

## Contents

- **Introduction**
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

# Designing the Citizens' Assembly: Initial Discussion of Issues

## Introduction

The Government of British Columbia is to constitute a Citizens' Assembly to advise on Electoral Reform. It has issued certain guidelines in that regard. (See [Terms of Reference](#).)

In a democracy the method of choosing representatives is one of the most fundamental "rules of the game". Different methods, all democratic, can give rise to very different outcomes. In British Columbia we employ the traditional "first past the post" (FPTP) system, which from time to time has yielded quite unusual results. We have seen situations where the party with the largest percentage of votes did not form government, or where government holds a disproportionate number of seats compared to the vote it received. Nationally in Canada, political representation from the various regions is almost invariably much at odds with the actual fraction of votes supporting the various parties. In addition the FPTP system used in Canada is anomalous today, in the sense that only Britain among the major democracies still employs it. (The United States vote is FPTP on the surface, but the "primary" system modifies that enormously.)

There is thus a prima facie case for consideration of electoral reform. That there should be reform is not a settled question however. Many feel that the current system has served us reasonably well since the founding of British Columbia and there is no need for change. These are the matters to be debated by the Citizens' Assembly.

The Assembly is in principle to be selected by random lot. It will be mandated to seek advice on suitable change (if any) to our system of electing MLAs, to deliberate and finally, if change is advocated, to submit a proposal in a form suitable to adoption or rejection by the voters in a Referendum to be held at the time of the next general election on May 17, 2005. (See [Appendix A](#) for a brief discussion of the selection system.)

Please use the links in the left column to read a brief discussion of some of the main issues. Leading questions are proposed, and comments will be much appreciated and acknowledged.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

[•Top](#) [•Copyright](#) [•Disclaimer](#) [•Privacy](#)

[•Feedback](#)

## Contents

- [Introduction](#)
- **Selecting the membership**
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Selecting the membership

At first the idea of "random selection" seems simple enough, but there are many important questions of detail.

#### 1. What should be the size of the Assembly?

A greater number of members increases the representativeness of the body. This is particularly important when random selection is used, because (as with public opinion polling) too small a sample can yield quite unrepresentative results.

On the other hand, at what size does the body become simply too unwieldy to be effective? Serious proposals in the British Columbia context to date have ranged from 21 to 100. Up to 300 have been included in American experiments with "deliberative polling", but these larger exercises have typically been single weekend sessions. Probably 12 (the size of a jury) would be too few and 1000 would be too many. But where is the happy medium?

#### 2. Exactly how are members to be selected?

There are a host of questions here. Some of them follow.

- Is the Voters List maintained by the Chief Electoral Officer a suitable base for the random selection? (The Voters List does not include persons too young to vote, non-citizens, or persons who have not registered for whatever reason.)
- Are those candidates for membership developed by a random selection technique then to be reviewed, screened or challenged in any way for suitability? (In jury selection from a randomly chosen pool the prosecution and defence are normally allowed to challenge prospective jurors for suitability.)
- If so, how should the screening be done, and by whom? (Primary

"screening" would presumably be done by the selected individual, in terms of their willingness or not to serve. See [Compensation](#).) Might the screening (if any) be done by some kind of randomly selected local peer review group?

- Should qualification screening criteria include any of such items as minimum age, education, ability to read and speak English, ability to reliably attend meetings over an extended period of time, length of residence in a particular area (if selection is in some way to be related to electoral constituencies or regions of the province), absence of criminal record, and so on?
- Or should membership simply be the "luck of the draw" with no screening?
- Should the process be designed to include guaranteed representation along any of the dimensions of region of residence, age, socio-economic status, ethnic and cultural diversity, and so on. This is a very fundamental question. Some believe that a body of this sort should represent "interests" of various kinds. Others believe that, like a jury, the only interest to be considered should be the common good.
- What (if anything) should be done to provide for the replacement of any members of the Assembly who die or withdraw prior to completion of the work?

These are not simple issues, especially for a very small Assembly. However, many of the issues fade as the notional size of the Assembly is increased, since the laws of probability pretty much guarantee representativeness automatically increasing with size. But a larger Assembly would be more costly and unwieldy.

### **3. Compensation of members.**

Service as a member of the Citizens' Assembly will require a great commitment of time and energy over a period of many months. It will require diligent study of electoral systems around the world and weighing of expert advice with respect to how these (or some local variation thereof) might apply to British Columbia. The work will require travel, and considerable time spent in public hearings. The deliberative process in attempting to arrive at an Assembly consensus could be exhausting and protracted, for these are fundamental issues.

Accordingly, an adequate plan of compensation should be offered, both as a matter of fairness and as an inducement to people to serve.

In addition, people who would be making a career or financial sacrifice by agreeing to do this work (if randomly selected) should not face too great a monetary disincentive. On the other hand persons with no real interest

should not be induced to serve simply for the money.

What is the fair and effective solution? (Note that the terms of reference require that the Assembly be "affordable".)

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

[•Top](#) [•Copyright](#) [•Disclaimer](#) [•Privacy](#)

[•Feedback](#)

**Contents**

- [Introduction](#)
- [Selecting the membership](#)
- **Procedures of the Assembly**
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

**Feedback**

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

**Designing the Citizens' Assembly: Initial Discussion of Issues****Procedures of the Assembly**

Once the members have been selected and assemble for the first time we will have a group of "X" number of people who mostly will never have met one another before, or participated in a democratic policy process of such complexity, or thought a very great deal about electoral reform. In order for them to work together effectively within the allowable time frame they will need to be provided with a structure.

Questions here include:

- What should be the governance structure of the group?
- How should it be chaired?
- What research and administrative support staff will be needed?
- How can access to outside expertise best be provided?
- How can we best ensure that all relevant points of view are made available to the Assembly members and properly considered?
- How can adequate public consultation be facilitated?

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

## Contents

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- **Communications of the Assembly**
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Communications of the Assembly

While the Assembly itself will make the recommendations (if any) for change of the electoral system, it is the entire electorate that will have the responsibility of voting on whether or not to accept these recommendations.

Accordingly it would be useful if the deliberative experience and the acquired expert advice of the Assembly could be widely shared with interested citizens, as background for their ultimate referendum responsibility.

- How should this best be arranged?

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

### Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

Updated: October 7, 2002

**Contents**

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- **Guidelines and constraints**
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Guidelines and Constraints

The [Terms of Reference](#) make it clear that the recommendations of the Assembly will be required to "be compatible with the Constitution of Canada and with the Westminster parliamentary system". For example, it would not be within the mandate of the Assembly to recommend a republican sort of system wherein (say) the Premier would be directly elected, as is the President of the United States. In addition the political rules embodied in the [Canadian constitution](#) must be observed, including the [Charter of Rights and Freedoms](#).

### Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

## Contents

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- **Timetable**
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Timetable

The Assembly must report in sufficient time for a referendum question (if any) to be considered at the general election scheduled for May 17, 2005. The Assembly itself may work quickly or slowly, but the outside deadline for its report will be determined by the following question:

- How much time is required for proper consideration by the public of a referendum question on a new electoral system?

### Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

**Contents**

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- **Referendum**
- [Budget](#)
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

**Designing the Citizens' Assembly: Initial Discussion of Issues****Referendum**

The mandate of the Assembly (see [Terms of Reference](#)) is to develop (should it see a need for change) "...questions on an alternative electoral model" to be put to referendum. To do this the Assembly would have the task of settling on one alternative electoral system out of the many available and in use around the world.

This allows for a straightforward referendum question, but citizens may have views on the referendum process itself, campaign committees (if any), allowable expenditures and so on.

In addition should consideration be given to requiring (as was done in New Zealand) a mandatory review of the new system after a number of years?

**Feedback**

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

**Contents**

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- **Budget**
- [Appendix A](#)
- [Contact](#)
- [Citizens' Assembly Home](#)

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Budget

The [Terms of Reference](#) require the development of a Budget for the Citizens' Assembly process. Once the above questions are resolved that will be a relatively straightforward technical exercise, but any comments on this topic as well will be appreciated.

### Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002



## Contents

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- **Appendix A**
- [Contact](#)
- [Citizens' Assembly Home](#)

## Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Appendix A - Random selection

The B.C. process will be breaking new ground in democratic reform. While we are familiar with randomly selected juries assessing criminal innocence or guilt, changes to the democratic system are normally proposed by governments, or specially elected bodies, or panels of experts.

The relatively new technique of policy development by randomly selected citizens has come to be known as "deliberative democracy". The concept involves giving the group of citizens access to a spectrum of expert advice and (often) a public consultation process. To date it has been used in some countries as a supplementary advisory tool for governments.

Claimed advantages of the approach include superior performance in the areas of "representative sample, agenda setting, access to information, discussing issues, and individual participation." (See "[Meaningful Consultation](#)", [Canada West Foundation](#), 1997, and David Elton, Fraser Institute Conference on Democratic Reform, 2001, forthcoming) In the CWF comparison with traditional techniques (Royal Commissions, legislative hearings, policy roundtables and so on) deliberative democracy had a marginally lower score with regard to "creating options" (topped by Royal Commissions), cost and logistics (focus groups and policy roundtables, for example, are cheaper) and "closure". In the latter dimension however, the most complete form of closure is given by way of a referendum, which is a part of the B.C. plan.

Considerable work has also been done on this technique in the United States and a primary American reference site may be found at [www.la.utexas.edu/research/delpol/cdpindex.html](http://www.la.utexas.edu/research/delpol/cdpindex.html).

The British Columbia proposal represents a variation and considerable expansion of this idea. For the first time this technique is to be used for possible change in the basic law of a society, with any proposals for change being put directly to the electorate without any mediation by the Legislature. Thus we need to take great care in "getting it right", so that the Assembly is seen as a deliberative body with legitimacy and effectiveness.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

[•Top](#) [•Copyright](#) [•Disclaimer](#) [•Privacy](#)

[•Feedback](#)

# Legislation & Policy

Ministry of  
Attorney General

The Minister

News

Search

Reports & Publications

Contacts

## Contents

- [Introduction](#)
- [Selecting the membership](#)
- [Procedures of the Assembly](#)
- [Communications of the Assembly](#)
- [Guidelines and constraints](#)
- [Timetable](#)
- [Referendum](#)
- [Budget](#)
- [Appendix A](#)
- **Contact**
- [Citizens' Assembly Home](#)

## Designing the Citizens' Assembly: Initial Discussion of Issues

### Contact

Gordon Gibson  
Vancouver Main Office Boxes  
Box 2074 349 W. Georgia Street  
Vancouver BC V6B 3S3  
Fax: 604-660-1346

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

## Feedback

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: October 7, 2002

**Contents**

- [Designing the Citizens' Assembly: Initial Discussion of Issues](#)
- [Terms of Reference](#)
- [News Release](#)

**Feedback**

Please follow this link to the [form](#) you can use to send your views on the citizen's assembly to Gordon Gibson.

## Citizens' Assembly

### Why establish a Citizens' Assembly?

A New Era for B.C. contains commitments to reform how government works from top to bottom, to create the most open, democratic and accountable government in Canada.

As part of this promise, the government said it would:

- Appoint a Citizens' Assembly on Electoral Reform to assess all possible models for electing the MLAs, including preferential ballots, proportional representation, and our current electoral system.
- Give the Citizens' Assembly a mandate to hold public hearings throughout BC, and if it recommends changing the current electoral system, that option will be put to a provincewide referendum at the time of the next provincial election in May 2005.

On September 20, 2002, the government retained [Gordon Gibson](#) as a consultant to develop guidelines on how the Citizens' Assembly on electoral reform should be set up and operate. He will deliver his recommendations to the government by December 15, 2002.

The following paper, [Designing the Citizen's Assembly](#), was developed by Gordon Gibson to guide the discussion of how to constitute a citizen's assembly for B.C.

[\[Legislation Home\]](#)

Updated: October 7, 2002

## Citizens' Assembly

### Terms of Reference for Mr. Gibson

#### Preamble

A Citizens' Assembly is to be appointed to examine and make recommendations on electoral models for British Columbia. The Assembly must report in time for Cabinet and caucus to consider its recommendations and, if a new electoral model is proposed, to undertake planning, organization and public education for a referendum to be held in conjunction with the May 2005 general election.

#### Terms of Reference for Gordon Gibson

Develop a strategy for the appointment, structure and mandate of a Citizens' Assembly to fulfil government's New Era Commitments (Page 30 New Era Document) to:

- Appoint a Citizens' Assembly on Electoral Reform to assess all possible models for electing MLAs, including preferential ballots, proportional representation, and our current electoral system;
- Give the Citizens' Assembly a mandate to hold public hearings throughout B.C., and if it recommends changes to the current electoral system, that option will be put to a province-wide referendum.

As part of the strategy, develop recommendations for the appointment, size, composition, administrative structure and mandate of the Citizens' Assembly, including:

- Design of a random selection process for appointing a maximum number of members of the Assembly, ensuring that the Assembly is representative of the interests of the province as a whole, can operate effectively and is affordable;
- Recommending a governance model for the Assembly, including how the Assembly should be chaired and staffed;
- Developing guidelines and constraints for the operation of the Assembly to ensure its recommendations will be compatible with the Constitution of Canada and with the Westminster parliamentary system;
- Developing guidelines and a timetable for the operation of the Assembly to ensure that its work on electoral models can be conducted and reported to the Attorney General with sufficient time for preparations to be made for a referendum question to accompany the general election of May 2005 if a new electoral model is recommended;
- Developing guidelines on the wording of questions on an alternative electoral model if so recommended, to assist in the framing of a referendum to be put to the electorate.

As part of the strategy, develop a proposed budget for the Assembly that takes into account all associated costs, including:

- Financial implications of any compensation for members of the Assembly, including differential rates depending on varying responsibilities;
- Overhead and expenses related to establishment of an office to support the operation of the Assembly; dissemination of information on the work of the Assembly and receipt of submissions both electronically through a web-site and through surface mail and facsimile; arrangement of travel schedules; public consultations and meetings of the Assembly;
- Travel and accommodation costs related to a public consultation process, based on a recommended consultation structure, and any transcription or other recording costs related to the public consultation process;
- Costs related to the preparation of the report and recommendation(s) of the Assembly.

[\[Legislation Home\]](#) [\[Assembly Home\]](#)

Updated: September 23, 2002

[•Top](#) [•Copyright](#) [•Disclaimer](#) [•Privacy](#)

[•Feedback](#)