

Comments on Bill 78

NOTHING DEMOCRATIC ABOUT REGIONAL CALIBRATION

Board of Trade of Metropolitan Montreal

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Chambre de commerce
du Montréal métropolitain

Board of Trade of Metropolitan Montreal

Preamble

The Board of Trade of Metropolitan Montreal has approximately 7,000 members. Its mission is to represent the interests of the business community in Montréal's urban agglomeration and to offer an integrated range of specialized services to individuals, merchants and companies of all sizes to help them achieve their full potential in innovation, productivity and competitiveness. The Board of Trade is the largest private organization in Quebec devoted to economic development.

Introduction

The Board of Trade of Metropolitan Montreal is very much interested in electoral representation in Quebec. The Board of Trade believes that there are important ties between citizen participation in the electoral process, the operation of institutions and the health of the province's political system. Electoral representation and its embodiment in Quebec through the electoral map are crucial to the health of these ties.

The Board of Trade's comments in this brief therefore deal mainly with these aspects of Bill 78. They build on the Board of Trade's past interventions, in particular in response to consultations on boundary changes to Quebec's electoral map.

In the eyes of the Board of Trade, a healthy democracy is the result of a delicate balance between the collective participation of citizens and the perception that every person can influence the outcome of an election. It is not surprising that the most closely contested elections are those with the highest voter turnout: every vote can *in fact* make a difference.

In an election, the notion of equity of each person's vote is therefore crucial for the outcome to be perceived as fair and legitimate. There is a danger that we must all be aware of: a democratic exercise perceived as too favourable to a given group or region can only feed cynicism, mistrust and, ultimately, disaffection.

The Board of Trade therefore believes that the health of Quebec's democratic institutions is closely tied to the notion and perception of equity between votes. As a result, equity was a cardinal value in the Board of Trade's analysis of Bill 78.

1. THE CURRENT DIVISION OF THE ELECTORAL MAP: AN UNACCEPTABLE SITUATION

This is not the first time that the Board of Trade has expressed concern that Quebec's electoral map has major imbalances between ridings and that it gives the Montréal metropolitan area a representation in the National Assembly that is much lower than its demographic weight.

We believe that the electoral map used during the December 2008 general election did little to encourage the perception of equity between votes. There were too many major discrepancies in the average number of electors per electoral division, and the weight of one elector's vote was strongly influenced by the riding in which that vote was cast. In fact, in 40.8% of the counties of Quebec, the electoral population had a positive or negative variance of over 15% with the average electoral population.¹ In 24 electoral divisions, this difference was 25% or more.

The number of electors in Quebec's electoral divisions was, on average, 14.2% higher or lower than the average number of 46,371 electors in the 123 "regular" electoral divisions (in other words, higher or lower by 6,585 electors). **Like the Government of Quebec, we find this situation unacceptable and believe that it should be corrected immediately.**

¹ Our calculations exclude the two recognized exceptional electoral districts—Îles-de-la-Madeleine and Ungava—resulting in an underestimation of the number of electoral divisions with a variance greater than 15% from the average.

| Variance | Electoral map used during the 2008 general election | | Electoral map proposed by the CRE ² in 2008, based on the population in 2007 | |
|-------------------|---|--------------|---|--------------|
| | Electoral division | % of total | Electoral division | % of total |
| ± 15% and greater | 51 | 40.8% | 28 | 22.4% |
| ± 25% and greater | 24 | 19.2% | 2 | 1.6% |

The Board of Trade recognizes that it is unrealistic to expect a "perfect" electoral map in which the weight of every vote in Quebec is identical. We also accept that implementing electoral divisions that correspond to a "natural community," as stated in paragraph 17.5 of the bill, in some cases may justify reasonable variances in the number of electors in different ridings; this is the case in the two exceptional electoral divisions, Îles-de-la-Madeleine and Ungava.

This being said, we stress the importance of avoiding creating constituencies that differ significantly in the number of electors region to region, as was the case with the electoral map used during the last election. We believe that an electoral map with positive and negative variances that tend to appear in clearly identifiable places does a great deal of damage to the perception of equity.

| Region | Electoral map used during the 2008 general election | | | Electoral map proposed by the CRE ³ in 2008, based on the population in 2007 | | |
|---------------------------------------|---|--------------------|-------------|---|--------------------|-------------|
| | Total | Electoral division | | Total | Electoral division | |
| | | Number -15% | Number +15% | | Number -15% | Number +15% |
| 01 - Bas-Saint-Laurent | 4 | 3 | | 2 | | |
| 02 - Saguenay – Lac-Saint-Jean | 5 | 1 | | 5 | 1 | |
| 03 - Capitale-Nationale | 11 | 1 | 4 | 11 | 1 | |
| 04 - Mauricie | 5 | 3 | | 5 | 2 | |
| 05 - Estrie | 5 | 1 | 1 | 9 | | 2 |
| 06 - Montréal | 28 | | 1 | 28 | | 2 |
| 07 - Outaouais | 5 | | 2 | 5 | | 2 |
| 08 - Abitibi-Témiscamingue | 3 | 2 | | 4 | 2 | |
| 09 - Côte-Nord | 2 | 2 | | 2 | 2 | |
| 10 - Nord-du-Québec | 1 | 1 | | | | |
| 11 - Gaspésie et Îles-de-la-Madeleine | 4 | 4 | | 4 | 3 | |
| 12 - Chaudière-Appalaches | 8 | 4 | | 7 | | |
| 13 - Laval | 5 | | 4 | 6 | | 2 |
| 14 - Lanaudière | 6 | | 5 | | | |
| 15 - Laurentides | 8 | | 3 | 15 | | 3 |
| 16 - Montérégie | 21 | | 7 | 22 | 2 | 4 |
| 17 - Centre-du-Québec | 4 | 2 | 1 | | | |
| Total | 125 | | 52 | 125 | | 28 |

² CRE: Commission de représentation électorale (electoral representation commission)

³ See note 2

We find it particularly deplorable that electoral divisions in which the number of electors is 15% or more *below* the average are almost always in outlying regions, while those in which the number of electors is 15% or more *above* the average are systematically in urban areas, as illustrated in Table 2. A direct effect of this is that the metropolitan area of Montréal, taken in the general sense, is underrepresented at the National Assembly given its demographic weight.

The inequity in the current map is what prompted the government's decision to review the electoral map. The redrawing of the electoral map proposed in 2008 by the *Commission de la représentation électorale du Québec* was a positive move, welcomed by the Board of Trade.⁴ The proposed redrawing involved:

- A marked reduction in the average variance, positive or negative, of the number of electors by electoral division, brought under the 10% mark (precisely 9.6%).⁵ For the Board of Trade, this was the first sign that the proposed map was better balanced.
- The existence of only two "exceptional electoral divisions," in which the number of electors deviates by more than 25% from the Quebec average. In the last general election, 24 out of 125 electoral divisions were "exceptions"—contradicting the very notion of exception.
- The reduction in the average variance of the electoral population in electoral divisions in the metropolitan Montréal area compared with the Quebec average, through the addition of new electoral divisions in Montérégie, Laurentides-Lanaudière and Laval, regions where recent demographic growth has been particularly strong.

In any case, the current electoral representation in Quebec threatens the perception of equity. In the end, it is the ability of Quebec's political system to operate cohesively that is under threat if more thought is not given to its representativeness and, above all, if **we refuse to recognize the principle that urban citizens are full citizens.**

2. BILL 78: A THREAT TO QUEBEC DEMOCRACY

The Board of Trade of Metropolitan Montreal disagrees entirely with the amendments to the *Election Act* proposed by Bill 78. The bill is a clear departure from the redrawing of the electoral map proposed by the *Commission de la représentation électorale du Québec* and moves away from the notion of province-wide equity in favour of the notion of regional representativeness. For the Board of Trade, this shift is worrisome, because it runs counter to the notion of neutrality in our system of electoral representation, ultimately weakening Quebec's democratic institutions.

The Board of Trade opposes the implementation of a minimum number of electoral divisions by administrative region. This objection is above all one of principle. For the Board of Trade, the administrative regions are appropriately named: their vocation is first and foremost *administrative*. Their division was the result of decisions made by Quebec's public administration. They are not territorial entities with historical, identifiable borders, like a province or even a municipality. In the Montréal metropolitan area alone, the flaws of the administrative division are clear, with five administrative regions in whole or in part within a single functional economic region, as defined statistically by the concept of census metropolitan area.

In this context, enshrining in law the idea of a minimum number of electoral divisions by administrative region sets a serious precedent that would transform administrative regions into *political* regions. This is anything but desirable. No matter how vast Quebec's territory is, we do not believe that a population of 7 million necessitates adding political territories between the provincial and municipal levels.

⁴ The proposed new electoral map of 2008 was not subject to studies normally performed by the National Assembly, which meant that the electoral map used for the December 8, 2008 election was that established in 2001.

⁵ Once again, we have excluded the electoral divisions of Ungava and Îles-de-la-Madeleine from the calculation.

There is also the objection that a minimum number of electoral divisions “freezes” the level of electoral representation in time, whereas we believe that electoral representation should evolve with the growth and movement of the Quebec population. Population and the number of electors remain the most objective measurements available for delimiting the electoral map. **Introducing minimum thresholds of representation subverts the process and creates the impression that certain regions are, to use the well-known expression, “more equal than others.”** No argument can justify normalizing a situation in which the average number of electors in electoral divisions in the Gaspésie is half that of the regions of Capitale-Nationale, Outaouais, Estrie or Montréal.

For the Board of Trade, the neutrality of the electoral map process is an important quality of Quebec democracy. This neutrality requires the use of objective criteria, as the *Commission de la représentation électorale* proposed. This neutrality requires that elected officials have the political courage to protect the integrity of electoral representation and make necessary changes, even unpopular ones. Maintaining the neutrality and integrity of the democratic process is the primary duty of elected officials and the government as a whole. Yet Bill 78 does not respect this essential neutrality.

- In concrete terms, by applying the usual standard of “plus or minus 25%” of average electors per electoral division *within* administrative regions rather than in all of Quebec, the bill also renders official six exceptional electoral divisions, rather than two.
- With an average population per electoral division of 20,124 people (not counting Îles-de-la-Madeleine), or 68% below the “provincial quotient” (that is, the total population of Quebec, less the population of the three exceptional electoral divisions, divided by 123, i.e. 62,562⁶), the three minimum electoral divisions accorded to the Gaspésie give this region an exceptional and disproportionate weight.

In actual fact, if we wanted to grant all regions of Quebec electoral representation comparable to that of the region of Gaspésie and if the average reference population became the Gaspésie average, even allowing all the other regions a maximum variance of 25% (25,155 people), we would have to create 183 new seats in the National Assembly, for a total of 308.

This means that for the Montréal metropolitan area to have the same level of representation in the National Assembly as Gaspésie, we would have to practically triple the number of seats: Montréal would jump from 28 to 75, Laval from 5 to 15, Laurentides from 8 to 21, Lanaudière from 6 to 18 and Montérégie from 21 to 56. In light of these numbers, it would be absurd to claim that the vote of all Quebecers has equal weight.

A simulated application of the measures proposed in Bill 78 is particularly revealing in terms of the consequences of this refusal to face head-on the reality of demographic decline in outlying areas.

⁶Once again, calculations are based on data for the total population of Quebec and the administrative regions rather than electoral population data.

| Region | Population in 2008 | % of the pop. of Quebec | Minimum number of seats | “Preliminary” number of seats | Actual number of seats | % of seats |
|--|---------------------------|--------------------------------|--------------------------------|--------------------------------------|-------------------------------|-------------------|
| Bas-Saint-Laurent | 202,068 | 2.6% | 4 | 3 | 4 | 2.9% |
| Saguenay–Lac-Saint-Jean | 274,919 | 3.5% | 5 | 4 | 5 | 3.7% |
| Capitale-Nationale | 680,074 | 8.8% | 11 | 11 | 11 | 8.1% |
| Mauricie | 262,152 | 3.4% | 5 | 4 | 5 | 3.7% |
| Estrie | 304,702 | 3.9% | 5 | 5 | 5 | 3.7% |
| Montréal | 1,877,693 | 24.2% | 28 | 30 | 30 | 22.0% |
| Outaouais | 351,964 | 4.5% | 5 | 6 | 6 | 4.1% |
| Abitibi-Témiscamingue | 145,844 | 1.9% | 3 | 2 | 3 | 2.2% |
| Côte-Nord | 96,060 | 1.2% | 2 | 2 | 2 | 1.5% |
| Nord-du-Québec | 41,129 | 0.5% | 2 | 1 | 2 | 1.5% |
| Gaspésie–Îles-de-la-Madeleine | 94,729 | 1.2% | 4 | 2 | 4 | 2.9% |
| Chaudière-Appalaches | 402,019 | 5.2% | 8 | 6 | 8 | 5.9% |
| Laval | 384,224 | 5.0% | 5 | 6 | 6 | 4.5% |
| Lanaudière | 452,897 | 5.8% | 6 | 7 | 7 | 5.3% |
| Laurentides | 535,395 | 6.9% | 8 | 9 | 9 | 6.3% |
| Montérégie | 1,415,010 | 18.3% | 21 | 23 | 23 | 16.6% |
| Centre-du-Québec | 229,625 | 3.0% | 4 | 4 | 4 | 2.9% |
| Total | 7,750,504 | | 126 | 124 | 133 | |
| <i>Regions that are part of the Montréal metropolitan area</i> | 4,665,219 | 60.2% | 68 | 75 | 75 | 56.0% |

The bill's enactment as law would increase the number of members of the National Assembly from 125 to 133 (see Table 3⁷). This growth in the caucus (6.4%) is hard to justify. At a time when Quebec has to make major efforts to rebalance public finances and when the increase in the productivity of the Quebec economy is a critical issue, the government would be sending the wrong signal by acting in this manner. We should also note that Ontario's Legislative Assembly has a total of 107 members serving a population of over 12 million. It is time we impose productivity objectives on ourselves that are similar to those of our neighbours, both in the economic and political arenas.

⁷ With regard to Table 3:

- Unlike the two previous tables, this table uses general population rather than electoral population data for its calculations. The reason is that a number of counties on the current electoral map straddle two or three administrative regions, making it difficult to determine the exact regional distribution of these populations.
- The minimum number of electoral divisions is the number allocated to each administrative region in paragraph 15 of the bill.
- According to the bill, the “preliminary number of electoral divisions” corresponds to the “quotient obtained by dividing the number of electors on the permanent list of electors for that region by the provincial quotient,” which is obtained by dividing the total number of electors on the permanent list of electors (except for electors in exceptional electoral divisions) by 123. The number of preliminary seats provides a particularly accurate indication of the number of seats that an objective distribution, without exceptional territories, would provide each region.
- When the preliminary number of seats for a region is lower than the minimum number, the minimum number prevails for the electoral map, which explains how in the end, the total number of electoral divisions in Quebec is higher than the “initial/minimum” total of 126.

The approach proposed in Bill 78 is even less acceptable in the medium term, since demographic trends could make it such that the number of members in Quebec's National Assembly would grow. In Table 4, we simulated the distribution of seats that Quebec could have in 2031 if the Institut de la statistique du Québec's reference scenario bears out. In 20 years, the unequal distribution of demographic growth in Quebec could necessitate adding new seats in the National Assembly, for a total of 137. Quebec does not need these additional members.

| Region | Population in 2031 | % of the pop. of Quebec | Minimum number of seats | "Preliminary" number of seats | Actual number of seats | % of seats |
|-------------------------------|---------------------------|--------------------------------|--------------------------------|--------------------------------------|-------------------------------|-------------------|
| Bas-Saint-Laurent | 199,000 | 2.3% | 4 | 3 | 4 | 3.0% |
| Saguenay–Lac-Saint-Jean | 255,000 | 2.9% | 5 | 4 | 5 | 3.8% |
| Capitale-Nationale | 747,000 | 8.5% | 11 | 11 | 11 | 8.3% |
| Mauricie | 275,000 | 3.1% | 5 | 4 | 5 | 3.8% |
| Estrie | 335,000 | 3.8% | 5 | 5 | 5 | 3.8% |
| Montréal | 2,101,000 | 23.8% | 28 | 30 | 30 | 22.2% |
| Outaouais | 427,000 | 4.8% | 5 | 6 | 6 | 4.5% |
| Abitibi-Témiscamingue | 141,000 | 1.6% | 3 | 2 | 3 | 2.3% |
| Côte-Nord | 85,000 | 1.0% | 2 | 1 | 2 | 1.5% |
| Nord-du-Québec | 43,000 | 0.5% | 2 | 1 | 2 | 1.5% |
| Gaspésie–Îles-de-la-Madeleine | 94,000 | 1.1% | 4 | 1 | 4 | 3.0% |
| Chaudière-Appalaches | 432,000 | 4.9% | 8 | 6 | 8 | 6.0% |
| Laval | 479,000 | 5.4% | 5 | 7 | 7 | 5.1% |
| Lanaudière | 598,000 | 6.8% | 6 | 8 | 8 | 6.3% |
| Laurentides | 695,000 | 7.9% | 8 | 10 | 10 | 7.3% |
| Montréal | 1,680,000 | 19.0% | 21 | 24 | 24 | 17.7% |
| Centre-du-Québec | 254,000 | 2.9% | 4 | 4 | 4 | 3.0% |
| Total | 8,840,000 | | 126 | | 137 | |

For all of these reasons, the Board of Trade categorically rejects the portions of Bill 78 that concern electoral representation. The Board of Trade continues to believe that the *Commission de la représentation électorale du Québec's* most recent proposal for redrawing the electoral map is a much more suitable and equitable evolution of Quebec's electoral boundaries.

CONCLUSION: DO NOT CONFUSE ELECTORAL REPRESENTATION WITH REGIONAL DEVELOPMENT

The Board of Trade believes that it is important to study Bill 78 with a simple reality in mind: economic development and democracy are two very different things. The electoral map is not a tool for economic development.

As important and laudable as is the objective of contributing to the development of all of Quebec's regions, electoral representation is not an effective means for doing so. During an election, the notion of equity between votes is crucial for the result to be seen as fair and legitimate.

We do not believe that the exercise of democracy, if it favours one more than the other, can serve the cause of regional development. Governmental policies and decisions to help regions should be subject to agreement by members from across Quebec and judged on their merit. The introduction of minimum deputation risks feeding scepticism and cynicism about policies for these regions.

In terms of development, we must remember that the outlying regions, the capital and the city *all* have major, albeit different, challenges. The challenge for an assembly that is meant to be "national" is to know how to create common and complementary approaches. Rather than keeping rivalries alive, we have to promote our common points, beginning with our belonging to the same democracy. **The Board of Trade therefore believes that it is in no one's interest—not even in the interest of the outlying regions—to calibrate our democracy to the point of putting its equity in doubt.**

Unfortunately, regional "calibration" of Quebec democracy is central to the electoral representation portion of Bill 78. It is an approach that the Board of Trade rejects and is deeply concerned about. The concentration of Quebec's population changes, but Quebec remains Quebec; no matter where they live, Quebecers should feel fairly represented in their democratic institutions. **It is time that we collectively accept the demographic changes we are experiencing and adopt an electoral map that faithfully and equitably reflects our new reality.**