

David Litvak

École nationale d'administration publique

E-mail: Agoracv@yahoo.com

The Electoral Reform Process in British Columbia and Quebec:

A Critical Comparison

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ABSTRACT

This article identifies two distinct phases in the electoral reform processes in British Columbia and Quebec. In the first phase, there is an interesting parallelism in what the author calls the premises of reform. However, in the second phase, which the author describes as the reform process *per se*, the scenarios are different. In British Columbia, there is a sharp separation between the authorities responsible for the processual, proposal and decision processes, whereas in Quebec, there is overlap between the authorities responsible for these three stages of the reform process *per se*. The differences between the two are attributable to the substantial differences in political culture and especially to the roles of the key players, particularly the leaders of social movements. The critical element seems to be the clear vision of the civic leaders who initiated the debate on the preferred processual approach to electoral reform.

INTRODUCTION

Montesquieu stated that legislative power is the first and most important power. Arguably, this is particularly true in a parliamentary system, since it gives rise to executive power. Alain Touraine contends that representation is the first of the three pillars of democracy, the other two being citizenship and respect for fundamental rights. The electoral system, which translates the will of the people into seats in Parliament, is the central mechanism, the cornerstone of the representation system. Various movements at the federal and provincial levels in Canada are interested in reforming the voting system by making it more proportional. The focus is often on the end result of the reforms, the concrete changes they will produce. Yet the reform process is just as important, because it determines both the legitimacy of the reform and – so we assume – the quality of the choices made concerning the new electoral systems. Consequently, the issues in the process are important. The most advanced electoral reform processes at the provincial level are those of British Columbia and Quebec. In this essay, the author performs a critical analysis of the electoral reform processes in the two provinces, bearing in mind the underlying issues.

These two federated states were not chosen, however, simply because they have the most advanced reform processes. They were also selected because there are significant differences between their reform processes. The differences are largely due to the originality of British Columbia's approach: the Citizens' Assembly. Nevertheless, as we will see, there are also surprising parallels, particularly in the political conditions for reform. These differences and similarities are the subject of this comparative study. First, in the analytical section of the study, we will attempt to identify them; then, in the critical comparison section, we will try to explain them.

In our exploration of this subject, we will be guided by the following question: "What are the significant similarities and differences between the electoral reform processes in British Columbia and Quebec, and what factors seem to explain them best?"

The study will focus on the most recent reform process, which essentially excludes developments prior to 1995. While such developments are, particularly in Quebec's case, historical factors that will have to be taken into account in some instances, the study will not cover them in detail.¹

THE MAIN FORMAL MILESTONES IN THE REFORM PROCESS

Table 1 in the Appendix provides a brief overview of the two reform processes. The two province columns are not connected by the chronology of events but by the parallels in the processes. The left-hand column lists what we consider the key elements in the processes.

First, it is important to note that there are two major phases. Phase 1 is what we refer to as the premises of reform, and phase 2 concerns the reform process *per se*. Phase 1 begins when a majority party suffers electoral defeat despite receiving a larger percentage of the popular vote.² It ends when that party returns to power in a subsequent election. Phase 2 begins when the formal reform process commences and ends when a new voting system goes into operation. We will now examine each phase in greater detail.

The premises of reform

In both cases, we can trace the initial causes of reform back to what was considered an illegitimate election loss. Hence, questions are raised about the current electoral system as a result of superficial observation of its weaknesses. Understandably, this observation not only makes citizens more receptive to the arguments of electoral reform's proponents but also carries a lot of weight with the defeated parties, which are, one would assume, frustrated by their defeat.

Again in both cases, a civic or social movement was founded to promote reform. Those movements have some characteristics in common, probably the most important of which is that they are multipartite, which some analysts refer to as non-partisan³ or transpartisan.⁴ In short, the movements will put the issue on the agenda in an effort to raise awareness among political decision-makers and the public and convince them that reform is appropriate and important.

Finally, in both cases once again, the trigger, what appears to be the critical factor, is the majority party's return to power after being defeated under a one-ballot uninominal

¹ For Quebec, see:

CLICHE, Paul, *Pour réduire le déficit démocratique au Québec : le scrutin proportionnel*, Montréal, Éditions du renouveau québécois, L'aut'journal, 1999, 153 p.

CLICHE, Paul, *Pour qu'enfin chaque vote compte : le scrutin proportionnel, afin que la composition de l'Assemblée nationale respecte la volonté populaire*, UFP, November 2003 - February 2004.

² The term "majority party" refers to one of the two major political groups that usually trade power in the one-ballot uninominal system. It is equivalent to "traditional party" or "major party," terms sometimes used elsewhere.

³ FVBC and MDN in its early days.

⁴ Applies to the MDN in its more recent form.

system. This seems to be a crucial event. In Quebec, this factor is reinforced by the fact that the majority party, the Quebec Liberal Party (QLP), is structurally disadvantaged by the current electoral system. The case of British Columbia shows that this structural factor is not the only one that has to be considered, since the opposite is true in that province: the NDP is disadvantaged by the current voting system. In British Columbia, then, it is the aberration caused by extreme distortions in the electoral system that drew attention to the need for reform. Also of importance is the fact that the newly elected government was bound by the BC Liberal Party's announcement and pre-election commitment that it would establish a Citizens' Assembly.

The reformist action by a majority party is interesting because, historically, the main political advocates of electoral reform have been third parties suffering from serious representational handicaps.⁵ In the two cases that concern us, the proponents are not third parties, but one of the two main political groups. That party is both disadvantaged, either cyclically or structurally, and capable of taking political action, since it gets into power intermittently. This twofold characteristic accounts for its sensitivity to the electoral reform issue and its motivation to act on it. It is obviously insufficient to explain the causes of reform, but it clearly provides the political conditions that are at least *conducive* to initiating and completing the process.

Another condition, possibly the only one that can be described as *necessary* for reform, is the establishment of a civic or social movement that openly and actively advocates a review of the voting system. Such movements are essential for a number of reasons. The main ones are the need to mobilize citizens and public opinion on the issue and, in particular, the related need to exert pressure on the uninominal system's weak link: the cyclically or structurally disadvantaged party that has a chance of attaining power. That pressure is essential, first because the issues for those parties are not always clear,⁶ and second because there is in fact an important issue for them, a critical decision to be made, since correcting electoral distortions has a price: losing their status as majority parties, that is, losing the possibility of governing alone – or at least reducing their chances of doing so. For the balance to be tipped in favour of reform, the party must be informed and must feel pressure from civil society, especially if the structure of the current voting system is to its advantage. Finally, it must perceive and seize the political opportunity presented by the channelling of that social pressure.⁷

Such a political and partisan analysis, if accurate, implies that the parties, if they control the process from beginning to end, will seek to maximize their political gains, by responding to public pressure and correcting their handicap, while minimizing the

⁵ In Quebec: the PQ in its early years, the ADQ recently, and now the UFP, etc.

⁶ The parties are then made aware, or the issues are clarified – for example, Louis Massicotte's paper for the QLP: MASSICOTTE, Louis (page consulted in November 2003). *La réforme du mode de scrutin. Pourquoi? Une option possible. Des expériences étrangères.*, [on-line], <http://www.plq.org/tousDocuments/massicotte.pdf>

⁷ Note that other sociological conditions may be more formative, but their effects can only be perceived and analyzed over the long term. One of them is the diversification of society and its effects on latent political pluralism, i.e., pluralism that exists in civil society but is not and cannot yet be expressed in political institutions.

negative impact that reform will have on their own group, by instituting a voting system that will increase the pressure on the party as little as possible. The reformist parties, along with all the other parties, will attempt to exploit electoral reform. In short, as Luc Thériault, the Parti québécois's spokesperson on the reform of democratic institutions, put it, it is an eminently political matter.⁸

This analysis is not unique, or even very original. But the very fact that a political party is pushing the analysis to its logical and radical conclusion is certainly more unusual. This is precisely what the BC Liberal Party did when it gave up the power to propose and decide on the matter of reform. The other, more typical case of partisan scheming to determine the rules of the game, by exploiting civic and social legitimacy if necessary, serves as a point of comparison. This, of course, is the case of Quebec. It is essentially here that the two cases in question diverge. We will try to find out why in the next part of the article, but for now, we shall turn to the second major phase, the reform process *per se*.

The reform process *per se*⁹

The reform process *per se* begins when the reform process commences following the return to power of the previously disadvantaged majority party. The beginning is often marked by an announcement; in British Columbia, the BCLP committed itself to the reform process, and in Quebec, the QLP made a commitment to reform the voting system. It is significant that the public commitment to the process preceded the election of the reformist party in one case (BCLP) and followed it in the other (QLP). In Quebec, the announcement was disorganized and vague, though the main elements were revealed in Minister Dupuis's September 2003 speech at the IRPP; nevertheless, the process was not as clearly defined as in British Columbia. The vagueness was presumably deliberate, in order to have more "wiggle room."

Work on the process that will culminate in reform begins with the appointment of an independent authority and/or with a statement by the government. We refer to this stage as the "processual process." The next stage is the "proposal process," that is, the part of the undertaking at the end of which a final proposal is put forward. Then comes the "decision process," which leads to a final decision on the issue. The passage and entry into force of the election law – in other words, the implementation of the decision – close the loop. The flow of events in the reform process *per se* can be illustrated as follows:

Announcement → Processual process → Proposal process → Decision process → Implementation

Note that the stages may be clearly separated or they may overlap, as shown in the bottom part of the appendix table, which we have reproduced below with the addition of

⁸ THÉRIAULT, Luc (page consulted in November 2003). *Pour une démarche transpartisane et citoyenne* (media release from October 29, 2003), [on-line],

<http://communiqués.gouv.qc.ca/gouvqc/communiqués/GPOF/Octobre2003/29/c6151.html>

⁹ The use of the expression *per se* implies, first and foremost, a distinction between the "reform process" and the conditions preceding its initiation, as just discussed. It is also used to indicate that we are confining our analysis to the formal dimension of reform.

the various stages in the reform process *per se* to highlight the sequence of processes and how they intersect.

PREMISES	The type of processual process is announced.	2001 (February): The Citizens' Assembly plank is included in the BCLP's electoral platform.	A		
		[...]			
REFORM PROCESS PER SE				2003 (April): Jacques Dupuis is appointed Minister Responsible for Reform of Democratic Institutions.	
	Beginning of the processual process	2002 (September): Gordon Gibson is appointed as a consultant on the constitution of a Citizens' Assembly for electoral reform.	P	2003 (June): In the throne speech, Jean Charest announces the QLP's intention to reform the voting system during its term in office.	a/p
		2002 (December): The report on the constitution of a Citizens' Assembly is tabled.	P		
		2003 (April): Enabling legislation is passed and the Citizens' Assembly is formally constituted.	P		
	Beginning of the proposal process	2003 (December): <i>The Citizens' Assembly begins its work.</i>	P	2003 (September): The Minister announces the tabling of proposed draft legislation on a mixed voting system whose features are not yet defined.	p/P
	Beginning of the decision process	2004 (November): <i>The Citizens' Assembly submits its final proposal.</i>	P/D	2004 (April): <i>The electoral reform bill is tabled.</i>	P-D
				2004 (April-December): <i>Parliamentary consultations and the bill will be amended if necessary.</i>	P-D
	End of the decision process	2005 (May): <i>If necessary, a referendum is held on the Citizens' Assembly's proposal.</i>	D	2004 (December): <i>The government's bill passes.</i>	D
		2005 (May+): <i>If necessary, enabling legislation is passed and proclaimed.</i>	I	2007 (?): <i>The electoral reform law enters into force.</i>	I
Use of the new voting system	2009 (May): <i>The reformed voting system, if there is one, is used in general elections.</i>		2010-1 (?): <i>The reformed voting system is used in general elections.</i>		

Legend

a = Announcement
p = Processual process
P = Proposal process
D = Decision process
I = Implementation

/ = Separation (end of one process and beginning of another)
- = Overlap (intersection of two processes).

In view of the significant differences between the two reform processes, it is best to deal with them separately. For each case, we will analyze the three central processes in the overall process.

The reform process in British Columbia

The processual process in British Columbia began when Gordon Gibson was appointed as a consultant on the constitution of a Citizens' Assembly and his terms of reference were defined. In accordance with the BCLP's election promise, Gibson, a former BCLP

leader, was charged with developing a proposal to constitute a representative Citizens' Assembly to assess the current voting system and, if necessary, propose an alternative. Gibson's proposals, though daring in many respects, were approved by the BCLP. In particular, they were designed to prevent any direct or indirect tampering or interference by the government or any other body so that the selection process would be random and the Assembly's legitimacy would be unimpeachable.¹⁰

Once the Assembly proposal was adopted, Gibson withdrew and handed the reins to Assembly Chair Jack Blaney, former rector of the Fraser Institute, who was responsible for selecting the Assembly's members, running the Assembly office and enforcing procedural rules. The Assembly will carry out its mandate in three main phases – education, public hearings and deliberations – all in the space of one year. The Assembly's final recommendation, if it decides that the current voting system should be changed, will be made public and explained to voters, and then put to a referendum in the May 17, 2005, provincial election.

To summarize, the three central processes in British Columbia's reform are clearly separated in terms of the responsible "authorities," which are as follows:

AUTHORITIES: Legislature and Gibson → Citizens' Assembly → Public
PROCESSES: Processual process → Proposal process → Decision process

Thus, the legislature gave up a substantial portion of its power by adhering meticulously to the non-partisan principle and delegating most of its responsibilities and powers in this area to the people, either indirectly via the Citizens' Assembly or directly via the referendum.

The reform process in Quebec

The processual process in Quebec under the QLP is quite different. At the IRPP conference on September 10, 2003,¹¹ Minister Dupuis made two announcements. First, he announced that the electoral reform process would be quite conventional: draft legislation would be tabled in April 2004, discussed in consultations and passed in December 2004. Second, he announced that the government had selected a standard voting model, the compensatory mixed system, without determining its specific features.¹² Thus, at a single stroke, the Minister defined the processual process and predetermined the voting system's structure, which set the proposal process in motion.

¹⁰ Hence, the only remaining biases, which are difficult to control, especially since it is a unique *ad hoc* institution, lie in the guidance provided to the Assembly in its work.

¹¹ DUPUIS, Jacques P., "Réforme des institutions démocratiques : un projet en trois axes" (verbatim) dans *Options politiques*, October 2003, p. 5-8.

¹² It seems doubtful that the features have not yet been defined. The Minister's adviser on the issue recently published an article in which he detailed his preferences regarding a voting system for Quebec (MASSICOTTE, Louis, and BLAIS, André, "La réforme électorale : profil d'un mode de scrutin mixte approprié au Québec" in CRÊTE, Jean (éd.), *La science politique au Québec : le dernier des maîtres fondateurs : hommage à Vincent Lemieux*, PUL, Québec, October 2003), thus answering all the questions that Minister Dupuis describes as "to be determined" in his draft legislation. In voting systems, of course, some technical components have a significant impact on the system that is ultimately introduced, especially

The latter process overlaps with the decision process, which will begin when the bill is tabled in April 2004 and end when it is passed in its final form in December 2004. In the meantime, there will be hearings for individuals and groups on the bill, but on a consultative basis only.

The following authorities are responsible for the central processes of electoral reform in Quebec:

AUTHORITIES: Government/Dupuis → Government/Dupuis and Parliament¹³ → Parliament
PROCESSES: Processual process → Proposal process → Decision process

Note the government's prevalence in all of the central processes, even in the decision process, since the government, or at least its caucus, controls the house. Not only has the government not given up any power, but the process is so centralized that the government runs it from beginning to end. Of course, public opinion and other factors may come into play. Formally, however, and therefore pending evidence to the contrary, the process is centralized and controlled by the government, that is, by the party in power.

We shall end this section with a brief digression to discuss the decision's implementation, specifically the time when the reform goes into effect. On this point, we find similarities. In both provinces, the party that initiated the reform has made sure that the new election law can only come into force after the next general election. Presumably, the reformers have done this for two reasons. First, they can be accused of having the "selfish attitude" of wanting to remain fully in control of the government for another term. But there is another reason for this measure, though it cannot be admitted publicly: delaying the reform's entry into force will bring more MNAs and MLAs onside by putting off the time when they will have to fight a tougher election battle under a proportional voting system. Thus, the MNAs and MLAs of the governing party, especially those who are not ministerial material, whose support is always needed, can hope to win another term in office.

EXPLAINING THE DIFFERENCES BETWEEN THE TWO REFORM PROCESSES

The similarities between reform in Quebec and reform in British Columbia are significant, but they relate only to the conditions that are conducive or essential to initiating the process. The factors that account for those similarities hinge on political considerations (cyclical or structural disadvantage for a majority party) or, in some cases, societal considerations (pluralistic societies). But then how do we explain the major differences in the process itself? To paraphrase our preliminary question, "What factors

in the area of political pluralism. The adviser's proposals are restrictive in that regard, since he is proposing regional compensation combined with a provincial threshold of 5%, which implies a *de facto* average representation level of roughly 10% to 15%. These proposals are perfectly consistent with the instrumental reformist perspective we described earlier, correcting distortions for the sake of the structurally disadvantaged party while limiting any detrimental effects it might suffer.

¹³ The initial proposal and amendment proposals respectively.

seem to best explain the significant differences between the electoral reform processes in British Columbia and Quebec?”

There are two types of arguments to account for the differences. The first type concerns political culture. In response to a question by the author at the IRPP conference on September 10, 2003, Gordon Gibson said that, in British Columbia’s case, it had to do with the public’s “distrust of politicians” and the “policy lurch” between governments.

The second type of argument relates to the current players. In the same answer, Gibson referred to the role played by Premier Campbell, who had said in a conversation that creating a Citizens’ Assembly was simply “the right thing to do.” This category also includes a very important fact, perhaps the most important fact: the leading advocate of electoral reform in British Columbia, Nick Loenen, was also the instigator and proponent of the idea of a Citizens’ Assembly.¹⁴ The idea was also taken up by Fair Voting BC, an organization in which he is involved.¹⁵ In any case, he seems to have won the day, as the government even changed Gibson’s recommendations concerning the process for selecting Assembly members so that the choice would be completely random.

What about Quebec? The process of the Estates General on the Reform of Democratic Institutions is fully consistent with the social consultations at various government-sponsored summits and therefore fully consistent with a recognized, widespread political practice. The QLP’s reform process, on the other hand, like many of its other initiatives, is almost diametrically opposed to the trend started by the PQ. But it is, in many respects, an approach that is more in line with the current Liberal government’s form of governance. The leaders of the social movement, including the Mouvement pour la démocratie nouvelle (MDN), have not yet responded on the process issue, which suggests that the QLP’s machinations are not foreign to a certain political culture in Quebec.

Influential players include four political science professors – Lemieux, Massicotte, Blais and Milner – who urged parliamentarians to take the path of reform with their like-minded statements at the hearings held by the National Assembly’s Committee on Institutions in November 2002.¹⁶ Professor Massicotte subsequently became an adviser to Minister Dupuis and worked to promote the four intellectuals’ “consensus” position on a voting system for Quebec. Minister Charbonneau was the key government player before the election, but the PQ’s defeat left the reform issue in the hands of a minister who was not of Charbonneau’s calibre as an advocate of political reform. Nevertheless, the process was launched, and Minister Dupuis is responsible for it. There was also a non-governmental player, though he had strong ties to the Liberal government: Claude Ryan, who was probably the most influential supporter within the party.

¹⁴ PALMER, Vaughn, “Citizens' assembly shows some Sacred roots” in *Vancouver sun*, May 3, 2003.

¹⁵ In the above-mentioned article, Loenen recounts how he was able to influence the Liberal leader with the assistance of a friend who did research for the party.

¹⁶ STANDING COMMITTEE ON INSTITUTIONS (page consulted in November 2003). *Consultations particulières sur la réforme du mode de scrutin au Québec* (November 14, 2002), [on-line], <http://www.assnat.qc.ca/fra/Publications/debats/journal/ci/021114.htm>

CONCLUSION

The reform process in British Columbia, thanks to the skill of its proponents, will be primarily a civic one, though with some very loose guidance from the government. In Quebec, the process is essentially governmental. Individuals and lobby groups have little say in the matter; a few experts have some degree of influence, though it is difficult to pin down.

Just as similarities in the premises of reform can be accounted for by similarities in political and societal issues, so the differences in the reform process *per se* can be attributed to differences in the views of influential players and in the general and partisan political culture in the two provinces. In addition, the civic leaders who started the debate in British Columbia had a clearer idea and a firm conviction about the processual approach they wanted to take on electoral reform. That is undoubtedly the factor that determined what processual form reform would take.

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APPENDIX

Table 1: Main Phases and Key Elements in the Electoral Reform Process in British Columbia and Quebec

PHASE	KEY ELEMENT	BRITISH COLUMBIA	QUEBEC
PREMISES OF REFORM			1978-1984: ⁱ The electoral reform process is aborted.
	The will of the plurality is thwarted, to the detriment of a majority party.	1996: The New Democratic Party is elected when the will of the plurality is thwarted.	1998: The Parti québécois is elected when the will of the plurality is thwarted. ⁱⁱ
	A civic or social movement dedicated to reform is established.	1998 (April): Fair Voting BC (FVBC) is established.	1999 (April): The Mouvement pour une démocratie nouvelle (MDN) is founded.
		1999 (April): BCLP leader Gordon Campbell raises the idea of a Citizens' Assembly on electoral reform at a party convention.	
			2001 (December): The National Assembly's Committee on Institutions decides to study electoral reform. ⁱⁱⁱ
			2002 (January): Jean-Pierre Charbonneau is appointed Minister Responsible for the Reform of Democratic Institutions.
			2002 (fall): Claude Béland is appointed chair of the steering committee of the Estates General on the Reform of Democratic Institutions.
			2002 (March): The Collectif Féminisme et démocratie (CFD) is formed.
			2003 (February): The Estates General on the Reform of Democratic Institutions are held.
			2003 (March): The report of the steering committee of the Estates General on the Reform of Democratic Institutions is tabled.
		The type of processual process is announced.	2001 (February): The Citizens' Assembly plank is included in the BCLP's electoral platform.
	The majority party wins an election after being out of power because the will of the plurality was thwarted.	2001 (May): The British Columbia Liberal Party wins the general election.	2003 (April): The Quebec Liberal Party wins the general election.
REFORM PROCESS PER SE			2003 (April): Jacques Dupuis is appointed Minister Responsible for Reform of Democratic Institutions.
	Beginning of the processual process	2002 (September): Gordon Gibson is appointed as a consultant on the constitution of a Citizens' Assembly for electoral reform.	2003 (June): In the throne speech, Jean Charest announces the QLP's intention to reform the voting system during its term in office.
		2002 (December): The report on the constitution of a Citizens' Assembly is tabled.	
		2003 (April): Enabling legislation is passed and the Citizens' Assembly is formally constituted. ^{iv}	
	Beginning of the proposal process	2003 (December): <i>The Citizens' Assembly begins its work.</i>	2003 (September): The Minister announces the tabling of proposed draft legislation on a mixed voting system whose features are not yet defined.
	Beginning of the decision process	2004 (November): <i>The Citizens' Assembly submits its final proposal.</i> ^v	2004 (April): <i>The electoral reform bill is tabled.</i>
			2004 (April-December): <i>Parliamentary consultations and the bill will be amended if necessary.</i>
	End of the decision process	2005 (May): <i>If necessary,</i> ^{vi} <i>a referendum</i> ^{vii} <i>is held on the Citizens' Assembly's proposal.</i>	2004 (December): <i>The government's bill passes.</i>
		2005 (May+): <i>If necessary, enabling legislation is passed and proclaimed.</i>	2007 (?): <i>The electoral reform law enters into force.</i>
	Use of the new voting system	2009 (May): <i>The reformed voting system, if there is one, is used in general elections.</i>	2010-1 (?): <i>The reformed voting system is used in general elections.</i>

ⁱ Publication of the green paper entitled *Un citoyen, un vote* by Minister Robert Burns (1978) and the report entitled *Pour un mode de scrutin équitable* by the Commission de la représentation électorale (1984).

ⁱⁱ What is commonly referred to as thwarting the will of the people – when a party has the most votes but does not win power – is in fact a variant of thwarting the will of the majority. For our part, we differentiate between cases in which the will of the majority is thwarted, which are quite frequent in one-ballot uninominal systems, and cases where the will of the plurality (or, more commonly, of the people) is thwarted as well.

ⁱⁱⁱ The consultation process was interrupted by an election and not resumed under the new government.

^{iv} A distinction needs to be made between the formal constitution of the Assembly and the beginning of its work. As soon as it is constituted, the chair, appointed unanimously by a transpartisan committee, initiates the process of selecting the members at random, formulates the procedural rules to be submitted to the Assembly, starts the preliminary research to prepare the initial member education phase, and so on. The Assembly's work begins when the process of selecting members is complete.

^v Items in italics have not yet occurred but have been announced and scheduled for the dates indicated.

^{vi} If the decision is not to keep the current voting system.

^{vii} Although this referendum is consultative, it is considered binding on the new government and is therefore deemed part of the decision process.