

# Submission to the Yukon Citizens' Assembly on Electoral Reform

By

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## Summary

- Yukon's electoral system should emphasize local representation in the Legislative Assembly rather than the proportional representation of political parties.
- The Yukon should adopt a single-member majority electoral system using a ranked ballot.
- Electing MLAs by majority, rather than by plurality, would strengthen the members mandate and increase the overall legitimacy of the Legislative Assembly.
- A ranked ballot would give candidates an incentive to moderate their platform and approach in order to appeal as the second-choice candidate to supporters of other candidates or parties. This could lead to less partisan politics.
- Implementing a proportional representation system would reduce the number of electoral districts, meaning districts outside Whitehorse would be too large.
- Electoral systems offer different ways of representing people in their legislative Assembly. We should not expect an electoral system to solve all the behavioral or policy problems in our politics.

## Introduction

I believe that the Yukon should change the system it uses for electing members to the Yukon Legislative Assembly. The change should be to cease using the single-member plurality, first-past-the-post (FPTP) electoral system and adopt a single-member majority system such as the Alternative Vote (AV) system described by

Keith Archer in *Options for Yukon's Electoral System: A Report prepared for the Special Committee on Electoral Reform, Yukon*.<sup>1</sup>

I will proceed in this submission by explaining why I believe an AV system would serve the Yukon better than FPTP. I will also explain why I favour an AV system over proportional representation systems, referring specifically to the proportional representation options provided by Fair Vote Canada (FVC) in their submission of June 7, 2024.

I will not try to provide a comprehensive overview of all the strengths and weaknesses of all these electoral systems. They are all, in my view, legitimate approaches to addressing the question of how to best representation people in a legislative assembly. At issue is which system would best serve the Yukon, given its particular circumstances. So I will focus on discussing those features that I think are most important in explaining my support for an AV electoral system.

### **Contextual Comments**

Before I get into that discussion, however, I will make some general contextual comments.

First, I believe that the most important issue facing the Yukon Legislative Assembly is not the way in which its members are elected; it is improving the Legislative Assembly's ability to scrutinize and hold to account the cabinet and the executive branch of government. I will not go further into this subject in this submission. I mention it to highlight its importance and make the point that it is pure fallacy to suggest that any electoral system can, on its own, guarantee high levels of openness, accountability, transparency and scrutiny. Improving the Legislative Assembly's ability to hold the government accountable will require continued effort whether or not the Yukon adopts a new electoral system.

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<sup>1</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> pages 27-29.

Second, I believe that the Yukon is the most challenging jurisdiction in Canada when it comes to matters regarding the conduct of elections. As Archer notes in his report “the Yukon...covers 482,000 square kilometres”<sup>2</sup> making it larger than Newfoundland and Labrador and larger than Nova Scotia, New Brunswick and Prince Edward Island combined.<sup>3</sup> Also,

According to the Yukon Bureau of Statistics, the population of the Yukon in March 2020 was 42,152 and the population of Whitehorse (within the municipal boundary) was 30,025. Therefore 71.2% of the residents of the Yukon reside in Whitehorse. Thus, from a population distribution perspective, the Yukon is a highly urbanized territory combined with areas of expansive land with low population density.<sup>4</sup>

The Northwest Territories and Nunavut also have vast geography and low populations but neither of those territories (or any province) have such a large proportion of their population living in one community. This combination of factors makes it more difficult to provide effective representation to all Yukoners while ensuring that electoral districts are not prohibitively large and that there is some measure of parity in terms of the number of voters in each electoral district.

Third, if there were an electoral system that could be all things to all people at all times it would already be in use in the Yukon and elsewhere. No such system exists. Furthermore, the Yukon’s options for electoral systems are limited by our geographic and demographic realities and the small size of our legislative assembly. So options that might be viable elsewhere will not be viable here. And no electoral system, current or proposed, including my proposal, will be able to yield all of the results that we might want.

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<sup>2</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 53.

<sup>3</sup> <https://www150.statcan.gc.ca/n1/pub/11-402-x/2010000/chap/geo/tbl/tbl07-eng.htm>

<sup>4</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 17.

So there will be trade-offs whether we choose to keep the existing FPTP electoral system or adopt a different one. So, in choosing the right electoral system for the Yukon, we need to decide which characteristic we want at the core of our electoral system and then flesh out the rest of the system's features from there.

Finally, no electoral system can take the politics out of politics. Politics in a democracy is a form of competition that is born out of conflicting ideas and ambitions. Individuals compete against each other for party nominations. Candidates from different parties compete against one another to get elected. Parties compete against one another to win seats and form government. Different electoral systems propose different ways of representing Yukoners in the Legislative Assembly. But we should not expect any electoral system to replace all conflict and competition with universal consensus and harmony. That is asking too much.

### **Local Representation**

I believe that the idea that should be at the core of our electoral system is local representation. This is especially important because of the vast geography and sparse population that exists outside Whitehorse. Not only are most of these communities distant from Whitehorse, they are also distant from one another. The legitimacy of the Yukon Legislative Assembly as a representative institution rests, in part, on its ability to provide effective representation to Yukoners within the geographic and demographic constraints mentioned above and the comparatively small size of the legislative assembly.

I agree with Archer that one of the advantages of constituency-based electoral systems like FPTP and AV is the

Direct connection between voters and representative in their community...This means that each elector has his or her representative, who is responsible for providing a constituency service function within the constituency. The member of the legislature can serve as a conduit between electors and the more general system of government, and therefore

provides an important liaison function.<sup>5</sup>

The final report of the 2018 Electoral District Boundaries Commission (EDBC) addressed local representation in the Yukon. The section entitled “Providing reasonable and effective representation for electors in Pelly-Nisutlin” provides a concise description of the difficulties involved in providing effective representation for communities within the same electoral district that have small populations, are far from Whitehorse, are distant from one another and, in some cases, have little interaction with one another.<sup>6</sup> This is why the EDBC recommended creating a new electoral district outside Whitehorse even though the number of voters in the proposed electoral district would fall below the +/- 25% variance from the average elector population per electoral district that the EDBC tried to follow.

The point is that maximizing the number of electoral districts provides for more local representation. An electoral system that reduces the number of electoral districts will do the opposite.

### **Alternative Vote**

Adopting a single-member majority AV voting system will, I believe, help improve the ability of the Legislative Assembly to provide effective, local representation. As Archer describes it, “The Alternative Vote electoral system...Like the FPTP system...is based on single member constituencies.”<sup>7</sup> So, like FPTP, an AV electoral system provides the direct connection described above and maximizes the number of electoral districts thereby maximizing local representation.

However, an AV electoral system improves upon our current FPTP system because “a candidate is required to receive a majority of votes in order to win the

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<sup>5</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 25.

<sup>6</sup> <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf> pages 28-31.

<sup>7</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

election”<sup>8</sup> rather than just a plurality of votes. This is done by having voters rank the candidates on their ballot, rather than just choosing one, as is the case with FPTP. If one candidate is the first choice of a majority of voters, that candidate is elected.<sup>9</sup> If no candidate secures a majority of the votes, the lowest ranked candidate is eliminated. The “first choice” votes they received are then redistributed to the candidate identified as the “second-choice” on the ballot of each voter who voted for the now-eliminated candidate. This process should produce a candidate with majority support rather quickly since there are rarely more than three candidates in an electoral district in the Yukon.

With some exceptions, the Yukon Liberal Party, the Yukon Party and the Yukon NDP field candidates in all electoral districts during a general election. In electoral districts where the race is highly competitive a candidate can be elected with less, sometimes much less, than a majority of votes cast.<sup>10</sup> According to Archer

Where a concern with FPTP is that in a multi-candidate contest it takes less than a majority vote to win, the Alternative Vote system solves this problem. Winning candidates, by definition, won with a majority. This has the practical effect of indicating that most voters indicated more support for the winning candidate than for the losing candidate, notwithstanding the fact that the winner may not have been their first choice. For most voters, the winning candidate was more preferred than the candidate finishing second.<sup>11</sup>

I think it is generally accepted that in a democracy decisions should be made by a majority. Yet that has never been the practice when it comes to electing members to our legislative assemblies. Adopting a single-member majority electoral system will change that.

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<sup>8</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

<sup>9</sup> In the 2021 general election six of the 19 winning candidates drew more than 50% of the votes cast in their electoral district. [https://electionsyukon.ca/sites/elections/files/ge\\_2021\\_ceo\\_report\\_to\\_leg\\_assembly.pdf](https://electionsyukon.ca/sites/elections/files/ge_2021_ceo_report_to_leg_assembly.pdf)

<sup>10</sup> In the 2021 general election five of the 19 winning candidates drew fewer than 40% of the votes cast in their electoral district. [https://electionsyukon.ca/sites/elections/files/ge\\_2021\\_ceo\\_report\\_to\\_leg\\_assembly.pdf](https://electionsyukon.ca/sites/elections/files/ge_2021_ceo_report_to_leg_assembly.pdf)

<sup>11</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> pages 27-28.

A candidate elected by a majority receives a stronger mandate from their constituents than one elected by a minority. This, in turn, would increase the legitimacy of the Legislative Assembly, as a whole.

There is also a second, less obvious, but potentially more profound advantage that Archer attributes to an AV voting system over an FPTP system:

Since it is possible, and in fact probable in many instances, that no candidate will win a majority of first preference votes, this system encourages parties and candidates to court one another and their supporters as possible second, third or fourth alternatives. In doing so, the system encourages parties to cooperate.<sup>12</sup>

Giving parties and candidates incentives to co-operate *during* an election campaign is important. One of the greatest current threats to democracy is hyper-partisanship and the polarization and divisiveness that result from it. In Canadian federal elections we see that hyper-partisanship and polarization are not just unfortunate outcomes but are increasingly used as campaign tactics. Divisiveness can be an effective campaign tactic in an electoral system where a candidate needs fewer than a majority of votes in their electoral district to get elected. Divisive tactics are less likely to be successful where a majority of votes is required. A voting system that encourages co-operation amongst those involved (even if the co-operation is based on political self-interest) has a chance of improving political behaviour during, and after, elections.

Moderation of behaviour may also have a positive effect on the policies offered by political parties. An electoral system that encourages political parties and candidates to solicit support (even if it is second-choice support) from the supporters of other candidates and political parties is more likely to produce policy proposals that are designed to appeal to a broader range of voters, rather than just those who share a political party's philosophy or ideology. This means

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<sup>12</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 28.

that parties have an incentive to move to where the voters are on matters of policy, rather than forcing voters to move to where the parties want them to be.

I say all this knowing that trying to forecast future political behaviour based on electoral system change is always speculative no matter what system one prefers. We can't predict with 100% certainty how voters, candidates and parties will react to a new political environment. However, we can improve our odds of improved behaviour by adopting an electoral system whose built-in incentives encourage co-operation, rather than divisiveness, during election campaigns. That may sound idealistic, but I'd rather be an idealist than an ideologue.

### **Proportional Representation**

According to Archer "Proportional representation electoral systems have a single overarching rationale – to ensure that the seats in the legislative assembly are generally at or near the same proportion as the popular vote obtained by the parties."<sup>13</sup> Achieving proportionality between votes and seats is not a bad thing. The questions to ask are, what features does a PR voting system have to have in order to achieve proportionality? And, how would these features fit into the Yukon's unique political context?

Again, quoting Archer, "To accomplish this, parliamentary seats must have multiple members, and the degree of proportionality can increase as the number of seats in the district increases."<sup>14</sup> In other words, fewer electoral districts and more members to be elected in each district.

In its submission to the Citizens' Assembly of June 7, 2024, Fair Vote Canada (FVC) offered four proposed PR electoral systems for the Yukon.<sup>15</sup> They are: Open-List Proportional Representation (Local Choice Voting), Single Transferable Vote, Mixed-Member Proportional Representation, and Dual Member Proportional.

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<sup>13</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 33.

<sup>14</sup> <https://yukonassembly.ca/sites/default/files/2021-11/SCER-35-Options-for-Electoral-Reform-research-report.pdf> page 33.

<sup>15</sup> [FVC Yukon Submission \(yukoncitizensassembly.ca\)](https://yukoncitizensassembly.ca)



Any of these systems would, I don't doubt, yield a greater proportionality between votes and seats than a single-member constituency system. However, in order to accomplish this, the Yukon would have to reduce the number of electoral districts to 10 (for Mixed-Member Proportional Representation and Dual Member Proportional) or six (for Open-List Proportional Representation (Local Choice Voting) or Single Transferable Vote).

Reducing the number of electoral districts means larger electoral districts. This risks worsening the difficulties involved in representing rural communities, as highlighted in the 2018 EDBC report:

Travel to rural communities is time-consuming and, for much of the year, is dependent on weather. Both are factors that affect the ability of MLAs to serve electors in the various communities.

Most of the electoral districts contain a number of small communities, increasing the likelihood that an MLA will struggle with competing interests for assistance and resources. These communities have varying degrees of dependence on territorial governance. While some have access to services and facilities provided by municipal or First Nations governance, others rely more on their MLA for assistance in identifying and accessing services.<sup>16</sup>

The fact that rural electoral districts would have multiple members (or a single MLA with regional top-up members under MMP) would not improve this situation since each MLA would have to serve the entire electoral district.

There is also a risk that all the members elected for a given electoral district could come from the same community. Something similar to this occurred during the 1974 general election.

In 1974 the electoral district of Ogilvie included part of Dawson City, Clinton Creek, Eagle Plains and Old Crow. The electoral district of Klondike included part of Dawson City, Stewart Crossing, Pelly Crossing and Carmacks. The result of the election was that both electoral districts were won by candidates from Dawson

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<sup>16</sup> <https://yukonassembly.ca/sites/default/files/inline-files/sp-34-2-58.pdf> page 27.

City. So the entire central and northern part of the Yukon was served by two members from the same community. At least in this case they were separate electoral districts so each candidate was only responsible for serving their part of central and north Yukon.<sup>17</sup>

Adding regional top-up MLAs under the MMP proposal would also mean that, for the first time, the Legislative Assembly would have two classes of MLAs: those responsible for a particular electoral district and those who are not.

So while PR systems promise greater proportionality they also require large electoral districts and present the risk that large areas of the territory could be represented by multiple members from one community.

### **Conclusion**

As previously stated, my preference is for an AV electoral system that improves representation in the Yukon Legislative Assembly by prioritizing local representation and ensuring that those elected to the Legislative Assembly do so on the basis of majority support in their electoral district. I believe that such a system could help prevent the hyper-partisanship, polarization and divisiveness we see elsewhere. Such a system could also provide a stronger mandate for individual MLAs and strengthen the legitimacy of the Yukon Legislative Assembly.

Thank you for considering my submission.

Floyd McCormick

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<sup>17</sup> Report of the Chief Electoral Officer (Canada), Yukon Territory Elections Held During The Year 1974.  
[https://electionsyukon.ca/sites/elections/files/1974\\_general\\_election\\_0.pdf](https://electionsyukon.ca/sites/elections/files/1974_general_election_0.pdf)