

June 18, 2018

EBC File: 15230-06-REF-2018

Honourable Darryl Plecas
Speaker of the Legislative Assembly
Room 207, Parliament Buildings
Victoria, BC V8V 1X4

Dear Mr. Speaker:

On June 11, I received a letter from the Premier requesting a review of the first ballot question for the referendum on British Columbia's voting system. The request sought my opinion on whether the question as drafted is simple and clear enough for British Columbians to understand, and asked for suggestions for improvement, if necessary.

While my office does not have a legislated mandate to review referendum questions, it is appropriate for Elections BC to complete this task to ensure that voters understand how to mark their ballot to express their preferences in the referendum. This will improve the accessibility of the referendum process for all eligible British Columbians.

Given the non-partisan nature of my office, and the legislated role of Cabinet in setting the referendum question, our review is limited to assessing the clarity and simplicity of the question. Further, I have decided to review both ballot questions, as I believe it is important to ensure the ballot as a whole is simple and clear. The review does not extend to the structure or format of the ballot questions.

Our review was carried out between June 11 and 18. It considered the current ballot questions identified in the Attorney General's report, and various alternatives. The focus of the review was that the ballot be simple, clear, and easy to understand. The review was based on a consideration of best practices, and included some usability and preference testing.

My assessment and recommendations are as follows:

First Question

The first question asked on the ballot is:

Which should British Columbia use for elections to the Legislative Assembly? (Vote for only one.)

The current First Past the Post voting system

A proportional representation voting system

In general, I believe that this question is simple and clear enough for voters to understand. They are being offered a distinct choice between the existing voting system and a proportional representation voting system. However some voters, especially those for whom English is not their first language, may have difficulty understanding the term “Legislative Assembly”. I recommend replacing the phrase “for elections to the Legislative Assembly” with the simpler “for provincial elections”. Also, the clarity of the question would be improved by adding the word “system” between “Which” and “should”. I therefore recommend the following alternative for Question 1:

Which system should British Columbia use for provincial elections? (Vote for only one.)

The current First Past the Post voting system

A proportional representation voting system

Second Question

The second question asked on the ballot is:

If British Columbia adopts a proportional representation voting system, which of the following voting systems do you prefer?

(Vote for the voting systems you wish to support by ranking them in order of preference. You may choose to support one, two or all three of the systems.)

Dual Member Proportional (DMP)

Mixed Member Proportional (MMP)

Rural-Urban PR

This question is also generally simple and clear enough for voters to understand. It could be improved however by replacing the instructional sentence, “Vote for the voting systems you wish to support by ranking them in order of preference” with the simpler “Rank in order of preference”. Also, the presentation of the three options is inconsistent. The first two spell out the name of the option completely and add the acronym in brackets. The third option is presented differently, using a short form with no acronym. For consistency, I suggest listing the option as “Rural-Urban Proportional (RUP)”, consistent with the first two options. I therefore recommend the following alternative for Question 2:

If British Columbia adopts a proportional representation voting system, which of the following voting systems do you prefer?

(Rank in order of preference. You may choose to support one, two or all three of the systems.)

Dual Member Proportional (DMP)

Mixed Member Proportional (MMP)

Rural-Urban Proportional (RUP)

I am pleased to have the opportunity to review the clarity and simplicity of the referendum questions. As noted, it is not within the legislated mandate of Elections BC to do so. The UK Electoral Commission does have this mandate under the *Political Parties, Elections and Referendums Act 2000*, and is required to comment on the intelligibility of UK, national and regional referendum questions. The commission has developed and published concise guidelines for such reviews, and assesses each question on the basis of whether it:

- is easy to understand
- is to the point
- is unambiguous
- avoids encouraging voters to consider one response more favourably than another
- avoids misleading voters

Legislators may wish to consider this approach for future referendums in British Columbia, by providing a statutory basis for referendum ballot question review.

In keeping with my role as an independent officer of the Legislature, and following past practice, these recommendations are being provided to you and to the three House Leaders. Subsequently this letter will also be made public and posted on Elections BC's website.

I am available to answer any questions at your convenience.

Sincerely,



Anton Boegman
Chief Electoral Officer
British Columbia

cc: Hon. John Horgan, Premier of British Columbia
Mary Polak, Opposition House Leader
Hon. Mike Farnworth, Government House Leader
Sonia Furstenu, Green Party House Leader