

# The British Columbia Citizens' Assembly

(April 2006)

by Elena Fagotto and Archon Fung<sup>1</sup>

## 1. Background

In 2004, 160 randomly selected residents of the province of British Columbia, Canada, participated in a bold and innovative experiment in deliberative democracy. They formed a Citizens' Assembly whose mandate was to analyze the electoral system and, if warranted, design a new electoral law for the province. For the first time in modern history, the task of creating an electoral system was given to ordinary citizens rather than politicians or experts.

The proposal to convene this Citizens' Assembly was part of a package of government reforms that the Liberal party offered in its 2001 election platform. This unorthodox initiative was the party's response to a decade of increasing dissatisfaction with the existing electoral system. In 1996, the Liberals received 42% of the vote against 39% for the New Democratic Party (NDP). The NDP, however, won a plurality of seats in the provincial legislature (39 seats compared to 33 for the Liberal Party) under this "first-past-the-post" (FPTP) electoral system. According to its rules, each electoral district (also called a "riding") elects one representative to parliament. The candidate who wins the greatest number of votes in a district wins its seat and the other candidates (and those who voted for them) get nothing. The Liberal Party's simultaneous popular victory and legislative defeat in 1996 underscored the difficulties of this system for many British Columbians. Liberal leader Gordon Campbell promised to institute a Citizens' Assembly to consider whether a change in the electoral system was needed and, if so, to design a new electoral law, should the Liberals gain power.<sup>2</sup> The Liberals won in 2001 in an election that confirmed the urgency of a reform. Their 57.62% share of the popular vote granted them 77 out of 79 seats. Though the New Democratic Party won 21.56% of the vote, they controlled only two seats. The Green Party, with its 12.39% vote share, got no seats at all.

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<sup>2</sup> Advocacy groups such as Fair Voting BC and the Electoral Change Coalition of British Columbia played a key role in building momentum around the issue of electoral reform, and kept the Liberals accountable to their promise. See Norman J. Ruff, "Electoral Reform and Deliberative Democracy: The British Columbia Citizens' Assembly", in *Steps Toward Making Every Vote Count-Electoral System Reform in Canada and its Provinces*, Edited by Henry Milner, Broadview Press, 2004, pp. 236-239.

The Liberals kept their promise. In 2003, the Citizens' Assembly was formally established and funded with \$5.5 million. An Assembly chairman and other key staff were also appointed to carry out preparatory work necessary for the Assembly to convene in January 2004. From January to November 2004, the 160 assembly members met, in three distinct phases, to deliberate about the existing electoral system and alternatives to it. The Assembly's mandate, however, did not include the ultimate power to select a new system. The Assembly could formulate a detailed proposal and the citizens of British Columbia—not the legislature—would have the final say through a popular referendum.

Electoral systems are a complicated subject, not only because of their internal dynamics, but also because they have a profound impact on political parties, elected bodies and, ultimately, on government operation and accountability. Throughout the democratic world, the work of designing electoral reforms is almost always handled either by elected officials (as in parliamentary commissions, or *ad hoc* constitutional assemblies) or by advisory bodies (such as expert commissions and commissions formed by notable public figures such as retired judges). Once commissions complete their work, legislators must typically ratify the reform. Sometimes, ratification occurs through popular referenda.

Some contend that there is an inherent conflict of interest when legislators make electoral laws because, as politicians, their best interest is to support systems that increase their control or at least make their seats safe. Perhaps to fend off such criticisms, British Columbia legislators announced that "*Democracies should be designed by the people, not for power brokers.*"<sup>3</sup> .

## **2. The Assembly's Mandate and Selection**

Though an unorthodox body, the Citizens' Assembly was a creature of normal legislative authorization. In 2002, the newly elected provincial government appointed a former legislator and Liberal party leader to recommend a format for the assembly. Months after his report was submitted, the government appointed the assembly's chair, and submitted a motion to the Legislature to establish the assembly. On April 2003, the motion was approved unanimously, and a special committee of the legislature was set up to monitor the set up of the assembly and its work. The assembly would include 158 British Columbia residents—two for each riding, be staffed by a chair and secretariat, work all through the year 2004, and be granted a budget of \$5.5 million to conduct this business. "*For the first time in our nation's history, we are providing*

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<sup>3</sup> Gordon Campbell as cited in Norman J. Ruff, "Electoral Reform and Deliberative Democracy: The British Columbia Citizens' Assembly", in *Steps Toward Making Every Vote Count-Electoral System Reform in Canada and its Provinces*, Edited by Henry Milner, Broadview Press, 2004, p. 236.

voters with the opportunity to decide for themselves how we elect our MLAs -- how they should elect those who sit in the legislature to represent them,” said premier Gordon Campbell.<sup>4</sup>

Its enacting legislation required that, “*The Citizens’ Assembly is to be broadly representative of the adult population of British Columbia, particularly respecting age, gender, and geographical distribution.*”<sup>5</sup> There are many ways to produce a body that “represents” the whole population. The Citizens Assembly was to be chosen through modern techniques of random selection that improve upon the ancient method of election by lot. A list of names was to be randomly selected from the provincial voters’ list, with an equal number drawn from the 79 ridings. An equal number of men and women were to be drawn and selection methods aimed to mirror the age distribution of citizens over 18 in the province. Participants would be paid an honorarium of \$150 per day; daycare, transportation and accommodation were also provided to make it easier for people with lower incomes and those who lived far from Vancouver to participate.

This Assembly, designers thought, would ensure a balance of interests and incorporate the views of ordinary citizens into basic electoral law. The painstaking selection began in August 2003 and continued through December. First, the voter registry for each riding was updated. Then 100 males and 100 females were randomly selected from the list for each of the 79 ridings yielding a total of 15,800 names. This sample was stratified by age cohort as well as gender in each riding. The people selected in this random draw were all invited by letter to participate in selection meetings in their ridings. Due to a low response rate, additional names were drawn in some districts. In all, over 23,000 invitation letters were sent. From these, approximately 1,700 voters expressed interest in participating in the Citizens’ Assembly, and 964 ended up attending selection meetings that provided information on the assembly’s mandate and operations, on the commitment required of members, and the selection process. Of those who attended, 158 were randomly selected, one male and one female elector per district. The names of those who had participated in selection meetings but had not been drawn were kept in case the Assembly required substitutes. This process produced no aboriginal representation, and later one male and one female aboriginal citizen were added to the Assembly by random draw from those who had attended the meetings but had not been selected. At the end of this process, the Assembly was composed of 160 members and a chair who voted only in the event of a tie.

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<sup>4</sup> “Citizen panel to propose B.C. election reform”, *Times Colonist* (Victoria, British Columbia), April 29, 2003 Tuesday Final Edition, News; Pg. A3.

<sup>5</sup> *Terms of Reference and Duties of the Chair* (as amended Dec. 10, 2003)

The legislative mandate aimed to create a body that would be independent as well as representative. The Citizens' Assembly was charged with analyzing electoral models for British Columbia with the only constraint that any recommendations be consistent with the Constitution of Canada and the Westminster parliamentary system. The Citizens' Assembly could recommend retaining the *status quo* or it could propose a single detailed alternative electoral system consistent with this broad constraint. By design, the deliberations of the Assembly were to be insulated from interference by political parties. Furthermore, the materials and experts were to be chosen so that no particular alternative received special emphasis or preference.

The Assembly had the power to propose a system, but not to make it into law. The Assembly's recommendations were due by the end of December 2004. If it offered a new model, the proposal would be submitted to popular referendum on May 17, 2005 at the time of the provincial general election. The referendum would pass only if it received a "double-majority" approval of at least 60% of the votes cast throughout the province *and* a simple majority approval in at least 60% of the 79 ridings (that is, at least 50% + 1 of the votes in at least 48 ridings). Some criticized the required majority as too stringent, but others contended that a super-majority was appropriate to ratify a measure of constitutional importance and to ensure adequate support from the entire province.

### **3. The Assembly's Work**

#### *The Learning Phase*

Some political scientists devote their entire careers to understanding various voting systems and their consequences. Most members, by contrast, felt that they knew relatively little about electoral systems. As they started, they gave themselves an average of only 4.3 on a ten-point scale when asked what they knew about voting rules.<sup>6</sup> Therefore the first order of business was for the Assembly's 160 members to master the fundamentals of this field. During an initial "learning phase," the Assembly convened for six weekends (Saturday and Sunday morning) from January to late March. During these meetings, experts lectured members on electoral models in large-group sessions, members met in small groups to discuss and debate what they heard and read, and then they met in plenary to share their views. Members were randomly assigned to small groups of 10-15 members each, and groups changed every weekend to favor team building.

The lecturers and topics of the learning phase were carefully selected by Assembly staff to be impartial. The curriculum plan was reviewed by a special committee of academics and

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<sup>6</sup> British Columbia, Citizens' Assembly on Electoral Reform, *Making Every Vote Count – The Case for Electoral Reform in British Columbia*, Technical Report, December 2004, p. 65.

experts. Canadian as well as international political scientists instructed the groups on topics such as the role of parliament, elections and the five major families of electoral systems. Written materials were provided to Assembly members and senior political science graduate students facilitated their small group discussions.

During this phase, important steps were taken to develop relationships, communicative norms, and *esprit de corps* among participants. Members stayed in a hotel adjacent to the Assembly Hall, ate all their meals together, and often organized social events when the Assembly was not in session. They were also asked to articulate the values that should guide and regulate their interactions with one another. The assembly adopted by consensus values such as respect of all opinions, integrity, open-mindedness and inclusivity.<sup>7</sup>

### *The Public Hearings Phase*

The learning phase was followed by a public hearings phase that ran from May to June 2004. Individual Assembly members hosted some fifty hearings across the province to listen to their fellow citizens' opinions on electoral reform and gather feedback from the general public. Members went to some in their home area but also attended hearings in other areas to hear what people in different communities thought. In these meetings Assembly members also heard the arguments of interest groups, advocacy organizations and political parties, ranging from the British Columbia Nurses' Union to the B.C. Green Party. Scribes recorded these sessions and produced summaries of all presentations. Approximately 3,000 people participated in public hearings that drew anywhere from 20 to 150 participants apiece.<sup>8</sup> Besides public hearings, the Assembly also received some 1,600 written submissions that members read on-line or in print. Overall, the hearings highlighted support for a more proportional system, mainly some kind of mixed member proportional (MMP) system. The *status quo* majoritarian system received limited support in these hearings.<sup>9</sup>

### *The Deliberation Phase*

The third and final "deliberation phase" of the Assembly unfolded between September and November 2004. Up until this point, members had been asked mainly to learn and then listen. In the final three short months, however, they had to develop a recommendation for the electoral

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<sup>7</sup> For a complete list of values, see British Columbia, Citizens' Assembly on Electoral Reform, *Making Every Vote Count – The Case for Electoral Reform in British Columbia*, Technical Report, December 2004, p. 68.

<sup>8</sup> British Columbia, Citizens' Assembly on Electoral Reform, *Making Every Vote Count – The Case for Electoral Reform in British Columbia*, Technical Report, December 2004, p. 77.

<sup>9</sup> R.S. Ratner, "The BC Citizens' Assembly: The Public Hearings and Deliberations Stage", *Canadian Parliamentary Review*, Spring 2005, pp. 24-33.

system that best suited British Columbia. During deliberation, members were prompted to identify the most important values for their electoral system. Fair results, understood as proportionality between votes and seats, local representation, and voter choice emerged as the three most important values. These became the criteria that members would use to judge alternatives.

From the beginning of the deliberation phase, it was clear that few supported the *status quo* FPTP system and that most favored some form of proportional representation. In relatively short order, the Assembly narrowed the field to two alternatives: the single transferable vote (STV) and the mixed member proportional (MMP) system. Members then spent two weekends (one on each) developing the most version of each system for British Columbia. Under the STV system, voters don't select just one candidate on a ballot, but rank them from most to least favorite. For each district, there is a threshold of votes above which any candidate will be elected.<sup>10</sup> In case a voter's first choice candidate is not elected, or receives enough votes to be elected in a district, his or her vote is transferred to second choice. In this way, no vote is "wasted" and results are proportional to electoral support. The MMP system combines local representation and proportionality by assigning electors multiple votes. In New Zealand's variant, for example, each voter casts two votes. One of these elects one representative in their district with a plurality winner (as with the first-past-the-post system). The voter chooses a party with his second vote, and candidates are assigned parliamentary seats proportionally according to party lists.

The final choice came after thoughtful deliberation on the two options, and their characteristics. Throughout the deliberation phase, members gave important reasons to support their system of choice. Some favored MMP because it balances local and proportional representation, combining "*the best of both worlds*" and expanding voter choice. According to a member "*a lot of people don't vote for lack of choice*" and a more proportional system could reduce voter apathy by allowing small parties to emerge, thus creating more options for different constituencies. MMP would be particularly beneficial for individuals who live in areas where an ideology dominates because it allows "*people who have alternative views [...] to voice those views.*" Another argued that "*there's a better chance with MMP for women and minorities to get elected.*" If MMP gives electors more option, with a district representative and a list vote, it also gives parties too much power, and uncontested seats, whereas "*there is no safe seat under STV.*" Some preferred STV over MMP because it focuses more on individual candidates and "*reduces*

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<sup>10</sup> One common formula is the Droop quota, in which a candidate is selected just in case she receives at least (total number of valid votes / (seats in district + 1) + 1) votes.

*party discipline.*” A member in support of STV reminded that the much of the disillusionment with politics stemmed from excessive party power “*why are we here? We are here because of the problems created by parties, not by candidates [...] here’s our chance to change it.*” Members of the sparsely populated northern region were especially concerned with local representation and favored STV, with its smaller districts, over MMP. Observers report that the quality of these deliberations was generally quite high. Members showed a nuanced understanding of electoral systems, acknowledged the advantages and disadvantages of both options, and tried to reduce disagreements.<sup>11</sup>

After months of deliberation, the Assembly used secret ballots to tally its members’ judgments. In the first vote, the group selected the STV system over MMP (123 votes for STV against 31 for MMP). In the final vote, the overwhelming majority (146 in favor, 7 against) supported a recommendation that a referendum be put to the citizens of British Columbia that STV replace the current single-member plurality system.

#### **4. Members’ Engagement and Satisfaction with the Process**

The Assembly required enormous time and energy from its members. Each spent numerous weekends attending the Assembly’s meetings, more hours to study materials and otherwise prepare for the meetings, and many hosted public hearings in the second phase as well. At a minimum, members devoted around 30 days to this process, but many went above and beyond that with several extra days of work. Despite these burdens, the vast majority of participants remained highly committed to, and was quite satisfied with, the process. Many felt honored to have been selected. Participants also had a sense that they were making history; never before had common citizens received such a broad mandate. On the opening day of the assembly, one exclaimed, “*We’re ordinary citizens, but we’re capable of taking part in this. Some of my acquaintances have expressed concern about whether ordinary citizens can take part in this. We can!*”<sup>12</sup>

Despite the intense workload and the complexity of the topic, the attendance rate was extremely high (95-99% during the learning, hearing and deliberation phases) and only one member resigned. This is all the more impressive considering that members had to travel long distances to reach Vancouver, where the Assembly met, and spend 11 weekends away from their families. In many cases, members served above and beyond what was required by organizing

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<sup>11</sup> D.F. Thompson, *Who Should Govern Who Governs?* Harvard University, October 1, 2005.

<sup>12</sup> As reported in R.S. Ratner, “British Columbia’s Citizens’ Assembly: The Learning Phase”, *Canadian Parliamentary Review*, Summer 2004, p. 23.

discussion groups to continue analyzing important electoral topics on Saturday nights after the official sessions had adjourned. Many stayed involved between meetings by participating in online forums on the “members only” section of the Citizens’ Assembly web site. The web site was updated regularly to reflect all the Assembly’s work and played a key role not only in keeping members engaged in discussion when they were not in session, but in making the process transparent and accessible to the general public. When the learning and public hearing phases ended in May, members felt an urge to stay connected and expressed some concern at not meeting again until September. This led the Assembly to reconvene for an extra June weekend in the northern city of Prince George to discuss what members had heard and learned during the many dispersed public hearings. After the Assembly concluded its work, members stayed involved through an alumni association, and some became engaged in the broader public debate about their proposal by starting a “Speakers’ Bureau” and writing editorials to explain their process and reasoning.

Despite this overall enthusiasm, many worried that politics and the public debate would nullify their hard work. Others complained about the double super-majority rules of the referendum, limited media coverage, and scarce official political support.<sup>13</sup> Still, many echoed the sentiment of the member who described the Assembly as “*the best experience of my life.*”<sup>14</sup>

## 5. The Referendum

On May 17, 2005, British Columbians were asked to answer yes or no the following question: “*Should British Columbia change to the BC-STV electoral system as recommended by the Citizens’ Assembly on Electoral Reform?*”

Although the Citizens’ Assembly was the Liberal Party premier’s initiative, only the Green Party endorsed the STV proposal.<sup>15</sup> Even there, the Greens preferred MMP to STV, but preferred STV to the *status quo*. Gordon Campbell praised the Assembly as a process that could be employed in other areas such as health and education,<sup>16</sup> but the political parties remained

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<sup>13</sup> R.S. Ratner, “The BC Citizens’ Assembly: The Public Hearings and Deliberations Stage”, *Canadian Parliamentary Review*, Spring 2005, pp. 24-33.

<sup>14</sup> R.S. Ratner, “The BC Citizens’ Assembly: The Public Hearings and Deliberations Stage”, *Canadian Parliamentary Review*, Spring 2005, p. 33.

<sup>15</sup> The governing Liberals had promised not to take sides before the Assembly was even set up in order to avoid perceptions that it was a partisan exercise. Since the Liberals took no position, the opposition NDP decided to opt out as well.

<sup>16</sup> Campbell likes input from public: Premier wants process applied to other areas, *The Vancouver Province* (British Columbia), December 9, 2004 Thursday, Final Edition, NEWS; Pg. A10, 136 words, Ian Bailey, *The Province*.



largely silent regarding the merits and weaknesses of the proposal. British Columbians could learn about the Assembly's work by watching the recordings of the Assembly's sessions, which broadcast repeatedly over the provincial legislature's television service. The Assembly also maintained constant communication with the media, and had a continually updated website, which, by November 2004, had attracted over 47,000 visitors from 148 countries. In March 2005, a "NO" coalition formed, comprising personalities from across the political spectrum, to counter the "YES" coalitions (which included a group formed by former Assembly members).<sup>17</sup> Despite these public information campaigns, polling evidence suggested that by the time of the referendum about half of British Columbia voters were unaware of the referendum.<sup>18</sup>

Although many voters reported limited knowledge of the referendum question on the days preceding the vote, the STV proposal nearly passed. It won by simple majority in 77 out of 79 ridings, easily passing one hurdle of the double super-majority requirement. But it won 57.4% of the total votes cast, falling a few points short of the required 60%. This result surprised many media observers who predicted that the STV proposal would clearly lose. A majority of votes, albeit close to the required percentage, was not enough to scrap the current system. The leaders of the three major parties, the Liberals, the NDP and the Greens, all agreed that the referendum results clearly signaled the public's discontent. As Premier Gordon Campbell remarked "*There's a real hunger to move and look at ways of improving our system [...] I've been a clear advocate of that and I'm going to look at that in different ways in the future.*"<sup>19</sup> The NDP leader proposed that a new Citizens' Assembly should look at a new model; others suggested that the legislature should examine the issue. Many other Canadian provinces started working on electoral reform, and Ontario has launched an identical citizen assembly –to be led by a judge and followed by a referendum.

In September 2005, the government committed to re-submit the STV system to a referendum in November 2008, so that a possible new system could be used for the 2009 provincial elections. Cognizant of some of the reasons that led to the referendum's defeat, the Liberals promised funding for opponents and supporters of the STV system to make the cases for and against before the public of British Columbia. An Electoral Boundaries Commission was to

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<sup>17</sup> Old guard still likes the way we vote: Finally, there will be a No side to counter the pro-electoral reform groups, Times Colonist (Victoria, British Columbia), March 8, 2005 Tuesday, Final Edition, COMMENT; Les Leyne; Pg. A14, 774 words, Les Leyne, Times Colonist

<sup>18</sup> Half of B.C. voters not yet aware of electoral reform referendum, poll finds, Canadian Press NewsWire, February 21, 2005, Pg. n/a, 798068491, 434 words, Meissner, Dirk.

<sup>19</sup> Leaders back electoral reform, Times Colonist (Victoria, British Columbia), May 19, 2005 Thursday, Final Edition, NEWS; Pg. A1, 494 words, Lindsay Kines and Jeff Rud, Times Colonist

consider the shape of ridings under an STV system. Furthermore, the wording of the 2008 referendum question was to be crafted by government and debated by the legislature.<sup>20</sup>

## 6. Lessons Learned

Though the Citizens' Assembly ingeniously delegated important powers to ordinary citizens, it also attracted some criticisms regarding its design and operation.

Random selection of members was meant to make the body representative of the public at large. But citizens were not obliged to participate, as they are in legal juries. They were free to decline. It is likely that many of the members who accepted were more active and civic-minded than the population at large. Participating in the Assembly might also have been more appealing to reformists than to those who were satisfied with the *status quo*. The selection process insured equal representation by geography, gender, and age group, but not ethnicity, aboriginal status, or socio-economic status. If the selection criteria granted equal representation to men and women, why not ensuring that also the voices of disadvantaged groups or of citizens of specific ethnic origin be represented. Finally, it remains unclear whether members felt they were representing their personal views, their districts, what emerged from the hearings, or the province at large.<sup>21</sup> Would the Assembly have made different decisions with different selection mechanisms and notions of representation?

In terms of equality of the deliberations, inevitably, some members spoke more than others, with interventions from men outnumbering those of women or minorities. Although the chair encouraged first-time speakers to engage, more formal inclusion rules could have leveled the playfield for all participants.<sup>22</sup>

Other critics suspect that the process of deliberation was consciously or unconsciously steered by staff. Members composed neither the structure of the Assembly's deliberations, its timing, nor its agenda. Staff decisions regarding these factors, as well as the educational materials and the selection of experts who spoke to Assembly members, may have biased their deliberations. Additionally, members had no choice over the priorities of reform, but were

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<sup>20</sup> *Speech from the Throne*, the Honourable Iona Campagnolo Lieutenant-Governor at the Opening of the First Session, Thirty-Eighth Parliament of the Province of British Columbia, September 12, 2005.

<sup>21</sup> R.S. Ratner, "The BC Citizens' Assembly: The Public Hearings and Deliberations Stage", *Canadian Parliamentary Review*, Spring 2005, pp. 24-33.

<sup>22</sup> D.F. Thompson, *Who Should Govern Who Governs?* Harvard University, October 1, 2005.

restricted by their mandate to focus solely on the electoral law, neglecting other important elements, such as electoral districts, or campaign finance.

The deliberation phase was particularly complicated because the Assembly mandate required that the different options that had been explored in previous phases had to be narrowed down and eventually coalesce into one proposal. The process of selecting the desirable characteristics of a model, for example, was hastened and issues such as women representation received less attention than some wished. The group ended up selecting the three characteristics that were at the top of the lecturer's list of desirable features of electoral models.<sup>23</sup> Similarly, it was unclear whether the Assembly had the authority to modify the number of electoral districts and the number of parliamentary seats, which would have been required to adopt the MMP system. The Assembly chair clarified that the number of seats could not be altered, which might have prompted members to select the STV system because it required less change. It appears that more time was devoted to illustrating the STV system, while the technical details of applying the MMP model to British Columbia were left unexplored.

The tension between exploring options and reaching consensus around a model emerged during the deliberation phase, and it remains unclear whether members would have favored the MMP system had they had more time to work through its complexities.

In the end, the referendum, although supported by a substantial majority of the population, did not pass. Perhaps it did not deserve to pass. Despite its potential problems, there is little doubt that the deliberations of the Assembly were rich and serious. The larger public debate about the STV proposal was anemic by comparison. Although the government provided Assembly members with ample opportunities to become experts in electoral systems, it did not make a comparable investment to educate the general public before the referendum. For the most part, political parties and politicians did not engage this quasi-constitutional question. Despite this deafening silence, the majority of citizens voted against the very system that elected their government. After that popular rebuke, one observer remarked, "*the real deliberation will begin.*"

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<sup>23</sup> R.S. Ratner, "The BC Citizens' Assembly: The Public Hearings and Deliberations Stage", *Canadian Parliamentary Review*, Spring 2005, pp. 24-33.