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# *The Select Committee on the Election Act and Reform of the Voting System in Quebec*

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*Proposals to modify the voting system in Quebec are not new. They have resurfaced in the political news on a recurring basis for nearly 40 years, and they have already led to proposals for reform, the most recent of which was the Select Committee on the Election Act, which concluded its activities in the spring of 2006. This article presents a brief overview of the recent history of the reform of the voting system in Quebec and summarizes the contents of the draft bill on the Election Act that was tabled in 2004. It also looks at the main conclusions of the reports tabled after the consultations held by the select committee on the Election Act.*



In Quebec both the reform of the voting system and proportional representation have their advocates and their adversaries. Those who favour reform believe that the first-past-the-post system is unjust and poorly reflects the real choice of voters. They draw attention to certain "distortions" between the percentage of votes received by a political party and the number of seats it obtains in the National Assembly. All the parties that now hold seats in the Assembly have at one time or another in their history felt the effects of these distortions, one of whose manifestations is to allow the party that has received the second highest percentage of the popular vote to form the government, a situation that has occurred twice in Quebec since the 1960s.

Those who oppose such a reform believe, among other things, that the current system, in favouring the formation of majority governments, ensures greater parlia-

mentary and governmental stability and that for this reason the discrepancy between the percentage of votes received and the number of seats obtained by political parties is a minor disadvantage of the first-past-the-post system. There has never been a minority government in the modern history of Quebec. Nevertheless, dissatisfaction with the current voting system in Quebec has fuelled reflection and debate among experts, parliamentarians, and the concerned public for decades. Such discussions have led to concrete proposals right from the turn of the 1980s. Thus, in 1984 the Electoral Representation Commission (an agency that reports to the Chief Electoral Officer of Quebec) tabled a report recommending that the first-past-the-post system be replaced by a voting system that would allow all Members to be elected proportionally.



This proposal was shelved, but the matter of reforming the voting system re-emerged at the end of the 1990s thanks to among other things, the mobilization of citizens' groups around this issue. As well, two parallel public consultation initiatives, one parliamentary, the other governmental, contributed to reviving it. The first was an initiative executed by the standing Committee on

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Institutions of the National Assembly in 2002-2003, in which many university experts declared themselves in favour of a mixed compensatory voting system for Quebec. The second culminated in the organization of an Estates General on the reform of democratic institutions, held in Quebec City in February 2003. The report tabled in the aftermath recommended the adoption of a regional proportional voting system inspired by reform proposals advanced at the turn of the 1980s.

The government elected in April 2003 also declared its interest in this question, and in the opening speech of the parliamentary session some weeks later, Premier Charest announced the intention of his government to reform the voting system during its term in office. This brings us to the proposal for a new voting system that is at the centre of a draft bill and the deliberations of the Select Committee on the *Election Act*.

### **The Draft Bill to Replace the Election Act**

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In December 2004 Jacques Dupuis, then Minister for the Reform of Democratic Institutions, tabled in the National Assembly a draft bill to amend the Quebec *Election Act*. The draft bill seeks primarily the adoption of a new voting system, a mixed proportional system with regional compensation, which would replace the current first-past-the-post system. In February 2005, as the result of a cabinet shuffle, Benoît Pelletier assumed responsibility for this portfolio on behalf of the government.

The draft bill orients the discussion toward a precise proposal for a new voting system put forward by the current government. Reactions to it were swift. Some declared themselves dissatisfied with the proposed model. Others greeted the occasion as an "historic moment". It is in fact the first time that a proposal for a new voting system in Quebec has come so close to assuming legislative form.

The document is voluminous, with some 711 sections. The central feature of this proposed piece of legislation is a new voting system of the mixed proportional type such as exists, for example, with differing characteristics from one country to the next, in Germany, New Zealand, and Scotland.

In the model that the government has submitted for consideration the National Assembly would have approximately the same number of seats as it does now, but 60% of the Members would be elected directly in single-member ridings (77 seats out of 127) and 40% of the seats (50 seats) would be allocated to the parties according to their percentage of the vote, account being taken of the number of seats they had obtained in the ridings.

Proportional compensation would be effected at the regional level: List seats would be allocated on the basis of electoral regions known as "districts". Each district would usually have two compensatory seats.

Each voter would have a single vote, as in the current system, and he would vote directly for a candidate in his riding. This vote would also serve to calculate the compensation in order to elect the so-called "district" Members.

Those who devised the proposal believe this mechanism would make it possible to correct the "distortions" that result from the traditional vote in single-Member ridings.

It should be noted that this draft bill also deals with several other aspects of the Quebec electoral system. Thus, the document proposes financial incentives to promote better compensation of women and ethno-cultural minorities at the National Assembly. These measures include an increase in the annual allowance granted to political parties and an increased reimbursement of electoral expenses. These mechanisms have two aspects as they relate to women:

- Parties would have their annual allotment increased if they presented a significant proportion of female candidates;
- Female candidates who received at least 15% of the votes in their riding would have the reimbursement of their electoral expenses increased.

The measures that seek to enhance the position of ethno-cultural minorities in the National Assembly are similar in nature to those regarding the representation of women. They thus endeavour, in a sense, to reward parties that present a significant proportion of candidates belonging to ethno-cultural minorities and to compensate candidates from these communities who receive at least 15% of the votes in their riding.

In addition to a new voting system and mechanisms seeking to increase the numbers of female Members and of those identified with the ethno-cultural minorities, the draft bill proposes measures whose purpose is to promote the exercise of the right to vote. Worthy of mention are:

- the lengthening of the period for the revision of the electoral list;
- the possibility for a voter to vote in the offices of the returning officer in his riding throughout the electoral period;
- the availability of voting by correspondence to all voters domiciled in Quebec; and
- improved access to advance voting, for example by prolonging the hours during which such voting is possible and by creating itinerant polling stations.

## The Select Committee on the *Election Act*

The Select Committee on the *Election Act* (SCEA) was established by the National Assembly in June 2005 in order to examine this draft bill and a variety of matters relating to elections and democratic institutions in Quebec.

The SCEA is comprised of nine Members, five from the parliamentary group forming the government (including the Minister for the Reform of Democratic Institutions), three from the official opposition and one independent Member.

The select committee innovated by forming a citizens' committee to assist it in a non partisan fashion and on a consultative basis. The citizens' committee is comprised of four men and four women in different age groups drawn from various regions of Quebec. These eight persons were designated by a random draw among more than 2,400 candidates, and they accompanied the select committee throughout its proceedings. They joined with parliamentarians in the public consultations, and they submitted a report to the select committee containing their observations, conclusions, and recommendations.

The select committee invited the population to take part in its deliberations by publishing numerous notices in the newspapers. It also distributed an information brochure to the 3,340,000 households in Quebec and published an information booklet, a consultation form, and a questionnaire.

In the light of the exceptional participation by Quebecers in this vast consultation no one can maintain that citizens are indifferent to electoral matters. In fact, the interest aroused by the select committee exceeded all expectations, as the following data show:

- 374 briefs were transmitted during the general consultation;
- 1,747 persons took part in the on-line consultation;
- 6,200 paper copies of the information booklet were sent out, in French or English, to citizens who so requested;
- 379 groups and individuals appeared during the public hearings at the National Assembly and across Quebec; and
- 21 experts and representatives of the political parties were heard during the special consultations. These experts came for the most part from Quebec universities, but the select committee also invited specialists from Ontario, Alberta, and the United States.

The experts and the party representatives presented their thoughts on the subject in November 2005, whereas the public hearings for the general consultation took place between January and March 2006 in 16 cities across Quebec. This tour, as well as the considerable and enthusiastic participation of the population, show unequivocally that the citizens of Quebec have a sense of involvement in the state of their democracy.

This large-scale tour as well as the presentations by experts demonstrated to parliamentarians the appropriateness of proceeding with a reform of the voting system. They also showed that the questions which remained in abeyance are essentially matters relating to the calendar and details of implementation.

*The select committee's experience afforded its members the opportunity to gain a better understanding of contemporary Quebec in all its realities.*

For example, travelling across the various regions of Quebec (which is a vast and unevenly populated territory) enabled them to understand very clearly that the importance to citizens in the non-urban regions of having easy access to a Member was not merely an abstract mental construct. Finally, this tour allowed the members of the committee to have an experience that went beyond those issues that relate to the *Election Act*.

It should be emphasized as well that despite the highly political nature of the subject, the discussions held throughout the committee's proceedings were both frank and respectful of the various political allegiances. The general climate favoured dialogue and the search for a consensus, much to the credit of the Members who took part in these deliberations.

## The Report from the Citizens' Committee

All of these discussions provided food for thought for both the parliamentarians and the members of the citizens' committee, who lost no time in setting forth their reflections and recommendations. The report of the select committee and that of the members of the citizens' committee were tabled this spring.

To achieve a synthesis of all these debates and then quickly prepare an analysis and a proposal was a formidable challenge to which the members of the citizens' committee responded remarkably well. On April 21, 2006, the six majority members of the citizens' committee tabled a report covering all the matters raised in the draft bill as well as several other subjects discussed during the select committee's consultations.

In this majority report the citizens' committee supported the mixed compensatory voting system but did not endorse the proposal contained in the draft bill. Un-

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like the government's proposal, their recommendation has the following characteristics:

- a national compensation (i.e. covering Quebec in its entirety rather than at the regional district level);
- a 5% national threshold for votes received in order for a political party to participate in the proportional allocation of seats;
- after the calculation of the national compensation a proportional allocation of seats on the basis of regional lists;
- the possibility of casting two distinct votes.

These points represent only a very small part of the contents of the citizens' committee's report. Preparing this report was no mean accomplishment. Within a very limited time frame the citizens' committee presented a report that was substantive and complete and that contained a number of original ideas which evidenced a serious effort to analyse and synthesize the diverse testimony heard. Thus, the committee's observations also touch on the means for exercising the right to vote and issues such as coalition governments, the representation of women and minority groups, the political participation of young people, electronic voting, and the financing of election expenses.

The select committee can only evaluate in a very positive way the participation in its deliberations of these men and women from all walks of life and all generations who agreed to devote several weeks of their life far from their families, their work, and their usual activities in order to contribute decisively to advancing the thinking about our democratic institutions. The members of the select committee very much appreciated the commitment and determination of all these persons. They also appreciated the exchanges they had with them as well as their always inspired interventions. Moreover, the conclusions in their report shed a very useful light on the parliamentarians' own thoughts, a light that was not ignored when the select committee wrote its final report.

At the same time the experience was unquestionably an enriching one for these citizens, who among other things were exposed to one of the most demanding yet possibly least known aspects of a Member's role, work on a parliamentary committee.

The future of our democracy rests, in particular, on increased participation by voters in the decision-making process and on bringing the parliamentary institution closer to citizens. To that end a number of avenues of approach are available to our parliaments. One thing is certain: this unusual and highly original experience of creating a citizens' committee to accompany parliamentarians in their proceedings probably deserves to be repeated.

## The Report of the Select Committee

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The members of the select committee made their final report public last spring in two parts. On April 25 they presented the first part of the report, which had been adopted unanimously regarding matters concerning the exercise of the right to vote. On May 31 they tabled the second part which concerns the voting system and the representation of women and ethno-cultural minorities.

In the first part of the report the Members recommend, in particular, the adoption of measures to facilitate the process of revising the electoral list and to make advance voting more accessible.

On May 11 the Minister for the Reform of Democratic Institutions, Mr. Pelletier, introduced Bill 22, *An Act to amend the Election Act to encourage and facilitate voting*. This bill was passed unanimously on June 14.

In the second part of their report the Members recommend that the voting system "be reformed and modernized" but their position is cautious. Thus, they agree in asking that a new voting system "give greater consideration to the multiplicity of political expressions" and "strive toward applying the principle of the equality of votes". The Members also underscore the need for the new system "to respect the representativeness of the regions." As well, in the light of the many suggestions made during the consultation they distance themselves somewhat from the voting system proposed in the draft bill, believing that the mechanisms outlined in this proposal ought not to be "accepted in their entirety".

Furthermore, the members of the committee reiterated their allegiance to the British parliamentary system. They demonstrate in this way their attachment "to the institutional past of our parliamentary system" and express the hope that the new voting system "will retain the positive aspects thereof". In that sense they want a new system "to be conceived in such a way as to maintain continuity and governmental stability" and any proposal for change to "preserve a riding system and introduce elements of proportionality". These proposals thus tend toward a mixed compensatory system whose characteristics would nevertheless differ from the model described in the draft bill.

The Members also take a position on the number of seats the Parliament of Quebec should have. Thus, they suggest that "the possibility ought to be considered that it may be warranted to increase the number of Members of the National Assembly in order to do justice to the political weight of the regions and the principle of the equality of votes." One must indeed be mindful of the fact that in a mixed compensatory system the pursuit of a proportional allocation of seats may sometimes require

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that the number of seats be adjusted, and the Members have taken that fact into account.

With regard to the measures concerning women and minorities the select committee asks that "the commitments to equality in the representation of women at the National Assembly" and "the commitment to equity in the representation of ethno-cultural minorities" be maintained. As well, should the government put such measures into place, the committee recommends "that all calculations of incentives be made on the basis of Members elected" rather than on that of candidates. Here the select committee is in agreement with the citizens' committee.

Like the citizens' committee, moreover, the members of the select committee emphasize the difficulty in defining the concept "ethno-cultural minority" and consequently, of applying incentives for the representation of members of the minorities in the National Assembly. Should a cultural community be identified on a voluntary basis? Should linguistic criteria be taken into account? Should they be limited to the so-called "visible" minorities and to first-generation immigrants?

The committee members are nonetheless of the view that the objective of the draft bill in ensuring better representation of minorities ought to be pursued.

## Conclusion

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Will Quebec be the first jurisdiction in Canada to adopt a reform of its voting system in the 21<sup>st</sup> century? We will know more about that in the next few months, and the debate is far from over. Quebec parliamentarians have in any case taken a keen interest in the question, and, beyond partisan considerations, they have shown themselves to be very open-minded toward the points of view of their fellow citizens with respect to it.

Nevertheless, among all the proposals discussed during the past 30 years a number of facts remain constant, in particular the need to harmonize future proportional elections with a recognition of the diverse regional realities of Quebec. If the unprecedented experience of the Select Committee on the *Election Act* is to lead to a reform of the voting system, it seems that a mixed compensatory system, whether or not it cleaves to the mechanism set forth in the draft bill, is an approach that should be considered seriously in the Quebec context. That, at any rate, is the trend that appears to emerge from the considerable testimony heard by the members of the select committee and those of the citizens' committee.

In choosing a voting system the fundamental criteria on which there is agreement among the citizens' committee, the members of the select committee, and the majority of the groups and individuals they heard seem to be to associate an enhanced representativeness of the voters' choices with an equitable representation of the various regions of Quebec and to maintain a special relationship between Members and their constituents. Everyone hopes Quebec will adjust its electoral system to the realities of the 21<sup>st</sup> century without thereby neglecting the advantages of the political system it has enjoyed for more than 200 years.

Quebec has shown in the past that it can contribute to defining new norms in the field of democratic institutions, in particular when it passed innovative legislation on electoral financing under the government of René Lévesque. The current Minister for the Reform of Democratic Institutions, has stated that he would introduce a bill this fall on the voting system which would contain measures to improve the representation of women and ethno-cultural minorities. This legislation will no doubt be received with keen interest on the part of all citizens in Canada who follow the evolution of proposals to reform democratic institutions.

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