

## **Quebec Citizens' Committee Report: Ideas for an Ontario MMP Model**

**Carleton University Fair Vote Club**  
*Opinion Submitted to Ontario Citizens' Assembly*

January 2007

The Carleton University Fair Vote Club is a multi-partisan student group at Carleton University in Ottawa, Ontario. The group campaigns for greater youth participation in our democracy and for democratic reform. We felt it necessary to express the sentiments of our club members who, like those of the majority of our fellow students we've talked to, are highly dissatisfied with our current electoral system in Ontario. We feel that it poorly reflects principles that are particularly important to youth, such as:

- Legitimacy & Fairness – in our opinion these two principles are intimately linked. Both stem in part from the idea that everyone has an equal vote; but in Ontario today, this is far from the case. A voting system where votes are not equal produces a parliament which is not very representative, and majority governments that have not attracted a majority of votes. Parliaments and governments produced by such a system lacks legitimacy.
- Voter Choice – many youth electors vote for smaller parties, and it is smaller parties and minority opinions that are particularly poorly represented in our parliament. Our first-past-the-post electoral system does not adequately express in our provincial parliament the range of opinion that voters have in Ontario. We understand, however, that voter choice is always a balancing act, and a parliament that allows representation of absolutely every opinion no matter how few adherents those opinions have is not feasible.
- Representation of Women, Youth, & Minorities – we feel that not only are these groups often under-represented in parliament in comparison to their portion of the Ontario population, but that jurisdictions with fairer voting systems have higher levels of representation of these groups. We believe that the single-member ridings used in our current system carries significant blame for the under-representation of these groups.
- Stronger Voter Participation – there are many causes of low levels of voter participation, which is an especially acute problem amongst youth. In our opinion one of the major causes of this disenfranchisement is our current electoral system, in which many students feel their votes often do not go towards electing a representative, and so they stop voting. The failure of our current system to

adequately reflect the principles given above also adds to more & more youth turning their backs on our democracy.

We need a better system, but which one? The Carleton Fair Vote Club decided not to reinvent the wheel: there already exists a recent model created in Canada that addresses the problems inherent in our current system. In late 2005 the Quebec government initiated a consultative process on electoral reform, where a Select Committee on the Elections Act (made up of 9 MNAs, as well as 8 citizens from around the province) toured Quebec to hear from Quebecers, much like Citizens' Assembly in Ontario. In April 2006, six of the eight citizens on the Committee released an excellent report containing a model electoral system for Quebec, complete with reasons for the choices they made. We attach the report here (following) as the main part of our submission; it is also available in the original French from the National Assembly documents website at: [http://www.assnat.qc.ca/fra/37legislature2/commissions/csle/rapport\\_comite\\_csle.pdf](http://www.assnat.qc.ca/fra/37legislature2/commissions/csle/rapport_comite_csle.pdf)

In the opinion of the Carleton Fair Vote Club, this is an exemplary model which may be modified for use in Ontario without too much work. The Quebec Citizens' Committee model proposes a Mixed Member Proportional system with province-wide proportionality, 40% compensatory seats assigned to regions and filled from regional lists. Electors would get two votes, and there is a minimum 5% threshold for party representation. The Citizens' Committee preferred closed lists because they felt – with included financial incentives for parties who have elected women & ethnocultural candidates – that this would help increase the representation of these groups. It also calls for fixed election dates.

The Citizens' Committee Report is translated into English here for the first time, and thus is now available in both official languages for members of the Citizens' Assembly to consult if needed. We hope that the Citizens' Assembly can use this model as a reference if a decision is made that our current electoral system needs to be reformed.

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*(presentation made to OCA January 17, 2006 in Perth, Ontario)*

**Report Submitted to the Select Committee on the Election Act**

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## **Introduction**

The Select Committee on the Election Act, which was set up in June 2005, has the mandate to consult the population of Quebec on a variety of issues including the type of electoral system, the representation of women and minority ethnic groups in the National Assembly, and the modalities for exercising the right to vote.

For the first time in parliamentary work, a committee of citizens is assisting a commission to execute its mandate in a non-partisan way and on consultative basis. The committee highlights the opinions of the electorate as a way of complementing those of the elected. Composed of four women and four men from different backgrounds, regions and ages, this committee is a clear representation of contemporary Quebec society.

In consonance with the mandate that was conferred by the creation of the Select Committee on the Election Act, We are happy to submit this report which puts together the observations, the conclusions and the recommendations of six members<sup>1</sup> of this Citizens' Committee on the important subject of the reform of electoral law in Quebec.

## **Presentation of the report**

In order to guide the perspectives of parliamentarians, we decided to structure the report in accordance with the objectives of the draft bill that was tabled by the government in 2004. Our report shows the unanimous decisions that we took on almost all issues, as well as any diverging views that came up.

We considered the following objective in Chapter 1: guaranteeing effective representation of the electorate, in relation to the principle of equal votes of the electorate. In our opinion, this is the main objective of the draft bill because the recommendations which result from that have to do with the electoral model in Quebec. Furthermore, we have indicated in this first chapter the reasons that underpin our

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<sup>1</sup> These are Mr. Mustapha Acharid, Mr. Guillaume Boivin, Mr. Charles Gaboury, Mme Carole Hadd, Mme Yohanna Loucheur and Mme Melanie Proulx

conclusion that the election model proposed in the draft bill is neither well adapted to the practical realities of Quebec, nor to the objectives enumerated by the government. We are unanimous in our outright rejection of this approach.

The next two chapters deal with the achievement of equitable representation of women and minority ethnic groups in the National Assembly. We separately developed the issues related to the representation of women and those of minority ethnic groups.

The fourth and fifth chapters of our report have been devoted to encouraging the exercise of the right to vote of the entire electorate, and to guarantee equal opportunities for all candidates and political parties in an election by providing equitable financial support and effective monitoring of electoral expenses.

We dedicate the sixth chapter to the adoption process that will lead to the modification of the Election Act, especially the reform of the electoral system. Two approaches are possible in this regard: holding a referendum or plebiscite, or organizing a vote at the National Assembly. We have expressed our views in connection with these two possibilities.

Finally, in our conclusion, we raised some unavoidable issues without which, in our opinion, any electoral reform will not be able to achieve the desired results and will therefore be unacceptable to us.

## **1. Guaranteeing effective representation of the electorate in relation to the principle of equality of votes of the electorate**

We have unanimously supported the objective that seeks to guarantee effective representation by taking into account the equality of the votes of the electorate. In order to ensure that the voting model attains this objective, two conditions must be satisfied.

### **1.1 The principles that guide our thoughts**

On one hand, the voting method should reflect as much as possible the wishes of the



electorate and the diversity of ideas that exist in Quebec society. On the other hand, it generally must help maintain the current relative political weight of the regions within Quebec.

Consultations held all over Quebec reveal that a reform of the electoral system is necessary, especially because the single ballot system does not respect the first principle that we have just cited. However, it is also apparent to us that the draft bill presented by the government does not constitute a satisfactory solution to the current electoral system.

### **1.2 The electoral system proposed in the draft bill**

Four major factors indicate that the system proposed in the draft bill do not respect the very principles that should characterize reform of the electoral system in Quebec. These are the number of districts, the disregard for the current layout of administrative regions, the number of votes expressed by the electorate, and the calculation technique chosen for the proportional element.

In the first place, as regards the compensation aspect of the mixed ballot system that was proposed, the draft bill envisages the creation of between 24 and 27 electoral districts which will usually bring together three adjoining constituencies. In general each of the districts will have two seats, which will culminate in 50 parliamentarians elected on a compensatory ticket. As far as we are concerned, the number of districts proposed was rather too high to allow for the benefits of the proportional component introduced into the electoral system. As a matter of fact, the compensation that results by virtue of these districts will not bring out a clear expression of the wishes of the electorate and the diversity of ideas that exist in Quebec.

This compensation based on districts will not eliminate the winner-takes-all system and will not fully correct the distortions created by the majority vote system. It will be limited only to reducing the distortions that exist between the political parties that are currently represented in the National Assembly.

The following quote from a report<sup>2</sup> presented by Solidarité rurale du Québec summarizes our opinion on this subject:

*In the opinion of many people, this district-level compensation only slightly reduces the distortions created by a majoritarian system. It even runs the risk of bringing about negative factors that can thwart the compensation objectives sought after. In the final analysis, it considerably reduces the compensatory effects, even though one of the reasons for the whole exercise is to seek adequate compensation for the distortions brought about by majority vote (Milner and Day). In effect:*

*Indeed, examined from a regional boundaries perspective, the simulations indicate that any compensation that is carried out at the provincial level will bring about a minimal level of distortions and would reduce the majority bonus of the big parties to its barest minimum. As soon as the compensation was carried out in four big regions, some majority bonuses and a higher level of distortions were recorded. That was when the excess seats came up. These three developments became more serious when the regions were increased to 13, 16 and 26 regions (Massicotte 2004:19).*

In concrete terms, considering the number of districts proposed in the draft bill, the actual threshold for entry into the National Assembly could be between 13 and 17%. Given that one of the objectives of reform is to ensure effective representation of the electorate in terms of equality of votes, this threshold is far from being acceptable.

The second reason for our rejection of the model proposed in the draft bill is related to the wish expressed many times during the consultation sessions; this is to respect the current layout of administrative regions in Quebec. In general terms, we admit that the

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<sup>2</sup> Solidarité rurale du Québec, *La réforme du mode de scrutin: pour une représentation populaire et territoriale équilibrée*, a report submitted to the CSLE, December 2005. Solidarité rurale du Québec revisits the argument raised in the reports presented by Mr. Henry Milner and Mr. Wilfred Day during special consultations of the CSLE.

system proposed in the draft bill may respect the current political weighting of the regions in terms of the seats in the National Assembly. However, the addition of new regional units in the form of districts as basis for compensation could have major drawbacks. In fact the administrative regions already constitute territorial bases to which the population identifies itself and that has been chosen by the government for consensus building and action planning. It would thus be considered inappropriate to create new regional units which do not respect already well-established natural communities, thereby creating confusion amongst the citizens that live in these communities

The third major shortcoming of the electoral system proposed in the draft bill is that it allows for only one vote that will serve the purpose of electing both the local and district representatives.

In our opinion, the absence of a second vote that will specifically address the compensatory aspect of elections will perpetuate “strategic voting” on the part of many voters, and thereby limit the possibility of the electoral system conveying the diversity of ideas that are found in Quebec society. In actuality on voting day, voters would realize that a vote for the party of their choice could result in victory for a candidate from a party that is diametrically opposed to their interest. This situation will urge them to vote strategically for a party which in their opinion would be the “lesser evil”. The choice of electors will therefore often be a vote “against” a candidate or a party, rather than a vote for an option that is in harmony with their ideals.

Finally, the calculation technique proposed in the draft bill for the purpose of distributing list seats also poses a problem. In a proportional system of representation, there are, in fact, many methods to calculate the votes according to the suffrage expressed. With the divisor methods, the number of votes is divided by a series of numbers. When there are few compensation seats to share, the d’Hondt<sup>3</sup> method tends to favour large parties.

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<sup>3</sup> According to the d’Hondt method, the votes won with party lists are divided by 1,2,3,4 etc. The results of these divisions are graded in descending order and the seats are then

Another method, the Sainte-Laguë<sup>4</sup>, helps to more authentically reflect popular expression in terms of votes.

For the purposes of distributing list seats in a mixed compensatory system, the Sainte-Laguë calculation method seems to be the most appropriate to ensure a fair distribution of seats. In the case of regional compensation, this calculation method is essential. It is noteworthy that the draft bill features the d'Hondt method, thereby underscoring the tendency of regional compensation to only distribute seats proportionally between the parties that are already represented in the National Assembly.

### **1.3 Other possible models**

#### **1.3.1 The Regional-Proportional Electoral Model**

Proposed by the Steering Committee on the Reform of Democratic Institutions<sup>5</sup>, the regional-proportional electoral model respects the current layout of administrative regions of Quebec and their relative weighting. However, considering the wide demographic disparity between the regions, this method does not allow for significant correction of distortions because 11 out of seventeen would have 5 or fewer representatives, whilst only three regions would have more than 8 representatives. Also, this mode of elections does away with parliamentarians from constituencies, to whom the citizens feel deeply attached. We therefore do not support this proposal.

#### **1.3.2 The mixed compensation system with a provincial list**

A mixed compensatory system of elections with a province-wide list and a ratio of 60% to 40% between constituency Members of parliament and elected list candidates, would adequately reflect the wishes of the electorate. It would bring about a remarkable measure

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allocated to the parties that had the highest, up to a maximum of the number of seats available for distribution.

<sup>4</sup> The Sainte-Laguë method of calculation uses 1,3,5,7 as divisors.

<sup>5</sup> *La participation citoyenne au Coeur des institutions démocratiques québécoises*, a report of the steering committee of the Estates General on the reform of the democratic institutions, March 2003

of correlation between the percentage of votes obtained and the seats won. It would also maintain some Members of parliament elected from constituencies.

However, this electoral system cannot guarantee regional representation and will not facilitate the maintenance of the relative weighting of the administrative regions. The suggestion to include some candidates from the regions in good positions on the lists is interesting, but such a model would probably imply a fluctuation in the number of members of parliament from each of the regions from one election to the other. We have found a more efficient way to arrive at the objective of regional representation.

#### **1.4 Essential factors**

We have laid out the principles which, in our opinion, must guide necessary electoral reforms in the province of Quebec. We have also explained the major reasons why the electoral system proposed in the draft bill is inadequate. We shall describe in this text the characteristics that cannot afford to be overlooked in a new electoral system aimed at achieving our identified goals. These characteristics are a mixed compensation system, compensation at the provincial level, a minimum threshold of 5%, and the use of two votes.

##### **1.4.1 A compensatory mixed system**

It immediately appears clear that a compensatory mixed electoral system would be the most appropriate in order to respect the principles listed above. We recommend this system because it combines the advantages of both the majority vote and proportional representation in a balanced way.

On one hand, the proportional dimension of the system results in an authentic expression of the will of voters and the diversity of the ideas that exist in society. It creates a situation where “each vote matters” and can significantly reduce the distortions created by a majoritarian system. Furthermore, the presentation of lists facilitates the adoption of measures to enhance the representation of women and minority ethnic groups.

On the other hand, the majority dimension of the system makes it possible to establish a privileged bond between the voter and his/her member of parliament. It also preserves the territorial base of those elected from constituencies and the kind of accountability the voters are accustomed to.

#### **1.4.2 Compensation at the provincial level**

It is apparent to us that provincial-level compensation is an essential component of any mixed electoral system.

We indicated earlier that the proportional component of the electoral system should be applied to a larger area than that of the districts proposed in the draft bill. Most of the interveners who considered this issue acknowledged that, with 25 districts having to share 50 seats proportionally, the actual entry threshold into the National Assembly will remain very high. In our view, this threshold should be approximately 5%.

In order to resolve this problem, a regional compensation based on districts that are far larger than those proposed in the draft bill could, in theory, bring about an entry threshold that would be considered acceptable. However, in order to create such districts, it will be necessary to bring together regions which may not necessarily be of the same heritage and thus do not share the same geographic, demographic or socioeconomic circumstances. This appears to be inappropriate in terms of the regions of Quebec.

**We are thus convinced that province-wide compensation is the only acceptable solution in the context of a compensatory mixed system in Quebec.** It is on this basis that proportionality best corresponds to the wishes of the voters and the diversity of ideas that are found in society. It is however worthy of note, as we shall demonstrate later, that province-wide *compensation* does not necessarily require the use of provincial *lists* and that it is not at all antithetical to the principle of maintaining the political weight of the regions.

#### **1.4.3 A 5% minimum threshold to participate in list seat distribution**

It is our conviction that the effective threshold of about 15% proposed in the draft bill is unacceptable because it does not make it possible to reflect the expression of the wishes of the electorate with any fidelity. However, as regards the distribution of compensatory seats, we feel the need for the establishment of a minimal threshold that will ensure that elected candidates represent a significant part of the electorate. In this regard, those who spoke during the consultation sessions expressed their fears about dissipation and proliferation of parties in an electoral system that features a proportional component.

**In order to obtain the right to take part in the distribution of compensatory seats, we recommend the need for a party to obtain at least 5% of the votes at the provincial level.**

This is, as a matter of fact, what the Quebec Unions Federation (CSQ) indicated in their report<sup>6</sup> :

*A threshold of 5% will be applied to have the right to compensation seats. It is worthy of note that a 5% level is justified only with compensation at the provincial level. The creation of regional compensatory entities brings about greater or lesser de facto thresholds according to the number of seats provided. Although countries like Israel and Italy fix lower thresholds, a 5% threshold stands out as the norm in most of the countries. This level facilitates the establishment of a compromise between the objective of political pluralism, and at the same time significantly preventing the degradation of representation into too many political formations.*

The establishment of this minimal threshold responds to the first principle that we identified being, as much as possible, the reflection of the true wishes of the electorate and the diversity of the ideas that are in existence in Quebec society. It is also pertinent to the political significance of regions because it will strongly encourage political groups to

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<sup>6</sup> Centrale des syndicats du Québec, *La réforme de la Loi électorale et du mode de scrutin au Québec: pour que chaque vote compte!*, opinion given to the SCEA, December 2005.

present candidates across the whole territory of Quebec. Finally, within the framework of the parliamentary reforms initiated, we invite the National Assembly to recognize, as a parliamentary group, the political formations that obtained at least 5% of the vote.

#### **1.4.4 Two separate votes**

We propose the adoption of an electoral system that will create room for two separate votes. As we have already indicated, the electoral system described in the draft bill will not enable voters, on the one hand, to elect the candidate that is most capable of representing the citizenry in a constituency, whilst on the other hand leaving room to manoeuvre to elect the party that they wish to support as far as the proportional dimension of the elections is concerned. They will thus be constrained to compromise in a single-vote system. The voters would be obliged in such a situation to make a choice to the detriment of the best candidate or political party that will best convey their messages to the National Assembly. What's more, this situation will influence many citizens to adopt a strategic approach in their way of voting, either by choosing a party that is more capable of forming a government or by voting for a party that is capable of obtaining a "balance of power".

It is worthy of note that if the second vote does not totally eliminate the notion of strategic voting, it will moderate this tendency. In fact, a second vote will enable the electorate to vote for the candidate they consider as the best (or against the one they consider as the worst) for the constituency seat, and also vote for the party that appeals more to their ideas in the proportional aspect. Importantly, it also continues to allow room for independent candidates in ridings - indeed, what voter would vote for them if their vote did not count as far as a proportional compensation is concerned?

#### **1.5 Our proposal**

In the light of the two principles and the four unavoidable factors that must be included in any reform, **we propose a mixed electoral system with provincial compensation that will use regional lists. This will imply a repartitioning of the electoral map in accordance with existing territorial units.**



### **1.5.1 Issues related to the electoral map**

The electoral system that we are proposing is inseparable from our suggestions in connection with the partitioning of the electoral map. In other words, this electoral system proposal would be jeopardized if electoral map divisions are not revised in accordance with the model proposed herein.

#### **1.5.1.1 Respect for existing regional units**

Our recommendation includes an important modification of the electoral map with the purpose of respecting administrative regional boundaries, and regional municipalities of counties and towns. As a matter of fact, to cite the arguments of many presenters, there is a case to reinforcing the sense of belonging to already-existing or developing democratic entities, rather than undermining by juxtaposing supplementary structures as was proposed in the draft bill.

We advocate to an *overall* distribution of Members of parliament on the basis of the *administrative regions*. Consequently, the administrative region becomes the basic unit where the voter/Member ratio is established. The number of seats allocated to each region will be calculated using 125 seats as a starting point. In each region<sup>7</sup>, the number of Members will be determined in proportion to the number of voters as compared to that of the whole of Quebec. This method will ensure a more equitable distribution of the seats between the regions than what is obtained in the current system, as far as the equality of the vote of each elector is concerned. This method does away with the approximately 15% average discrepancy in the number of voters per Member.

We also propose that each region should be represented by at least 3 Members at the National Assembly (two from the riding and one from the list). Once the distribution of the 125 seats is carried out, the regions that had less than three seats will be identified and

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<sup>7</sup> Considering the peculiarities of Nord-de-Québec and the exceptional constituency granted to Nunavik, the rest of this region will be paired up with the region of Abitibi-Témiscamingue.

the necessary seats will be added to them.

At a glance, two regions will be obvious beneficiaries, namely Côte-Nord and Gaspésie. The total seats will rise to 129 including the exceptional seats that were earmarked in the draft bill.

The Commission on Electoral Representation could, in the event of major change in the relative demographic weighting of the regions, correct certain situations that are considered unacceptable by changing the number of seats (which currently stands at 125) used for the calculation.

#### **1.5.1.2 Ridings**

Electoral ridings would have to bring together regional county municipalities (MRCs) and city districts, and not divide them. That could bring about a significant change in the number of voters per riding, one which contravenes the principle of equality of votes. However, this inequality will only concern 60% of seats, 40% of seats having been allocated within the framework of proportional representation where the votes of each voter carry the same weight. Besides, arbitration will take place between neighboring territories, with each administrative region taking account of specific local circumstances, and not at the expense of another region. Let us remember that a lot of importance was given to the need to respect local administrative units and communities during the consultation sessions. In the final analysis, this appears to be an acceptable compromise that could help maintain the relative weight of the regions.

The Commission on Electoral Representation will have every right to partition ridings within a region, basing its work on affiliations which have a certain appeal to the people who live in each territory.

In summary, the model proposed essentially maintains the current total number of Members for each region. Approximately 40% of them will become elected by virtue of list; the remaining 60% will be elected in new ridings that have been established on the

basis of regional county municipalities (MRCs) and the cities of the region.

#### **1.5.1.3 Exceptional ridings**

We support the proposal that any new redistricting of the electoral map maintain the status of exceptional ridings for Îles-de-la-Madeleine and grants this status to Nunavik as well.

#### **1.5.1.4 The number of voters or inhabitants**

We propose that the elaboration of the electoral map is carried out in relation to the number of voters and not on the basis of the population of inhabitants that are found in a territory. Two arguments can be advanced in favour of this. In the first place, the calculation of inhabitants will work in favour of urban areas, where many people who do not qualify to vote can be found: youth under 18 years of age and immigrants who are not Canadian citizens. On the other hand, the right to vote constitutes one of the pillars of our democratic system. Its execution in terms of the electoral map should also follow the same principle and be based on the number of voters.

#### **1.5.2 The total number of seats and the ratio between the two types of seats**

We propose a model which would not raise the number of Members of Parliament in the National Assembly in any significant manner. Considering the current prevailing situation in Quebec and the increasing cynicism of the general population towards its representatives and its institutions, any proposal of significant increase of Members of Parliament could be viewed with suspicion and would divert attention from the debate on real issues raised by electoral system reforms.

We feel that, if the mixed compensation electoral system were to benefit fully from the advantages of its proportional component, the National Assembly would have to be composed of 60% Members elected by majority vote and 40% from lists. In fact, the choice of any other ratio (for instance 67/33) will be to the detriment of the expression of the wishes of voters and the diversity of ideas in existence in Quebec society, and more specifically will be to the detriment of smaller parties.

### **1.5.3 The distribution of list seats**

Once the electoral map has been designed according to administrative regions, it will become possible to adopt an electoral system that will facilitate total compensation and at the same time maintain the weight of the regions, while maintaining a direct link between those elected from lists and the regions.

The model that we are proposing involves *provincial compensation* with seats distributed in accordance with *regional compensatory distribution*. In other words, the total number of compensatory seats that each party would be entitled to would first be determined on a province-wide basis, taking into account the total number of votes a party had. These seats will then be distributed to the regions (based on regional lists) according to a formula which compensates for under-representation of parties in each region. In concrete terms, the first compensatory seat of Party A will go to the region where it is most under-represented (in terms of votes in the region and the ridings won), and where the list seats are still available.

The result of this model would be a distribution of seats in a very proportional way at the provincial level (with respect to total votes cast) and reasonably proportional at the regional level. We recommend that the Select Committee on the Election Act take the necessary measures to facilitate simulations based on the electoral system proposed, territorial redistricting and the distribution of the seats by region, and to attach the results of these simulations to our report.

### **1.5.4 A special rule**

It is important to take note of some special features of this model. It is possible that after seat distribution calculations, a political party becomes eligible for a list seat but that no compensatory seat is available *in the regions where it has presented a list*. This situation can arise in the event that some parties decide not to file lists in some regions. In this case, we recommend that the right to the list seat of the party concerned be cancelled. We consider this an important encouragement for political parties to file candidates across the

whole of Quebec rather than to concentrate in certain regions. One alternate possibility will be to switch a candidate from another region to take this seat, but in our opinion, this practice contravenes the strong sentiments expressed against parachuting candidates into the regions.

Besides, certain presenters who are not very comfortable with electing Members using lists underscored the importance of the relationship between the voters of an area and their representatives, especially as far as the awareness of the real circumstances of their area is concerned. We thus observe a certain contradiction between the role of a Member and the fact that candidates are currently not obliged to be resident in the constituency where they file their candidacy. We would like to take this opportunity, as we present our report, to call for a review of this issue.

#### **1.5.5 Replacing Members**

We subscribe to the proposal contained in the draft bill regarding the replacement of Members. In this way, in the event of the death of a constituency representative, a by-election will be held. In the case of a Member elected from a list, the seat will be given to the next candidate on the list of the party concerned.

#### **1.5.6 Types of lists**

In a mixed provincial compensatory electoral system, the allocation of compensatory seats could be done in accordance with regional or provincial lists. These lists could be either open or closed.

In the first place, as far as list area is concerned in the preparation of lists, we recommend regional lists. This recommendation is based on the desire to maintain the current relative political weightings of the regions of Quebec. We shall later explain the mechanisms for the elaboration of regional lists within the framework of province-wide compensation, as well as the seat allocation model we are advancing.

Secondly, we recommend closed rather than open lists. To start with, closed lists enable

parties to promote the election of women and ethno-cultural minorities through the position they are given on their lists. Further, it spares voters from having to consider too many candidates (dozens in certain cases), which would probably amount to electors voting only for better-known candidates appearing on their list.

However, in order to avoid a situation where closed lists pave the way for some Members to take seats at the National Assembly without electors being able to remove them from office, we recommend a two-term limit at the provincial level for Members elected on a compensatory ticket, irrespective of changes in region or party.

Finally, we hope that political formations would adopt democratic measures in the preparation of their lists of candidates and in the order in which they will place the latter on the lists. However, this concern has to do with the internal workings of the parties.

#### **1.5.7 Double candidacy**

By double candidacy we mean the possibility for a candidate to file his or her candidature in a local riding as well as appear on the list of his or her political party. In such a case, if the candidate is elected in her constituency, the listed seat to which her party could be entitled to would be allocated to the next candidate on the list.

We recommend that double candidacy should be permitted in order to minimize the difference between the number of Members elected by majority vote and those elected by compensation.

First of all, if the list candidates also campaign in ridings, this will lessen the differences between types of candidates from the same party. In fact, given that the victory of a list candidate may depend on the defeat of their party's riding candidate, the former could in some distasteful situations move against the election of the latter.

What's more, double candidacy would encourage voters to perceive the two ways of being elected as being on an equal footing.

Thirdly, the fear of a candidate being defeated in the riding but elected by virtue of list should be put into perspective. In fact, Members are currently elected by relative majority. In a constituency where the winner was elected with 32 % of votes cast, does another candidate who had 30% of votes not represent a significant part of the electorate? A compensatory system seeks to correct under-representation to which some parties will fall victim in a majoritarian system. From this perspective, the entry into parliament of candidates who were “defeated” at the local riding level constitutes the desired representation of the minority.

Finally, we would like to underscore the fact that double candidacy is used in several places where mixed compensation systems are used.<sup>8</sup> In most cases, a number of candidates take advantage of it and we presume the same situation will arise in Quebec.

## **1.6 The impact of reforms on political life**

### **1.6.1 Coalitions and governmental instability**

The compensatory mixed electoral system that we are proposing makes it possible to have a nearly perfect reflection of the popular vote. Moreover, with this system, voters could express more nuances in their choices. However, their ability to clearly express their preferences would sometimes create situations where no party will be in position to have absolute majority in parliament.

During the consultations, many presenters were quite concerned about this possibility and the governmental instability that is associated with it. Minority governments always have to negotiate agreements from time to time with one or a number of political parties in order to remain in power.

It is worthy to note that, one only needs to take a look at the federal political scene to

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<sup>8</sup> Massicotte, Louis, *In search of a compensatory mixed electoral system for Québec*, working document, 2004

understand that a majority system that elects a single candidate for a term of office does not guarantee the formation of majority governments. Let us also note that, unlike mixed compensatory systems, the current system does not permit the presence of a larger number of parties in parliament. That creates increased difficulties, especially in the case of minority governments, in negotiating agreements with various political groups because each of the parties in parliament would want to maintain instability in hopes of paving way for its own ascension to power.

In a coalition government, the parties team up in order to govern together. The major difference is that, in a majority system, a party can accede to power as though it had a majority with as low as 35% of votes cast, while in a proportional representation system, it would have to enter into an alliance with another party in order to obtain 50% of the seats, a situation that gives more assurance that the coalition will decide and implement policies that better match the will of the majority of the population.

Coalition governments mainly exist in countries where proportional representation or mixed proportional systems are practiced. This system encourages the emergence of several parties of various political persuasions, but which can also share certain values. It is therefore rare to have a single party taking power alone, and alliances with other parties are necessary to form a government with the majority of seats. It has been observed that such governments are as stable as majority governments and equally efficient, if not more so. These coalition governments must negotiate their orientation and political choices, which call for discussions and for that matter, a better evaluation of the political choices. In the long run, that brings about a more harmonious development.

Some people have the fear that a coalition government in Quebec will be ineffective in its dealings with the federal government. We have the conviction that such a government will be more effective when it represents majority of the electorate. In any case, recent political history shows that in times of defending fundamental issues regarding Quebec, the National Assembly has often been unanimous.



We recommend that the new electoral system include rules about how to form a government and that these rules be drawn from already existing rules in countries that use compensatory mixed electoral systems, especially some Scandinavian countries. These rules could provide that:

- When a party obtains majority of the seats, it forms the government;
- In a case where no party is able to obtain majority of the seats, the party that had the most seats will be called upon to form a coalition government, thereby bringing together a majority of the seats by negotiating for an alliance with one or a number of other parties in parliament.
- In the event that the party that won the most seats could not form a majority coalition, the second highest party in terms of seats won would be invited to form a coalition government, and so on.
- If no party is able to form a coalition government, the party that won the most seats will be advised to form a minority government.

Furthermore, in order to ensure the stability of these governments, some rules would have to be formulated with the purpose of stipulating the circumstances under which a government could be defeated. For instance:

- Only a new coalition bringing together the majority of the seats present in the National Assembly could overthrow a coalition government.
- In Germany, some specific criteria were outlined so as to ensure governmental stability: only a group representing 50% plus one of the Members could defeat a government.

### **1.6.2 Accountability and the role of Members from regional lists**

We would like to emphasize that the Members elected from lists would be elected representatives and as such, their legitimacy and accountability would be just like those of the Members from ridings. The role of intermediary between government and elector, and that of privileged contributor to regional development will be jointly carried out by

the two types of Members of parliament. The citizens could thus count on constituency Members as well as those from lists to take care of the regional issues. This will bring about a better representation of the interests of the citizens.

We thus draw inspiration particularly from the report presented by the Student Association of Collège Edouard-Montpetit:

*On the other hand, without entering again into an argument that legitimizes his or her role, the Member who is elected by proportional representation is elected principally for the purpose of realigning the electoral results. In the proportional compensation system at the provincial level, the compensation seats serve the purpose of giving a voice to those who had the misfortune of voting on the “wrong side” in their riding. Although officially without a regional affiliation, the Member elected from a list is not without affiliation to the region within which she or he campaigned. As a matter of fact, the great majority of cases, list Members are first and foremost people who present their candidacy in a riding, and everything leads us to believe that Quebec will not be an exception. It is interesting here to mention the German example where, although compensation is established at the national level, compensatory seats are distributed according to regional lists that are widely advertised. This solution will help to compensate the lack of territorial links, especially in peripheral regions.<sup>9</sup>*

## **2. Encouraging equal representation between women and men in the National Assembly**

We agree that reforms to the Election Act should encourage the achievement of equal representation between women and men in the National Assembly.

### **2.1 Targeting equality rather than equity**

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<sup>9</sup> Association général des étudiants du Collège Edouard-Monpetit, *Mémoire sur la réforme du mode de scrutin : résumé des recommandations*, submitted to SCEA February 2005

The draft bill aims at achieving an *equitable* representation between women and men. We recommend that the electoral laws rather targets *equal* representation of women and men at the National Assembly.

## **2.2 Correcting systemic disadvantages suffered by women**

Before making our recommendations, let us note that positive action measures are necessary to correct the systemic disadvantages suffered by women. In fact, women are far from achieving equality to men, especially in terms of financial resources and family responsibilities; does it need mentioning that as of 2006 in Quebec, the average salary of women was hardly 70% of that of men and that they take up more precarious jobs than men? The fact that women have the tendency to involve themselves in various endeavors and in organizations that are more distanced from traditional power zones also complicates their involvement in politics. Their networks are thus different from those of men and they could appear to be less well-known (at least in the areas “that matter”) and therefore less likely to win an election. Community involvement which is an especial area of preference of women appears to be less rewarding in terms of financial support for a female candidate and the party she represents. All these factors render women more prudent in entering politics and the parties a somewhat reticent when it comes to supporting a female candidate.

In brief, the positive action measures concerning the representation of women do not constitute an undue advantage for any particular group. On the contrary, these measures are meant to put men and women on the same footing.

## **2.3 Measures of encouragement**

The draft bill proposes two measures to help achieve “equitable” representation between men and women. First of all, the parties will enjoy an increase in their annual financial allowance if they could field a significant number of female candidates. Secondly, female candidates who get at least 15% of the votes cast would have a higher share of their higher electoral expenses reimbursed. Further, the more a party presents a higher percentage of female candidates during general elections, the more the reimbursement for

a female candidate would increase.

We support the principle that underpins these measures. However, in solidarity with Collectif féminisme et démocratie and a number of other organizations associated with women's movements, we would like to recommend the modification of the financial bonuses that were envisaged in the draft bill.

As regards the first measure, we would like to advocate for the increase of the annual party allowance in relation to the number of female candidates *elected*, and not merely in relation to the number of female *candidates* run. Besides, as women already constitute 32% of the Members of the National Assembly, we would like to suggest that the increase is granted from 35% of the elected female candidates of the party, and not from 30% as the draft bill recommends. The increase of the annual party allocation would have to be done by levels according to the percentage of elected female candidates achieved by a political group. For instance, the increase could be about 5% if a party gets between 35 and 39% of elected female candidates; 10% if a party gets between 40 and 44%; and 15% if a party gets 45% and more.

As far as the second measure is concerned, we recommend an increase in the reimbursement of electoral expenses incurred by female candidates who had at least 5% of the vote, and per elected female candidate when the party has presented 35% or more female candidates.

Finally, as these measures are not directly related to electoral reform, we recommend an immediate modification of the Election Act so that they can be put into effect before the next general election.

#### **2.4 The structuring of lists to encourage the representation of women**

In a mixed electoral system, the presence of closed lists could facilitate the election of more women to the National Assembly in three ways: the supervision of their preparation using legislation measures, internal rules that the parties may adopt, and the comparative

effect of their analysis by the voters.

We suggest that the preparation of the lists is left at the discretion of political groups. We believe that the measures suggested above could have an effect on the electoral culture and strategy of the parties and also on certain reasons that cause women to hesitate about entering politics. That is why we would not like to propose alternation as a mandatory measure, although we encourage it. Some constraining measures could have a double effect with financial incentives: in fact, mandatory alternation coupled with financial encouragement, would amount, up to a certain point, to compensating the parties so that they fall in line with the law. Many of the contributors (and the elected female Members) were reticent about the idea of quotas, which is absent from the draft bill, which mandatory list alternation very much resembles. Let us leave the parties to use the lists as they understand best in order to increase the number of candidates (including, of course, a list of only women) and for the voter to determine what they are worth.

The Chief Electoral Officer would have the mandate to follow up on the supplementary funds allocated to the parties and to evaluate its impact. If after two general elections, there is still no significant increase in the number of women in the National Assembly, there would be every reason to envisage mandatory alternation on the lists.

### ***2.5 Equal Access to Decision-Making***

During the consultation sessions, many organizations associated with the women's movement expressed their satisfaction with the *Equal Access to Decision-Making* program. Being conscious of the need to work towards supporting the candidacies and the political education of women, we recommend the maintenance and the expansion of this program. We also wish that a specific part of its budget would be reserved for the promotion of civic participation and the exercise of citizenship of women from minority ethnic groups, since these women suffer a double effect of the systemic disadvantages referred to above.

## **3. Promoting equitable representation of ethno-cultural minorities in the National**

## **Assembly**

We affirm that reforms should favour the achievement of an equitable representation of ethno-cultural minorities in the National Assembly. We deplore the fact that the draft bill does not mention equitable representation of Aboriginal peoples, though it is listed in the information booklet published by Select Committee on the Election Act as an issue for discussion. We therefore propose that Aboriginal people should also benefit from the same support given to the representation of ethno-cultural minorities and to women.

To this end, we wish to serve a reminder that positive action is needed to correct the disadvantages suffered by ethno-cultural minorities. On this note, let us remember that the rate of unemployment amongst the African-Canadian community has risen to 17.1% (more than double compared to figures for Quebec as a whole), which include a slightly higher proportion of university degree holders<sup>10</sup>.

### **3.1 Identification criteria**

It is very important to set identification criteria to determine who falls within the ethno-cultural minority. We recommend the establishment of these criteria in accordance to the Employment Equity Act.

This law is applicable to the following people:

- Women
- Aboriginal people
- Members of visible minorities; that is persons who are, because of their race or colour, members of a minority group
- Members of ethnic minorities, which is to say those whose mother tongue is neither French nor English and who are not persons of a visible minority, other than Aboriginals.<sup>11</sup>

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<sup>10</sup> Gruda, Agnès, *Québec lance une politique de lutte contre le racisme*, La Presse 7 avril 2006, p. A8

<sup>11</sup> *Loi sur l'accès à l'égalité en emploi dans des organismes publics*, L.R.Q. chapter A-2.01, Editeur officiel du Québec.

We have already discussed the issue of women in the preceding chapter. Therefore, we recommend that the same measures be applied to the other three categories targeted by the Act.

In the case of members of ethnic minorities, we recommend the addition of a criterion associated with place of birth.

Candidates hoping to benefit from measures that are applicable to Aboriginal peoples and to persons of ethno-cultural minorities should voluntarily so declare when they officially file their nomination papers.

### **3.2 Incentives**

In the draft bill, measures mentioned to improve the representation of ethno-cultural minorities in Parliament are financial measures similar to those mentioned for the representation of women. First, parties would see their annual allowance raised when they present a significant proportion of candidates who are members of minority groups. Then, the candidates would see an increase in the reimbursement of their election expenses if they obtain 15% or more of the votes. The higher a percentage of candidates from minority groups that a party presents, the higher the reimbursement that accrues to one of those candidates.

Thus, we follow the same policy as those that were set earlier in the case of the representation of women. We suggest that in the first measure, a raise in the annual financial allowance to parties be established according to the number of *elected* members of minority groups and not according to the number of *candidates*. For the second measure, we recommend an increase in election expense reimbursements of candidates who have gained more than 5% of the votes. The increase in annual allowance to political parties should also be in increments according to the percentage of elected persons from minority groups that that political party has attained.

Finally, since these measures are not directly linked to the reform of the voting system,

we recommend an immediate modification of the Election Act so that the measures become applicable before the next general elections.

### **3.3 The composition of lists to favour representation of Aboriginals and ethno-cultural minorities**

As already discussed, the composition of a closed list in a mixed voting system may allow the election of a greater number of persons from groups that are currently under-represented at the National Assembly. We further recommend that the composition of lists be left to the discretion of the political parties. We encourage these parties to place the candidates from minority groups in favourable slots on the list to help them obtain concrete results towards equitable representation of ethno-cultural minorities in the National Assembly. We hope the parties will be further encouraged to establish these measures by the fact that the measures will be in accordance with the number of elected minority Members and not merely the number of minority candidates.

## **4. Promoting the right to vote for all electors**

Unanimously, we support the objective stated in the draft bill that calls for the right to vote for all electors. A seventh member of the Citizens' Committee, Madame Martine Lafontaine, joins us in support of this objective and the recommendations mentioned in this chapter. The common goal for the method to exercise the right to vote that we all agree on is to promote voting accessibility. For us, this is one of the best ways to increase the electoral participation rate.

The measures we recommend in this chapter can come into effect within the shortest possible time without us having to wait for voting system reform. This way the fundamental right to vote will become more accessible to all voters regardless of their regional affiliations, their economic or social status, their level of education, or their functional limitations. In a voting system that facilitates inclusion and participation of the electorate, this accessibility is of paramount importance.

### **4.1 Permanent voters list and voter card**



The permanent voters list allows us to limit registration problems and fraud. We appreciate the work that has been done in keeping this list up to date. All must consent to maintain and improve this precious tool, and in order to ensure its efficacy, we must grant the Chief Electoral Officer (CEO) access to all information sources needed. We invite the CEO to continue the implementation of solutions that are specific to certain groups of citizens, including amongst others those in residential and long term care facilities.

In the chapter on the identification of electors, we follow the recommendations formulated by the CEO<sup>12</sup> and we do not suggest restoration of the voter card. The identification mechanisms already in place and the permanent list of voters will help ensure the integrity of voting, and provide greater access to all in exercising their right to vote.

#### **4.2 Advance voting**

We are in favour of a longer period of advance voting but we emphasize that it will be deemed unacceptable if it is exercised before the end of the filing period for nominations.

In light of our support for all electors to exercise their voting rights, we recommend that it should be possible for all to vote in advance in their constituencies in one of the offices of the Chief Electoral Officer anywhere in Quebec. For example, a resident of Caplan in the Bonaventure riding of Gaspésie, and registered as such on the voters list, that has temporarily moved to Quebec as a result of work or studies could exercise his or her voting rights in any riding in the City of Quebec.

#### **4.3 Voting by Mail**

One of the measures aimed at encouraging the exercise of voting rights, as proposed in the draft bill, is “the introduction of voting by mail accessible to all electors resident in Quebec.” We are opposed to this measure.

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<sup>12</sup> *Une carte d'électeur numérisée avec photo : de la faisabilité à l'opportunité*, report of the Chief Electoral Officer, November 2001.

In consideration of the difficulties we face in ensuring the integrity of voting by mail, we recommend accessibility to this method should be limited to electors living outside Quebec.

#### **4.4 The student vote**

During the hearings, several speakers mentioned the lack of interest of young adults in exercising their voting rights. We share this concern and we recommend the adaptation of the voting system for college- and university-age voters.

In line with this, our recommendation in Section 4.2 will permit students who want to maintain political contact while living outside their home regions to prioritize advance voting for their constituency at any of the offices of the Chief Electoral Officer where they currently reside.

To enhance the right to vote by all students, we also suggest itinerant revising officers and the setting up of advance voting stations in educational institutions.

#### **4.5 Voter education**

In our goal to promote the participation in elections and the development of critical thinking by current and future electors, we deem it essential to educate all voters. A healthy democracy is nourished by full participation. Currently, our political system suffers from not encouraging more voters to participate in the democratic life of our society.

In our opinion, educational activities in primary schools in addition to a genuine secondary school education program should encourage youth to familiarize themselves with democratic exercise, to develop their capacity to formulate ideas and to debate. This training must be given in a coordinated and uniform manner in all educational establishments in Quebec. We invite the Ministry of Education and education commissions to mobilize themselves firmly around the issues at stake in the training of

voters.

In the chapter on educational activities, we emphasize the work accomplished by the National Assembly and the Chief Electoral Officer within the framework of their educational mission. We hope they will make the necessary resources available to intensify their efforts and increase participation in their programs.

On the other hand, during the recruitment of election personnel, mobilization of youth should be given priority to sensitize them to, and involve them as early as possible in the exercise of their voting right.

We also salute the initiatives of popular education groups in the community who promote a better knowledge of our society's institutions and political mechanisms. This education of voters is essential and must be maintained. It is for this reason that we recommend the continuance of financial support given to these groups. Supplementary funds must be allocated to the development and updating of adapted teaching materials. Finally, we encourage all political parties to produce documents that are accessible to all.

#### **4.6 Voting by 16-year olds**

We agree that voting by 16-year olds cannot be put in place without the establishment of adequate voter education. We think that the first cohort of those who would benefit from such pedagogical activities in primary school and in a genuine secondary school training program *may* obtain the right to vote at 16.

#### **4.7 Sunday polls**

We favour Sunday polling. We are particularly aware of those arguments based on financial and economical constraints that lend weight to this recommendation. Holding open polls on a Sunday will lead, for example, to more available voting locations, more electoral personnel, and more available volunteers. It will also facilitate student voting. We also recommend Sunday polls since it will make it easier for people who need assistance in exercising their right, especially senior members of society and those with

limited functional abilities. They may also benefit from the availability of their relatives and so would require less assistance from the political parties to go and vote.

Some presenters have reservations about voting on Sunday because they uphold Sunday as a family day of rest. We, however, feel that taking a few minutes to go to the polling station is not an event that is difficult to integrate in the day's activities. Besides, as part of our duties as citizens, why don't we use that day as an opportunity to teach our youth what politics is about and the concept of voting? Moreover, we are still unconvinced by the argument that voting on Sunday is against religious practices.

#### **4.8 Ballots with photos**

We were surprised to learn that ballots without photos and logos constitute a serious barrier to voting for approximately one of seven people in Quebec. We therefore subscribe to the request put in by several groups and people for modifications to be made to the ballot.

A picture of each candidate and a logo of each party should be put on the ballot. In addition, it is necessary to increase font size. These changes must be put into effect as soon as possible, irrespective of the cost incurred. Note that having elections on fixed dates will help the Chief Electoral Officer plan towards the production of ballots. We also state that our proposed solution will make voting an easier exercise to perform for the elderly and those with limited vision.

#### **4.9 General assistance service**

For us, the establishment of a general aid services in polling stations is a service that is a corollary to all our other proposals in improving accessibility to voting.

Currently, people who need help have to ask for it from the polling station staff. Yet we have been told by several community involvement groups how most of their clientele are embarrassed to show their literacy handicap.

A service counter where all persons can seek assistance in confidentiality should be available at all polling stations. The general assistant in charge at these service counters will provide explanations on voting procedures, assistance to those with limited functional literacy abilities, and help in other varied situations.

For us, this service will be the best way to surmount the problem of inaccessibility to the democratic process.

#### **4.10 Electronic voting**

In the April 2004 document published by the Chief Electoral Officer, *Améliorer l'accès au vote et favoriser son exercice*, an interesting definition of electronic voting is given:

*The term “electronic voting” encompasses several methods of voting. It includes digital analysis of paper ballots, direct voting on electronic voting machines, distance voting online, and internet voting.<sup>13</sup>*

We would like to make a distinction between transmissions of votes electronically and the use of electronic ballot boxes.

First of all, in order to guarantee the security and integrity of the ballots, we do not want consideration to be given to voting machines, online distance voting, and internet voting. In this regard, the advantages to be had from these types of voting seem negligible when compared with the possible costs and risks entailed in their use.

On the other hand, though we are not convinced about the necessity of resorting to the use of information technology to count votes in a ballot box, we recommend that should electronic ballot boxes be used, all the ballots must be saved for a manual recount in the event of an electoral dispute.

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<sup>13</sup> Chief Electoral Officer, *Améliorer l'accès au vote et favoriser son exercice*, April 2004.

#### **4.11 Cancelled ballots**

Nowadays a ballot that is destroyed voluntarily by a voter is counted as a rejected ballot. But the destruction of a ballot is a form of expression and an election choice that must be taken into consideration. People who have made the effort to vote but have cancelled their ballot are sending out a political message that must not be ignored. This is the method used by a significant number of voters to inform decision makers of their opinions of ideas and proposed programs; their way of providing information must be considered and announced with the election results. We believe that counting and classifying cancelled ballots will further encourage electors to exercise their right to vote. That is why we recommend a circle on the ballot that voters can select to indicate their decision to cancel their ballot. In this way, one can clearly distinguish between ballots that are voluntarily cancelled and others that are rejected for other reasons.

For a mixed member system with two distinct votes, we recommend that the circle to indicate choice of vote cancellation must be put on both ballots.

### **5.0 Ensuring equal chances for all candidates and all political parties during elections, especially by equitable funding and effective control of election expenses**

We unanimously support the objective of ensuring equal chances for all candidates and all political parties during an election, notably with equitable electoral financing and effective control of election expenses.

#### **5.1 Refund of election expenses from 5% of the votes**

Given our recommendations for the distribution of compensatory seats and threshold for entry to the National Assembly, we conclude that the reimbursement mechanism for election expenses should also be fixed at 5% of votes cast. This will facilitate the participation of women, ethnic minorities and youth in the caucus by mitigating risk of heavy monetary losses during election campaigns. In addition, this is a fairer reimbursement system for election expenses, since more political parties will have access to it.

## **5.2 Reimbursement of electoral expenses and equal opportunities**

In terms of equal chances, we support the recommendation formulated by the Status of Women Council.<sup>14</sup> This proposition, coupled with election expense reimbursements, in our opinion will likely be beneficial to both men and women candidates on one hand, and on the other hand to all electors, since it encourages candidates with very different perspectives to get involved in politics:

*That the Election Act be amended to:*

- *create two types of expenses for candidates: 1) expenses for the election itself*  
*2) personal expenses incurred by candidates including childcare costs*
- *provide a separate ceiling and set reimbursements at pre-determined limits for expenses for each of these two types of expenses*
- *provide a recognition mechanism and reimbursement of personal expenses for candidates at the district headquarters.*

Of course, in conformity with the model proposed, the reference to a regional seat should be replaced with the concept of a list.

## **5.3 Candidate nomination period**

We support another recommendation from the Status of Women Council,<sup>15</sup> this time concerning nomination period. As with the above-mentioned proposition, this recommendation will benefit all candidates and electors:

*That the Electoral Act be amended to allow a person who presents her or his candidacy for the nomination of a recognized party to be entitled to unpaid leave, with a choice between full time or part-time;*

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<sup>14</sup> *Conseil du statut de la femme, Mémoire sur l'avant-projet de loi remplaçant la Loi électorale*, September 2005.

<sup>15</sup> *Ibid.*

*That this leave can be taken during the period determined by the party for the holding of a nomination;*

*That job protection and related benefits for candidates in elections as described in the Election Act should also be applicable to candidates for nomination of a party;*

*That this right be accorded on the attestation by a party official that the employee has filed papers for nomination as a candidate.*

#### **5.4 Parliamentary reform and the family-work balance**

After reflecting on the Election Act, we suggest that the National Assembly include the theme of family-work balance into the framework of parliamentary reform that was began in 2004, in order to ensure truly equal chances for all potential candidates and for the caucus to engage in further reflections on the diversity inherent in Quebec society.

#### **5.5 Funding political parties**

##### **5.5.1 Private financing of political parties**

During the general consultations, we have heard several stakeholders speak to support the elimination of private funding of political parties. While receptive to the arguments presented, we would prefer to reduce it. We recognize the contributions parties get reflect the involvement of voters in public life. A complete ban on voluntary contributions would lead to loss of transparency in the issue of funding political parties in Quebec.

The underlying principle of our recommendations is the limitation of private funding of political parties. This will also reduce the influence that financial resources of party members or donors can have on the progress of elections and on the results. We also hope this will limit tax credits as a form of indirect public funding.

With this perspective, we recommend a significant reduction in the ceiling placed on yearly contributions of electors to each political party, to an independent Member or to an



independent candidate. Currently, the ceiling is fixed at \$3,000. We recommend a reduction to \$500.

Moreover, tax credits for contributions to authorized political parties should be modified in the following manner: 50% for the first \$100, then 25% for the next \$400. We encourage legislators to apply similar parameters to the tax treatment of charitable donations.

### **5.5.2 Public financing of political parties**

We recommend an increase in public funding of political parties to compensate for the loss of private funding. Note that the significant lowering of tax credits we recommended in the previous section limits the impact of this measure on the State's budget.

First of all, we recommend the Chief Electoral Officer give a set amount of money to cover a minimum level of election campaign expenses for all authorized parties.

The CEO already allocates annual funding for authorized political parties. The allocation is calculated by multiplying the number of registered electors on the voting list by \$0.50 and then dividing the resultant amount by the number of votes each party obtained in the last general election. We recommend a significant increase (to \$1 for example) to this rate which has remained unchanged since 1989. The new rate should be indexed for every general election.

### **5.6 Opinion polls and access to the media**

During consultations, several presenters expressed concern about equitable access of parties and candidates to the media, and the influence that can have on the publishing of polls and voting intents during the final days of an election campaign. We share these concerns but we realize that no legislative measures can be formulated for these practices.

In this context, let us remember the importance we place on educating the voter for the development of a critical mind of current and future electors. In this regard we

recommend that our educational, cultural and public television network, Télé-Québec, increases its role in educating the elector, especially during election season.

This will be in accordance with Article 423 of the Election Act that indicates the conditions for the allocation of program time in a “qualitatively and quantitatively equitable manner for all candidates of the same riding and for all party leaders represented in the National Assembly or those who received at least 3% of valid votes in the last general election.”<sup>16</sup>

We also wish to encourage the media to take the principle of equality for all candidates and political parties into account during their coverage of an election campaign.

### **5.7 Private intervenors**

We are opposed to a lessening of measures for private intervenors as planned for in the draft bill; this seems to open the door to abuse. Québec is often a role model in terms of political funding and the management of election expenses. In our estimations, the planned reductions contradict the principle of equity between candidates and parties.

### **5.8 Fixed election dates and parliamentary reform**

Holding elections on a fixed date is one of the oft-referred-to projects in institutional reforms. In the traditional British style parliamentary system, setting the election date is the prerogative of the Prime Minister.

We firmly believe that Quebec should have a fixed election date. Arguments about the improvement of logistics and administering of elections caught our attention. We are also inspired by the following statements in the report on reform of democratic institutions given by the Estates General Steering Committee in March 2003:

*If there ever comes a time when a delay in fixing an election date is perceived as a sign of wisdom on the part of the Prime Minister, who puts the interest of the people first, we can then say there has really been a change. In fact, for a large*

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<sup>16</sup> Article 423, Election Act, Chapter E-3.3 (unofficial translation) , Editeur Officiel de Québec

*majority of citizens, the fixing of an election date is seen as a strategy that is used by Prime Ministers purely for their partisan political gains.*

*The Steering Committee has a general view of the situation and notes the perversities that are inflicted on the health of a democracy. In addition, the Steering Committee thinks the most favourable point that has been raised in support of a fixed election date is that everyone, including groups and other authorities in Quebec, must be given the same political calendar. This provision favours debates on the proposed political programs, the financial statement of the government in power, and the mobilization of citizens based on their expectations and demands submitted during a specified election campaign.<sup>17</sup>*

We are aware of how such a change will shake to the core the principle of responsible government before the House. That is why we recommend a revision of parliamentary regulations in order to specify and limit the specific occurrences when there could be votes that lead to the downfall of the government. Such a reform is needed for the adoption of a fixed election date.

### **5.9 Implementing proposed changes**

We envisage that our proposed changes should come into force as soon as possible.

## **6. Processes of adopting a reform of the voting system**

We unanimously recommend that a large educational campaign precede the adoption of electoral system reforms. As a matter of fact, the electoral system constitutes one of the pillars of democracy and the political culture of a society. Its transformation therefore calls for great efforts in terms of popular information dissemination to the entire citizenry.

Moreover, as far as the manner in which any electoral system reforms should be adopted,

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<sup>17</sup> *La participation citoyenne au coeur des institutions démocratiques québécoises*, Report of the Estates General Steering Committee on reform of democratic institutions (unofficial translation), March 2003, p.40

there are two possible approaches: holding a public referendum or plebiscite; or a vote can be held at the National Assembly instead. In our opinion, this is one of the most difficult issues to deal with. However we would like to underscore the fact that we unanimously reject the adoption of electoral system reforms by using only a simple ministerial majority vote in the National Assembly.

We would first like to express and explain our reservations for the holding of a referendum or plebiscite, despite the numerous favourable comments that were made about this option during the consultation sessions. These reservations have to do with the very nature of the arguments raised by the two parties, namely, those for and against the reforms. Three issues arise from this situation: partisan perspectives (the reform will favour one group rather than the other); the influence of regions in relation to cities; and the strength of the Anglophone minority (increased or decreased by the reform). All these arguments carry with them the nucleus of important social conflicts. The last argument is particularly disturbing whether we believe or not that the Anglophone community could be favoured by reforms; it is against universally recognized democratic principles to use majority vote to decide on an issue that affects the rights of a minority.

Having said that, we are of the conviction that a public consultation is essential in any process leading to electoral system reform. This consultation could take various forms. We are of the opinion that the Select Committee on the Election Act has been a remarkable consultation exercise, firstly because the consultations carried out throughout Quebec had the purpose of involving ordinary citizens, and secondly by the existence of a citizens' committee in connection with the Select Committee, that was able to follow the work of the Committee, listen to all the contributors, and finally draw its own conclusions. We could also add that the Committee has benefited from studies undertaken over the last 30 years on this subject and amongst these particularly the Estates General. All these activities, in our opinion, confer sufficient legitimacy to the process leading to a new electoral system and make it possible for us to recommend a reform of this importance by a vote in the national Assembly.

In other words, we believe that if the eventual bill respects the propositions made in this report (which is the result of an extensive consultation), it would be legitimate to adopt it by a vote at the National Assembly without the need to hold a referendum or plebiscite. Given the importance of the stakes on this issue, we recommend the use of a free vote. It would be necessary to obtain a two-thirds majority of the Members of the National Assembly, including two-thirds of the members exercising ministerial responsibilities and two-thirds not exercising ministerial responsibilities.

This approach implies that the National Assembly would have to adopt a new motion so that, consistent with the consultative role that has been entrusted to the citizens' committee, we could have the necessary resources to enable us to meet and to participate in the evaluation of the proposed bill when it is tabled. After having finished with the evaluation of the proposed bill, we could organize a special consultation session with the parliamentary commission appointed to study the bill.

If the bill distances itself from the principles that we have proposed at the beginning of this report, and therefore from the results of public consultations held by the Select Committee on the Election Act, it will then become necessary to hold a referendum or a plebiscite. In this case, the population would have to be consulted on two issues: the need for electoral reform and the choice between two or three electoral systems, including the one we are suggesting. In order to do this, the Referendum Act would have to be modified, temporarily if necessary. Five of us would prefer that this consultation take place during the general election. However, Madame Melanie Proulx holds a contrary view and believes strongly that the importance of this issue makes it necessary to address it separately so as to avoid playing down its importance in an electoral debate.

Whether the reforms are adopted by the National Assembly or as a result of consulting the public, the new electoral system would have to be adopted early enough to serve as the basis for the general elections leading to the 39<sup>th</sup> legislature.

## **7. Conclusion**

We would like to recapitulate on the two essential principles and the four essential conditions without which, in our opinion, any electoral system reform would not be able to attain targeted objectives. We are unanimous on these issues.

As regards the principles, the electoral system must make it possible:

1. to reflect as truly as possible the wishes of the voters and the diversity of the ideas that can be found in Quebec society;
2. To maintain the current political weight of the regions in Quebec as a whole.

The essential characteristics that the electoral system must exhibit are as follows:

1. A mixed compensatory electoral system;
2. Compensation at the provincial level;
3. Use of two separate votes;
4. A minimal 5% threshold of the vote to participate in the distribution of list seats.

It is on the basis of these principles and characteristics that we shall evaluate the bill that will be presented by the government.

In conclusion, we strongly hope that the Select Committee on the Election Act will take a cue from our recommendations and that its work will lead to a reform of our democratic institutions, that the open-mindedness that the parliamentarians exhibited by accepting the assistance of a citizens' committee will translate into their conclusions and electoral system reforms.

## **8. Thanks**

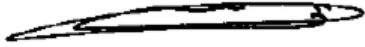
To conclude, we would like to thank the numerous citizens that undertook to share their ideas with the Select Committee, whether in person in one of the 16 cities that we visited

or by internet or post. We hope that the interest shown by the population in these fundamental democratic issues will continue and will encourage reform efforts.

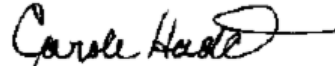
We would also like to thank the National Assembly for having set up the citizens' committee. The fact that the parliamentarians launched this venture, thereby adding to the inherent difficulties of touring the province the intrusion of a non-elected group into their work, testifies to their readiness to explore original ways of collaborating with the citizenry. We would like to thank the members of the Select Committee, especially its President Mr. François Ouimet, for having so warmly facilitated the integration of the citizens' committee into the works of the Select Committee. We hope that this experience will open the door for similar situations and for a more participatory democracy.

We thank the civil servants who supported us, especially the secretary to the Select Committee on the Election Act, Mr. Louis Breault and his team, as well as that of the Research Service, who exhibited remarkable generosity, professionalism, competence and dedication. Our thanks also go to the entire staff of the National Assembly who helped with the work of the Committee.

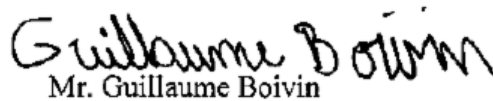
**9. Ratification of the report by members of the committee**



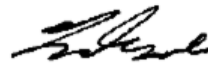
Mr. Mustapha Acharid



Ms. Carole Hadd



Mr. Guillaume Boivin



Ms. Yohanna Loucheur



Mr. Charles Gaboury



Ms. Mélanie Proulx



## APPENDIX

### Overview of recommendations

We bring together our recommendations, in this section, specifying the chapters from which they were drawn. The issues of disagreement have been put in italics and placed below the other recommendations.

<b>1. Guaranteeing effective representation in relation to the equality of votes.....</b>	<b>6</b>
• That the reform should aim at guaranteeing effective representation by taking into account the equality of the votes of the electorate	
1.1 The principles that guide our perspectives.....	6
• That the voting system should reflect, as much as possible, the wishes of the electorate and the diversity of ideas that exist in Quebec society;	
• That the electoral system should maintain the current political weight of the regions of Quebec as a whole;	
1.2 The electoral system proposed in the draft bill .....	7
• That the electoral system proposed in the draft bill should be rejected;	
1.4 Essential factors .....	11
• That a compensatory mixed system should be adopted;	
• That the compensation should be established at the provincial level;	
• That the electoral system should make it possible to have two separate votes;	
• That in order to obtain the right to take part in the distribution of compensatory seats, a party must obtain at least 5% of the votes at the provincial level;	
1.5 Our proposal .....	14
• That a provincial compensatory mixed electoral system using regional lists and involving a repartitioning of the electoral map should be adopted;	
1.5.1 Issues related to the electoral map .....	15
• That the electoral map should respect the boundaries of the administrative regions, the regional municipalities (MRCs) and cities;	
• That the administrative region should become the basic unit where the ratio	

- between electors and Members should be established;
  - That each region should be represented by a minimum of three Members of the National Assembly (two being from the local riding and one from the list);
  - That the electoral constituencies should integrate the regional municipalities of the counties rather than divide them;
  - That the new boundaries on the electoral map should maintain the exceptional riding status for Îles-de-la-Madeleine and also grant that status for Nunavik;
  - That the enumeration of the electoral map should continue to be done in accordance with the number of *voters*, and not on the basis of the population of residents in the area;
- 1.5.2 The total number of seats and the ratio between the two types of seats .....17
- That the National Assembly should have 60% of Members elected by first-past-the-post and 40% of the Members from lists;
- 1.5.3 The distribution of the list seats .....18
- That within the compensatory dimension at the provincial level, the distribution of seats should be done in accordance with *regional compensatory distribution*;
- 1.5.4 A special rule .....18
- That if a party is entitled to a list seat but that no compensation seat is available *in the regions where it presented a list*, the right to a list seat for this party should be annulled;
- 1.5.5 Replacing Members .....19
- That in the event of a departure or death of a Member from a local riding, a by-election should be held, and in the case of a departure or death of someone elected from a list, the available seat should be allocated to the next candidate on the list from the party concerned;
- 1.5.6 Types of lists .....19
- That the compensatory dimension of the electoral system should be established with regional lists;
  - The compensatory dimension of the electoral system be established using closed lists;
  - The Members elected on a compensatory basis should be limited to two

consecutive terms at the provincial level, regardless of changes to regions or party;	
1.5.7 Double candidacy .....	20
• That the new electoral system should allow double candidacy;	
1.6 The impact of reforms on political life .....	21
1.6.1 Coalitions and governmental instability .....	21
• That the new electoral system should include rules regarding the ascension to office of a government and that these rules should be based on pre-existing rules in countries where the mixed compensation electoral systems is already in use, especially Scandinavian countries;	
• That there should be rules that stipulate the specific conditions under which a government could be defeated;	
<b>2. Encouraging equal representation between women and men in the National Assembly .....</b>	<b>24</b>
• That the reform should favour the attainment of <i>equal</i> representation between men and women in the National Assembly;	
2.3 Measures of encouragement .....	25
• That there should be changes to the financial bonuses proposed in the draft bill;	
• That the increase in the annual allowance for parties should be determined in accordance with the number of female candidates <i>elected</i> and not merely on the basis of the number of <i>candidates</i> presented;	
• That the increase should be granted starting from 35% of elected female candidates, and not from 30% as proposed in the draft bill;	
• That female candidates who attract at least 5% of the vote and elected female candidates, whose party presented 35% or more female candidates, should enjoy an increase in the reimbursement of the electoral expenses that they incurred;	
• That the increase in the annual allowance of political parties should be done in degrees according to the percentage of elected female candidates realized by a political party;	
• That the Election Act should be immediately modified so that these measures can	

- be put into effect before the next general election;
- 2.4 The structuring of lists in order to encourage the representation of women .....26
  - That the preparation of the lists should be left at the discretion of the political parties;
- 2.5 *Equal Access to Decision-Making*.....27
  - That the *Equal Access to Decision-Making* program should be maintained and expanded;
  - That a specific part of the *Equal Access to Decision-Making* budget should be reserved for the promotion of civic participation and the exercise of the citizenship by women from ethno-cultural minorities;

**3. Equitable representation for ethno-cultural minorities in the National**

**Assembly.....28**

- That reforms should enhance the attainment of equitable representation of members of minority ethnic groups in the National Assembly;
- 3.1 Identification criteria .....28
  - That criteria for the identification of people from minority ethnic & cultural groups should be established in accordance with those in the Employment Equity Act in public organizations;
  - That in the case of members of minority ethnic groups, a criterion should be added for place of birth;
- 3.2 Incentives .....29
  - That the increase in the annual allocation for the parties should be computed in accordance with the number of elected candidates, and not merely in terms of candidates presented;
  - That the reimbursement of electoral expenses of candidates from minority ethnic groups who attracted more than 5% of the vote should be increased;
  - That the increase in annual financial allowance for political parties should be increased in stages in accordance with the percentage of elected candidates from minority ethnic groups.
  - That the Election Act should be immediately modified so that these measures may

be put into effect before the next general election;	
3.3 The composition of lists to favour representation of the Aboriginals and ethno-cultural minorities .....	30
• That the preparation of lists should be left at the discretion of political parties.	
<b>4. Promoting the right to vote for all electors .....</b>	<b>30</b>
• That reforms to the Election Act should aim to promote the right to vote for all voters;	
• That the measures we are recommending on this subject should be put into effect as soon as possible;	
4.2 Advance voting.....	31
• That the advance voting period should be extended;	
• That advance voting should not be exercised before the end of the candidate filing period;	
• That it should be possible for all electors to vote through advance polls for their constituency from any office of the Chief Electoral Officer anywhere in Quebec;	
4.3 Voting by mail .....	32
• That the suggestion of “the introduction of accessibility of mail polling for all those living in Quebec” that was presented in the draft bill be rejected;	
4.4 The student vote .....	32
• That advance polling stations be established in academic institutions;	
• That itinerant revising officers sit in academic institutions;	
4.5 Voter education .....	32
• That programs of education in primary schools and real training in secondary school programs be initiated in all Quebec schools, and these must be coordinated and uniform;	
• That preference be given to youth during the hiring of election staff;	
• That funding of community education groups that emphasize a better understanding of institutions and of political mechanisms should be maintained, and that additional funds should be allocated for developing and updating adapted teaching material;	

4.6 Voting by 16-year olds.....	33
• That a policy on voting by 16-year olds should be not be implemented before an adequate voter training program is established;	
4.7 Sunday polls.....	33
• That voting should be held on Sundays	
4.8 Ballots with photos.....	34
• That there should be modifications to the ballot: the picture of each candidate and the logo of each party should be put on the ballot, and ballot letter size increased;	
4.9 General assistance services .....	34
• That general assistance services be provided at polling stations;	
4.10 Electronic voting.....	35
• That ballots not be cast through the use of electronic voting machines, distance voting online, or via Internet voting;	
• That should electronic ballot boxes be used, the ballots should be held in reserve so that they can be processed automatically and kept for a manual recount in the event of a dispute;	
4.11 Annulled ballots.....	36
• That a circle indicating the choice of an elector to annul his or her ballot should be added to the ballot;	
<b>5. Ensuring equal chances for all candidates and all political parties during elections by equitable funding and effective control of election expenses.....</b>	<b>36</b>
• That a reform of the Election Act should ensure the provision of equal opportunities for all candidates and political parties, notably by equal financing and effective management of election expenses;	
5.1 Reimbursement of election expenses starting from 5% of votes.....	36
• That a mechanism for reimbursement of election expenses should be applicable to political groups that attracted at least 5% of votes cast;	
5.2 Reimbursement of election expenses and equal opportunities.....	37
• That the following recommendation made by the Status of Women Council be implemented:	

*That the Election Act be amended to:*

- *create two types of expenses for candidates: 1) expenses for the election itself; 2) personal expenses incurred by candidates including childcare costs;*
- *provide a ceiling and set reimbursement at pre-determined limits for expenses that are independent from each of the two types of expenses;*
- *provide a recognition mechanism and reimbursement of personal expenses for candidates for [list seats].*

5.3 Candidate nomination period.....37

- That the following recommendation made by the Status of Women Council be implemented:
  - *That the Election Act be amended to allow a person who seeks a nomination for a recognized party should be entitled to leave without pay with a choice between full time or part-time;*
  - *That the leave period can be during the candidate nomination period determined by the party;*
  - *That job protection and related benefits as described in the Election Act for election candidates should also be applicable to candidates for nomination to a party;*
  - *That this right should be accorded on the evidence of an attestation from a party official that the employee’s application for candidate nomination has been made.*

5.4 Parliamentary reform and the family-work balance.....38

- That the National Assembly should include the balance between family & work in its framework for parliamentary reform that was launched in 2004;

5.5 Funding of political parties.....38

5.5.1 Private financing of political parties.....38

- That the ceiling placed on annual contributions of electors to political parties, independent members or independent candidates be reduced;
- That the modalities for tax credits as contributions to authorized political parties should be modified in a similar manner: 50% for the first \$100, then

25% for the next \$400, and that similar parameters be applied to the tax treatment of charitable donations;

5.5.2 Public financing of political parties.....	39
• That there should be an increase in public funding of political parties;	
• That the Chief Electoral Officer (CEO) give a specific amount of money to cover minimum election campaign expenses for all authorized parties;	
• That there should be a significant increase (to \$1, for example) in the amount used to calculate annual funding allocation for political parties, and that rate should be indexed every general election;	
5.7 Private intervenors.....	40
• That the reduction of measures against private intervenors as proposed in the draft bill should not be adopted;	
5.8 Fixed election dates and parliamentary reform.....	40
• That there should be a fixed election date in Quebec;	
• That in view of the adoption of a fixed election date, the National Assembly should proceed with a revision of parliamentary regulations so as to include and limit the circumstances that could lead to the fall of the government;	
5.9 Implementing proposed changes.....	41
• That the proposed changes should come into force as soon as possible.	
<b>6. Processes of adopting a reform of the voting system.....</b>	<b>41</b>
• That a major information campaign precede voting system reforms;	
• That during a National Assembly vote, reforms should not be adopted by a single government majority	
• That if the electoral reform project respects the recommendations of the Citizens' Committee, their adoption would be by two-thirds majority vote in the National Assembly, including two-thirds of all Ministers and two-thirds of all non-ministerial Members;	
• That a free vote must be taken at this time;	



- That the National Assembly adopt a new motion so that once the bill is tabled, members of the Citizen's Committee benefit from available resources needed for their meetings and evaluations of a bill;
- That a referendum or plebiscite be held if the tabled bill does not respect the results of the general consultation and the recommendations of the Citizens' Committee;
- That if holding a popular consultation becomes a necessity, it must be held during general elections;
  - *That if it becomes necessary to hold a popular consultation, it must be held during general elections (Melanie Proulx).*