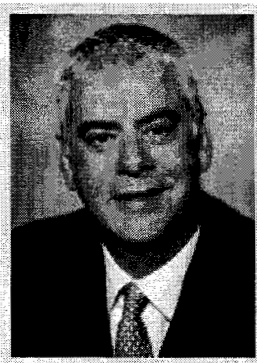

Reform of Democratic Institutions: A Three-pronged Project

by Jacques P. Dupuis, Member of the Quebec National Assembly

This article looks at previous attempts to reform the Quebec electoral system and the plans of the new government elected in 2003.



The debate on changes to the electoral system is not new. In the 1966 election, the now defunct Union nationale won a majority of seats, although the Liberal Party of Jean Lesage received more votes. This situation was a repeat of what had occurred in 1944. In the interim, the debate had focussed rapidly on the need to correct the distortions occasioned by the electoral map and on the possibility of changing voting procedures. In 1970, the government of the late Robert Bourassa set to work to redraw the electoral map. However, on the issue of the electoral system itself, Mr. Bourassa made it known in the 1970 leadership race that he opposed a review of voting procedures that could lead to a proportional system. He firmly believed that our first-past-the-post voting procedure, made it possible to form a government with a sufficiently large parliamentary majority to govern with assurance and legitimacy and that this fact was the main virtue of our electoral process. He would retain this view of the electoral system throughout his career. The PQ Government elected in 1976 expressed an interest in

changing voting procedures. Accordingly, in the late 1970s, it published a green paper under the responsibility of the minister at the time, Robert Burns.

Faced with resistance, especially from elected officials—members of the government and the Liberal opposition alike—the government dropped its initial plan and asked the Representation Commission to undertake consultations and to propose a new plan to elected officials. The model of regional proportional voting proposed at the time was not supported by either experts or elected officials. The latter, for example, thought it would break the direct link between voter and elected representative, something we continue to consider important today. Furthermore, consultation at the time revealed no real popular support for change. The election in 1998 was a repeat of earlier ones in 1944 and 1966 in which the Liberals failed to obtain a majority of seats, despite receiving the most votes. The Action démocratique du Québec was also under-represented. This helped revive interest in a review of voting procedures. This time, however, the interest was echoed not only in the political and academic milieus, but in society as well. At the instigation of the *Mouvement pour une démocratie nouvelle*, the issue has remained on the agenda of all the political parties. The movement has rallied people from all walks around the key idea of proposing changes to voting procedures in order to have the makeup of the National Assembly accurately reflect the will of the people and so that the government drawn from it may be more in keeping with the way the public voted. This represents a marked change in public opinion from the 1970s and 1980s.

The initiatives of the *Mouvement pour une démocratie nouvelle* are complemented by debate within the political

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parties, partial consultations by the Commission des institutions sur la révision du mode de scrutin, the study paper prepared by my predecessor in the previous government, Jean-Pierre Charbonneau, and the Estates General on the Reform of Democratic Institutions. All of these are helping the government to take account of a real desire for change and to set parameters for the guidelines we intend to propose as part of the institutional reform the premier announced for the spring 2004 session. The government has therefore the legitimacy necessary to move the debate along—not starting it all over again, but redefining it in terms of the objectives that reflect both its priorities and its philosophy of action. The plan we propose and will submit to public scrutiny will be relevant first and foremost and will echo our political traditions. It will be realistic and feasible—the hallmark of our government.

So that we may formulate the terms of the plan, which is currently in preparation, we must respond in very clear terms to three questions.

Why change our democratic institutions?

The foundations of our democracy are solid and well tested. Anyone can be a member of a political party. If they want to be active they may do so without fear for their safety or that of their family. Elected Members may exercise their mandate without fearing undue influence. The press has virtually unlimited latitude to scrutinize the activities of the government and politicians. It plays a vital role in informing electors and helps keep democracy healthy.

We are the envy of a number of societies in this respect. Why then are we debating the need to reform democratic institutions and, in particular, review voting methods. There are two reasons.

First, we may think that voters specifically, if not the population in general, accords greater importance now than in the past to the balance between their vote and the election of MNAs. We seem to not be satisfied any more just to choose a government knowing that the voting procedure will give it a substantial majority. People want the National Assembly to reflect more accurately the diversity of political opinion.

In this context, current voting practices obvious falls short. They tend to over-represent the party winning the election. They tend to under-represent third parties. Often, in certain regions—and for long periods—they can lead to the predominance of a single political party, to the exclusion of all others. They enable a party to elect a majority without obtaining a plurality of the votes. This situation has occurred on three occasions, to the detriment of

our party. In addition, the entire situation I have just described is not foreign, in my opinion, to the current unfortunate public disenchantment with politics in general and politicians in particular.

Do people feel their vote counts? If we believe that elections serve to create a government with a strong majority regardless of the balance of fair representation, then there is no need to change the existing system.

Our institutions may be said to be in good shape. We are fortunate to live in one of the best established of modern democracies. Elections are held according to the Constitution. They take place in a context of respect for parties and opinions. The chief electoral officer monitors the election process in complete neutrality and oversees the political parties' financing. Furthermore, in recent years, elections have brought parties of opposing philosophies to power.

However, if people consider that the composition of the National Assembly must better reflect the choice of the voters, then change is necessary. This opinion seems now to dominate the debate. In this context, if we allow these failings to continue, we would be inexorably undermining the legitimacy of the both the National Assembly and the government it produces.

Secondly, public consultation has clearly revealed the desire of the public to play a more active role in the political debate in order to be heard and to have a real impact on decisions affecting it more directly—not only at the time of elections, in order to change or keep a government, but daily, when members and ministers debate and make decisions.

The public wants to be able to bring problems it considers to its government, without having to go through the electoral and partisan process and to have the assurance that these problems will be given the attention they deserve.

On reflection, one might think that the bond of trust between the public and the government has weakened. There are a number of reasons to explain the situation.

Those cited most frequently include the feeling of ineffectuality in the face of a complex government and overly rigid programs and interventions; the difficulty of gaining access to elected representatives and officials who might resolve matters; the time it takes to have individual problems resolved and comprehensive changes to policy effected; inconsistencies in political and administrative decisions; the limited voter control over government action when effective intervention in respect of the voters is a problem and, I add, the popular belief that decision-makers tend to favour the most influential interest

groups, if not their own institutional interests, to the detriment of the public.

The drop in the turnout rate in recent elections in Quebec is considered to be a strong indication of the loss of public interest in politics.

We could discuss at length the merits of each of these statements. Opinions are divided on the cause and effect relations and the solutions proposed. In politics, however, perceptions and reality count equally. I do not think we can continue to ignore them without risking further weakening the legitimacy of the political players in the minds of the public. It would be a mistake, however, to assume that changes to the political institutions alone can remedy the situation. In many instances, the very nature of the decision and the choices of the actors are at issue and not the system itself. It would be a greater mistake, to think that changes to the procedures and institutions would not improve the situation.

What must we change?

This is by far the most difficult question because change for the sake of change is not sufficient. The changes made must have the broadest possible consensus. The government wants to make significant changes in order to revitalize our economy. We have three broad lines of the plan announced by the premier in his inaugural speech.

First, voting methods must be changed to ensure the will of the electorate is more accurately reflected. Second, we believe, in light of experiences in the most recent general elections and because of the drop in voter turnout, among others, that the legislation on elections must be reviewed and amended in order to improve the exercise of the right to vote. Finally, we think it important to institute a parliamentary reform with respect to the Rules of the National Assembly, to get the public more involved in the work of the Assembly and to revitalize the roles of the members.

Before detailing these three elements, I would like to comment on the scope of some of the changes being considered. I believe very strongly that the changes are necessary but within the context of the political system we know.

While opinion is quite favourable to a review of the electoral system, there is not the same support for replacing the British parliamentary system. Similarly it is far from clear that the establishment of a presidential system

in Quebec, as things stand now, would pass the test of constitutional validity. The Supreme Court established clearly in a number of decisions that the British parliamentary system is protected under the Constitution and comprises the election of responsible government headed by a first minister drawn from the assembly of elected representatives who must retain the confidence of the electorate in order to fulfill his or her mandate.

We could discuss at length the virtues of other political systems we could import, but it would be a protracted undertaking, justified only by the potential benefits of doing so. It has yet to be shown that the radical change of our political system would permit the meaningful and longlasting resolution the problems cited earlier.

It would be irresponsible to consider change we reasonably expect to fail. Rather than rebuild trust in our institutions and in the women and men working within them, we would simply be fuelling a certain ambient cynicism. Better by far, is the approach of concentrating the energies of the National Assembly and the government on the issue everyone agrees on: changing the electoral process.

In this connection, the government intends to propose a compensatory combined proportional electoral system. This system provides for the election of members and for the election of a number of members known as "list" or "compensatory" members to fill the gaps identified between the voting by party and the riding members elected.

The choice appears decisive in the light of recent experience and consultation. Indeed, we believe that the public is ready to change the voting procedure in order to correct gaps in representation. It does not, however, want a radical break with current voting methods, which provide a direct link between the public and their members.

Members, for their part, consider it very important to maintain this direct link, which are the *raison d'être* of elections and their role representing the people. Any change that would contribute to breaking this link or fail to take it into account will not be accepted. The Liberal Party of Quebec, like the Parti québécois and the Action démocratique, have taken a stance in favour of the principle of a change of this type in voting methods. Accordingly, we can move forward in the debate on the type of voting methods we want to adopt rather than resume overly general discussions on the appropriateness of changing them.

We see a certain consensus among the experts in favour of a combined electoral system. The experience of certain countries such as New Zealand and Scotland in-

dicates that the British parliamentary system is compatible with such a system once certain issues are clarified.

For example:

- Is it better to have a single vote, as our existing system provides, or should there be two votes, the first for the candidate and the second for the political party?
- Since we want to keep the present number of members, how many ridings should we keep as a model: 75, 80, 85. The other seats would be kept for compensation purposes.
- How would the list of compensation candidates be drawn up? Should we opt for double riding and list candidacy?
- Should compensation calculations be based on voting across Quebec or regionally? How many regions could be considered in the latter approach?
- Is a threshold of 5% of votes acceptable for seat distribution purposes?

We will be looking at these and other issues, such as the representation of women and cultural communities, in the coming months.

In addition to the preferences we may express in coming discussions, we must ensure that the features selected actually meet the objective of ensuring better representation for the National Assembly.

All interested parties will be able to express their opinion in a parliamentary committee, once the bill has been tabled in the National Assembly.

Once defined, the new electoral system will have to be carefully implemented taking into account the design of the electoral map and the adaptation of the electoral process for the chief electoral officer and within the various parties. The voters must also be informed of and educated in the changes.

In addition to the changes arising from a new electoral system, major changes will have to be made to the election act to promote exercise of the right to vote, including the right of those who have reduced independence and persons living abroad temporarily. Likewise, the aim and process of advance polling and polling on voting day should be examined carefully.

I would add that the recent decision by the Supreme Court in *Figueroa* requires us to make appropriate changes in the recognition and financing of the political parties. The contribution to be made by the new technologies to improving the electoral process should also be considered.

Many have proposed the introduction of "direct democracy" mechanisms (initiative referendum, member recall) to ensure that decisions truly reflect the will of the

public and to re-establish public trust in political institutions. While I believe there is merit in these proposals, I sincerely doubt they meet our objective.

In democracy, the decision-making process is complex, involves a number of players and is subject to a variety of influences. The mechanisms of direct democracy may very readily be taken over by interest groups, to the detriment of the population as a whole. They could easily contribute to lessening the worth, if not the responsibility, of elected officials in the face of divergent public opinions.

I am of the opinion that, far from improving the public's perception of public affairs, the debates and timeframes engendered by these processes would heighten the cynicism criticized. Given that elected officials are, in the final analysis, accountable to their electors, it would be inappropriate to weaken the exercise of electoral accountability.

That said, I believe, nevertheless that representational democracy, which underlies our system, must be consolidated and made more participatory. As we work to give the public a veritable voice, we must also revitalize the role of the members.

An individual may contact his or her member or a minister privately to express a grievance or to reveal a problem. The individual may table a petition in the National Assembly. The member introduces it under his or her name. The individual can also submit a brief during public consultations by a parliamentary committee, but will be heard only if the committee chooses to hear him or her.

What I am after here is to have MNAs take an open look at what changes could be made to make the legislature more accessible to the public and attuned to new technological methods.

Obviously, these changes must be considered in conjunction with the effect of the combined electoral system we are proposing.

One of the consequences of choosing this type of electoral system is its potential to reduce government majorities. All parliamentary business must be reviewed to ensure operations are harmonious and effective. As the government house leader, I will be proposing changes that the executive will have to consider to ensure business is conducted in a way that permits the attainment of the objectives of greater public participation and better public monitoring of government activities

How do we go about it?

My answer is very practical. The coming months will be used to define the proposal along the three lines mentioned earlier. This approach involves working meetings

with interested individuals, groups and organizations, with experts and with representatives of the various political parties. I have already met representatives of the Mouvement pour une démocratie nouvelle, Claude Béland and John Adams, the president of the Administration régionale Kativik.

More specifically, the changes to the elections act to improve voting rights and in connection with the election process, will have to be discussed by the various political parties in an advisory committee. The result of these deliberations will be translated into a legislative text and will include the changes the government will propose to the electoral system.

I intend to agree on an approach to modernize the operations of the National Assembly with the president of the National Assembly and the two other political parties represented there to ensure the public is more actively involved in their various stages and to heighten the roles of the members as representatives of the electorate and as legislators and government watchdogs.

Accordingly, in the upcoming spring session, our government will reveal its proposed changes to the electoral system and other changes to the elections act. The plan will reflect the proposals and the related legislative texts.

It will also propose an examination and suggestions for strengthening public participation in the work of the National Assembly.

As I have said, this project will be submitted to formal public scrutiny in a parliamentary committee. This committee should travel and meet the people in their community.

I intend as well to look into the possibilities offered by new technologies to expand this forum of consultation to make it more user-friendly, interactive and accessible to as many as possible.

At the end of the consultations, we will have choices to make. In terms of the electoral system, I hope we get as large a consensus as possible. In terms of changes to the elections act, I intend to take the approach taken generally in the past with the approval of the political parties represented on the committee. In terms of changes to the work of the National Assembly, I will be seeking voter unanimity on the appropriate changes.

In conclusion, we are seeking a more representative, more participatory and more effective democracy. May I add that if we have the political maturity as a society to make these changes, the real winner will be democracy itself.