



SELECT COMMITTEE ON THE ELECTION ACT



REPORT

Special Consultations and Public Hearings on the Draft Bill to Replace the Election Act

Québec
May 31, 2006

Legal deposit – 2nd quarter 2006
Bibliothèque et Archives nationales du Québec
National Library of Canada
ISBN 2-550-47297-7

TABLE OF CONTENTS

1. INTRODUCTION	5
2. INCREASING THE REPRESENTATION OF WOMEN AND ETHNOCULTURAL MINORITIES	7
2.1 MEASURES AIMED AT INCREASING THE REPRESENTATION OF WOMEN IN THE NATIONAL ASSEMBLY	7
2.2 MEASURES AIMED AT INCREASING THE REPRESENTATION OF ETHNOCULTURAL MINORITIES IN THE NATIONAL ASSEMBLY.	12
3. THE ELECTORAL SYSTEM	16
3.1 NEED FOR A NEW SYSTEM	16
3.2 VALUES TO BE PRESERVED IN A NEW ELECTORAL SYSTEM	19
3.2.1 TYPE OF ELECTORAL SYSTEM FAVOURED BY THE COMMITTEE	22
3.3 FIXED-DATE ELECTIONS	30
3.4 REFERENDUM, PLEBISCITE OR CONSENSUS IN THE HOUSE?	31
4. CONCLUSION	35
SIGNATORIES	37
5. RECOMMENDATIONS	39
INCENTIVES TO INCREASE THE REPRESENTATION OF WOMEN AND ETHNOCULTURAL MINORITIES IN THE NATIONAL ASSEMBLY	38
ELECTORAL REFORM	40
MEMBERS OF THE SELECT COMMITTEE ON THE ELECTION ACT	44
MEMBERS OF THE CITIZENS COMMITTEE	45

1. INTRODUCTION

The first part of this report was tabled in the National Assembly on April 25, 2006. Our discussions since then have focused on the reform of the electoral system and on incentives aimed at increasing the representation of women and ethnocultural minorities in the National Assembly. We were able, in the course of these discussions, to agree on a number of findings and recommendations that emerged during our general and special consultations on the draft bill to replace the Election Act, which was tabled in the House in December 2004, and on various other issues mentioned in the motion adopted by the Assembly on June 15, 2005.

All of us who served on the Committee were enriched by the experience. The questions arising from any proposed changes to the Election Act are bound to be complex and sensitive, yet our work was carried out in a spirit of respect and goodwill, proof that the three political parties seated at the table were serious about examining the Government's proposals, in particular the proposal to change the electoral system. This report takes into consideration all the feedback we received from those who participated in the consultation process. We have also examined the recommendations of the citizens committee, an operation that has enriched our own thinking on a number of subjects.

It will be useful to begin by recalling a few of the background facts presented in Part 1: a total of 1,170 Quebecers sent their comments and opinions directly to our website; approximately 4,200 copies of our

Information Booklet were distributed; 371 people completed the consultation form provided in the booklet; 380 participants asked to be heard without presenting a brief, an option never before offered in this type of consultation; 374 briefs were submitted; and 379 individuals and groups were heard during our general and special consultations.

Section 2 below examines the incentives aimed at increasing the representation of women and ethnocultural minorities in the National Assembly; section 3 examines the proposal for a new electoral system.

Most of our recommendations were adopted unanimously; where dissent was expressed, this has been noted. The principles and recommendations set out in the coming pages represent our final positions after completion of the consultation process.

2. INCREASING THE REPRESENTATION OF WOMEN AND ETHNOCULTURAL MINORITIES

2.1 Measures aimed at increasing the representation of women in the National Assembly

Great progress has been made on this front since the enfranchisement of Québec women in 1940 and the election, in a 1961 by-election, of the first woman Member. The Assembly has indeed become more representative: following the 2003 general election, women made up 30.4% of the Members.

To increase women's representation further, the draft bill proposes the following financial incentives: (1) an increase in the annual allowance for political parties, based on the percentage of women candidates running in a general election; and (2) a higher rate of reimbursement of eligible expenses, incurred and paid, for women candidates from parties that meet percentage thresholds.

A strong majority of participants—84 of the 106 groups and individuals who spoke to the matter during general and special consultations—supported these incentives, and many wished to see them enhanced. A similar degree of support was expressed in the consultation forms. However, it should be noted that some of the views expressed belong to regional groups affiliated with provincial organizations.

Yet it cannot be said that a consensus emerged on this issue. Some participants maintained that increases in a party's annual allowance should not be based on the number of women candidates, but on the number of women who are elected. Others saw women's representation in the Assembly as part of the broader issue of changing the electoral system, since it would be possible, under a mixed system, to introduce measures imposing gender parity on party lists.

The citizens committee, in its majority report, recommends against measures imposing parity, proposing instead the enhancement of the draft bill incentives and recommending that the increases in annual allowances and rates of reimbursement be based on the number of women actually elected rather than on the number of women candidates. The report also mentions the need for public education as a means of encouraging women to go into politics.

Among the ideas we advanced during these discussions was that the under-representation of women is perhaps not exclusively a structural problem, but also a cultural one. Accordingly, we subscribe wholeheartedly to the measures in the draft bill that seek to ensure women's fair representation in the Assembly, although, in light of the comments made by some groups, the concept of *equal* representation is more appropriate in this context.

We too have reservations about making allowance increases dependent on the number of women who run in an election rather than on the number who are elected. The danger is that parties will run women

candidates in non-winnable ridings merely in order to obtain the increase. Further, increasing the election expense reimbursement for women who obtain a certain percentage of the vote could have the effect of discrediting the achievement of those women who are elected. From the perspective of ensuring that women from all socio-economic backgrounds are treated equally, these measures have little to recommend themselves.

The Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally, and said that he could not support such incentives.

All members of the Committee are open to the idea of having the Chief Electoral Officer, or the political parties themselves, set up plans of action to bring about the fair representation of women in the Assembly.

We examined the measures that would force parties either to run a set number of women candidates or, under a mixed proportional representation system (PR), to draw up party lists in such a way as to favour women's election. While we did not expressly reject the "engineered" list option as a means of increasing women's representation, neither do we see a first-choice solution in measures that impose parity. We agree that current political education and recruitment programs for women should be maintained and enhanced.

It is therefore recommended:

That the commitment to equal representation of women in the National Assembly be maintained.

That incentives aimed at bringing about women's equal representation in political life continue to be examined.

That the Government provide financial support for training programs aimed at increasing the political awareness of women and their interest in running for office.

That the Chief Electoral Officer, jointly with the political parties, set up a plan of action to bring about women's equal representation in the National Assembly.

That the draft bill's financial incentive consisting of increased allowances for political parties be adopted, but with the increase determined on the basis of the number of women elected rather than on the number of women candidates.

However, the Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally.

That the draft bill's financial incentive consisting of an increase in election expense reimbursements for women candidates be dropped.

The Member for La Pinière helped draft the first four recommendations, but was unable to support the last two in their current wording. As a supporter of equal representation of men and women in political life, she notes that women remain under-represented in the National Assembly despite the progress of the past 30 years. She too wants to see changes in the institutional culture of political parties, increased support for political education and recruitment programs for women, and the implementation, under the auspices of the Chief Electoral Officer, of a plan of action to increase the number of women Members. However, she seriously questions the wisdom of providing financial incentives for political parties to recruit women candidates or candidates from ethnocultural minorities.

Among her reasons for this view:

- i. The principle of employment equity for women and ethnocultural minorities is enshrined in the various charters of rights and freedoms. To compensate political parties that fail to achieve this objective would send the wrong message to all those institutions which are currently bound by legislation to provide equal opportunities to men, women and ethnocultural minorities. If private businesses that benefit from government grants are contractually obligated to correct discriminatory practices targeting women or minorities, why should political parties, which have been dragging their feet in this area for years and already receive public funding, be entitled to an additional "equality premium"?

- ii. Public authorities, as well as political parties, are duty-bound to respect and apply the principles of gender equality and non-discriminatory treatment of ethnocultural minorities. Surely they should not be rewarded for their failure, much less be granted financial incentives to fulfil their obligations. On the contrary, they should be playing a leadership role in this regard. After all, what is there to prevent a political party from presenting a slate in the next election on which 50% of the candidates are women and 10% are from ethnocultural minorities?
- iii. No serious study has yet shown that financial incentives are effective. In these times of political scepticism, there is a great danger that such incentives may actually backfire, casting doubt on the sincerity of women and persons from ethnocultural minorities who, as we well know, enter politics to defend their convictions and not for financial considerations.

2.2 Measures aimed at increasing the representation of ethnocultural minorities in the National Assembly

Proportionately, ethnocultural minorities are far more under-represented in the National Assembly than are women, and the question is further complicated by the difficulty of defining "ethnocultural minority" objectively. Without such a definition, the number of Members of the

National Assembly who might be so designated cannot be accurately stated.

The draft bill proposes the same incentives for ethnocultural minorities as for women: (1) an increase in the annual allowance for political parties, based on the percentage of persons from ethnocultural minorities running in a general election; and (2) a higher rate of reimbursement of eligible expenses, incurred and paid, for ethnocultural candidates from parties that meet percentage thresholds.

Of the 100 groups and individuals who expressed an opinion on this matter during general and special consultations, 78 supported these incentives or wished to see them enhanced. The citizens committee favoured enhancement and recommended that the incentives be based on the number of candidates elected rather than on the number who run, but did not support measures imposing parity. It should be noted that some of the views expressed belong to regional groups affiliated with provincial organizations.

A number of groups attempted to solve the problem we ourselves faced of defining the concept of "ethnocultural minority." One such definition, proposed by the Conseil des relations interculturelles, draws on the *Pay Equity Act*, but would be difficult for the Chief Electoral Officer to apply.

It soon became clear that the question of incentives to increase ethnocultural representation was inextricably linked to the problem of definitions. If certain proposed definitions were rigorous enough, the

related verification measures left us unconvinced. Some Committee members felt that identification would have to be voluntary, under a system that would neither exclude the children of immigrants nor include them as a matter of course. Moreover, we were unable to agree on whether Anglophones should be included in the calculation of ethnocultural representation. We invite the Government to continue its efforts to establish the parameters that define "ethnocultural minority."

We did agree that the draft bill's objective of increasing the representation of ethnocultural minorities in the National Assembly is a goal that must be pursued. Here again, however, incentives should be calculated on the basis of the number of candidates who are elected rather than on the number who run for election. The Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally.

It is therefore recommended:

That the commitment to fair representation of ethnocultural minorities in the National Assembly be maintained.

That incentives aimed at increasing the representation of ethnocultural minorities continue to be examined.

That any financial incentives the Government implements for ethnocultural minorities be calculated on the basis of the number of candidates elected rather than on the number who run for election.

However, the Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally.

The Member for La Pinière helped draft the first two recommendations. She agreed that Québec's ethnocultural diversity must be adequately reflected in the National Assembly, and noted that much remains to be done. However, for the reasons adduced earlier with regard to financial incentives for women, the Member for La Pinière seriously questions the wisdom of providing financial incentives for elected candidates from ethnocultural minorities or for the parties that recruit them.

3. THE ELECTORAL SYSTEM

The main purpose of the draft bill is to reform Québec's electoral system; this proposed reform was also the subject of the vast majority of the representations made to the Committee. The contributions to this debate were numerous and varied.

3.1 Need for a new system

The question to be asked before examining alternative electoral systems is whether the present system needs to be changed. Internationally, the first-past-the-post system is never adopted by emerging democracies. The only exception has been India, in 1949. The current trend is toward mixed PR systems. Two G7 countries have a mixed PR system: Germany (mixed compensatory) and Japan (mixed parallel). In North America, however, most elections are conducted under the first-past-the-post system (FPTP).

One of the strengths of FPTP is that the "winner's bonus" it generates in terms of seats for the victorious party tends to result in majority governments, often in a two-party situation. FPTP also fosters close ties between constituents and their elected representatives, since representation of a specific territory is at the heart of this system. In addition, FPTP has been the vehicle of democracy in Québec for more than 200 years.

But there are also weaknesses. The number of seats a party obtains under FPTP is often largely disproportionate to the popular vote it receives. In certain cases the second-place party in terms of the popular vote may even find itself with a parliamentary majority. With the exception of the 1998 election, this situation has been avoided since the creation of the Commission de la représentation électorale, but FPTP also makes it difficult for smaller parties to obtain seats, even when they receive a significant share of the vote.

Though in varying degrees, most of the experts heard during special consultations were in favour of reforming Québec's FPTP system. This sentiment was echoed by a large majority of general-consultation participants. Of the groups and individuals who were heard in committee or who submitted a brief, 230 wished to see an element of proportionality introduced into the system. The citizens committee, in both its reports, was also pro-reform.

Québec is one of the world's oldest democracies, with a parliamentary tradition going back more than 200 years. The decision to change its electoral system is not to be taken lightly. Given the potential impact on our democratic institutions, changes must be made sparingly and cautiously.

The fact remains that all three political parties currently represented in the House have suffered the biases inherent in FPTP. In the early 1970s, the Parti québécois was under-represented in relation to its share of the popular vote, as is the Action démocratique at the present time. In 1944,

1966 and 1998, the Liberal Party was confined to the opposition benches even though it received a larger share of the vote than the party that formed the Government.

Québec's debate on electoral reform began more than 30 years ago, and we are well aware of the enormous work that has been accomplished at each stage of the discussions. One thinks, in recent times, of the consultations carried out in 2002 by the Committee on Institutions, and of the report of the steering committee of the 2003 Estates General on the Reform of Democratic Institutions.

The three parties in the National Assembly recognize the importance of reforming the electoral system and have made a commitment to reform in their respective platforms. Québec's smaller parties, currently without seats, made their pro-reform positions clear during special consultations.

The consultation participants from the general public were in favour of changing the electoral system. Political party members also want change, but not at any price. FPTP is perhaps less appropriate for Québec in today's world, but care must be taken not to adopt a new system with more problems than the present one, which has done the job for more than 200 years. Reform must go hand-in-hand with the prospect of modernizing our institutions. In the course of our consultations, we became aware that the qualitative assessments of our democratic institutions made by certain participants raised problems in the area of parliamentary rules, and that no reform of the electoral system could foster the desired political diversity unless it was accompanied by a

reform of the way parliamentary business is conducted. Here again, however, the approach must be cautious, carefully selective, and respectful of current institutions.

It is therefore recommended:

That Québec's first-past-the-post system be reformed and modernized, and that this reform be accompanied by a reform of the way parliamentary business is conducted.

3.2 Values to be preserved in a new electoral system

If there is a need for reform, there is also a need for certain essential values to be preserved through any changes made to the electoral rules.

Québec is a pluralist society. In the 19th century, politics in Québec was a two-party affair, and the people expressed their political choices through one of the two existing partisan formations. Today, these choices are increasingly expressed through a variety of political vehicles. The participants we heard during the general consultations were unequivocal in wishing to see the diversity of Québec society better reflected in the National Assembly. A similar view was expressed by the citizens committee, in its majority report. We agree that an electoral system should encourage representation that reflects the political diversity of society. However, it is also true that the present system does not preclude smaller parties from being represented.

One of the founding principles of democracy is encapsulated in the expression: One person, one vote. However, ensuring the equal weight of votes is a difficult ideal to achieve in an electoral territory as vast as ours, where, in addition, there are regional disparities to be overcome. It is nonetheless an ideal that, in the interests of fairness, must be kept at the heart of the reform process; it is a fundamental democratic value that must guide our thinking in the design of a new electoral system.

Each of Québec's regions has its own history and social realities. Disparities between regions and urban centres are sometimes striking, a fact which received expression during the general consultations. In our tour of the province, it became clear to us that the regions have common concerns about the impact electoral reform may have on their political influence and their representation in the House. The citizens committee also believes that the balance of regional representation must be maintained. We acknowledge the importance of regional representation and the fundamental role that a redefinition of the electoral map must play in the design of a new electoral system. That regional identities must be taken into consideration in the reform process is beyond dispute. In addition, electoral reform must seek to maintain the political influence of the regions.

Québec has governed itself within the context of a British-style parliamentary system for more than 200 years. Reform must not lose sight of this historical reality, and the components and characteristics of a new electoral system must be consequent with it.

Quebecers place a high value on the stability of their elected governments, and the view that this aspect of the current system should be maintained in any new system was expressed by a number of groups and individuals. But FPTP is not the only path to stability. In other democracies around the world, coalition governments have shown themselves to be both stable and efficient. Moreover, if Quebecers favour stability, they do not seem to baulk at the prospect of minority governments, though in making this observation we must bear in mind that Québec has not actually produced a minority government since the end of the 19th century. In any case, the ability of an electoral system to foster stable, continuous government must remain an important consideration in our thinking about electoral reform.

It is therefore recommended, in the event that the Government opts for a new electoral system:

That the new electoral system more effectively take into consideration the diversity of political expression in Québec.

That the new electoral system be geared toward the equal weight of votes on the principle of one person, one vote.

That the new electoral system respect the balance of regional representation and take into account the relative political influence of the regions.

That the new electoral system take into consideration the institutional history and traditions of our parliamentary system and that it preserve their positive aspects.

That the new electoral system be so designed as to foster stable, continuous government.

3.2.1 Type of electoral system favoured by the Committee

Most States that have reformed their electoral systems in recent years have opted for some form of mixed system. Examples include a number of countries with British-style parliamentary systems, such as New Zealand, Scotland and Wales, all of which adopted a mixed compensatory system that retains FPTP constituencies but introduces elements of proportionality. From the point of view of tradition, the bases of British parliamentarianism are partly maintained under such a system, as are the close ties between electors and elected.

Other systems that foster proportionality are the "single transferable vote" system and the "parallel" mixed system, adopted in Ireland and Japan respectively.

The draft bill proposes a mixed system with compensatory or list seats allocated on a district-level basis. Most districts would be formed of three divisions or constituencies. There would be 127

Members for 24 to 27 districts and 77 constituencies, including two special constituencies: Îles-de-la-Madeleine and Nunavik, which comprises all the territory north of the 55th parallel.

Districts would each have three constituency seats, corresponding to their three constituencies, as well as two list seats. Parties would field candidates for both types of seat in each district, and the order of candidates on the list drawn up by a party for the compensatory seats would be determined by the party itself. It would also be possible for a person to run both as a constituency and as a list candidate (double candidacy).

Voters in each district would elect their constituency representatives on an FPTP basis, as they do now, but this vote would also be used to determine the number of list seats to be assigned to each party. In keeping with the compensatory objective, list seats would go to the parties that receive the largest number of votes without obtaining a seat.

Under the draft bill proposal, compensatory factors would be calculated by the d'Hondt technique. In simplified terms, once the votes have been counted, the total for each party in each district is divided successively by the number of seats to be assigned in a given district; for a 5-seat district, for instance, the total for each party would be divided by 1, then 2, then 3, then 4 and finally 5. After all the results of this series of calculations have been tabulated, the party with the highest result in the table is

assigned the first seat; the party with the next highest result wins the second seat, and so on. Candidates already elected in their constituencies would, of course, be removed from the lists beforehand.

If a constituency seat became vacant in the course of a legislature, a by-election would be held; if a list seat became vacant, it would go to the candidate who is highest on the list of the party that won the seat in the last general election. If the names on the list have been exhausted or there is no candidate able to take the seat, it would remain vacant until the next general election.

The consensus that emerged in the course of our work was for a form of mixed compensatory system. A majority of expert opinion was in favour of such a system. So were a majority of general-consultation participants, though proposals differed in their details. Of the 233 individuals and groups who expressed an opinion on the matter, 155 (67%) favoured a mixed compensatory system, as did the citizens committee.

No other system gave rise to a broader consensus.

We cannot endorse the single transferable vote for Québec, or regional PR, or any other formula that would approach pure proportional representation too closely. This reflects our belief

that the constituency component of the current system should be preserved under any new system.

It is therefore recommended:

That any proposal to change the electoral system preserve the constituency aspect and introduce elements of proportionality.

Most consultation participants suggested changes to the mixed compensatory system proposed in the draft bill, and some advocated a different system altogether. In light of this fact we cannot recommend the blanket adoption, in all its features and procedures, of the electoral system proposed in the draft bill.

It is therefore recommended:

That the electoral system proposed in the draft bill not be adopted integrally in all its features and procedures.

There was, indeed, a phenomenal diversity of views on the specific components to be adopted as part of a new system, and each group and individual had their own ideas on the subject. It is difficult to see any trend toward public consensus that might exist in this regard.

The components of any electoral system exist in a relation of interdependency. One component seen as fundamental by a

number of Committee members is the regional or province-wide basis on which compensatory or list seats are assigned.

Since the move to reform is motivated largely by a desire to foster political diversity, it is essential to opt for a formula that gives smaller parties a realistic chance to win seats. The goal of political diversity would not be well served then by a regional compensation formula that set the threshold too high.

On the other hand, given the need to maintain the political influence of the regions and have Members represent their constituents with regard to the provision of government services, we believe that any province-wide compensation formula would have to include a number of essential features. In particular, we reject the idea of province-wide compensation without some form of regional redistribution.

In addition, if political diversity is to emerge and regional political influence be maintained, the ratio of constituency to list seats must be determined not in isolation, but in conjunction with the closely related issues of the basis of compensation and the number and size of constituencies.

Electors outside Québec's urban centres identify strongly with their administrative regions. The basis of compensation in a new electoral system must take this reality into account.

If the Government opts for PR with a province-wide basis of compensation, we recommend:

That the political influence of the regions be maintained.

That regional redistribution be carried out on the basis of existing administrative regions.

That the minimum vote threshold be determined on a province-wide basis.

That the system not create new regional distortions with regard to either the political influence of the regions or the weight of votes.

Certain essential elements would also, in our view, have to be included in any PR system with regional compensation. In particular, we support the idea of districts that vary in size.

If the Government opts for a regional basis of compensation, we recommend:

That the political influence of the regions be maintained.

That the compensation districts coincide as closely as possible with the boundaries of existing administrative regions.

That it be possible to define compensation districts of varying size that take into account the territories of existing administrative regions.

That the principle of increasing the political diversity of the National Assembly be respected.

Under the mixed compensatory system proposed in the draft bill, some Members would be elected as constituency representatives, as is currently the case, others on the basis of party lists. Though theoretically equal, since both types of Member would perform the functions of legislators, it is clear that in reality their roles would have to be somewhat different. In addition, the question of double candidacy, whereby a person may run as both a constituency and a list candidate, has not been resolved. At first glance, this solution does not appear to us a good idea. We believe that the role of list candidates should be defined before a new electoral system is implemented. This work should begin with the creation of a committee, a task force or a parliamentary committee or subcommittee by the National Assembly, or of a working group under the supervision of the Office of the National Assembly, charged with examining the nature of the work of both list and constituency Members.

It is therefore recommended:

That, before a mixed compensatory system is implemented, the role of list Members be defined and approved by the Office of the National Assembly or some other parliamentary body.

We encountered no entrenched resistance to the idea of increasing the number of seats: 32 general-consultation participants favoured an increase, while 31 wished to see the present number maintained. The Committee is open to a reasonable increase in the number of seats.

It is therefore recommended:

That the possibility of making a reasonable increase in the number of seats be considered with a view to respecting the political influence of the regions and the principle of the equal weight of votes.

Neither did participants raise objections concerning the special constituencies of Nunavik and Îles-de-la-Madeleine. These constituencies, with their particular geographical realities, should be preserved under a new electoral system. However, it should also be possible to create additional special constituencies where comparable geographical conditions make this desirable.

It is therefore recommended:

That the two special constituencies defined in the draft bill be kept, and that, if necessary, the possibility of creating additional special constituencies be examined, with care being taken to adhere to the principle of the equal weight of votes.

3.3 Fixed-date elections

Since the question of fixed-date elections relates to the voting system itself, we limited ourselves in Part 1 to a summary discussion, intending to revisit the subject in Part 2. However, time constraints and tight deadlines have meant that we could not explore the issue to our own satisfaction, and must confine ourselves to a few general observations.

A large proportion of general-consultation participants favoured fixed-date elections for Québec. The idea is also gaining ground in Canada generally, and two provinces, Ontario and British Columbia, have already decided on a fixed-date system. Debate continues in New Brunswick, Prince Edward Island and Alberta; also in Ottawa, at the federal level. Under the various legislative proposals submitted thus far, the power of calling elections remains constitutionally with the Lieutenant Governor in Council, but the legislature agrees to file a request for an election every four years. It would thus remain possible, in a minority-government situation, for the Lieutenant Governor in Council to dissolve the House.

The Committee members do not object to fixed-date systems per se. In light of the legislation in place in other parts of Canada, and the bill introduced by the leader of the Action démocratique and Member for

Rivière-du-Loup, we believe that fixed-date elections may well be among the reform options adopted by the Government. However, since most of the Committee members also believe that the question is dependent on other decisions the Government will have to make before proposing its reform package, they do not go so far as to recommend a fixed-date system for Québec.

Dissenting from this view, the Committee member representing the Action démocratique saw no good reason not to adopt a fixed-date system. He fully supports the bill introduced by his party, and recommends that fixed-date elections be included in the Government's electoral reform package.

The majority of the Committee therefore recommends:

That the possibility of making fixed-date elections part of the proposal for a new electoral system be maintained.

However, the Committee member representing the Action démocratique du Québec recommends that fixed-date elections actually be included in the proposal for a new electoral system.

3.4 Referendum, plebiscite or consensus in the House?

Parliamentarians have a large stake in electoral reform. Politicians are well aware that a new electoral system will change the way they work,

conduct their business, and run for election. No one can predict how voters will react, politically, to such a change.

But how should the decision be made to finally adopt a proposed electoral reform package? Québec has no past practice of its own to go by, nor is there any form of agreement between the parties in this regard. Prince Edward Island settled the matter by means of a referendum, British Columbia by means of a plebiscite (i.e., a referendum held as part of an election). Ontario has committed itself to a referendum. New Zealand consulted the people in two referendums before changing its electoral system, but Scotland and Wales held none.

A large majority (93%) of the general-consultation participants questioned on this subject were in favour of a referendum or plebiscite on electoral reform. The citizens committee, in a somewhat ambivalent stance, favoured a plebiscite, but only if the Government rejects the electoral system they recommend.

While we did not reach a consensus in this matter, the Committee members representing the government party and the Action démocratique were able to agree on the following points: that the question of how a proposed reform package is to be adopted should be examined in more detail before a definitive proposal is made to the Government in this regard; that a referendum could foster division rather than consensus; that the question of referendum costs, under the *Act respecting public consultations*, is itself problematic; and that existing legislative complications would likely compromise the holding of a

plebiscite. Accordingly, a majority of the Committee questions the advisability of holding a referendum or plebiscite if a consensus on a proposed reform package can be reached in the House.

The Committee members representing the Official Opposition disagreed, holding that electoral reform is a fundamental issue of democracy and that the far-reaching changes it involves make it necessary to hold the kind of broad-based public consultations that were clearly not achieved by the Committee's consultation process. In addition, these members expressed the following views: that an appeal to the people is indispensable, whatever opinions politicians might hold with regard to reform; that a referendum or plebiscite is not only desirable but necessary, and that a plebiscite, far from being difficult to organize during a general election, would merely require the passing of a special bill and could be carried out without contravening any existing Québec statute; and that it would be unthinkable to adopt a new electoral system solely on the basis of a consensus in the House.

Consequently, the Committee members representing the government party and the Action démocratique du Québec are of the opinion:

That the debate on whether a referendum or plebiscite should be held to adopt a new electoral system is far from over. However, if a consensus on an electoral reform package can be reached in the National Assembly, neither a referendum nor a plebiscite should be necessary.

The Committee members representing the Official Opposition are of the opinion:

That any new electoral system must necessarily be approved by the people in a referendum or in a plebiscite held during a general election.

4. CONCLUSION

The Committee is well aware of the difficulties inherent in deciding on a reform package. We hope nonetheless that the Government's choices in this regard will respect the recommendations and values brought to the fore in this report.

Of the need for reform there can be no doubt. This was brought home to us during the consultation process, both in general consultations and in hearings with experts. The questions that remain are when, how and under what conditions an eventual reform package should be introduced.

No electoral system is perfect, but we must take care to design a system well adapted to the realities of today's Québec, with its urban and rural populations, its interest groups and communities, its strong regional identities.

Equal representation for women and fair representation for ethnocultural minorities are important goals, and we must continue to look for ways to increase the representation of both groups.

With this report and the debate to follow its tabling, we will have fulfilled our mandate and brought our committee work to an end. The members of the Committee would like to thank François Ouimet, Member for Marquette, who executed his duties as Chair with exemplary fairness and neutrality. The same high standards of excellence were upheld by Sylvain Simard, Member for Richelieu, in his role as Vice-Chair.

The members of the Committee Secretariat accomplished a mammoth task over the past few months, and their support has been invaluable. Our thanks as well to Committee Secretary Louis Breault, who successfully co-ordinated a 16-city tour for close to 30 people. In addition, the members of the Committee would like to thank their respective teams for their hard work and dedication throughout this undertaking.

The citizens committee is to be applauded for its fine work and for its strong civic commitment and determination. Its contributions to the consultation process were much appreciated. Finally, we must mention the experts, organizations and ordinary citizens who made presentations or submitted briefs or consultation forms. Their remarkable commitment as citizens helped us to make informed decisions on complex issues.

Committee discussions were frank and, despite the politically charged nature of the subject, characterized by mutual respect between the representatives of the different political parties.

The experience of working on a parliamentary committee of this order has enabled each of us to better understand Québec society in all its multi-faceted reality. The knowledge thus gained will stand us in good stead well beyond the context of debate on electoral reform, and will help us in the future to better carry out our tasks as legislators.

SIGNATORIES

François Ouimet, Chair

Member for Marquette

Representing the Liberal Party of Québec

Sylvain Simard, Vice-Chair

Member for Richelieu

Representing the Parti québécois

Committee members representing the Liberal Party of Québec:

André Gabias

Member for Trois-Rivières

Fatima Houda-Pepin

Member for La Pinière

Sarah Perreault

Member for Chauveau

Committee members representing the Parti québécois:

Luc Thériault

Member for Masson

Official Opposition critic for the reform of democratic institutions

Lorraine Richard

Member for Duplessis

Committee members representing the Action démocratique du Québec:

Marc Picard

Member for Chutes-de-la-Chaudière

5. RECOMMENDATIONS

INCENTIVES TO INCREASE THE REPRESENTATION OF WOMEN AND ETHNOCULTURAL MINORITIES IN THE NATIONAL ASSEMBLY

The recommendations are as follows:

That the commitment to equal representation of women in the National Assembly be maintained.

That incentives aimed at bringing about women's equal representation in political life continue to be examined.

That the Government provide financial support for training programs aimed at increasing the political awareness of women and their interest in running for office.

That the Chief Electoral Officer, jointly with the political parties, set up a plan of action to bring about women's equal representation in the National Assembly.

That the draft bill's financial incentive consisting of increased allowances for political parties be adopted, but with the increase determined on the basis of the number of women elected rather than on the number of women candidates.

However, the Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally.

That the draft bill's financial incentive consisting of an increase in election expense reimbursements for women candidates be dropped.

That the commitment to fair representation of ethnocultural minorities in the National Assembly be maintained.

That incentives aimed at increasing the representation of ethnocultural minorities continue to be examined.

That any financial incentives the Government implements for ethnocultural minorities be calculated on the basis of the number of candidates elected rather than on the number who run for election.

However, the Committee member representing the Action démocratique du Québec expressed doubts as to the effectiveness of financial incentives generally.

ELECTORAL REFORM

The recommendations are as follows:

That Québec's first-past-the-post system be reformed and modernized, and that this reform be accompanied by a reform of the way parliamentary business is conducted.

That a new electoral system more effectively take into consideration the diversity of political expression in Québec.

That a new electoral system be geared toward the equal weight of votes on the principle of one person, one vote.

That a new electoral system respect the balance of regional representation and take into account the relative political influence of the regions.

That a new electoral system take into consideration the institutional history and traditions of our parliamentary system and that it preserve their positive aspects.

That a new electoral system be so designed as to foster stable, continuous government.

That any proposal to change the electoral system preserve the constituency aspect and introduce elements of proportionality.

That the electoral system proposed in the draft bill not be adopted integrally in all its features and procedures.

That, if the Government opts for PR with a province-wide basis of compensation:

- the political influence of the regions be maintained;*
- regional redistribution be carried out on the basis of existing administrative regions;*
- the minimum vote threshold be determined on a province-wide basis; and*
- the system not create new regional distortions with regard to either the political influence of the regions or the weight of votes.*

That, if the Government opts for PR with a regional basis of compensation:

- the political influence of the regions be maintained;*
- the compensation districts coincide as closely as possible with the boundaries of existing administrative regions;*
- it be possible to define compensation districts of varying size that take into account the territories of existing administrative regions; and*
- the principle of increasing the political diversity of the National Assembly be respected.*

That, before a mixed compensatory system is implemented, the role of list Members be defined and approved by the Office of the National Assembly or some other parliamentary body.

That the possibility of making a reasonable increase in the number of seats be considered with a view to respecting the political influence of the regions and the principle of the equal weight of votes.

That the two special constituencies defined in the draft bill be kept, and that, if necessary, the possibility of creating additional special constituencies be examined, with care being taken to adhere to the principle of the equal weight of votes.

That the possibility of making fixed-date elections part of the proposal for a new electoral system be maintained.

However, the Committee member representing the Action démocratique du Québec recommends that fixed-date elections actually be included in the proposal for a new electoral system.

MEMBERS OF THE SELECT COMMITTEE ON THE ELECTION ACT

CHAIR: FRANÇOIS **OUMET** (MARQUETTE)

VICE-CHAIR: SYLVAIN **SIMARD** (RICHELIEU)

LIBERAL PARTY OF QUÉBEC: BENOÎT **PELLETIER** (CHAPLEAU), Minister responsible for Canadian Intergovernmental Affairs, Francophones within Canada, the Agreement on Internal Trade, the Reform of Democratic Institutions and Access to Information
ANDRÉ **GABIAS** (TROIS-RIVIÈRES)
FATIMA **HOUDA-PEPIN** (LA PINIÈRE)
SARAH **PERREault** (CHAUVEAU)

PARTI QUÉBÉCOIS: LORRAINE **RICHARD** (DUPLESSIS)
LUC **THÉRIault** (MASSON), Official Opposition critic for the reform of democratic institutions

ACTION DÉMOCRATIQUE
DU QUÉBEC: MARC **PICARD** (CHUTES-DE-LA-CHAUDIÈRE)

MEMBERS OF THE CITIZENS COMMITTEE

CITIZENS COMMITTEE: MUSTAPHA **ACHARID**
 GUILLAUME **BOIVIN**
 CHARLES **GABOURY**
 CAROLE **HADD**
 MARTINE **LAFONTAINE**
 YOHANNA **LOUCHEUR**
 MICHEL **MORISSET**
 MÉLANIE **PROULX**