
Towards Proportional Local Governance: *The Need for Electoral Flexibility in the New City of Toronto Act*

By Stuart Parker, John Deverell and Linda Sheppard

INTRODUCTION

Due primarily to amalgamation but also to rapid and continuous growth, Toronto has reached a population in excess of 2.5 million, greater than six of Canada's provinces; and it is more linguistically and culturally diverse than any of them. These changes have taken place in the context of and are propelling a growing national movement for a new role for cities in the scheme of governance.

We expect Canada's twenty-first century to be, in the words of our mayor, "the era of the great cities," as does the federal government as it reshapes social and infrastructure policy and administration under the rubric of the New Deal for Cities. Opinion leaders now discuss secession from Ontario and other radical ideas to reshape Toronto's government.

It is in this context that the Ontario provincial government is re-drafting the City of Toronto Act which defines the scope of Toronto's mayoral and council authority and the city's relationship with the provincial government. The Joint Ontario-City of Toronto Taskforce to Review the City of Toronto Act and Other Legislation has been charged by the civic and provincial governments with making recommendations to the provincial government for the new Act.

In addition, the mayor has struck a three-person committee to make recommendations of its own as the drafting process begins. Finally, and importantly, citizen-driven organizations such as Direct Civic Action and the Toronto Board of Trade have begun putting their own proposals into the process.

The citizen organizations are putting their views forward in a public forum; and this we applaud. We will not see the best possible new City of Toronto Act unless there is vigorous public discourse as the new bill is developed.

ELECTORAL REFORM

We are campaigners for democratic voting reform who advocate proportional representation (PR) for every level of Canadian government. Generally, PR gives every voter equal weight in determining the composition of a council or legislature and no ballot is ignored or wasted. At present democratic voting reform is very much a live issue at the federal level and provincially in Prince Edward Island, New Brunswick, British Columbia, Quebec, and Ontario.

Until now Canada's rising electoral reform movement, in which we are active, has not intervened in debates about municipal voting systems, mainly due to growing pains and limited resources, but there is no theoretical barrier. The defects of most municipal voting systems closely mirror the defects of the electoral system used at the senior levels of government.

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tural, Toronto is comparable to a province. As illustrated in the chart below, Toronto's councillors represent populous, diverse communities larger than most provincial ridings in Canada.

<i>Jurisdiction</i>	<i>Population¹</i>	<i>Districts</i>	<i>Average District Size</i>
Ontario	11,410,046	103	110,777
Québec	7,237,479	125	57,900
Toronto	2,481,494	44	56,398
British Columbia	3,907,738	79	49,465
Alberta	2,974,807	83	35,841
Manitoba	1,119,583	57	19,642
Nova Scotia	908,007	52	17,462
Saskatchewan	978,833	58	16,876
New Brunswick	729,428	55	13,262
Newfoundland	512,930	48	10,686
Prince Edward Island	135,294	27	5,011

¹ Statistics Canada. 2001 Census Data.

Each Toronto councillor represents a number of constituents comparable to a member of the Québec National Assembly and greater than legislators in eight of Canada's ten provinces. Like these legislators, each Toronto councillor is required to deliberate and vote on a wide diversity of issues including housing and welfare policies normally outside the purview of municipal governments. As a jurisdiction less than a decade old, Toronto is still struggling to come to grips with the great size and scope of its responsibilities.

In our view the emerging governance of the new megacity must be as democratic as we can make it. Only fair and democratic institutions can possibly engage the multifarious talents of our diverse citizenry in constructive common cause.

As demonstrated in the City of Vancouver's 2004 referendum on that city's municipal voting system, there are real negative consequences unless electoral reform advocates participate fully in debates on municipal voting systems. In response to its narrow defeat, the city's governing Coalition of Progressive Electors told supporters that the shockingly poor turnout (23%) and defeat resulted from the reformers' failure to raise adequately the issues of proportional representation.

The Toronto Board of Trade has initiated this city's debate on governance structure. In its sixth chapter, *"Empower Elected Officials to Implement Citywide Vision."* the Board correctly observes that

The ward-based structure is both a strength and a weakness, as it builds strong neighbourhoods, yet at the same time limits council's ability to develop and implement a city-wide vision for the future... The result is that citywide issues requiring council's attention are falling by the wayside...²

² Toronto Board of Trade. *City of Toronto Taskforce Report*. 2004. 25-26.

As the Board observes, the mayor is the only member of council elected city-wide; and as such often must function as the primary advocate for non-residential space and other city-wide priorities.³ To address the lack of other

³ Ibid. 26.

city-wide representatives on council the board proposes that Toronto adopt the “strong mayor” system used in some large American cities.⁴ While such an approach is one possible solution to the lack of city-wide vision on council, there are others in our view preferable.

4 Ibid. 29.

CRITICISMS OF THE “STRONG MAYOR” SYSTEM

The strong mayor system evolved in the United States. Unlike more modern parliamentary systems, the United States constitution dictates a strong, directly elected executive branch of government. Governors and presidents, and their cabinets, are not directly accountable to legislators; and politics is often characterized by paralysis when the legislature’s agenda comes into conflict with that of the executive.

Strong mayor systems are essentially the municipal equivalent of the US presidential and state gubernatorial systems. Voters simultaneously elect a president/governor/mayor and a congress/legislature/council and these bodies operate semi-independently of one another except where their overlapping areas of jurisdiction come into conflict. As many important issues fall into areas of shared jurisdiction, these conflicts are a standard feature of US politics.

We prefer the parliamentary system to a congressional system in which the executive branch comprises many high-profile political figures with only one member of the cabinet/executive chosen directly by the voters. This sometimes results in the executive branch of government lacking the demographic diversity of the legislative branch, and it greatly obscures the question of who is actually responsible for U.S. domestic policies.

Some suggest that if the mayor remains a member of council, the strong mayor system does not necessarily reproduce a full-fledged U.S. presidential or gubernatorial dynamic. However, a recent international study found that systems with fixed election dates (like Toronto) are far more likely to do so than those in which the legislative body can be dissolved.⁵ It is our view, therefore, that the introduction of the strong mayor system to Toronto is most likely to Americanize our municipal politics.

While we laud the board for identifying the need for city-wide representation, in our view the goal should be pursued in a way that also improves representative diversity and effective accountability to voters.

U.S. cities which have opted for strong mayor systems have had mixed experiences. Oakland’s recent (1998) adoption of the system has been met with guardedly positive reviews, but the adjacent San Francisco has been, in the words of one recent study, “plagued by corruption, cronyism and micro-management.”⁶ In the view of a number of academics studying the question

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5 Maddens, Bart and Stefaan Friers. “The Direct PM Election and the institutional presidentialization of parliamentary systems” in *Electoral Studies* vol 23. 2004. 786.

6 McDonald, Brent. “Oakland’s ‘Strong Mayor’ Reconsidered” in *National Civic Review*. 2003. 60.

The success or failure of a strong mayor depends a lot on experience and personality... No structure is going to substitute for good politics. Even though many of America’s great cities—among them New York, Chicago, Los Angeles and San Francisco—have visible, charismatic strong mayors, [one] can never design on an individual...⁷

7 Ibid. 58.

From a risk management perspective, therefore, the strong mayor system is seriously sub-optimal. While the system may seem a reasonable choice when the office of mayor is held by a popular, consensus-building individual,

it is unreasonable and unwise to redesign the city's governance structure on the assumption that this will always be so.

A STRENGTHENED MAYOR SYSTEM

Fortunately, there are less risky alternatives for those wishing to enhance the powers of the mayor and city-wide representation. The parliamentary, as opposed to congressional system, in its purest form, chooses a Prime Minister from among the members of a legislature only after an election. This system in its earliest form, before the emergence of institutionalized political parties, has been reproduced in the Nunavut and Northwest Territories legislatures. Lacking a party system, these legislatures meet following each election and choose a premier by consensus or majority vote following each general election. This premier, although controlling the executive branch, serves at the pleasure of the assembly, to which she is fully accountable.

While we do not specifically recommend such a system for Toronto, it is our view that it is an arrangement more compatible with Canadian parliamentary tradition and one more likely to foster the degree of council stability, consensus, accountability and leadership that Canadians expect and need from their political institutions.

TORONTO'S GOVERNANCE STRUCTURE: A LOCAL DECISION

When considering how to fashion a more effective, representative and accountable city council for Toronto, many questions spring to mind. How many councillors should Toronto have? Should there be an entrenched party system? Should Toronto continue to have single-member wards? How should the mayor be elected? What powers should the mayor have compared to other councillors? Should some councillors be elected city-wide? How can we make council reflect the city's diverse people and interests more accurately?

Until now there simply has not been sufficient public consultation and debate to answer these questions. However we do know they should be debated and decided by Toronto voters. Already the Board of Trade has suggested that council be empowered to determine how many members should comprise it.⁸ We suggest there is no justification for keeping other aspects of local governance structure under the jurisdiction of the provincial legislature. Given that Queens Park has already chosen, through amalgamation, to make Toronto the testing ground for Canada's first megacity administration, it seems only reasonable that Toronto be provided the flexibility necessary to adapt its political structure to better meet the needs which are now overwhelming it.

We do not assume that Queens Park or any provincial administration will confer full control over a large city's governance structure and voting system simply because it makes good sense. In 1993, for example, the BC legislature amended the city of Vancouver's charter to allow council to change the city's electoral system;⁹ but this amendment limited the range of possible systems the city was entitled to implement. Vancouverites were entitled to choose only between a multi-member plurality system (the local status quo) and single member plurality (the ward system). A further act of the legislature would still be required to implement a proportional voting system. Although, within those constraints, it recommended a Toronto-style ward system, after substantial consultation with local voters the city's 2004 elec-

⁸ Toronto Board of Trade. *City of Toronto Taskforce Report*. 2004. 28.

⁹ Berger, Thomas, QC. *Report of the Vancouver Electoral Reform Commission*. 2004. 16.

toral reform commission report “A City of Neighbourhoods” recommended that “council seek [from the BC legislature] amendment of the Vancouver Charter to permit elections to be conducted using systems of proportional representation.”¹⁰

¹⁰ Ibid. 105.

Toronto should seek to avoid the difficult position in which Vancouver city council found itself eighteen months ago: conducting a review of the voting system without the legislative authority to implement the recommendations. We should all insist steadfastly that the provincial legislature allow Torontonians the liberty to design an electoral system that meets the city’s needs.

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MAKING EQUAL COMMUNITIES EQUAL

Lack of city-wide representation is not the only flaw in Toronto’s current electoral system. Many of the other criticisms leveled against the systems used to elect our federal MPs and provincial MPPs/MNAs/MLAs can be made of the civic voting system. This is hardly surprising as they are substantially the same.

One of the biggest problems, as evidenced by our federal voting system, is that regionally concentrated groups are privileged over groups with a geographically diverse support base.¹¹ For instance, in the 2004 federal election the federalist NDP received a meager 6.2 per cent of the seats in the national parliament with 15.7 per cent of the popular vote, whereas the separatist Bloc Québécois received a remarkable undeserved “bonus”—17.5 per cent of the seats on just 12.4 per cent of the vote.

¹¹ Milner, Henry. *Making Every Vote Count: Assessing Canada’s Electoral System*. Peterborough: Broadview Press, 1999. 38.

Similarly in Toronto’s current single-member plurality (SMP) ward system, geographically concentrated groups are privileged over geographically diffuse groups of similar size. And it is a mistake to assume that city-wide political parties formal or informal are the only geographically diffuse political groupings. It has become increasingly the norm for cultural, ethnic, religious and ideological groups to be geographically dispersed. This diffusion is one of the most powerful positive forces giving rise to social integration and the “era of the great cities” in which we live. In the modern world, people are powerfully attracted to the opportunity to choose the communities to which they belong, irrespective of their geographic location. Urbanization is just one manifestation of the modern trend towards many forms of community that transcend geography.

Many of Toronto’s residents have chosen to leave smaller towns and cities in favour of the expanded horizons of urban life precisely because it affords them the opportunity to be part of a community different from that in which their immediate neighbours are involved. Unfortunately, Toronto’s ward system privileges communities that are geographically segregated over those that are more evenly distributed throughout the city.

For instance, in the 2003 civic election, a bloc of 8,000 voters with common interests or views would have had a negligible effect on the outcome of a Toronto city council election if it were evenly distributed throughout the city, where it would comprise about one per cent of the vote in a mayoral election. However, if concentrated in a single ward, such a bloc would constitute an absolute majority of all votes cast there and would be guaranteed to decide the outcome of that ward contest.

Given Toronto’s role as the reception point for the majority of new

Canadians who arrive each year, it seems especially inappropriate for our local voting system to convey the message “Ghettoized communities deserve greater political power.” Not only ideological communities but racial, religious and ethnic communities are granted representation in our current voting system which depends more on the intensity of their segregation than on their relative numbers. It is noteworthy in this respect that the American movement for proportional representation is increasingly driven by members of the nation’s black community who are eager to remove legislated incentives for the continuing de facto segregation of much of urban America.

Toronto needs to move to a fairer, more proportional voting systems which can encourage leading members of various minority groups to take part in municipal elections and provide high quality representation at city hall, regardless of their geographic distribution in the city. The voting systems we recommend below make it possible for such groups, if organized, to pursue services and representation befitting their numbers.

Of course, geographically concentrated communities have a special role to play in any city. The vibrancy of Toronto’s neighbourhoods is strong evidence of the unique contribution communities centred on geography can make to a city. It is important that changes to the voting system that improve the representation of city-wide communities remain balanced by strong neighbourhood representation.

RENEWING CIVIC PARTICIPATION

Henry Milner, in his *Steps Toward Making Every Vote Count*, persuasively argues that proportional systems tend to produce higher rates of voter turnout because voters correctly assess that their “votes count.”¹² This assertion has been empirically verified in a number of studies that suggest a direct link between adopting proportional voting systems and increasing turnout.¹³ The current scholarly consensus is that, other things equal, the adoption of proportional voting results in an increased turnout of approximately 7 per cent.

Beyond questions of representation in practice and principle, anyone worried about the implications of Toronto’s substandard voter turnout for the ultimate legitimacy of civic government, law and public order should carefully examine the benefits of proportional representation voting.

PARTYLESS PROPORTIONALITY

Opponents of fair voting presented with the term “proportional representation,” quickly evoke the Italian “pizza” parliament of the 1980s or that of present-day Israel. In fact, “proportional representation” does not describe a specific voting system but rather a range of systems which produce “proportional” outcomes.

A proportional outcome is any election result in which a political group’s representation is approximately equal to the proportion of the active voters it constitutes. This is most commonly understood in terms of political parties but can be applied to major policy issues as well. For instance, in the 2000 federal election, sovereignty remained a major issue for Québec voters. Candidates favouring Québec independence won the majority of the seats with just 39 per cent of the popular vote, while those running on a keep-Canada-together platform, because divided into three major parties, captured many fewer seats despite attracting 61 per cent of the vote. The electoral system

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¹² Milner, Henry. *Steps Toward Making Every Vote Count: Electoral System Reform in Canada and its Provinces*.

Peterborough: Broadview Press, 2004. 24.

¹³ Courtney, John C. “Reminders and Expectations about Electoral Reform” in *Steps Toward Making Every Vote Count: Electoral System Reform in Canada and its Provinces* Ed. Henry Milner. Peterborough: Broadview Press, 2004. 107.

delivered a perversely disproportional result which, quite contrary to Québec public sentiment, called into question the very stability of the state.

Not all systems of proportional representation require political parties. The Single Transferable Vote (STV) system, for instance, can accommodate party affiliations but does not require them. STV was recently recommended by the BC Citizens' Assembly on Electoral Reform and received 57 per cent of the popular vote in the 2005 referendum on the province's voting system. The absence of a legally-enshrined party list system in STV has made it a popular choice in several jurisdictions which share Canada's British colonial past. Malta, Ireland, Northern Ireland and part of Australia all currently use this system.

STV also has been employed at the municipal and provincial levels in Canada in times past. Twenty Canadian municipalities used STV, most notably Winnipeg (1920–71) and Calgary (1916–61).¹⁴ Manitoba (1920–55) and Alberta (1924–56) elected their urban MLAs using this system as well.¹⁵

A key factor in the abandonment of these systems in the post-war era was the increasing population size of the metropolitan areas that were represented by city councils and multi-member provincial districts, an issue we will revisit in our final section. However, although there are currently no Canadian cities using proportional voting systems, there are a number in which councillors are elected in multi-member wards whose population far exceeds that of Winnipeg and Calgary when STV was abandoned in those cities:

<i>City</i>	<i>Population</i>	<i>Wards</i>	<i>Councillors</i>	<i>Voters per Ward</i>	<i>Voters per Councillor</i>
Vancouver	545,671	1	10	545,671	54,567
Surrey	304,477	1	8	304,477	38,060
Edmonton	666,104	6	12	111,017	55,509
Mississauga	612,925	9	9	68,103	68,103
Calgary	878,866	14	14	62,776	62,776
Toronto	2,481,494	44	44	56,398	56,398
Winnipeg	619,544	15	15	41,303	41,303
Ottawa	774,072	21	21	36,861	36,861
Hamilton	490,256	15	15	32,684	32,684
Montréal	1,812,723	73	73	24,832	24,832
Halifax	359,111	23	23	11,266	11,266

Although the voting systems are not proportional, we draw attention to Vancouver, Edmonton and Surrey. These cities enjoy comparable and sometimes greater rates of voter turnout than Toronto,¹⁶ despite the substantial district sizes, multiple candidates and councillors, and the even higher percentage of wasted votes inherent in their majoritarian voting systems. In such jurisdictions turnout under STV, which valorizes many more votes, would be unlikely to go down and very likely to go up.

Although the most popular, STV is not the only proportional voting system that does not require the formation of parties. Systems that produce substantially more proportional results than the current SMP ward system include Limited Voting (LV), Cumulative Voting (CV), and Single Non-Trans-

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¹⁴ Pilon, Dennis. "The History of Voting System Reform in Canada" in *Making Every Vote Count: Assessing Canada's Electoral System* Ed. Henry Milner. Peterborough: Broadview Press, 1999. 118–19.

¹⁵ *Ibid.* 121.

¹⁶ Vancouver's last (2002) election had 49% turnout; Edmonton's last (2004) election had 42% turnout.

ferable Vote (SNTV). These also merit exploration in any serious review of Toronto's voting system.

PARTY ALTERNATIVES

Despite clear evidence to the contrary from Canadian electoral history, some defenders of Toronto's present voting system attempt to argue that proportional voting systems cause the formation of political parties whereas the SMP ward system inhibits their formation.

The small kernel of truth here is that a subset of the proportional representation systems, those classed as "party list" systems, cannot be introduced without formalized political parties.

It is not our place to decide whether Toronto municipal politics and governance would be improved by the development of a formal system of party-based accountability. However should such a system emerge in the future, it is important that Torontonians have the ability to pass the laws necessary to ensure that it functions fairly.

It would be a mistake, in our view, not to plan for the likelihood of such a demand arising in the near future. Proportional voting is likely to become a legal reality in Ontario provincial elections following a referendum in 2007. Another minority Parliament in Ottawa is likely to provoke a proportional voting reform to the Canada Elections Act.

At the municipal level, although there was no public call for Vancouver to include proportional voting systems when the province amended the city's charter in 1993, within three years 36 per cent of Vancouverites voted in favour of such a system in a plebiscite, despite the dubious jurisdictional footing on which the option stood. This year 57 per cent of all BC voters, including a majority in all Vancouver constituencies, favoured a proportional voting system at the provincial level.

Toronto today should take account of this strong nation-wide trend to democratic voting reform and plan for its future by specifically requesting unfettered jurisdiction over its voting system.

HYBRID SYSTEMS AND COMPROMISE

Canada's longest-running STV system was buried in 1971 with the amalgamation of four Winnipeg-area municipalities. Both proportional (e.g. STV) and plurality (e.g. multi-member plurality) systems can become unwieldy when a large number of representatives must be elected in a single electoral area. Voters may complain that with 20 (or 44) seats to fill, they must inform themselves about literally dozens of individual candidates in order to make an informed choice.

For this reason, advocates of STV in British Columbia have suggested systems combining the best of both worlds, in which cities would be organized into multi-member wards¹⁷ as Edmonton currently is. Toronto councillors might be reorganized into representing ten four to five-member wards, each elected by STV, CV, LV or SNTV, providing voters with both local representation and greater proportionality, all without legal necessity of formal political parties.

It is our view that such a shift to proportional voting could meet a number of current voter and governmental needs including:

1. continued recognition of pre-amalgamation boundaries in

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¹⁷ Tennant, Paul and Julian West. "The Best of All Worlds: Partisan Advocates of 'Wards' and 'At-Large' Should Compromise and Choose Neither." Vancouver, 1998.

- local representation
- 2. improved representation of geographically diffuse communities
- 3. special recognition of geographically concentrated communities (ie. neighbourhoods)
- 4. increased electability of candidates expressing city-wide priorities.

Such a system could serve as the first step in the development of a more purely proportional system. Another alternative is a mixed system in which a portion of city councillors are elected in single-member wards while others are elected city-wide by STV or some other proportional voting system. Both multi-member STV wards and a mix of ward-based and at-large councillors elected by STV could function either as a bridge between our current system and a more proportional one or might evolve into a long-term hybrid system. But such a discussion is, at this point, some distance in our future.

RECOMMENDATIONS AND CONCLUSIONS

It is our hope that the public release of this position paper will spark further debate about the future of Toronto's voting system and broaden the discussion of reform well beyond the "strong mayor" proposal. This broadened discourse will do little to address our city's pathetic 32 per cent voter turnout and its democratic deficit in citywide representation, however, unless and until the provincial government admits that the municipal voting system, just like the provincial, needs a major overhaul.

The best and most expeditious way forward is for Queen's Park to allow Toronto, Canada's largest city, to chart its own course in developing a governance structure that meets the city's evolving democratic needs, while at the same time taking steps to initiate a parallel reform opportunity for all other municipalities in Ontario.

In that spirit the government at Queen's Park must include the following items in the new City of Toronto Act:

- 1 The power to change the size of council.
- 2 The power to change the number of councillors per ward.
- 3 The power to replace the current single-X plurality system with a ranked ballot or other alternatives.
- 4 The power to change the relative power of councillors elected by ward and the mayor and/or other citywide representatives.
- 5 The power to change how the mayor is selected including a parliamentary-style two-stage election.
- 6 The power to abolish the ward system in favour of city-wide election of some or all councillors.

If the provincial legislature adopts this forward-looking position, Torontonians will then be in position to begin designing a fair and modern voting system to meet the megacity's needs present and future.

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The views here expressed are the personal responsibility of the authors. They have not been discussed or approved by the national council of Fair Vote Canada. They should be taken as the thinking of three Toronto voting reformers and not as an expression of FVC policy.