Court File No.: CV-19-00628 883 0000

ONTARIO SUPERIOR COURT OF JUSTICE

BETWEEN:

FAIR VOTING BC and

SPRINGTIDE COLLECTIVE FOR DEMOCRACY SOCIETY

Applicants

- and -

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF JOHN M. CAREY

I, John M. Carey, of the Town of Hanover, in the State of New Hampshire, United States of America, AFFIRM AS FOLLOWS:

My qualifications and acknowledgment of my duty as an expert

- I am Associate Dean of Faculty for the Social Sciences and John Wentworth Professor in the Social Sciences at Dartmouth College.
- 2. I hold a PhD in Political Science from the University of California, San Diego.
- 3. My areas of specialization are the study of electoral systems, constitutional design, and democratic representation.

- 4. The overview of scholarly research, below, provides my assessments of the advantages and disadvantages of various electoral systems. It describes the theoretical assumptions and factual bases underlying those judgments and it provides citations to a full list of scholarly sources. Twelve of those citations are to publications on which I am a co-author or sole author. Thus, to some extent the overview describes how my own research leads to the assessments I report here. In the interest of completeness, however, I also describe here how my professional experience drives the assessments conveyed in this affidavit more broadly.
- During my graduate studies in political science at the University of California, San Diego, I developed a research agenda focusing on how the rules of electoral competition affect the quality of democratic representation. I co-authored my first book on that topic, *Presidents and assemblies: Constitutional design and electoral dynamics*, with Matthew Sobert Shugart, in 1992. My full academic resume, attached to this affidavit and marked as **Exhibit "A"**, includes 6 books (5 of which directly address the subject of how electoral rules affect representation) and over 100 refereed journal articles and scholarly book chapters, the majority of which also explore the design of electoral rules.
- 6. My research has been supported by a number of external funding agencies, including 5 grants from the U.S. National Science Foundation. In 2011-2012, I served on a task force convened by the President of the American Political Science Association to examine specifically how electoral rules affect democratic governance. I regularly provide commentary and analysis for *The Washington Post* online and other outlets on issues related to my research.
- 7. My academic work has led to invitations to consult on electoral reform efforts in Chile,

Philippines, El Salvador, Mexico, South Sudan, Bolivia, Israel, Yemen, Jordan, Afghanistan, Tunisia, and Nepal. (Not all of the recommendations I've offered have been implemented.) I have provided workshops for political analysts in the United States government. I served for 4 years as an expert regional adviser for the Americas for Freedom House.

- 8. My judgments about institutional design are the product, then, of 30 years of academic research, supplemented by contact with policy makers and electoral reformers, and by reflection on how -- and under what circumstances -- we can apply lessons from research in practice.
- 9. Attached to this affidavit and marked as **Exhibit "B"** is a true copy of my signed acknowledgement of expert's duty in this case.
- 10. On 18 August 2020, the applicants in this matter retained me to draft an affidavit. I was asked to provide a fair, objective, and impartial opinion on the following two questions:
 - (i) Can you briefly describe the major forms of voting systems used in democracies today?
 - (ii) What are the advantages and disadvantages of these types of systems, particularly in regard to their representation of citizens (including minorities, women, and ideologies), the political equality of voters, the performance of government, and voter participation in the voting system?

Attached to this affidavit and marked as **Exhibit "C"** is a true copy of the email sent by counsel for the applicant, retaining me as an independent expert.

1. "Can you briefly describe the major forms of voting systems used in democracies today?"

Key take-away from this section: A salient distinction among the types of rules used for electing legislative assemblies is between single-winner systems and multiple-winner systems. The broad historical trend worldwide is toward multiple-winner systems, particularly list PR.

- This affidavit will focus on electoral systems used for legislative assemblies (variously referred to as parliaments, legislatures, congresses, etc.) rather than those used for the direct election of chief executives. Every democracy elects an assembly, or more than one assembly, whereas many democracies, including Canada, do not directly elect the chief executive. Moreover, assemblies are plural bodies and the variety of electoral rules used for their election is greater than that for the election of chief executives.
- 12. The most salient initial distinction I will make among the types of rules used for electing assemblies is between single-winner systems and multiple-winner systems. The distinction here refers to the number of candidates and/or party lists awarded seats within each geographical district. The distinction corresponds closely in practice to single-member district (SMD) systems and multi-member district (MMD) systems.¹
- 13. This document focuses attention on properties of the most common single-winner-type

¹ The correlation is not perfect. Not all multi-member systems are multi-winner. Party block vote systems combine multi-member districts with a winner-take-all format, but such systems are rare among democracies in national-level competition. Correspondingly, there are single-member district systems, such as the two-round run-off system used to elect France's Assembly and the alternative votes system

such as the two-round run-off system used to elect France's Assembly and the alternative votes system (a.k.a instant run-off voting) used in Australia's House of Representatives, that differ in important ways from FPTP. For the most part, this document will focus on the comparison between FPTP and list PR, the most common systems used in single-member systems and multi-member systems, respectively.

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system, single-member-district plurality (also known as "first past the post," or FPTP), which is the version of single-winner used in Canada, as well as in the United Kingdom for most of Commons, in India for the lower chamber, the Lok Sabha, and in the United States for both chambers of its Congress. The main point of contrast will be with the most common variants of multiple-winner systems, which are list proportional representation (list PR) and are used in Spain, Portugal, Switzerland, the low countries, the Nordic countries, most of Latin America, and dozens of other democracies around the world. I will also refer to hybrid systems, which combine elements of FPTP with list PR and are used in Germany, Italy, Japan, New Zealand, Mexico, and many more.

Basic definitions

- **FPTP** The geographical territory is divided into districts, each of which elects a single representative. In those contests, each voter casts a single vote for their most-preferred candidate. The candidate with the most votes the plurality wins the seat.
- List PR List PR systems are designed to match the proportion of seats won by groups of candidates (usually political parties, but potentially also coalitions of parties, or non-party groups) to their share of votes. The geographical territory is organized into one or more sub-districts, with most or all districts electing more than one representative. Groups of candidates may form electoral alliances, or lists, in order to compete together.² On the ballot, each voter votes for a list. Seats within

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² The Irish electoral system, known as single transferable vote (STV) is a cousin of PR, employing many common components -- including multi-member districts and the computation of vote thresholds, based on the number of seats awarded in a district, at which candidates are awarded seats -- but STV is distinctive in that candidates are not grouped together on lists. Because voters express multiple preferences on STV ballots, they may, effectively, pool their support behind candidates from a common

districts are distributed to lists in proportion to their vote, according to an arithmetic formula, and some list PR systems provide for a global compensatory allocation of seats to further increase proportionality.³ After the seats are proportionately distributed to lists, they are awarded to candidates on seat-winning lists in an order determined entirely by their rank on the list (i.e., closed lists) or influenced by the preference of voters for individual candidates (i.e., open lists, of which there are various configurations).

• Hybrids - Also frequently called *mixed-member systems*, these combine SMD and PR elections. Some proportion (for example, half) of the seats are allocated in SMDs while the remaining seats are allocated by PR in a simultaneous election to fill seats within the same assembly chamber. Across hybrid systems, there is great variety in the details of how candidacies are configured and how ballots are cast. As is always the case with electoral rules, these details can be important to outcomes. The most critical distinction among hybrid systems is whether and how the distribution of seats in the SMD tier affects the distribution of seats in the PR tier. In *mixed-member majoritarian (MMM) systems*, the distributions of seats in each tier are mutually independent, and the results are therefore less proportional than under PR. In *mixed-member proportional (MMP) systems*, the distribution of seats in the PR tier is designed to offset deviations from proportionality that may occur in the SMD

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party, but that decision is left entirely to the voter, rather than being embedded in the structure of an STV hallot

³ The choice of PR formula may affect the distribution of seats across lists and, in particular, whether that distribution is relatively favorable to lists that win higher or lower vote shares.

distribution, with the goal of achieving (or at least approaching) overall proportionality in the chamber as a whole.⁴

- 14. Due to the prominence of some democracies like the United States and the United Kingdom, both of which use FPTP, it may seem that the use of single-winner systems is ubiquitous. However, within 35 different countries judged to be "fully democratic", only 4 currently use FPTP (US, UK, Canada, and Ghana)⁵. A well-documented trend in electoral systems is the adoption or introduction of PR and the move away from singlewinner systems, particularly FPTP. In fact, not a single established democracy with a parliamentary system of government has made the move from some other electoral rule to FPTP. There are a small number of examples of democracies that have abandoned list PR. France, for example, moved from PR to a two-round single-winner system while also replacing its pure parliamentary system of government with a hybrid of presidentialism and parliamentarism under the Fifth Republic. Italy moved from PR to a hybrid electoral system. Yet each of these cases stands out from the broader historical trend. Colomer (2001) draws from data spanning the 19th and 20th centuries to demonstrate both the increasing use of proportional electoral systems and the higher rate of democratic success (that is, the survival of a political regime under a democratic constitution) among regimes that rely on proportional elections.
- 15. The last decade of the 20th Century and the first of the current century witnessed a boomlet in the adoption of hybrid electoral systems, especially among newly established

⁴ An accessible (and hilarious) primer on the mechanics and virtues of MMP can be found here: https://www.electoral-reform.org.uk/new-zealands-mmp-electoral-system-how-does-it-work/

⁵ Data obtained from International Institute for Democracy and Electoral Assistance https://www.idea.int/data-tools/data/electoral-system-design

democracies. Yet this trend appears to have crested. 17 countries adopted MMM hybrids between 1990 and 2008. Of these, five (Bulgaria, Russia, Tunisia, Croatia, and Ukraine) subsequently switched to PR whereas only one (Azerbaijan) switched to FPTP (author's own research). During the same period, seven countries adopted MMP hybrids, one (New Zealand) switching from FPTP, three (Bolivia, Venezuela, and Romania (in 2007)) switching from list PR, and three (Hungary, Albania, Lesotho) adopting MMP upon their initial transition to democratic elections. One of these countries, Albania, subsequently switched to list PR and none has switched to FPTP. The overarching trend here mirrors that found more generally among other electoral systems. Countries with single-winner electoral institutions and with hybrid systems are far more inclined to switch to proportional systems than the other way around.

2. "What are the advantages and disadvantages of these types of systems, particularly in regard to their representation of citizens (including minorities, women, and ideologies), the political equality of voters, the performance of government, and voter participation in the voting system?"

Overview of scholarly research

- 16. Researchers in political science have thoroughly explored outcomes from electoral institutions. While electoral systems do not determine how societies will respond to political contestation or conflict, they play a critical role in translating citizens' expressed preferences at the ballot box into political representation and, in doing so can have important effects on how democracy operates. The discussion below is organized around how electoral system design affects:
 - correspondence of voter support to representation,

- representation of diversity (including by gender, race, ethnicity, and ideology),
- voter participation and citizen engagement
- government stability
- government accountability and policy outcomes.

Correspondence of voter support and representation

Key take-away from this section: Under almost all circumstances, the correspondence between political parties' vote shares and seat shares will be significantly greater under PR than under FPTP elections. The likelihood of electoral inversions - where the party with the most votes loses an election and one with fewer captures control of government - is substantial under FPTP and negligible under PR.

17. Most of the scholarship on elections and representation shares a normative premise that the level of support among voters should correspond closely to the level of assembly representation each party wins. By this standard, distortions between voter support and the resulting representation undermine democracy. Under most electoral rules in place around the world, distortions tend to favor voters of the largest parties. This pattern is more pronounced under FPTP than any other widely used system and is plainly evident in Canada's House of Commons where, in each of the last two elections, the Liberal Party has received a 13% greater share of Commons seats than its corresponding share of the national vote. In 2015, this "winner's bonus" was sufficient to turn a 39% plurality in the popular vote into a single-party majority government. In 2019, the Liberals actually received fewer votes than the Conservatives but their geographical distribution of support converted those votes more efficiently into representation, leaving the Liberals as the

largest party in parliament and, again, able to form a government. Winner's bonuses -under FPTP or any electoral rule -- are a distortion of popular support as expressed on
ballots, and there is a longstanding debate over the degree to which electoral system
designers should prioritize the correspondence between partisan vote shares and seat
shares when doing so may entail trading-off against other desiderata (Lijphart 1994,
Carey 2018). A core result from this scholarship is that *district magnitude*, the number of
seats awarded per electoral district, is the most important component in electoral system
design that drives disproportionality between votes and seats (Taagepera and Shugart
1989).

- 18. Lower district magnitudes foster both greater disproportionality overall and (critically) greater variance in disproportionality, and therefore far higher likelihood of a dramatic distortion in how voter support translates to representation. A second key result is that the marginal effects on disproportionality of increasing district magnitude are sharply diminishing (Carey and Hix 2011). Another way to say this is that the lion's share of gains from increasing district magnitude are captured in the first few increments.

 Increasing magnitude from 1 seat per electoral district to, say, 4 or 5 seats, matters more than increasing from 5 to 20, much less from 20 to 120. In short, to capture the non-distortion benefits of PR, one does not need to go to an Israeli-style system in which the whole nation is a single electoral district of 120 seats. Moving to districts of magnitude 4-8 is sufficient, and allows representatives to retain close ties to their communities.
- 19. A corollary to this point about the relationship between district magnitude and electoral distortions is that single-winner systems are vastly more vulnerable than multi-winner systems to idiosyncratic outcomes for example, cases where a party loses voter share

from one election to the next but increases its share of representation, or the reverse. In the 2017 UK election, for instance, the Conservative Party increased its share of the vote from 37% to 42% but saw its seats decrease from 330 (51%, good for a majority government) to 317 (49%, and still a minority government). From 1979 to 1996, the New Democratic Party lost vote share across each of five provincial elections in British Columbia, from 46% to 39%, yet it went from a minority party in opposition in the first three periods of government to a single party majority in the last two periods.

- 20. FPTP also opens the door to even more perverse outcomes in which a party or candidate wins fewer votes than another in that election, yet nevertheless captures a greater share of representation. Such outcomes violate the principle that all votes should count equally. A critical subset of such distortions are those in which a losing party or candidate captures control of government. Such electoral "inversions" are unheard of in PR systems but not uncommon in single-winner systems, where the geographical distribution of votes, not just their total number, drives results (Carey, Helmke, Nyhan, Sanders, Stokes, and Yamaya 2020).
- 21. For example, the United Kingdom, which relies on SMDs to elect its House of Commons, experienced inversions in 1951 and again in 1974. In the first case, Labour's vote total surpassed that of the Conservatives by one percentage point, but the Conservatives nevertheless won a majority of seats. In 1974, the Conservatives beat Labour by three percentage points in the popular vote, but Labour captured more seats. In New Zealand, the National Party won successive elections in 1978 and 1981 despite losing the nationwide popular vote to the Labour Party (by 0.6% and 0.2%, respectively) -- results that fueled support for the adoption of an MMP hybrid system in that country. In the

United States, Democrats exceeded the Republican popular vote total by one percentage point in 2012 elections for the House of Representatives, but the G.O.P. captured 54% of the seats (Christensen 2020).

- 22. Even more conspicuously, the United States has experienced inversions in two of its last five presidential elections (which operate, effectively, as an aggregation of single-winner contests in multi-member districts, in that 48 of 50 states award electoral college votes winner-takes-all.) In 2000, Republican George W. Bush won the presidency despite losing the popular vote to Democrat Al Gore by 0.5 percentage points. In 2016, Republican Donald Trump captured the White House even though he lost the popular vote to Democrat Hillary Clinton by 2.1 percentage points. As of 29 September, yet another inversion appears distinctly possible in 2020, with both *The Economist's* forecast⁶ and the journalist Nate Silver's model⁷ estimating the likelihood that President Trump would win a second term while losing the popular vote at 11%.
- 23. Inversions are the most notorious of electoral distortions. They clearly violate the principle that all votes should count equally. That they are nearly impossible under PR is a democratic asset. In single-winner systems, they are unusual but not rare. With each election, there is a non-negligible chance that a majority is given to the vote loser, flipping the most basic principle of democracy on its head. This is a risk baked into FPTP and is perhaps its greatest shortcoming.

⁶ https://projects.economist.com/us-2020-forecast/president

https://projects.fivethirtyeight.com/2020-election-forecast/

Representation of diversity

Key take-aways from this section: PR systems on average produce higher levels of women's representation, and therefore greater gender equity in elected office. They also facilitate higher levels of representation than FPTP for racial, ethnic, religious, and linguistic minority groups. And PR permits representation of greater ideological diversity.

- 24. Single-winner systems deliver 100% of representation in a given district to the candidate with the most-advantaged combination of characteristics, whether the advantages are based on partisanship, ideology, class, race, ethnicity, gender, religion, language, professional status, education, or some combination of these. The incentives to nominate competitive candidates prod parties in single-winner systems toward homogeneity in nominees. And to the extent advantaged characteristics are consistent across districts, single-winner systems will replicate and reinforce that effect, typically yielding dramatic over-representation of the most-advantaged characteristics, and corresponding underrepresentation of those that are more socially marginalized and disadvantaged (Iverson and Rosenbluth 2008, Bjarnegard 2013).
- 25. By contrast, multiple-winner systems generate the incentives for the formation of lists that comprise broader combinations of characteristics, not just those that are most advantaged in society. Societal diversity will always surpass what can be represented in an assembly, but multiple-winner (PR) systems tend to yield a more accurate mapping of societal characteristics onto those of the legislators, and particularly to avoid underrepresentation of marginalized groups.

Gender and Representation

- 26. With respect to women's representation, the evidence is definitive. Researchers have frequently documented that PR generates higher levels of representation for women than FPTP (Norris 1985, Matland 1998, Moser 2001, McAllister and Studlar 2002, Norris 2006, Iverson and Rosenbluth 2008). From the perspective of electoral strategy, two related forces explain higher levels of women's representation in multiple-winner systems. First, the replication, district by district, of the most-advantaged characteristic (which, on gender, tends to be masculine) is less pronounced than in single-winner systems. Second, in seeking to broaden their appeal, parties face an incentive to produce gender balance *within* lists, opening pathways for women as candidates (Krook and Moser 2013, Norris 2004). Thus, while cultural and other sociological variables also affect the extent to which women get represented politically, PR lowers the barrier to entry for female politicians (Reynolds 1998), and women's representation in parliamentary lower houses can be as much as 10 percentage points higher in PR systems than FPTP (Norris 2006).
- 27. Some research has found that women's representation has increased in majoritarian systems in recent years, although corresponding gains have been found in PR systems as well (Krook 2010). Sustained activism and increased cultural acceptance may have narrowed the gender gap in representation between FPTP and PR systems somewhat, but single-winner systems overall still yield lower levels of representation for women (Russel, Mackay, and McAllister 2002, Krook 2010).
- 28. With regard to LGBTQ representation, the evidence is less clear. The landmark research

here is by Reynolds (2013) and Magni and Reynolds (2018). Reynolds finds that the share of LGBTQ members elected to parliaments is slightly higher in PR than in SMD systems, but the effect is not large (Reynolds 2013). Moreover, examining UK elections, Magni and Reynolds (2018) find that, even within SMDs, the presence of an LGBTQ candidate does not appear to damage parties' vote shares within a given district. Furthermore, Sawyer and Tremblay argue on theoretical grounds that since LGBTQ groups are geographically concentrated in primarily urban areas, SMDs may provide better representation for LGBTQ individuals in urban districts (2020). However, scholarship (especially empirical analysis) on the dynamics of LGBTQ electoral viability is at an early stage. With respect to the virtues of PR or FPTP on LGBTQ representation, it is too soon to reach a conclusion with much confidence.

Representation of Minority Racial and Ethnic Groups

- 29. Whereas list balancing is central to higher levels of representation for women in PR systems, for racial and ethnic minorities, a key vehicle for representation is more often the ethnic party, combined with lower vote thresholds required to win representation (Lijhpart 2004). Reinforcing this effect, ethnic minority voters will feel less pressure to vote strategically, giving them the option to support a minority candidate or party without the risk of throwing their vote after a non-viable contestant. Thus, the representation of ethnic minority parties is greater under PR than under SMD elections (Reynolds 2010).
- 30. Yet whether PR itself is the causal factor here is complicated. Because representation within districts is divisible rather than all-or-nothing in multiple-winner systems, these also tend to accommodate fixed representation requirements (for example, quotas or

reserved seats) based on race/ethnicity, language, or religion (Reynolds 2006). The greater incidence of such arrangements in multiple-winner than in single-winner systems presents a challenge to estimating the causal effect of PR on the levels of representation of minority groups. It is difficult to untangle what amount of the difference is due to PR, per se, as opposed to additional electoral rules that PR accommodates, and what amount to the underlying characteristics of societies that adopt PR, but it is clear that ethnic minority representation is higher in PR systems (Htun 2002, Protsyk and Matichescu 2010). Additionally, variables within PR systems like formal thresholds, district magnitude, and ballot structure can have significant influence on how well ethnicities are represented (Protsyk and Sachariew 2012).

- 31. As for FPTP, ethnic representation is not *impossible*, as the Canadian experience well shows. Given FPTP's emphasis on geography, if minority groups are sufficiently concentrated, FPTP can empower these groups by giving them majorities in some of the districts (Moser 2008). However, this can come at the cost of locking in the ethnic cleavage as the main axis of partisan contestation within a given region, something that is less likely in PR. The converse phenomenon is also worth noting that single-winner elections make it difficult for ethnic populations located outside of ethnic enclaves to elect candidates they might most prefer (Huber 2012).
- 32. Much like some of the other outcomes discussed thus far, the ability of electoral institutions to provide ethnic representation varies within both multiple-winner and single-winner systems. The particulars depend in part on factors beyond the reach of electoral reformers (for example, the residential concentration versus dispersion of minority groups), and in part on the fine print of electoral rules, including district

magnitude, ballot structure, legal thresholds, and reservations or quotas (Grofman 2013). But here again, it is worth noting that multi-winner elections provide more flexibility for adapting the fine print to diversity in representation.

Ideological Groups

33. For the same reason that multiple-winner systems open the door to increased diversity in ethnic representation, they also facilitate representation of a broader ideological spectrum. By reducing the proportion of the vote needed to win representation in each district, they allow for parties or alliances advocating ideologies supported by smaller sectors of the electorate. This characteristic may be an attraction or a target of criticism, depending on one's assessment of the minority-held beliefs that win representation. Many would contend, for example, that parties with commitments to established philosophical principles such as environmentalism, libertarianism, pacifism, or feminism ought to be able to contend for parliamentary representation even where they may not capture the most votes in any given district. That said, PR systems have attracted criticism for permitting representation by extremist parties -- sometimes with dubious commitments to democracy -- into legislatures (Hermens 1941, Andeweg 2001). No electoral rule guarantees against the rise of ideologically extremist parties. One can find cases of polarization under any system, as the prominence of the Freedom Party in Austria (list PR), the Alliance for Germany (AFD) (MMP), and Narendra Modi's Bharatiya Janata Party (BJP) in India (FPTP) illustrate. But the research record overall does not find systematic evidence of a link between PR and representation of extremist parties (Carter 2004, Van der Brug et al. 2005, Ezrow 2008).

- 34. It is important to distinguish between permitting greater ideological diversity and encouraging greater ideological extremism overall. The traditional scholarly argument, summarized in the median voter theorem (Downs 1957), held that competitive pressures under FPTP encourage parties toward ideological centrism. The 20th-Century experience of many countries reliant on FPTP, notably the United States, appeared to support the theorem. But more recent experience calls into question its embedded assumptions about party competition on a single dimension, and about the uniformity of median preferences across regions and districts. Evidence from the US Congress demonstrates how candidate selection procedures and the dynamics of competition between parties can foster extremism even within single-winner systems (Bafumi and Herron 2010).
- 35. In short, multiple-winner systems permit a greater range of parties -- including smaller ones -- to win representation than do single-winner systems. But net moderation versus extremism is a separate question. The longstanding consensus that single-winner systems foster moderation and discourage extremism no longer holds.

Voter participation and citizen engagement

Key take-away from this section: Voter participation levels are higher in PR than in FPTP systems on average. Citizens in multiple-winner systems, including those who support candidates and parties who do not form government, also exhibit higher levels of aggregate satisfaction with democracy.

36. Political scientists have long posited that multi-winner systems promote greater citizen participation -- as voters, but also as volunteers, canvassers, and among civic groups --

than in single-winner systems like FPTP. The logic behind this theory is simple: participation is a time-consuming activity and citizens want to feel that their vote counts. In single-winner systems, particularly plurality, if one candidate leads over the others by even a moderate margin, the relative likelihood that one's effort could be pivotal to the election outcome is vanishingly small. Votes for the candidate beyond what is required to win the seat do not award more seats, and votes against the candidate that do not put a rival candidate at the top gain precisely zero representation. This distinction means that both the motivation to cast a ballot, and to vote sincerely (rather than strategically) is stronger in multiple-winner systems than in single-winner systems.⁸

37. The key mechanism here is that, in single-winner elections, there is only one salient vote threshold - that between winning all the representation in a district and winning none. In multiple-winner systems, there are as many salient thresholds as there are seats at stake. So moving the needle for your candidate or party could pay off not only if doing so gets you over the hurdle to winning the most votes, but also if the effort gets your side from 15% to 16%, from 36% to 37%, or, for that matter, from 71% to 72%. With more salient thresholds, citizens will be motivated along the full spectrum of competition, not only when the race for the top slot happens to be competitive. This effect is amplified by the fact that a greater number of salient vote thresholds renders projections about competitiveness more uncertain. Unlike in single-winner systems, declaring the contest in a multi-winner district to be uncompetitive is a dubious proposition. Uncertainty, in this instance, is a democratic asset because uncertainty is akin to electoral competitiveness,

⁸ The primary focus here is on participation, and casting a ballot (or not) is an observable action that is amenable to empirical study. The distinction between sincere and strategic voting is more subtle, but there is both theoretical (Riker 1982) and empirical (Cox 1997) evidence that single-winner systems produce stronger incentives than multi-winner systems for voters to cast ballots for a candidate or party other than the one they most prefer in order to block the victory of a "greater of two evils."

- which motivates voter engagement and participation.
- 38. The empirical evidence overwhelmingly backs this theory, with numerous studies spanning multiple countries consistently finding countries with PR having higher turnout than countries with single-winner systems (Blais and Carty 1990, Ladner and Miller 1999, Karp and Banducci 2008, Endersby and Krieckhaus 2008). Selb expands on this, finding that not only is turnout lower in single-winner systems, it is at the lowest levels seen in democracies for "safe" districts (2009). Since single-winner systems frequently have a limited number of competitive districts, this depresses turnout for a country overall. Further backing this logic, Gallego et al. (2012) show that voter turnout in newly adopted single-member systems declines over time as parties and voters 'learn the system' and develop firmer expectations about how the rules shape competitiveness.
- 39. Of course, turnout is not the only way to evaluate voter participation. How satisfied voters are with the system they are called upon to engage with is also key. It is a staple of political science that voters who support winning candidates or parties are more satisfied with democracy than voters who support losing candidates or parties (Craig et.al. 2006, Nadeau and Blais 1993, Sances and Stewart 2015). But Anderson and Guillory (1997) show that the gap between winners' and losers' satisfaction is substantially smaller in what they term "consensual" systems than in "majoritarian" ones. Multiple-winner elections are a key component of what makes a system consensual, as they afford representation to a broader range of parties and a more diverse set of politicians than single-winner systems. In short, multiple-winner systems lower the stakes of politics, preserving buy-in to the democratic process among a broader section of the electorate.
- 40. Contributing to this literature on voter satisfaction, Farrell and McAllister find that voters

are more pleased with the democratic process when they can choose candidates, an automatic feature of FPTP (2006). However, Bol et al. (2018) have recently called this into question, providing evidence that voters are most pleased when the implication of their choice is clear. One candidate is unlikely to drastically alter outcomes in the legislature, but an increased seat share for a party can have large implications on how coalitions are formed and what policies get passed into law.

- 41. Of course, satisfaction with a government or democracy more generally extends beyond the translation of votes into seats. In their study of New Zealand, Karp and Bowler (2001) found that while New Zealanders were initially enthusiastic about electoral reform from FPTP to a mixed system, some grew disenchanted with coalition government and the compromises it entailed. That said, studies by Kim (2009) and Abramson et al.(2010) demonstrate that voters are most satisfied when they have the opportunity to map their policy preferences directly onto their party choice.
- 42. Taken together the literature is clear that voters care about their ability to convert their expressed preference into representation. FPTP with a single majority party grants a satisfaction premium to those who vote for the winning party. Voters who choose all other parties have markedly lower satisfaction.

Government stability

Key take-away from this section: Election frequency appears to be similar under PR and FPTP systems, though FPTP produces greater government longevity on average. PR yields a closer correlation between a party's popular support and its duration in government.

43. Government stability refers to the longevity of a government and its vulnerability to votes

of no confidence. FPTP has been argued to provide greater government stability because it tends to generate prodigious winners' bonuses for the largest party, thereby 'manufacturing' single-party majorities even when no party wins a majority of votes. Because a single party majority does not need to assemble and maintain a cross-party coalition, it should produce fewer votes of government no confidence and greater government longevity.

- 44. Comparisons between FPTP and PR reveal that governments under FPTP do, indeed, endure longer than those in PR systems (Blais, Loewen, and Ricard 2007). Specifically, when comparing established democracies, FPTP countries have governments last on average one year longer than PR countries, and this difference derives from the far greater incidence of single-party government under FPTP.⁹
- 45. Delving deeper into the mechanics driving government stability, Taagapera and Sikk (2010) develop a model that predicts government duration based solely on district magnitude and assembly size. As district magnitude and assembly size decrease, the share of seats held by the largest party increases and therefore government stability increases. This generalizes the discussion away from the FPTP versus PR dichotomy. PR with low district magnitude and moderate assembly size is more likely to have larger parties and therefore experience levels of government stability close to those under FPTP systems.
- 46. Normatively, government stability can be considered beneficial to a society. If parties struggle to form a government, there will be periods in which political institutions'

⁹ Blais, Loewen, Ricard (2007) define a government as coming to an end as follows: a change in the composition of the parties present in cabinet, a change in the first minister, or a general election. The first two types of governmental change can happen without an election. For example, a change in government in a PR system can occur through the replacement of one minor coalition partner by another. Thus, a change in government "can signal a large change or a marginal change".

capacity to respond to societal problems will be limited. If government collapse is frequent, voters may be called upon to vote more frequently, imposing a greater burden on their time and energy than in more stable governments. The recent history of Spain, which has held four parliamentary elections since 2015 none of which has yielded a stable majority coalition, provides a cautionary example. Taking a longer-term perspective, however, there appears to be little difference in the frequency of elections between PR and FPTP systems. Spain has held 15 parliamentary elections since its democratization in 1977, as compared to Canada's 13 since 1979. Looking beyond these cases, and over the period from 1945 to 1998, Pilon (2007) calculates that FPTP democracies averaged 16.7 elections and PR democracies 16.0. Canada held 17 elections in that period, with 7 of these resulting in minority governments, which are vulnerable to votes of no confidence and typically have shorter government duration.

- 47. Moreover, the length of time a government lasts is only one element of stability. Scholars also consider a concept called proportional tenure as normatively important (Taylor and Lijphart 1985, Vowles 2004). Proportional tenure refers to the idea that the level of support a party has in an election should be reflected by the length of time a party is in government. So a party with a plurality should have a shorter tenure than a party with a slim majority which should in turn have a reduced tenure relative to a party with a large majority.
- 48. While FPTP tends to produce governments with greater longevity than PR systems, SMPD systems tend to be extreme with respect to proportional tenure. Single party governments can endure for the same length of time with a supermajority as they can with a mere plurality (Taylor and Lijphart 1985, Vowles 2004). By contrast, governments

in PR systems exhibit a closer correlation between parties' vote shares and their tenure in government. Larger parties persist longer than smaller ones, even within potentially shifting coalitions (Vowles 2004).

49. There is an intuitive case for FPTP's advantage in delivering government stability. Scholarship on parliamentary government, however, has reconsidered the normative priority given to government longevity as such, suggesting that a party's duration in government should correspond to its popular vote share. On this count, PR systems perform better than FPTP.

Government policy and accountability

Key take-away from this section: Levels of economic growth are similar across PR and FPTP systems, with some evidence that PR systems have an edge. Levels of progressive redistribution and overall economic equality are higher in PR than in FPTP systems. Despite the intuitive appeal of theory connecting FPTP to government accountability, scholarly research does not show a clear advantage.

50. Scholars have explored whether electoral system design affects overall macroeconomic indicators with limited success. Drawing on a cross-national time-series dataset from 107 countries throughout the 20th Century, Knutsen (2011) finds that PR systems are associated with higher GDP growth rates. But studies observing national-level indicators such as economic growth can only establish correlations and, even then, the myriad factors that could potentially drive outcomes present obstacles to isolating an electoral systems effect. Other scholars, examining similar data but employing different statistical

- methods and combinations of control variables, find little evidence of systematic impact on GDP growth or inflation (Crepaz 1996, Lijphart 1999, Marsiliani and Restrom 2007, and Taagapera and Qvortup 2012).
- 51. A number of studies point to PR systems producing more progressive redistribution, higher levels of social welfare spending, and lower overall levels of income inequality than under FPTP (Alesina, Glaeser, and Sacerdote 2001; Birchfield and Crepaz 1998; Crepaz 1998; Verardi 2005; Kang and Powell 2010). Iversen and Soskice (2006, 2009, and 2010) explain this pattern by noting that wealth distributions are universally skewed such that the median voter's wealth is below the mean level, such that a progressive redistribution of wealth should appeal to electoral majorities. They then posit that the structure of coalition building in multi-party systems strengthens the bargaining power of the party representing the median voter, relative to a two-party system in which centrists might be on the margins of each of the major parties. Research shows that the result of this higher spending is that PR countries as a whole have slightly higher fiscal deficits on average than those with FPTP (Austen-Smith 2000, Persson and Tabellini 2000). But government deficits tend to be lower in PR systems with low-to-moderate levels of district magnitude relative to either high-magnitude PR systems or single-member district systems (Carey and Hix 2011).
 - 52. The conclusion that PR systems lead to policy outcomes more congruent with those of median voters is ratified by other scholars as well, drawing on different data, including Powell (2000), who examines whether parties supported by median voters are represented in government, and Carey and Hix (2013), who demonstrate that Swiss legislators from cantons with low-to-moderate district magnitude more effectively represent district

- median voters than those from SMDs or from larger districts.
- 53. Putting aside the specific content of policy, scholars have also explored whether policy stability varies with electoral systems. Various studies demonstrate that excessive policy volatility can lead to lower economic growth, a poorer ability to use fiscal stimulus, and reduced levels of investment (Henisz 2004, Fatas and Mihov 2003, 2013). By the same token, policy stasis reflects an inability to respond to changing conditions and is similarly associated with economic underperformance (Jones, Sulkin, and Larsen 2003). Theoretical arguments can place PR systems or FPTP at either end of the stasis-volatility spectrum. One the one hand, the relatively greater longevity of governments under FPTP, compared with greater coalition fluidity under PR, suggests the potential for greater policy stability under the former. Alternatively, the larger winner's bonuses associated with FPTP might amplify swings in partisan control of parliament, potentially translating into greater policy volatility. Research to date has not established definitive patterns connecting electoral systems to policy volatility (Leblang 1997), likely because, under any voting rule, voters anticipate the politics of coalition formation and maintenance, and express preferences that reflect their preferred outcomes for policy following from those processes (Indridison 2011).
- 54. Beyond raw policy outputs, one of the primary arguments given in favor of FPTP is that the system's boost to larger parties will reduce the number of parties in governing coalitions, granting voters more clarity with respect to who is responsible for government performance. A reasonable hypothesis following from this is that FPTP should ultimately facilitate either rewarding or punishing the governing party at the ballot box (Riker 1982, Powell and Powell Jr. 2000, Kaiser, Lehnert, Miller and Sieberer 2002).

55. This line of reasoning assumes that competition under FPTP will produce political parties sufficiently large to obtain control of government on their own or with minimal need for coalition. Although this outcome is not guaranteed by FPTP's inhospitality to small parties, it does encourage it. Evidence attesting to FPTP fostering government accountability, however, is mixed. A number of well-regarded studies that measure government performance with standard economic indicators and examine how the vote shares of governing parties correspond to those indicators suggest little difference between FPTP and PR in how voters are able to attribute responsibility (Blais and Bodet 2006, Golder and Stramski 2010, Powell 2011). More recent research affirms that FPTP and PR are equally capable of fostering a clear link for voters between parties and responsibility for government decisions, particularly when parties are grouped into distinct policy camps and when district magnitude in PR systems is kept in the low-tomoderate range of between 4 and 10 seats per electoral district (Carey and Hix 2011, Powell 2011, Buisseret and Prato 2017, Kam, Bertelli, and Held 2020). Finally, some researchers point out that accountability may come in different forms depending on what voters ultimately select on the ballot. Overall, FPTP emphasizes accountability of the individual candidate, insofar as the candidate and party are coterminous within a given district, whereas the closed-list variant of PR focuses more on collective accountability operating at the level of political parties (Franklin, Soroka, and Wlezien 2014). Hybrid electoral systems aim to deliver both types of accountability simultaneously, although the ability of politicians who are defeated in the SMD tier to be resuscitated in the PR tier can present obstacles to that aspiration (Scheiner and McKean 2000).

- The broad distinction aside, individual electoral accountability may be compromised in a district that is not competitive between parties such that there is, effectively, no chance the dominant party's standard-bearer will lose. And open-list PR systems that allow voters to indicate preferences for candidates can foster individual accountability *provided that* district magnitude is sufficiently low that the number of viable candidates remains cognitively manageable for voters (Carey 2007, Carey 2009). So can STV. Thus, scholarly attention on accountability and electoral institutions is increasingly leaning away from a strict dichotomy between FPTP versus PR, and exploring a wider range of institutional design features including list structure, federalism, term limits, and legislative committee structure (Carey 1996, Hix and Marsh 2007, Ashworth 2012, Franklin, Soroka, and Wlezien 2014).
- 57. Attached to this affidavit and marked as **Exhibit "D"** is a true copy of the list of documents I relied on in informing my opinion.

AFFIRMED BEFORE ME, by

videoconference, from the Town of Hanover, in the State of New Hampshire, to the City of Toronto, in the Province of Ontario

on the 30 day of Octaber, 2020.

John M. Carey

Commissioner of Oaths, etc.

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EXHIBIT "A"

This is Exhibit "A" to the affidavit of John M. Carey, affirmed by videoconference on the 30th day of October, 2020.

Nicolas M. Rouleau (54515D)

A Commissioner, etc.

JOHN MICHAEL CAREY

Curriculum vitae, September 2020

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EDUCATION

University of California, San Diego

- Ph.D. in Political Science, 1993.
- Dissertation: Term Limits and Legislative Representation

Harvard University

- B.A. Magna Cum Laude in Social Studies, June 1986.
- Certificate in Latin American studies.

EMPLOYMENT

Dartmouth College

- Associate Dean of Faculty for the Social Sciences, 2019-present.
- John Wentworth Professor in the Social Sciences, 2007-present.
- Professor of Government, 2005-present.
- Associate Professor of Government, 2003-2005.

Teaching and Institutional Service

- Chair, Department of Government, 2009-2015.
- Committee Advisory to the President, 2015-2018.
- Institutional Review Board for Arts & Sciences, 2015-2019.
- Faculty Athletic Representative to NCAA, 2011-2020.
- Arts & Sciences Committee on Priorities, 2009-2012.
- Tuck School of Business Global Insight Expedition (GIX) to Peru, 2018, 2019.
- Chair, Advisory Committee on Investor Responsibility, 2007-2011.
- Courses: Politics of the World; Latin American Politics; Elections & Reform; Foreign Aid; Democracy & Accountability in Latin America.

Juan March Institute, Madrid, Spain

Visiting Professor of Political Science, 2006

Harvard University

David Rockefeller Visiting Associate Professor of Government, 2003

Washington University in St. Louis

- Associate Professor of Political Science, 2000-2002
- Assistant Professor, 1997-2000

Director of Graduate Studies in political science, 2001-2002

University of Rochester

- Assistant Professor of Political Science, 1994-1997
- Director, Undergraduate Honors Program in Political Science, 1996-97

International Summer School in Political Science, Poland

Professor, July-August 1994, 1998

Universidad Católica de Chile, Santiago, Chile

Visiting Professor, Instituto de Ciencias Políticas, 1993-1994

University of California, San Diego

• Instructor, 1993

United States Senate

Legislative Assistant for Senator John F. Kerry, 1987-1988

Commercial Fisherman, Kasilof, Alaska

Summers 1986, 1989, 1990, 1991, and 1993

AWARDS

Research and Scholarship

George H. Hallett Award, American Political Science Association, 2014.

For a lasting contribution to the understanding of representation and electoral systems, for *Presidents and Assemblies: Constitutional Design and Electoral Dynamics*, co-authored with Matthew S. Shugart, Cambridge University Press 1992.

American Academy of Arts & Sciences. Elected to membership, 2012.

J. Kenneth Huntington Memorial Award. Dartmouth College, 2005.

Society for Comparative Research. Elected to membership, 2001.

Harold D. Lasswell Award from the American Political Science Association, for the best doctoral dissertation in the field of Policy Studies, 1995.

<u>Teaching</u>

Thomas Family Fellowship, Dartmouth College, 2005-2006.

Excellence in mentoring, Graduate Student Senate of Washington University, 2001.

Outstanding Faculty Member, Women's Panhellenic Association of Washington University, 1999.

BOOKS

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Russian (chs.2,3): Russian Science Foundation (Moscow) 1995. Polish (chs.2,9): Scholar Wydawnictwo Naukowe (Warsaw) 1996. Portuguese (ch.5): reprinted in *Reeleição: Aprimorando o Sistema*

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- On Mark P. Jones's *Electoral Laws and the Survival of Presidential Democracies* (Notre Dame, IN: University of Notre Dame Press, 1996). *American Political Science Review* 91(3). September 1997.
- On Giovanni Sartori's *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes* (New York University Press, 1994). *Journal of Democracy* 7(3). July 1996.

COMMENTARY AND MISCELLANEOUS

- "How will Americans respond when there's another split between the electoral college and the popular vote? Washington Post online. September 8, 2020.

 https://www.washingtonpost.com/politics/2020/09/08/how-will-americans-respond-when-theres-another-split-between-electoral-college-popular-vote/
- "It's college admissions season, and students are looking for diverse campuses." Washington Post online. April 14, 2020. https://www.washingtonpost.com/politics/2020/04/14/its-college-admissions-season-students-are-looking-diverse-campuses/
- "What do military service members think about diversity especially gender diversity in their ranks?" Co-authored with Yusaku Horiuchi and John Polga-Hecimovich. Washington Post online. May 2, 2019.

 https://www.washingtonpost.com/politics/2019/05/02/what-do-military-service-members-think-about-diversity-especially-gender-diversity-their-ranks/?utm_term=.340cedd3df10
- "The threat of impeachment can push presidents out the door. But there's a catch" Co-authored with Javier Corrales, Mariana Llanos, Leiv Marsteintredet and Aníbal Pérez-Liñán. Washington Post online. April 11, 2018. https://www.washingtonpost.com/news/monkey-cage/wp/2018/04/11/the-

- threat-of-impeachment-can-push-presidents-out-the-door-but-theres-a-catch/?utm_term=.c5859ddc8aca
- "LSE students' views on diversity on campus." London School of Economics *Equity, Diversity, and Inclusion* blog. June 20, 2017.

 http://blogs.lse.ac.uk/equityDiversityInclusion/2017/06/lse-students-views-on-diversity-on-campus/
- "France's critical election happens in June, not in May." Washington Post online. May 3, 2017. https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/03/frances-critical-election-happens-in-june-not-in-may/?utm_term=.43f29b2ec528
- "The rule of law and why it matters." *Facing History and Ourselves*. April 11, 2017. https://www.facinghistory.org/resource-library/rule-law-and-why-it-matters
- "Political imprisonment in Venezuela." Co-authored with Guillermo A. Amaro Chacón. Latin America Goes Global: Data, Opinion, and Analysis. March 23, 2017. http://latinamericagoesglobal.org/2017/03/political-imprisonment-venezuela/#.WNOwIYXVKwo.twitter
- "The best thing about Harvard's decision to cancel its men's soccer team's season."

 Washington Post online. November 6, 2016.

 https://www.washingtonpost.com/news/answer-sheet/wp/2016/11/06/the-best-thing-about-harvards-cancellation-of-mens-soccer-season
- "What do college students really think about diversity? We asked." Co-authored with Yusaku Horiuchi. Washington Post online. July 5, 2016.

 https://www.washingtonpost.com/news/monkey-cage/wp/2016/07/05/what-do-college-students-really-think-about-diversity-we-asked/#comments
- "Fujimori's party already controls Peru's congress. Here's why observers are worried." Co-authored with Steven Levitsky. Washington Post online. June 3, 2016. https://www.washingtonpost.com/news/monkey-cage/wp/2016/06/03/fujimoris-party-already-controls-perus-congress-heres-why-observers-are-worried/
- "Don't expect the Cuban government to be grateful when the embargo lifts."

 Washington Post online. April 6, 2016.

 https://www.washingtonpost.com/news/monkey-cage/wp/2016/04/06/dont-expect-the-cuban-government-to-be-grateful-when-the-embargo-lifts/

- "Strong presidencies may threaten democracy. Luckily, we don't have one."

 Washington Post online. January 14, 2016.

 https://www.washingtonpost.com/news/in-theory/wp/2016/01/14/strong-presidencies-may-threaten-democracy-luckily-we-dont-have-one/
- "Here's how the opposition got a two-thirds supermajority in Venezuela." Washington Post online. December 10, 2015.

 https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/13/heres-how-the-opposition-got-a-two-thirds-supermajority-in-venezuela/
- "Will Venezuela's government have a majority or a supermajority? That matters. Here's why." Washington Post online. December 7, 2015.

 https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/07/will-it-be-a-majority-or-supermajority-in-venezuela-and-why-this-matters/
- "Conspiracy theories won't save the governing party in Venezuela." *Washington Post* online. December 3, 2015. https://www.washingtonpost.com/news/monkey-cage/wp/2015/12/03/conspiracy-theories-wont-save-the-governing-party-in-venezuela/
- "Chile's electoral reform." *Latin America Goes Global: Data, Opinion, and Analysis.* May 27, 2015. http://latinamericagoesglobal.org/2015/05/chiles-electoral-reform/
- Presidentialism 25 Years After Linz. Keynote address from Oxford Conference on Coalition Presidentialism, published on the Presidential Power blog in 3 installments, July 8-10, 2014. http://presidential-power.com/?p=1565
- "Buyer's remorse in Chilean elections?" Co-authored with Yusaku Horiuchi. Washington Post online. November 13, 2013.

 https://www.washingtonpost.com/news/monkey-cage/wp/2013/11/10/buyers-remorse-in-chilean-elections/
- The Political Consequences of Election Design in Afghanistan. Co-authored with Andrew Reynolds. Afghan Research and Evaluation Unit. Kabul, Afghanistan. May 2012.
- "Considerations in the choice between a presidential and a parliamentary system." *Gorus.* Istanbul: Turkish Industry and Business Association (TUSIAD). February 2012:40-45.
- "The re-electionistas: The debate continues." *Americas Quarterly*. Summer 2009:43-46

- "¿Hybris institucional? Relección presidencial en América Latina." *EGOB: Revista de asuntos políticos* (Bogotá, Colombia), Número 2, June 2009:24-28.
- "Reeleccionismo in the Americas: George Washington's ghost." *Open Democracy Net.* (http://www.opendemocracy.net/article/re-eleccionismo-in-the-americas-george-washington-s-ghost) July 27, 2009
- "Miscarriage of Justice." Miami Herald opinion page. March 28, 2008.
- "Aún es prematuro jubilar al presidencialismo." Transcription of interview on prospects for constitutional reform in Mexico, conducted by Pascal Beltrán del Río. Published in the newspaper *Excelsior* (Mexico City -- http://www.nuevoexcelsior.com.mx/Excelsior) September 14, 2006.
- "Chile's legislative election system actually quite democratic." *The Santiago Times*. (http://www.tcgnews.com/santiagotimes/) August 19, 2006.
- "A Welcome Uncertainty in Chilean Elections." *FOCAL POINT: Spotlight on the Americas.* 9(6):2-3. Ottawa: Canadian Foundation for the Americas. June 2005.
- "A note on simple models." *PS: Political Science and Politics* XXXVII(4):729, October, 2004.
- "The organization of executive and legislative authority in a new Iraqi government." Report prepared for the National Endowment for Democracy for consideration by members of the Transitional Law Drafting Committee of the Iraqi Governing Council. January 2004.

Contributions to the *Latin America Adviser* (Inter-American Dialogue: Washington, DC).

- On campaign finance reform in Chile, February 4, 2003.
- On legislative term limits in Mexico, November 10, 2003.
- On the impact of scandal on Chilean elections, January 19, 2004.
- On the passage of a divorce law by the Chilean Congress, March 22, 2004.
- On the likely nominee for president within Chile's *Concertacion* coalition, October 8, 2004.
- On the pending Chilean presidential and congressional elections, December 9, 2005.
- "Legislatures and political accountability." *ReVista: Harvard Review of Latin America*. Cambridge, MA: David Rockefeller Center for Latin American Studies. Fall 2002: 32-34.

- Professional biography of Professor Gary W. Cox (University of California, San Diego). American Political Science Dictionary, 2nd edition. Charles Lockhart and Glenn Utter, eds. Westport, CT: Greenwood Press, 2002: 69-73.
- "Assessing the Effects of Legislative Term Limits." Co-authored with Richard Niemi and Lynda Powell. *Spectrum* 74(4):16-18 (Lexington, KY: Council of State Governments) Fall 2001.
- "Reforma política para fortalecer *y fiscalizar* al Congreso." *Punto de Equilbrio* 72:48-50 Lima, Peru: Universidad del Pacífico. June-July 2001.
- "Term Limits" and "Presidential Electoral Systems." *International Encyclopedia of Elections*. Richard Rose, ed. Washington DC: CQ Press, 2000: 220-224, 306-308.
- "Chile: Latin American Proportional Representation or Majority?" *International IDEA Handbook of Electoral System Design*, Andrew Reynolds and Ben Reilly, eds. Stokholm: Institute for Democracy and Electoral Assistance, 1997: 93-94
- Op-Ed contributions to Los Angeles Times (1994); Christian Science Monitor (1994); Philippine Daily Inquirer (1998); St. Louis Post Dispatch (2000)
- Media appearances: *St. Louis On The Air* (St. Louis public radio), on U.S. election, July 2000; *Public Interest*, (National Public Radio) on legislative term limits, July 2000; WSIE (Illinois public radio) on Nicaraguan election of 2001, November 2001; Voice of America Radio, Spanish Language edition, on government crises in various Latin American countries, May 2002; *MSNBC* television interview on U.S. Electoral College, October 2004; *Odyssey* (Public Radio International), on elections in new democracies, December 2004; *The Exchange with Laura Kinnoy* (NHPR) on democracy in Iraq, December 2005.

TRANSLATION

"A Collegial Executive for Uruguay." Translated essays by José Batlle y Ordoñez from the original Spanish, in *Presidential Versus Parliamentary Government*, Arend Lijphart, ed. Oxford University Press, 1992: 175-177.

WORK IN PROGRESS AND UNDER REVIEW

"Disfavor or favor? Assessing the valence of white Americans' racial attitudes." Coauthored with Alexander Agadjanian, Yusaku Horiuchi, and Timothy J. Ryan. SSRN Working Paper. September 2020. "The Effect of Electoral Inversions on Democratic Legitimacy: Evidence from the United States." Co-authored with Gretchen Helmke, Brendan Nyhan, Mitchell Sanders, Susan C. Stokes, and Shun Yamaya. Working paper, August 2020.

"Institutions as causes and consequences: North African electoral systems during the Arab Spring" Co-authored with Andrew Reynolds and Tarek Masoud. Presented at the annual meetings of the American Political Science Association. August 2015.

BRIGHT LINE WATCH

Co-founder/director with Gretchen Helmke (University of Rochester), Brendan Nyhan (University of Michigan), and Susan C. Stokes (University of Chicago). Bright Line Watch monitors democratic practices, their resilience, and potential threats to democracy in the United States and abroad. BLW conducts regular surveys of experts and the general public in the United States, as well as commissioning scholarly papers and writing for general audiences on the performance of democracy around the world. All BLW data are immediately made public for general use. BLW reports are coauthored by the co-directors unless otherwise noted.

- Data and reports are here: http://brightlinewatch.org/surveys/
- News coverage of BLW activities is here: http://brightlinewatch.org/media-coverage/

Grants to Bright Line Watch

2017 Edward J.

and Dorothy Clarke Kempf Memorial Fund (\$15,000)

2017-2019 Hewlett Foundation – Madison Initiative (\$180,000)

2017-2018 Democracy Fund, Inc. (\$90,000)

2018-2019 Wilhelm Merck (\$10,000)

2018-2020 Democracy Fund, Inc. (\$180,000)

2019-2021 Hewlett Foundation – Madison Initiative (\$90,000)

CONSULTING

International Foundation for Electoral Systems March 2014 and July 2014

- One-week workshop for members of the Elections Commission of Nepal (ECN) on electoral system design options for electoral reform coincident with the inauguration of a new Constituent Assembly in Nepal.
- Follow-up workshop in Washington, DC on proposals for federalism and implications for design of representative institutions, with ECN representatives.

Centra Technologies, March 2013

• Workshop on elections analysis for U.S. executive branch department staff.

United States Department of State, March 2012

 One-week tour of Afghanistan under auspices of a U.S. Speaker and Specialist Grant to speak with Afghan politicians and civil society organizations on options for electoral reform (Kabul, Ghazni, Lashkar Gah).

International Foundation for Electoral Systems, April 2011 & July 2011

- One-week workshop for Members of the Parliament of Jordan on electoral system design options for electoral reform (Amman, Jordan).
- One week of assessment and analysis of subsequent reform proposal developments.

L-3 Communications, March 2010

• Two-day workshop for officials from various U.S. Government agencies on recent political events, and prospects for 2010, in Latin American politics (Washington, DC).

International Foundation for Electoral Systems, August 2009

• Four-day worshop for Yemeni parliamentarians, party officials, and media on electoral system design options for proportional representation reform (Sana'a, Yemen).

United State Departement of State, 2007

Briefing for new U.S. Ambassador to Chile, Paul Simons. December.

Freedom House, 2003-2007

Expert regional adviser for the Americas.

Kadima Party of Israel, March 2006

 Analysis of recommendations for proposed reforms to the electoral law and the Basic Law governing the formation of governments and executiveparliamentary relations (Tel Aviv, Israel).

Government of Bolivia (contracted by USAID), August 2005

 Analysis of recommendations for proposed constitutional reforms on federalism, legislative-executive relations, electoral laws, and process for conducting a constituent assembly (La Paz, Bolivia).

International Republican Institute, May 2005

• Seminar for leadership council of the Sudanese People's Liberation Movement on establishment of new, regional legislature (Rumbek, South Sudan).

National Endowment for Democracy, 2003-2004

 Analysis and recommendations regarding the design of executive, legislative, and electoral institutions for Iraq. November 2003-January 2004.

International Policy Think, May-November 2003

 Evaluation and recommendations on political reforms in El Salvador to the Fundación Salvadoreña para el Desarollo Económico y Social (San Salvador, El Salvador).

Expert Group on Writing the Constitution of the Kyrgyz Republic, January 2003

Critiques of proposed amendments to the Kyrgyz Constitution.

Management Systems International (Washington, DC), June 1997

• Directed USAID-sponsored seminar on new electoral law for leaders of NGOs, political parties, and Philippine Government officials (Manila, Philippines).

Government of Chile, April - June 1994

 Assisted Presidential Commission on Public Ethics in preparation of a report on political corruption.

GRANTS AND FELLOWSHIPS

United Kingdom Research and Innovation, Economic and Social Research Council, Grant #ES/V004883/1 "COVID-19 (Mis)Information Exposure and Messaging Effects in the United Kingdom" (UK £308,109). Co-PI with Jason Reifler (Essex), Brendan Nyhan (Dartmouth), Andrew Guess (Princeton). 6/18/2020-6/17/2021.

National Science Foundation. Social and Economic Sciences Program, RAPID Grant#2028485. "COVID-19 Information Exposure and Messaging Effects" (\$199,027). Co-PI with Brendan Nyhan (Dartmouth), Jason Reifler (Essex), Andrew Guess (Princeton). 6/1/2020-5/31/2021.

National Science Foundation, Decision, Risk and Management Sciences Program, RAPID Grant#1659128. "The prevalence and causes of conspiracy theory beliefs about disease outbreaks," (\$56,732). Collaborator with PI, Brendan Nyhan (Dartmouth), and collaborators Thomas Zeitzoff (American University), D.J. Flynn (Dartmouth), and Victoria Chi (Dartmouth). December 1, 2016 – November 30, 2017.

National Science Foundation Grant #SES-0212310 (\$105,941). 2002-2003. "Term Limits in the State Legislatures: Analysis of a 50-State Survey and Collateral Data." Co-PI with Richard Niemi, Lynda Powell, and Gary Moncrief.

National Science Foundation Grant # SES-9986219 (\$125,000). 2000-2003. Pl. Collection of cross-national data on recorded legislative votes.

National Science Foundation Grant # SBR-9422357 (\$149,998). 1995-1997. Co-PI with Prof. Richard Niemi and Prof. Lynda Powell of the University of Rochester, for study of the effects of term limits on state legislatures in the United States.

INVITED LECTURES

2020

- University of Indiana Law School (February 5)
- Carnegie Mellon University (February 4)

2019

- Canadian Political Science Association annual meetings (June)
- Stanford University, Center for Latin American Studies (May)
- Stanford University, Department of Political Science (May)

2018

- Worcester World Affairs Council (December)
- Harvard University Universities: Past, Present, and Future seminar (September)
- United States Naval Academy (September)
- Harvard University, American Promise Salon (April)
- Amherst College, Comparative Presidential Impeachments (March)
- Harvard University, Comparative Politics Speaker Series (March)
- Aspen Institute (Aspen, CO), Society of Fellows Symposium (February)

2017

- Red Euro-Latinoamericana de Gobernabilidad para el Desarrollo (RedGob), Rio de Janeiro, Brazil, Sustainability of Democracy Workshop (December)
- Stanford University, Global Populisms Conference (November)
- Yale University, Bright Line Watch conference (October)
- University of New Mexico, ADVANCE research group (May)
- University of Rochester, In The Field Conference (May)
- Carter Center, Atlanta GA, Common Indicators of Electoral Performance, (January)

- Hertie School of Governance, Berlin (December)
- Harrow School, London, UK. Palmerston Society series (November)
- London School of Economics, Political Behavior Seminar (October)
- Dartmouth College National Intelligence Community (NIC) Symposium on Sunni Violent Extremism (May)
- University of North Carolina Duke and UNC Latin American Politics seminar (April)
- University of California, Berkeley Institute of Governance Studies seminar on polarization and presidential government (April)

- University of Pittsburgh (September)
- Harvard University, JFK School of Government, Comparative Democracy Seminar Series (April)
- Doshisha University, Kyoto, Japan (March)
- Keio University, Tokyo, Japan (March)
- Hong Kong University of Science & Technology. Keynote address, "Democratic Principles and Electoral Systems: How Executives and Legislators are Elected," at forum on *Democracy for Hong Kong*. (February)

2014

- Essex University, UK, Department of Political Science (July)
- Sabanci University, Istanbul, Turkey, Department of Political Science (June)
- Oxford University, UK, Keynote address at conference on Coalitional Presidentialism, Economic and Social Research Council (May)

2013

- Boston University, Department of Political Science (December)
- International Institute for Strategic Studies The Muslim Brotherhood and the Arab Spring London, UK (September).
- National Congress of Brazil 3rd International Seminar on Legislative Studies (June).
- Center for the Study of Islam & Democracy, Washington, DC Democratic Transitions in the Arab World – Two Years After the Arab Spring (May)
- Harvard University, David Rockefeller Center for Latin American Studies (April)
- Center for the Study of Islam & Democracy, Tunis, Tunisia Democratic Transitions in the Arab World – Tunisia as a Model? (March)
- Brigham Young University, Department of Political Science (March)
- Rice University, Department of Political Science (March)

2012

- London School of Economics, Political Economy Speaker Series (November)
- University of Warwick (England), Centre for Competitive Advantage in the Global Economy (*CAGE*) Speaker Series (November).
- National Endowment for Democracy, Washington DC (March).
- University of Kabul, Afghanistan. Center for the Study of Public Policy (March)

- Emory University (November)
- Center for the Study of Islam & Democracy. Keynote lecture on Electoral System Design at conference on How to Consolidate Freedom & Democracy in Tunisia? Tunis, Tunisia, (June)
- Harvard University. Weatherhead Center for International Affairs (February)
 2010
 - Washington University in St. Louis. Center for New Institutional Social Sciences (September).
 - Trinity University, Dublin, Ireland. Department of Political Science (April)

- University of Virginia. Lansing Lee Lecture at the Department of Political Science (March).
- The College of William & Mary (March)

- Universidad de Salamanca, Spain. Departamento de Ciencia Politica (December).
- Oxford University, England. Center for Latin American Studies at St. Anthony's College (November).
- University of Michigan. Department of Political Science (April).
- Centro de Investigaciones y Docencia Economica and Corte Suprema de Justicia, Mexico City, Mexico (March).
- Massachusetts Institute of Technology. Department of Political Science, Work in Progress Speaker Series (February).
- Dartmouth College Comparative Democracy Group (January).

2008

- Joint Conference on Political Reform. Corporación de Estudios para Latinoamérica (CIEPLAN), Facultad Latinoamericano de Ciencias Sociales (FLACSO), Centro de Estudios Publicos (CEP). Santiago, Chile (June).
- Harvard University. David Rockefeller Center for Latin American Studies, Tuesday Seminar Series (March).
- National Autonomous University of Mexico (UNAM) and the International Institute for Democracy and Electoral Assistance (IDEA), Symposium on "How To Make Presidentialism Work." (February)

2007

- Yale University (October)
- United Nations Development Program (UNDP), Santiago, Chile (August).
- University of Texas (April)
- Vanderbilt University. (April)
- Florida State University (March)

2006

- Centro de Investigacion y Docencia Economica (CIDE). Mexico City (October)
- Embassy of the United States in Colombia. Houston Seminar Series.
 (October)
- Fundacion Juan March, Madrid, Spain (May).
- Russell Sage Foundation, New York (January).

- Harvard University. David Rockefeller Center for Latin American Studies, Tuesday Seminar Series (December).
- University of Michigan, Department of Political Science Comparative Politics Workshop (November)
- Syracuse University, Department of Political Science Research Workshop (September).

- National Endowment for Democracy. Conference on "Political Parties and Political Development," Washington DC (August).
- Universidad Pompeu Fabra, Barcelona, Spain. Conference of the Society for New Institutional Economics (June)
- International Peace Academcy, Conference on "Governance and Power After Conflict: The Consequences of Governance Choices in Post-Conflict Constitutions," Manhasset, NY (May).
- Institute for Government Studies, University of California, Berkeley.
 Conference on Legislative Behavior in Europe, the United States, and Beyond. (February)

- Georgetown University and the Organization of American States: Strengthening Democratic Governability: Perspectives on Presidentialism and Parliamentarism in Latin America (October)
- University of El Rosario, Bogota, Colombia: Comments on Scenarios for Reelection, Presidentialism, Parliamentarism, and Political Reform (August).
- University of California, San Diego: Comments on proposal for state reform in Mexico, sponsored by Center for US-Mexico Studies and Ministerio de Governacion (Interior Ministry) de Mexico (April).

2003

- Senate of Mexico. Testimony at hearing on proposed constitutional amendment to remove the restriction on consecutive reelection for all Mexican legislators. (November)
- U.S. State Department Conference on Good Governance in the Americas (September).
- Notre Dame University. Kellogg Center for International Studies (April).
- Princeton University. Comparative Political Institutions workshop (April).
- Harvard University, David Rockefeller Center for Latin American Studies seminar series (February).

2002

- Florida International University, Conference on "Exporting Congress? The Influence of the U.S. Congress on World Legislatures" (December).
- University of Chicago, Comparative Politics Workshop (November).
- Conference on "Politics in Post-Fujimori Peru," at the Carnegie Endowment for Peace (Washington, D.C.), sponsored by the University of Delaware and the North-South Center (March)
- Ohio State University College of Law. Legislation clinic conference on term limits (February).

- Dartmouth College. Political Science Department (December).
- Missouri State Legislature. Forum on Term Limits and the Missouri Legislature, sponsored by the National Conference of State Legislatures and the Kauffman Foundation (November).

- Cornell University. Political Economy Research Group (October).
- Oxford University. Center for Brazilian Studies (May).
- Congreso Visible-Candidatos Visibles/Corporacion Transparencia por Colombia. Forum on "Political Accountability in Colombia." Bogota, Colombia (May).
- Universidad de los Andes. Departamento de Ciencia Politica. Bogotá, Colombia (May).
- Universidad del Pacífico. Lima, Peru (May).
- University of Vermont. "Weak Parties, Strong Parties, and Accountability in Latin America." Lyman J. Gould Memorial Lecture (March).

- Inter-American Dialogue, Washington DC. Constructing Democratic Governance conference (September).
- Chamber of Deputies, Mexico. Comparative Parliamentary Law series (May-June, 3 lectures).
- Instituto Tecnológico Autónomo de México. Department of Political Science seminar series (June).
- George Washington University. Department of Political Science seminar series (April).

1999

- Duke University. Department of Political Science seminar series (November).
- Ohio State University. Department of Political Science seminar series (May).
- Universidad Nacional Autónoma de México, Instituto de Investigaciones
 Jurídicas. International Seminar on Forms of Government in Latin America
 (March).

1998

- New York University School of Law. Political Economy seminar series (November).
- Yale University. Political Economy seminar series (March).
- Harvard University, David Rockefeller Center. Latin American Studies seminar series (March).
- Centro de Investigación y Docencia Económicas (Mexico City). Conference on Latin American Legislatures (February).

1997

- Brazilian National Association for Social Science Research and Graduate Studies, annual conference. Caxambú, Brazil (November).
- Academia Sinica (Taipei, Republic of China). Conference on Constitutional Reform (May).

1996

- Columbia University. Political Economy seminar series (November).
- Princeton University. Political Economy seminar series (October).
- University of California, San Diego. World Bank Conference on Budget and Regulatory Policymaking Procedures (May).

- Northwestern University. Conference on Formal Models of Political Institutions (July).
- U.S. National Endowment for Democracy and Taiwan's Institute for National Policy Research (Taipei, Republic of China). Conference on Consolidating the Third Wave Democracies (May).

EDITORIAL BOARDS

- Legislative Studies Quarterly 2000-2013.
- Journal of Politics, 2005-2006; 2008-2011.
- Comparative Political Studies, Editorial Board, 2003-2010.
- Revista de Ciencia Politica (Chile), 2003-present.
- Revista Digital de Ciencia Política del Ecuador, 2008-present.
- *Constitutions e-journal* of the Political Science Network of the Social Sciences Research Network (http://hq.ssrn.com), 2007-present.

PROFESSIONAL SERVICE

American Political Science Association

- Investment Committee, 2017-2020.
- Jewell-Lowenberg Prize Committee for best article in legislative studies, 2014.
- Program Co-Chair for APSA 2012 annual meetings, 2010-2012.
- Presidential Task Force on Electoral Rules and Democratic Governance: Context and Consequences, 2011-2012.
- APSA Nominations Committee, 2006-2008.
- American Political Science Review editor search committee, 2005-2006.
- Congressional Quarterly Press Award committee, 2001-2002.
- Comparative Politics Section nominations committee, 2001-2002.
- Gabriel A. Almond Award Committee (chair), 2000-2001.

American Academy of Arts and Sciences

 Membership panel for Political Science, International Relations, and Public Policy, 2012-2014.

Co-editor, Legislative Studies Quarterly, 2009-2012.

Bolivian Permanent Assembly for Human Rights. Election Observer. July 1985.

LANGUAGES

English & Spanish

EXHIBIT "B"

This is Exhibit "B" to the affidavit of John M. Carey, affirmed by videoconference on the 30th day of October, 2020.

Nicolas M. Rouleau (54515D)

A Commissioner, etc.



Nicolas Rouleau < rouleaun 1@gmail.com >

Expert Opinion on Advantages and Disadvantages of Voting Systems

Nicolas Rouleau <RouleauN@gmail.com> À: "John M. Carey" <john.m.carey@dartmouth.edu> 18 août 2020 à 10:33

Dear Professor Carev.

It was great to speak to you a few days ago. I write to confirm that we are retaining you to provide an expert affidavit in the Canadian court case *Fair Voting BC and Springtide Collective for Democracy Society v Attorney General of Canada*.

Your duties as an expert

As an expert, you have the duty to provide independent assistance to the Court by way of objective unbiased opinion. Your opinion must be impartial in the sense that it reflects an objective assessment of the questions at hand. It must be independent in the sense that it is the product of your independent judgment, uninfluenced by who has retained you or the outcome of the litigation. It must be unbiased in the sense that it does not unfairly favour one party's position over another.

Similarly, rule 4.1.01 of the Ontario *Rules of Civil Procedure* requires you:

- (a) to provide opinion evidence that is fair, objective and non-partisan;
- (b) to provide opinion evidence that is related only to matters that are within your area of expertise; and
- (c) to provide such additional assistance as the court may reasonably require to determine a matter in issue.

It is essential for you to understand that this duty prevails over any obligation you could owe to the party that retained you or in whose name you've been retained. The acid test is whether your opinion would not change regardless of which party retained you.

Format of the affidavit

Your expert affidavit should contain the following information:

- 1. Your name, address and area of expertise.
- 2. Your qualifications and employment and educational experiences in your area of expertise.
- 3. The instructions provided to you in relation to the proceeding.
- 4. The nature of the opinion being sought and your opinion on the following issues:
- (i) "Can you briefly describe the major forms of voting systems used in democracies today?"
- (ii) "What are the advantages and disadvantages of these types of systems, particularly in regards to their representation of citizens (including minorities, women, and ideologies), the political equality of voters, the performance of government, and voter participation in the voting system?"
- 5. Your expert opinion respecting each issue and, where there is a range of opinions given, a summary of the range and the reasons for your opinion within that range.

- 6. The reasons for your opinion, including,
- i. a description of the factual assumptions on which the opinion is based,
- ii. a description of any research conducted by you that led you to form the opinion, and
- iii. a list of every document, if any, that you relied on in forming the opinion.
- 7. A signed acknowledgement of your expert's duty (Form 53, found here: http://ontariocourtforms.on.ca/static/media/uploads/courtforms/civil/53/rcp-53-e.pdf)

Thank you very much. Please let me know if you have any questions.

Nicolas...

nicolasrouleau.com

EXHIBIT "C"

This is Exhibit "C" to the affidavit of John M. Carey, affirmed by videoconference on the 30th day of October, 2020.

Nicolas M. Rouleau (54515D)

A Commissioner, etc.

FORM 53

Courts of Justice Act ACKNOWLEDGMENT OF EXPERT'S DUTY

(General heading)

ACKNOWLEDGMENT OF EXPERT'S DUTY

1.	My name is the M. Cot (name). I live at Honor (city), in the 5tate (province/state) of New Hompshire (name of province/state). I have been engaged by or on behalf of Fair I ding Be (name of party/parties) to provide evidence in relation to the above-noted
2.	I have been engaged by or on behalf of the above-noted court proceeding. (name of party/parties) to provide evidence in relation to the above-noted court proceeding.
3.	I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
	(a) to provide opinion evidence that is fair, objective and non-partisan;
	(b) to provide opinion evidence that is related only to matters that are within my area of expertise; and
	(c) to provide such additional assistance as the court may reasonably require, to determine a matter in issue.
4.	I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.
Dat	g 30 Odober, 2020 Signature
	oighatare y

NOTE: This form must be attached to any expert report under subrules 53.03(1) or (2) and any opinion evidence provided by an expert witness on a motion or application.

Print Form

EXHIBIT "D"

This is Exhibit "D" to the affidavit of John M. Carey, affirmed by videoconference on the 30th day of October, 2020.

Nicolas M. Rouleau (54515D)

A Commissioner, etc.

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