators, but rather *nominees* to the Senate. In common parlance, this means the committee is devising a way to choose “Senators-in-waiting” or “Senators-elect” – a group of individuals who must then be summoned to the Senate by the Governor General (upon the advice of the Prime Minister). The point may appear trite; many feel the federal government would simply ‘rubber-stamp’ these nominations. This is a generous assumption, however, given the long waiting periods for Senators-elect in Alberta. Even with a Prime Minister committed to appointing Senators chosen by the provinces, an automatic appointment is far from assured.³ As a province, Manitoba should endeavour to ensure that its process for selecting Senators is as legitimate as possible, so as to give the Prime Minister of Canada limited reason to reject its nominees. The following discussion proceeds with these various caveats in mind.⁴

The Question of Representation

The question of how to select Manitoba Senators-in-waiting is tied intimately to the question of whom we wish Senators to represent. Do we want a Senator to represent...

- the Manitoba Government?
- “the people” of Manitoba?
- all of Manitoba society?
- a specific geographic region of Manitoba?
- a community of interest in Manitoba?
- a race, culture, or nation in Manitoba?
- a political viewpoint or ideology?
- a provincial or federal party?
- Canada, as a whole, or some specific part of the country?

³ To maintain the constitutionality of its most recent Senate reform proposals, the Government of Canada has been careful to maintain the premise that, although selected from nominees presented by the provinces, the Prime Minister retains his prerogative to make (recommendations to the Governor General regarding) appointments to the Senate.

⁴ The complex nature of designing elections suggests that no process will be in place prior to Senator Mira Spivak’s retirement on July 12, 2009. Given the Prime Minister’s demonstrated willingness to appoint Senators in a timely fashion, this means the first “test” of Manitoba’s Senate Election process will not take place until another Senator retires. (At the time of writing, the next mandatory retirement for a Manitoba Senator is Terry Stratton’s, on March 16, 2013. Vacancies may develop prior to this date.)

In this sense, the question of “who we want represented” is as important as “who we want to represent us.” These questions, in turn, relate to how we perceive the Senate, as an institution.

	SENATOR’S ROLE	SENATE’S FUNCTION	ALLOCATION OF SEATS
PROVINCIALISTS	represent province	chamber of the federation	at-large constituency
PLURALISTS	represent socio-demographic group(s)	chamber of diversity	designated constituencies
PARTISANS	represent ideological viewpoint(s)	chamber of debate	at-large or designated
UNIVERSALISTS	represent Canada	chamber of deliberation	at-large or designated

Many feel that Senators ought to be selected based on their ability to represent “the province’s interests” in Ottawa, for instance. From this *provincialist* perspective, the Senate is a chamber of the federation, with each member serving as a representative of his or her home province (and/or its government). Most in this category would assign Manitoba’s Senate seats on an at-large basis, allowing each Senator to speak on behalf of the entire province.

Others view a Senator’s role as representing a specific group of people within Manitoba, be it based on ethnicity, language, region, community-size, geography, gender, or other socio-demographic factors. According to these *pluralists*, the Senate is a chamber of diversity whose very composition offers symbolic (if not substantive) representation of different Canadians’ interests. To ensure this diversity is reflected in Parliament, people in this group are most likely to favour the designation of specific constituencies, defined along any number of these cleavages.

Still others feel a Senator ought to represent a particular political viewpoint, often defined in terms of ideology or party affiliation. To these *partisans*, the Senate is a chamber of debate, with the specific allocation of Senate seats dependent upon favourable circumstances or conditions.

Lastly, there are those who view Senators – not as delegates of the province, its communities, or parties, but – as trustees of the Canadian public good. These *universalists* see the Senate as a chamber of deliberation, with each Senator serving in the interest of Canada, as a whole, versus narrower (partisan or regional) interests. The allocation of Senate seats within provinces is of lesser consequence, given these assumptions.

Reconciling these various viewpoints (among others) is not an easy task. Most modes of reform involve making a priori decisions that favour one of these perspectives over others. Recommendations put forth here aim to leave such judgments to the voters and candidates of Manitoba, on an individual basis.

Alternative Election Models

Several different election models have been proposed throughout the course of these hearings, each with its own strengths and weaknesses.

Some suggest dividing the province into separate geographic regions, then holding elections on a traditional, first-past-the-post basis. The “1-2-3” model holds much currency in this regard, particularly among regional pluralists, as it guarantees each region in Manitoba a relatively proportionate share of influence within the province’s Senate delegation.⁵ At the same time, however, the drawing of hard-and-fast regional boundaries has a balkanizing effect. This is upsetting to provincialists, who prefer that their Senators represent all of Manitoba.

Others see the value in adopting some form of proportional representation (PR), as a means of ensuring that all Manitobans’ voices are counted – and all views reflected – through the election process.⁶ Depending on the niceties of the electoral system, this may favor the representation of women, Aboriginals, and other traditionally disadvantaged groups;⁷ or it may remove obstacles to the representation of smaller political parties. Hence, many pluralists and partisans recommend PR as a means of selecting Manitoba’s Senate nominees. On the latter point, however, many Manitobans have expressed a desire to limit the influence of political parties in the Senator selection process – a desire that is thwarted by most PR systems.⁸ In addition, many in rural Manitoba have expressed fears about being overwhelmed by Winnipeg voters in an at-large, proportional representation election.

Each of these various models deserves due attention, for both their perceived strengths and inherent weaknesses. The method recommended here involves combining the benefits of each of these models, while avoiding their limitations.

⁵ Under this model, the province would be divided into six separate regions – 1 in the north, 2 in the rural south, and 3 in Winnipeg.

⁶ Proportional representation works best (i.e., delivers the most ‘proportional’ results) when larger numbers of seats are available for distribution. Therefore, the most effective use of PR in Manitoba would involve distributing all six (6) Senate seats on at-large basis.

⁷ The List-PR system is held as a model in this regard, as it encourages parties to “list” individuals in these categories as candidates for office.

⁸ Most PR systems aim to “represent” *parties* in legislatures, such that their share of seats is “proportionate” to their share of the popular vote. Moreover, in many List-PR systems, each party controls the content of its “list.”

A Weighted-District-Election (WDE) Model

A weighted-district-election (WDE) would involve selecting Senators on a province-wide basis, while encouraging candidates to appeal to the various communities of interest throughout the province. Here is how it works:

- Each Senator-in-waiting is selected on an at-large basis.
- Manitoba is divided into 57 “voting districts,” according to existing provincial election boundaries.
- Each district is allocated 100 “points” in the Senatorial election. (E.g., La Verendrye, Thompson, The Maples, like every other constituency, would be allocated 100 points each.)
- Candidates are awarded points based on their performance – i.e., the percentage of the popular vote they obtain – in each voting district. (E.g., A candidate earning 40 percent of the popular vote in Thompson would be allocated 40 of Thompson’s 100 points. A second candidate who garnered 25 percent of the popular vote would be granted 25 of Thompson’s points, and so on.)
- The candidate obtaining the most province-wide “points” is declared the Senator-elect.

The WDE model holds several key advantages:

- **Representation.** The WDE model blends the virtues of at-large representation with the representation of communities of interest. The system offers significant incentives for candidates to build province-wide support, rather than focusing on specific constituencies. For instance, candidates would be discouraged from running an entire campaign within Winnipeg city limits. To begin, as only 31 of Manitoba’s 57 constituencies are located in Winnipeg, only 3100 of Manitoba’s 5700 total “points” are located in Winnipeg districts. Yet, even if a candidate had significant support within the Perimeter, as points are allocated proportionally within each district, it would be very difficult for a single candidate to “sweep” the city. Instead, the WDE rules encourage candidates to seek support across the entire province, earning points outside their “home” base of support. Not unlike the Electoral College system in the United States, candidates would be forced to campaign widely. This could result in broader voter contact and representation, and prevent the “ghettoization” of certain regional interests.⁹

⁹ Similar debates surround the issue of “majority-minority districting” in the United States. Proponents believe that the interests of racial minorities are best served by direct representation in the legislature. As a result, several states have designed district boundaries to ensure racial minorities constitute electoral

- **Voter Equality.** The WDE model also blends the principles of “one person, one vote” with the protection of minority interests. In this sense, the model resembles several “hybrid” systems employed by various political parties to select their leaders.¹⁰
- **Familiarity.** As a side benefit, compared to many forms of proportional representation, WDE would be more intuitive for most Manitobans to grasp. Several Canadian political parties have employed similar systems to select their leaders, and there are noticeable parallels between “weighted districting” systems and the American Electoral College.
- **Numbers.** Depending on how many nominees are required at any given time, the WDE model may be used to select any number of Senators-in-waiting. For example, if three Senate vacancies need to be filled, the top three point-earners could be nominated. Unlike PR systems, which require multiple seats to be allocated, the WDE model can be used to assign a single seat.
- **Boundaries.** As it uses existing constituency boundaries, the WDE system does not require a separate districting process. Moreover, because it draws on the work of the Manitoba Electoral Divisions Boundaries Commission, the districts are determined in an independent, non-partisan fashion every ten years. This offers a sense of familiarity, legitimacy, and predictability to voters.
- **Flexibility.** The WDE model is flexible enough to allow for several variations. For example:
 - Instead of using Manitoba’s provincial boundaries, its 14 federal ridings may be used as a baseline.
 - Additional “voting districts” may be added to allow for the representation of geographically-dispersed communities. For example, separate 100-point (or 50-point) districts may be allotted to the First Nations, Métis, Franco-manitobain, or other communities.¹¹

majorities in some districts (therefore encouraging the election of an African American representative, for example). Opponents argue this process “ghettoizes” minority issues by focusing the representation of the entire community on a single legislator. Instead, they suggest the influence of the community is better brought to bear on politics if a number of different legislators must court the “ethnic vote.” For this reason, they oppose the creation of “majority-minority” districts. While there are merits on both sides of the debate, the proposed WDE system matches the latter, by suggesting Northern and rural interests are best served if all six of Manitoba’s Senators must court their regional votes.

¹⁰ The Progressive Conservative Party used a similar “hybrid” system to select Joe Clark as its leader in 1998, and the Conservative Party of Canada employed it to select Stephen Harper in 2004.

¹¹ Depending on the specific regulations, voters in these communities may cast a ballot in either their geographic or non-geographic districts, or both.

- The choice of electoral timing, formula, and ballot format are also negotiable.
 - The constituency-based nature of the proposed WDE model suggests that it would work well if harmonized with provincial elections. However, the use of federal ridings as voting districts would allow Senators-in-waiting to be selected alongside Members of Parliament. Using municipal boundaries, the process could be harmonized with local elections, as well. Alternatively, the election could be held as a stand-alone event.
 - The ballot format may be either categorical (marking an “X”) or ordinal (ranking preferences). The latter would likely involve allocating a district’s points as a block,¹² using a majoritarian formula (like AV or a two-stage run-off).¹³

Conclusion

In the end, the weighted-district-election model offers the benefits of at-large, proportionate representation, while encouraging candidates to reach out to all of Manitoba’s various communities.¹⁴ Each of Manitoba’s regions would be represented – not by separate Senators-elect, but *collectively* – by individuals who draw support from across the province. Provincialists and pluralists would be satisfied by these conditions. Considering the ability of candidates to emphasize ideological themes as a means of mobilizing support across district lines, partisans may view the WDE process positively, as well. Finally, universalists may find merit in the qualities candidates must possess in order to be successful in weighted-district-elections. To borrow an abused phrase, Senators-in-waiting must truly be “unifiers, not dividers” to win under WDE rules; such traits would serve them well in Senate deliberations. Hence, the weighted-district-election model is the most flexible and widely-acceptable of all the alternatives under consideration.

¹² That is, the candidate with the most preferential votes in each district would inherit all 100 points. This type of “winner-take-all” formula resembles the one in most American states when selecting delegates to the United States Electoral College.

¹³ Some recommend adopting some form of preferential ballot, which would limit the influence of partisanship and enhance the level of collaboration in the system. One variant would see 3 Winnipeg seats being decided using a single-transferable vote (STV) formula, and the remaining rural seats by alternative vote (AV, also known as instant run-off voting). It should be noted: similar arrangements were employed in provincial elections in Manitoba, from 1922 to 1953. Yet, studies show that the use of preferential balloting had only marginal effects on the outcome of each election; nearly identical results would have been achieved using a first-past-the-post system. See Harold Jansen’s 2004 study: “The Political Consequences of the Alternative Vote: Lessons from Western Canada” (*Canadian Journal of Political Science* 37: 647-670).

¹⁴ If used in conjunction with provincial or federal election financing laws, the WDE system would also allow candidates from traditionally disadvantaged groups to compete for office.