

REFORM OF DEMOCRATIC INSTITUTIONS: QUEBEC'S COMPREHENSIVE PLAN

André Fortier
Secrétaire adjoint
Secrétariat à la réforme des institutions
démocratiques
Ministère du Conseil exécutif
Gouvernement du Québec

In the coming weeks, pending final approval by the cabinet, Mr Jacques P. Dupuis, *ministre délégué à la Réforme des institutions démocratiques*, will present the major elements of the comprehensive plan of reform of democratic institutions as announced by Premier Charest in its inaugural speech last June.¹

I am not at liberty, as you may expect, to explicitly refer to what is submitted for ministerial decision. I will comment briefly on the three aims of the reform and their respective objectives in order to respect the time allocated to each presentation. I will gladly answer questions afterward.

The first aim pursued is the reform of the electoral system. The objective sought here consists in correcting the representation shortcomings of the FPTP system as it operates in Québec.

These shortcomings are well documented. Therefore, I shall not insist, except to say that, on the one hand, FPTP over-represents the political party that wins a general election. On the second hand, it under-represents opposition parties in the National Assembly, and to a higher extent emergent or smaller parties. Given Québec «political culture», it generates regional monopolies of one party over others, not only for the duration of an electoral mandate, but in some regions, election after election. Finally, it enables a party to win a majority of seats

¹ On June 10, 2004, the minister tabled before the National Assembly a proposal for parliamentary reform. The draft bill on electoral reform is due for presentation in the fall session of the National Assembly.

although it did not get a plurality of votes. This «reversal» of the popular vote, occurred on three occasions, in 1944, 1966 and 1998, and always to disadvantage the Québec Liberal Party.

These shortcomings induced over time the perception in the electorate that all votes are not of equal value. Although more recent, there is also the perception that the elected body does not reflect the gender and ethnic diversity of Québec's population. Improved participation in the electoral process and parity of representation in the National Assembly for women is advocated with more intensity as well as a more equitable representation for ethnic minorities.

This signals a very significant change in the political culture where, until recently, it was considered more important to elect a strong government than to seek a more equitable representation. A recent survey, where people were asked, considering the possibility of a new electoral system, shows that 64 % allowed more importance to an improved representation over governmental stability.² This seems to validate a trend that became apparent after the 1998 general election. A move toward some form of proportional representation might be possible and the direct result of such a change, e.g. reduced ministerial majorities and higher probability of minority governments, might no longer be an impediment.

However, we must not conclude from that openness that radical changes in the electoral system could be easily accepted.

First, there is still strong support for direct and significant link between the electorate and their elected representatives. Second, there is no indication that the population could accept a significant increase in the number of elected members. Third, there is still a strong attachment to regional representation. Fourth, the press, mainly through editorials, although in

² Robert Bernier, Vincent Lemieux, Maurice Pinard, «Les prédispositions de la population québécoise au changement», *L'État québécois au XXI^e siècle*, BERNIER, Robert, ed., Presses de l'Université du Québec, 2004, p.526

favour of some «improvements», invites the decision-makers to be prudent regarding government stability and excessive fragmentation of political party's representation in the National Assembly. Fifth, four experts, in their respective presentations before a parliamentary commission in 2002, gave their support to a mixed members system. Sixth, a clear majority of the 800 participants to the *États généraux*, in February 2003, also expressed their preference for such a system over some form of classical proportional representation.

That, somewhat reinforces the choice of a mixed members system as an alternative to FPTP.

A mixed members system can certainly improve the situation but cannot reconcile all those expectations, correct all the discrepancies evoked earlier and secure an equitable representation of women and minorities all at once. No electoral system is perfect. The goal behind the mixed system that will eventually be proposed is to strike a balance between effectiveness and acceptability so that it could first be accepted as a discussion basis, improved through the public debate and then implemented.

Once approved by the cabinet, a draft bill will be presented before the National Assembly. It will then be submitted for public hearings in parliamentary committee. The committee will hold session outside the national Assembly in different regions in order to allow a greater number of citizens to participate. New technologies will also be used and new approaches for public interventions will be considered.

The draft bill will not only include provisions for a new electoral system but will also seek to improve voting procedures, the second aim of the reform and will then take the form of a new Election Act. So far, the Election Act has been modified 26 times since 1989 and those changes were mainly aimed at improving the integrity of the electoral process and few were directed at improving voters' participation.

At the end of April, the Québec chief electoral officer presented a substantive report on possible changes to the Québec Election Act in order to improve access to voting and, as an intended result, help improve voting turnout. These proposals will be analysed by the Advisory Committee. This committee, established by the Election Act, is formed of representatives of all political parties represented in the National Assembly and must be consulted on all modifications to be brought to the law, except those pertaining to representation. Eventually, given the result of the consultation, appropriate changes will be included in the new legislation. Major proposals by the chief electoral officer include voting on Sunday – we actually vote on Monday – and new rules to allow for a substantial improvement in the accessibility of advance polling and absentee voting.

Furthermore, changes to the Election Act will consider new rules for political party's authorisation, following the Supreme Court decision in the Figueroa affair since our legislation contains provisions similar to those of the Canada Election Act declared unconstitutional.

The third aim of Québec's plan for reform of democratic institutions, parliamentary reform, has somewhat received less attention, but is of no less importance. The public in general, and the press in particular, is highly critical of the work they happen to see of our elected representatives. A comprehensive set of proposals aimed at improving the proceedings of the National Assembly, at making it more modern, more efficient and more open to some forms of more direct involvement of the citizens, will be submitted by the government. Those proposals will be the starting point of a process where the elected members will, after thorough deliberations in the following months, decide on the actual changes. This is a matter where the ministerial majority can propose, but where certainly not the government imposes its will on the legislative branch.

As a final remark, I want to remind us that we cannot predict the results of future elections, neither can we determine today the nature or the outcome of future policy issues and public debates. We can only adopt changes in the way we proceed in order to allow for better deliberations and improved decision making. We shall keep in mind that any of those changes will be perfect and that, sooner or later, another round of reform will be inevitable.