

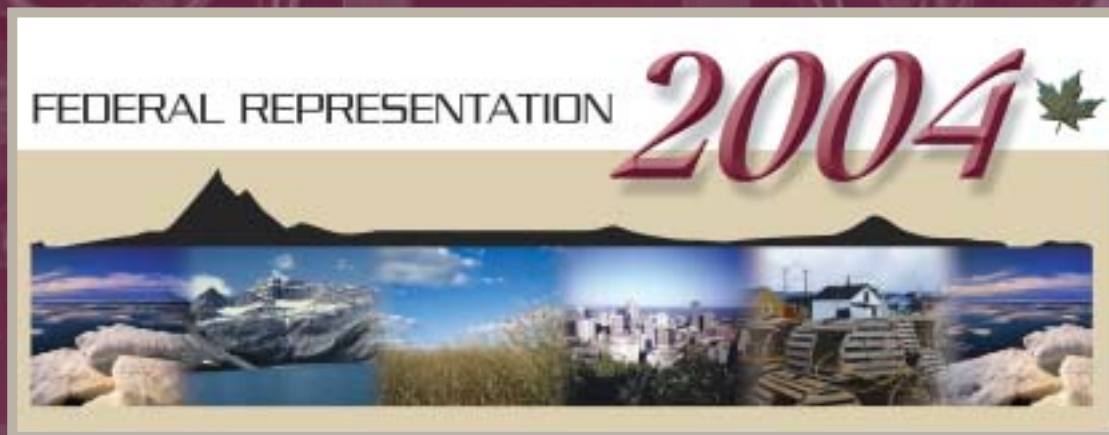


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ELECTORAL Insight

A MAGAZINE PRODUCED BY ELECTIONS CANADA TO PROMOTE EXCELLENCE AND LEADERSHIP IN ELECTORAL MATTERS

Readjustment of Federal Electoral Boundaries



**Community of Interest
and Electoral Districts**

**The Honourable Lincoln M. Alexander:
First Black Canadian Elected to the
House of Commons**

Contents

VOL. 4 • NO. 2 • OCTOBER 2002

- 1 The Chief Electoral Officer's Message**
- 2 Readjustment of Federal Electoral Boundaries**
- 2 Federal Representation 2004: Redistribution Following the 2001 Census**
Carmen Moreau-Vena
An update on the current process of readjusting the electoral boundaries
- 8 Introduction to the Concept of "Community of Interest"**
- 9 Community of Interest in Electoral Boundary Readjustments**
John C. Courtney
Examination of an important factor that must be considered by the 10 independent boundaries commissions, but is only loosely defined in law
- 14 Community of Interest and Minority Representation: The Dilemma Facing Electoral Boundaries Commissions**
Jennifer Smith
Can the representation of minorities compete with other criteria in deciding how to adjust the electoral map?
- 20 Community of Interest and Electoral Quota**
Réjean Pelletier
The revision of the federal electoral map in Quebec
- 25 The Honourable Lincoln M. Alexander:
The First Black Canadian Elected to the House of Commons**
Wayne Brown
His 1968 election and many other "firsts" opened large doors for Canada's visible minorities
- 29 Electoral News in Brief**
- 37 Electoral Facts**
Wayne Brown
The key events, dates and figures in the evolution of Canada's system of representation by geography and population

THE COVER

Eleanor Milne, Chris Fairbrother and Marcel Joannis
The Vote (1979-1980)

Indiana limestone, 121.9 x 182.8 cm, House of Commons, Ottawa

The base stone of *The Vote*, a sculpture on the east wall of the House of Commons chamber, shows four heads with flowing hair whose mouths shape, in song, the first syllables of Canada's national anthem, "O-Canada".

Electoral Insight is prepared by Elections Canada and is published biannually. *Electoral Insight* is intended for those interested in electoral and related matters, including parliamentarians, officials of international and domestic electoral management bodies, election officers and academics. The opinions expressed are those of the authors; they do not necessarily reflect those of the Chief Electoral Officer of Canada.

Submissions of articles and photos that might be of interest to *Electoral Insight* readers are welcome, although publication cannot be guaranteed. If used, submissions will be edited for length and clarity as necessary.

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Jean-Pierre Kingsley
Chief Electoral Officer of Canada

Readjustment of Electoral Boundaries

The delimitation of electoral districts is an important component of our parliamentary system. It determines the territory and the people that each member of the House of Commons will represent. Our democracy is based on the principle of representation, and the delimitation of electoral districts is certainly one of its most obvious manifestations. For these reasons, we have chosen the current process of readjusting federal electoral boundaries as the theme for this edition of *Electoral Insight*.

Since this readjustment work occurs only once a decade, after every decennial census, to take account of the changes and movements in Canada's population, it is important that we inform everyone affected about how the process works and the possible timetable for implementation. Barring delays, the new representation order should be proclaimed by July of 2003 and the new federal electoral boundaries would then come into effect at the next dissolution of Parliament taking place at least one year later. This minimum period of one year allows political parties, electoral administrators, candidates, and sitting members of the House of Commons time to adjust and set their machinery to work in accordance with the new electoral map. The number of electoral districts is to increase to 308, seven more than the current number.

An important fact, not always realized by Canadians, is that neither the federal Parliament of the day nor Elections Canada decides the new district boundaries. Rather, the work of developing proposals for new boundaries that take into account the most recent census data and various other considerations is done by independent commissions (one for each province). They were given the census results I received from the Chief Statistician of Canada on March 12, 2002. Under the provisions of the *Electoral Boundaries Readjustment Act*, Elections Canada provides a variety of professional, technical, administrative and financial services to the commissions. After public hearings and input from any interested Canadians including members of Parliament, the commissions make the final decisions.

The 2001 Census determined that Canada's population had increased almost 10 percent since 1991, to 30 007 094. The electoral district boundaries used for federal elections in Ontario are also adopted for use in provincial elections in that province. The federal electoral boundaries commissions are required by law to take into account considerations other than census data. Another major consideration must be "the community of interest or community of identity in or the historical pattern of an electoral district." This edition includes summaries of papers presented on "community of interest" by three prominent academics at a conference, held in March of this year, for the newly-appointed chairmen, members and secretaries of the commissions.

As always, I trust the articles in this edition will encourage discussion. I welcome your comments and suggestions for new topics to explore. ✕

Jean-Pierre Kingsley



Federal Representation 2004

REDISTRIBUTION FOLLOWING THE 2001 CENSUS



CARMEN MOREAU-VENA
PARLIAMENTARY REPRESENTATION,
ELECTIONS CANADA

This article is the second in a series regarding the current process of readjusting federal electoral boundaries. It provides an update of information since the first article published in the previous edition (May 2002) of Electoral Insight.

On March 13, 2002, the Chief Electoral Officer of Canada, Jean-Pierre Kingsley, announced that Elections Canada had received the 2001 Census data from the Chief Statistician of Canada, Dr. Ivan P. Fellegi, and that the number of seats in the House of Commons had been calculated according to the formula and rules prescribed in the *Constitution Act, 1867*, sections 51 and 51A. The receipt by the Chief Electoral Officer of the Census return marked the beginning of redistribution of the federal electoral boundaries. The whole exercise is most properly known as “readjustment of electoral district boundaries,” but is often referred to as “redistribution” and sometimes, particularly in other countries, as “redistricting.” While the *Constitution Act, 1867*, and the formula for the allocation of seats to each province specify that a readjustment must take place after each 10-year census, the rules for actually carrying out this enormous task are laid down in the *Electoral Boundaries Readjustment Act* (E.B.R.A.) of 1964.

The table below shows how the number of seats in the House of Commons increases from 301 to 308, based on an increase of population in Canada since 1991 from 27 296 859 to 30 007 094 million inhabitants. Ontario gains three additional seats, Alberta receives two additional seats, while British Columbia gains two additional seats. All other provinces maintain the same number of seats in the House of Commons as they have currently.

Representation of the provinces in the House of Commons is reviewed after each decennial (10-year) census to reflect changes in Canada's population in accordance with the *Constitution Act, 1867*, and the *Electoral Boundaries Readjustment Act* (E.B.R.A.). In

1964, Parliament decided that independent commissions, one for each province, would be responsible, following a proclamation, for readjusting electoral boundaries. As Nunavut, the Northwest Territories, and Yukon constitute one electoral district each, federal electoral boundaries commissions are not required for them. The independence of these commissions is a fundamental element of the readjustment process. It is an element, among others, that sets Canada apart as a world leader in electoral democracy. The goal of a readjustment process that is genuinely free of partisan considerations is reinforced by a provision (s. 10 E.B.R.A.) which specifies that no person is eligible to be a member of a commission while

that person is a member of the Senate or House of Commons or is a member of a legislative assembly or legislative council of a province. In practice, many commission members, aside from the chairpersons, who are judges (sitting or retired), have been academics or non-elected officials of legislative assemblies.

The release of the census return set the wheels in motion for the activities of the 10 independent federal electoral boundaries commissions (s. 13 E.B.R.A.). The appointments of the chairmen for each of the commissions are made by the Chief Justice of each province (or in some circumstances by the Chief Justice of Canada, as in the appointment of a retired judge)

Representation Formula: Detailed Calculation using 2001 Census data

Province/ Territory	Senate Seat Allocation	Seats 33rd Parliament	Population 2001 Census	Divide by National Quotient 107 220 (rounded)	Rounded Result	Additional Seats		Total Seats 2004 ¹	Provincial Quotient (rounded)	Current Total Seats ¹
						Senate Clause	Grand- father Clause			
Newfoundland and Labrador	6	7	512 930	4.784	5	1	1	7	73 276	7
Prince Edward Island	4	4	135 294	1.262	1	3	0	4	33 824	4
Nova Scotia	10	11	908 007	8.469	8	2	1	11	82 546	11
New Brunswick	10	10	729 498	6.804	7	3	0	10	72 950	10
Quebec	24	75	7 237 479	67.501	68	0	7	75	96 500	75
Ontario	24	95	11 410 046	106.417	106	0	0	106	107 642	103
Manitoba	6	14	1 119 583	10.442	10	0	4	14	79 970	14
Saskatchewan	6	14	978 933	9.130	9	0	5	14	69 924	14
Alberta	6	21	2 974 807	27.745	28	0	0	28	106 243	26
British Columbia	6	28	3 907 738	36.446	36	0	0	36	108 548	34
Provincial Total	102	279	29 914 315					305		298
Nunavut	1		26 745					1		1
Northwest Territories	1	2	37 360					1		1
Yukon	1	1	28 674					1		1
National Total	105	282	30 007 094					308		301

REPRESENTATION FORMULA

The calculation is carried out in the following four steps:

1. ALLOCATION TO THE TERRITORIES

Starting with 282 seats that the House of Commons of Canada had in 1985, one seat each is allocated to Nunavut, the Northwest Territories and Yukon, leaving 279 seats. This number is used to calculate the national quotient.

$$282 \text{ SEATS} - 3 \text{ TERRITORIES} = 279 \text{ SEATS}$$

2. CALCULATING THE ELECTORAL DISTRICT AVERAGE (NATIONAL QUOTIENT)

The total population of the ten provinces is divided by 279 (the number obtained after allocating seats to the territories) to obtain the national quota or quotient, which is used to determine the number of seats for each province.

$$\frac{\text{POPULATION OF PROVINCES}}{\text{279 SEATS}} = \text{NATIONAL QUOTIENT}$$

3. DISTRIBUTING THE SEATS TO EACH PROVINCE

The theoretical number of seats to be allocated to each province in the House of Commons is calculated by dividing the total population of each province by the national quotient obtained in step 2. If the result leaves a remainder higher than 0.50, the number of seats is rounded up to the next whole number.

$$\frac{\text{PROVINCIAL POPULATION}}{\text{NATIONAL QUOTIENT}} = \text{PROVINCIAL SEAT ALLOCATION}$$

$$\text{PROVINCIAL SEAT ALLOCATION} + \text{SPECIAL CLAUSES} = \text{TOTAL PROVINCIAL SEATS}$$

4. ADJUSTMENTS (SPECIAL CLAUSES)

After the theoretical number of seats per province is obtained, adjustments are made in a process referred to as applying the “senatorial clause” and “grandfather clause”. Since 1915, the “senatorial clause” has guaranteed that no province has fewer members in the House of Commons than it has in the Senate. *The Representation Act, 1985*, brought into effect a new grandfather clause that guaranteed each province no fewer seats than it had in 1976 or during the 33rd Parliament.

(s. 5 E.B.R.A.). The appointments of the other two members of each commission are made by the Speaker of the House of Commons (s. 6 E.B.R.A.).

Elections Canada set up offices for the ten federal electoral boundaries commissions. To keep abreast and for additional information on the commissions, **visit the Elections Canada Web site (www.elections.ca) and click on Federal Representation 2004**. Each of the commissions has its own section containing information such as brief biographical notes of each commission member; the commission’s proposals describing the proposed boundaries of each electoral district, indicating the population and proposed name as well as maps; notice of the

time and place set by the commission for the hearing of representations from interested persons; and, media and contact information. The objections by members of the House of Commons on the Commission’s report and the disposition by the Commission of objections filed by members of the House of Commons will be posted when available.

The Chief Electoral Officer invited the appointed commissioners and the commissions’ secretaries (hired by each commission) to attend a conference from March 13 to 15, 2002, in Ottawa. At the conference, the Chief Electoral Officer announced the results of applying the representation formula to the census data and

revealed the number of seats each province will have once the readjustment is completed. As well as acquainting the commissions with their roles and responsibilities in the readjustment process, the conference examined other aspects related to redistribution such as official languages, community of interest, and

The Electoral Boundaries Readjustment Act (E.B.R.A.) is an Act to provide for the establishment of electoral boundaries commissions to report on the readjustment of the representation of the provinces in the House of Commons and to provide for the readjustment of such representation.

increasing the participation of Aboriginals in the redistribution process.

- The Speaker of the House of Commons, the Honourable Peter Milliken, touched on his duties during the previous redistribution exercise as Chair of the House of Commons committee responsible for electoral matters and reported that members of the House of Commons were looking forward to receiving the commissions' reports.
- The Commissioner of Official Languages, Dyane Adam, discussed the concept of community of interest from the perspective of Canada's two official languages and statutory requirements pertaining to communications with the public in both official languages.
- The concept of community of interest was addressed by Professor John Courtney (Department of Political Studies, University of Saskatchewan) who chaired and participated in a panel discussion with Professor Jennifer Smith (Department of Political Science, Dalhousie University) and Professor Réjean Pelletier (Department of Political Science, Université Laval).²
- The Chief Commissioner of the Indian Claims Commission and former National Chief of the Assembly of First Nations, Phil Fontaine, provided insight on ways of encouraging Aboriginal communities to participate more fully in the readjustment process.
- Elections Canada's Director of Parliamentary Representation, Carol Lesage, provided an overview of Elections Canada's communications strategy for the redistribution exercise.

To view a Webcast of the Chief Electoral Officer's March 13 announcement, visit the Elections Canada Web site (www.elections.ca) and click on Federal Representation 2004.

THE FEDERAL ELECTORAL BOUNDARIES COMMISSIONS

Province	Chairman	Members
Newfoundland and Labrador	The Honourable David G. Riche	Kathy LeGrow Jamie Smith
Prince Edward Island	The Honourable Mr. Justice David H. Jenkins	John W. MacDonald Zita Roberts
Nova Scotia	The Honourable Mr. Justice F. B. William Kelly	Ronald Landes James Bickerton
New Brunswick	The Honourable Mr. Justice Guy A. Richard	John P. Barry George LeBlanc
Quebec	The Honourable Pierre Boudreault	Victor Cayer Pierre Prémont
Ontario	The Honourable Mr. Justice Douglas Lissaman	Janet Hiebert Andrew Sancton
Manitoba	The Honourable Mr. Justice Guy J. Kroft	Raymond-Marc Hébert Caterina M. (Bueti) Sotiriadis
Saskatchewan	The Honourable Mr. Justice George Baynton	William (Bill) Johnson David E. Smith
Alberta	The Honourable Mr. Justice E. P. MacCallum	Donald J. Barry Ritu Khullar
British Columbia	The Honourable Mr. Justice Robert Hutchison	R. Kenneth Carty Lynda Erickson

- The Assistant Director of Redistribution, Parliamentary Representation, Nan Smith, described the roles and responsibilities of the federal electoral boundaries commissions.
- The Assistant Director of Policy and Research, Parliamentary Representation, Herschell Sax, reviewed the projected schedule for the redistribution process, describing the milestones as well as key assumptions on which the projected dates are based (this Calendar of Events is available on-line on the Federal Representation 2004 Web module).

On April 16, 2002, the commissions were established by proclamation by the Governor in Council, pursuant to subsection 3(1) of E.B.R.A. This marked the beginning



The Honourable Peter Milliken, Speaker of the House of Commons, meets Commissioners attending the Conference for Chairmen, Members and Secretaries of the Federal Electoral Boundaries Commissions, held in March 2002, in Ottawa.

of the one-year period during which each commission must formulate its proposals, hold public hearings and produce a report in accordance with subsection 20(1) of E.B.R.A. Barring delays,³ the new boundaries will be proclaimed by July 2003 and will come into effect upon the first dissolution of

Parliament to occur at least one year after the issue of the proclamation, therefore no earlier than July 2004.

Between June and August 2002 each commission drafted its proposals for the new federal electoral district boundaries of its respective province and published them in the *Canada Gazette*. As prescribed by s. 15 of E.B.R.A., the population figure for each electoral district must correspond as much as possible to the quotient set for that province, that is, the total provincial population divided by the number of seats allocated to that province. However, the readjustment cannot be reduced to a simple mathematical calculation. Certain elements must be taken into consideration: the community of interest or identity in an electoral district, its historical pattern, as well as its geographic size. In order to take human and geographic factors into account, commissions are authorized to depart from the electoral quotient when establishing electoral boundaries.

However, the commissions cannot depart more than 25 percent from the quotient set for the province except in special circumstances (subsection 15(2) E.B.R.A.). Such circumstances are to be determined by each commission and are common in northern and lightly populated areas.

Furthermore, in order to take the concept of community of interest into account, E.B.R.A. allows the possibility of non-contiguous ridings (geographical criteria are ignored when setting electoral boundaries). Such is the case in the province of New Brunswick where, although the Commission, independent of Elections Canada, did not find any extraordinary circumstances that would warrant the evocation and application of subsection 15(2)(b) of E.B.R.A., one of the most important changes recommended in the proposed boundaries would regroup all Indian reserves in New Brunswick, irrespective of their location, into one electoral district. The



Photo: Wayne Brown

The Chief Commissioner of the Indian Claims Commission Phil Fontaine and Chief Electoral Officer Jean-Pierre Kingsley at the March conference.

Commission was of the opinion that this would allow the currently dispersed communities to interface with only one member of the House of Commons instead of several as is currently the case. The Commission also felt that it would also give strength to these communities because their numbers would no longer be fragmented. This innovative approach to electoral participation would be a first in Canada.

The proposals must include detailed maps, describe the boundaries and provide the population and name of each electoral district. These may be viewed on the Federal Representation 2004 Web module.

Once the proposals are published, each commission holds public hearings in its province to ensure that the public's views are considered. Public participation in the readjustment of electoral boundaries is beyond any doubt one of the cornerstones of this democratic exercise and it is incumbent upon the commissions and Elections Canada to ensure that everyone can participate in it in a fair and equitable manner. That is why Canadians in each province must be able to express their opinions about the proposals that are developed.

The dates and times of those hearings (August to December 2002) were advertised at least 60 days in advance (subsection 19(2) E.B.R.A.). This was done in daily and community newspapers, in the *Canada Gazette* as well as on the Internet (during June to August 2002). Anyone can attend and participate in the public hearings. Individuals and groups interested in appearing before a commission were required to give notice in writing to the commission secretary no later than the date and time specified by the commission (subsection 19(5) E.B.R.A.). Individuals and groups could also file their objections to the new proposals on-line. During the previous readjustment exercise, public hearings were held in 65 locations across the country.

Last time, some two-thirds of the proposed boundaries were modified following the public sittings, a strong indication that commissions seriously consider the submissions presented to them.

Following the public sittings, each commission must complete its report (expected from December 2002 to March 25, 2003) and provide two copies to the Chief Electoral Officer who transmits one copy to

Under the provisions of E.B.R.A., Elections Canada provides a variety of professional, legal, financial, administrative and technical support services to the commissions. These include, for example, communication services such as the development of an advertising campaign, editing, translation, and proofreading. Another example of support services to the commissions was the development by Elections Canada, of the Commission Redistricting Tool used by commissions to develop scenarios for establishing federal electoral district boundaries (the services of a trained geography specialist were provided on site to each commission). This software integrates population data from 2001 and multiple variables, including socio-demographic data adapted to the 2001 Census (pertinent data from the 2001 Census, other than population figures, was to be disseminated only on July 16, 2002 and would gradually continue until May 13, 2003). Other than developing scenarios and automatically calculating population and other variables, the Commission Redistricting Tool also calculates the deviation from the provincial electoral quota. Elections Canada also interacts with Statistics Canada and Natural Resources Canada.

the Speaker of the House of Commons. The Speaker tables the report and refers it to a committee of the House of Commons established for the purposes of dealing with electoral matters (if tradition is maintained, the Standing Committee on Procedure and House Affairs). This provides members of the House of Commons with an opportunity to raise any objections they may have regarding the proposed redistribution (expected from December 2002 to April 2003). All objections by members reported by the standing committee are forwarded to the commissions through the Chief Electoral Officer. The commissions must consider the objections, but are not obliged to make changes based on them. In all cases, the final decisions as to the boundary lines rest with each commission.

In the previous redistribution, there were 81 objections by members of the House of Commons. This does not mean objections were raised about only 81 federal electoral districts. Presentations made at public hearings and before the House Committee may, in addition to proposing a change to a particular riding, include a change to a neighbouring riding in order to present a successful argument. Of the 81 objections,

16 were accepted, 11 partially accepted and 54 rejected. As a result of the disposition of the objections, 45 electoral districts underwent boundary changes, two of which also had their names changed. Six districts had only their names changed.

The final report, with the objections considered, if necessary, is returned to the Speaker. Upon finalization of all reports, the Chief Electoral Officer prepares and transmits to the Minister designated for the purposes of E.B.R.A. a draft representation order that, within 5 days (expected July 21 – 25, 2003), must be proclaimed (s. 25 E.B.R.A.). The representation order and the proclamation

The publication *Representation in the House of Commons of Canada* sheds more light on two fundamental aspects of the federal electoral system; namely the principle of representation in the House of Commons and how the electoral district boundaries are determined and periodically readjusted.

declaring it to be in force must be published in the *Canada Gazette* within 5 days (July 26 – 30, 2003) after the issue of the proclamation (s. 26 E.B.R.A.). The representation order is in force effective upon the first dissolution of Parliament that occurs at least one year (no earlier than July 21, 2004) after the issue of the proclamation (s. 25 E.B.R.A.). This one-year period allows political parties, members of the House of Commons and Elections Canada to adjust to the new electoral map. ✖

ENDNOTES

1. A detailed comparison of the representation formula using 2001 and 1991 Census figures is available in the booklet *Representation in the House of Commons of Canada*.
2. This edition of *Electoral Insight* contains articles by Professors Courtney, Smith and Pelletier.
3. The estimated dates are based on the following key planning assumptions: no commission requests an extension to the one-year time limit for completing its report, and the House Committee performs its review without seeking an extension. The date ranges refer to the time span projected for all ten commissions to complete each activity. A detailed Calendar of Events is available on the Federal Representation 2004 Web module.





The Concept of “Community of Interest” in Determining Electoral District Boundaries



Professor John C. Courtney
(University of Saskatchewan),
Professor Réjean Pelletier
(Université Laval) and
Professor Jennifer Smith
(Dalhousie University).

Photo: Wayne Brown

As each federal electoral district boundaries commission divides the province assigned to it into a designated number of districts, it is required to ensure the population of each one is as close as reasonably possible to a pre-determined provincial average or quotient. This is meant to ensure the principle of voter equality.

The *Electoral Boundaries Readjustment Act* (E.B.R.A.) also states that the commissions shall consider “the community of interest or community of identity in or the historical pattern of an electoral district.” They are also required to consider ensuring that districts in sparsely populated, rural or northern regions are of a “manageable geographic size.” To accommodate these human and geographic factors, the commissions are allowed to deviate from the average population figure when setting their boundaries. While generally restricted to a tolerance of 25 percent either way, a commission may exceed this limit “in circumstances viewed by the commission as being extraordinary.”

The Act does not define “community of interest” or “community of identity” and it is left to the commissions to interpret the meanings of these concepts and how to apply them. To clarify these concepts, Elections Canada invited three prominent academics to make presentations to the Conference for Chairmen, Members and Secretaries of the Federal Electoral Boundaries Commissions, held March 13–15, 2002, in Ottawa. Professor John C. Courtney (Department of Political Studies, University of Saskatchewan) chaired their panel discussion. Also participating were Professor Jennifer Smith (Department of Political Science, Dalhousie University) and Professor Réjean Pelletier (Department of Political Science, Université Laval).

Summaries of their three papers are presented here.

Community of Interest

in Electoral Boundary Readjustments



Professor JOHN C. COURTNEY
DEPARTMENT OF POLITICAL STUDIES,
UNIVERSITY OF SASKATCHEWAN



Politicians, boundary commissioners, and members of the general public with an interest in electoral districts speak freely of “community of interest.” Yet the term itself raises several important questions. These range from “what is community of interest?” and “how is it justified?” to “how complex is it to apply?” and “is there clear agreement on what it means?”

What is Community of Interest and How is it Justified?

“Community of interest” lends itself to multiple interpretations and applications. It serves as a counterweight to unbridled application of the principle of population equality of electoral districts and as one of the least clearly defined and most subjective criteria for drawing electoral district boundaries. It is not always easy to apply

or to respect. For some, it has opened up the possibility of creating seats with “minority representation” as the principal objective of periodic redistributions. For others, particularly those who a decade ago sought to increase the number of First Nations representatives in Parliament, “community of interest” served to justify the creation of Aboriginal electoral districts that would be separately constructed and whose members would be elected separately from Canada’s other parliamentary seats. For members of Parliament, community of interest has become a concept far more closely tied to place than to people.

Community of interest is based on the recognition and acceptance of the idea that a geographically concentrated group shares a certain attribute in common. That attribute might be defined according to location, as with a neighborhood or a set of municipal boundaries; as the product of a common pursuit, such as an economic interest; or as the presence of a common trait, such as a social, racial, religious, or linguistic characteristic. Drawing constituency boundaries according to a district’s communit(ies) of interest is seen

as a way of ensuring communication between citizens and their representative and of enhancing the representational process generally.

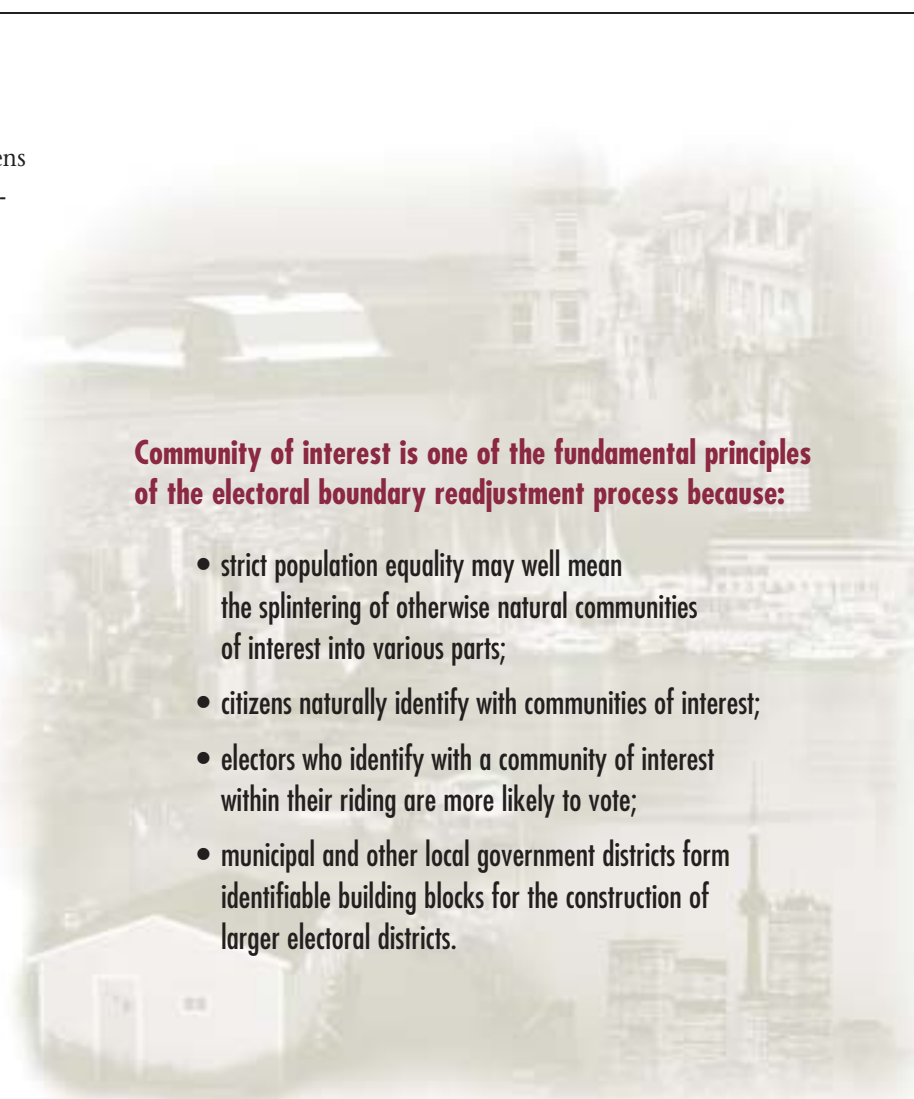
If the interest were judged to be sufficiently paramount or, alternatively, if dividing it among two or more constituencies would in some sense harm the interests of that community, then, so the theory goes, it could justifiably be kept intact and made part of a particular riding. In that case, community of interest could be said to have trumped the principle of population equality of the districts.

Four reasons can be offered to account for the importance attached to community of interest. The first, in a sense, is a negative reason. If community of interest were *not* taken into account, and if electoral districts were constructed solely on the basis of equal populations, the results could be both absurd in their territorial design and unfair to individuals, groups, and communities whose “interests” might be divided among two or more districts.

Second, large numbers of people identify with geographically defined communities of some sort. The communities might result from personal or family attachments to a local church, synagogue or mosque. They might stem from membership in a fraternal organization, a club, a local curling rink, a community hall, or a sport team. Based as it is on the principle that neighbourhoods are valuable to maintaining a civic society, the concept of community of interest captures a citizen’s identification with a “place” where individuals who live in the same vicinity share a similar interest. Out of that geographic concentration comes a sense of “belonging” and of sharing an identity with others. It is natural to want to extend that sense of being part of a community to try to ensure that the community remains intact when the larger electoral district is constructed.

In some cases, the community is “natural,” as with members of an ethnic group whose settlement pattern has led them to live in close proximity to one another. In other cases, as with the lines drawn to create Canada’s three prairie provinces, the communities that have resulted from the location of those lines have been the products of a completely arbitrary act of the state.

Third, community of interest can enhance citizen involvement in politics. It has been demonstrated that voter turnout increases



Community of interest is one of the fundamental principles of the electoral boundary readjustment process because:

- strict population equality may well mean the splintering of otherwise natural communities of interest into various parts;
- citizens naturally identify with communities of interest;
- electors who identify with a community of interest within their riding are more likely to vote;
- municipal and other local government districts form identifiable building blocks for the construction of larger electoral districts.

when boundary readjustments leave voters in ridings with which they share a strong community of interest. Turnout is negatively affected when boundaries are drawn in such a way as to place voters in ridings where they have less in common.

Fourth, parliamentary electoral districts are frequently constructed to accord with local district boundaries. This makes a good deal of sense, for the local district itself constitutes a perceptible and understandable community of interest for the majority of its residents. City, municipal, or county boundaries may never change in the lifetime of the residents, whereas electoral district boundaries may be altered every decade or so. It is far easier for an individual to identify with the former than with the latter. When the larger electoral district is created without dividing or violating the boundaries of smaller pre-existing ones, the sense of community identification with the larger district is enhanced.

The local districts may be counties, as in Ontario and Nova Scotia, rural or urban municipalities and townships, as in parts of

the prairies, or county regional municipalities, as in Quebec. They may be school districts, hospital or health regions. These are known to the residents of the area, who have their most immediate and frequent contacts with government at the local level. They can relate to the city or town hall, the county court house, the local hospital, or the nearest school. That is part of their “community.”

Failing to take full measure of the relevance of local districts is a risk that boundary readjustment commissions try to avoid, which explains why commissioners repeatedly stress the critical importance of using local “building-blocks” in constructing their boundaries.¹ Voters are also mindful of the value of using existing district lines. One study found that the second and third most frequently mentioned of 31 factors referred to in public hearings on boundary readjustments (cited in about one quarter of all responses) were the importance of adhering to “county and regional boundaries” and the need to respect “local municipality or ward boundaries” in constructing electoral districts. The single most frequently mentioned factor in public hearings on boundary readjustments (cited in nearly 31 percent of all submissions or testimony to commissions) was the importance of preserving the existing electoral boundaries.²

To recapitulate, community of interest is one of the fundamental principles of the electoral boundary readjustment process because:

- strict population equality may well mean the splintering of otherwise natural communities of interest into various parts;
- citizens naturally identify with communities of interest;
- electors who identify with a community of interest within their riding are more likely to vote;
- municipal and other local government districts form identifiable building blocks for the construction of larger electoral districts.

Community of Interest: A Blank Cheque?

Defining a single or dominant community of interest remains problematic in many areas of the country. This is particularly the case in the inner core of large cities where populations are highly mobile; socially, linguistically, and ethnically diverse; and distinguished by their range of occupations, lifestyles, and ages. Such urban districts have a less easily defined community of interest than rural ones with

markedly less mobile and diverse populations. Where a significant portion of the population of a small town or a farming community is relatively homogenous in social and demographic terms and draws its livelihood from one or two local industries, a more obvious and readily agreed-upon community of interest can be identified than in the core of a large metropolitan area.

Independently of one another, the chairs of two federal commissions of the 1990s compared the concept of community of interest to “a blank cheque.” The Quebec chair elaborated on his description: “You can write anything that you want on it and take it to the bank. But that’s no guarantee that it will be cashed.” The bankers, in this

case electoral boundary commissioners, are presented with a variety of often competing cheques about communities of interest. It is up to them to determine if there is sufficient reason for cashing them. The principal difficulty that commissioners have in determining the value of those cheques stems from the absence of objective standards by which to judge a community’s interest(s). As a result, the matter is reduced largely to making an informed, subjective judgement.

Sometimes what is claimed to be a “community of interest” is, in fact, nothing more than barely disguised political self-interest on the part of a politician, or a highly parochial understanding of the concept on the part of interested members of the public. MPs, for example, are particularly loath to give up their districts. “Community of interest” offers them a convenient way of mounting a case against changing the district boundaries. Local constituency associations and campaign teams have been established in existing ridings. Moreover, having won their seats, MPs object to their borders

being changed or to being forced by redistribution to square off in an intra-party nomination fight against another sitting member from a previously adjacent district. As a result, members may invoke the concept of community of interest as grounds for objecting to new ridings, when what is really at issue is a proposal to create a district they find politically unattractive.

Does the *Electoral Boundaries Readjustment Act* Help?

The *Electoral Boundaries Readjustment Act* (E.B.R.A.) does not make matters easy for commissioners. The Act provides no definition of community of interest, nor does it provide any guidelines on how to assess competing claims about community of interest. It



Defining a single or dominant community of interest remains problematic in many areas of the country.

simply states that a commission “shall consider . . . the community of interest or community of identity in or the historical pattern of an electoral district” in constructing the ridings. [E.B.R.A. s.15(1)(b)(i)]. This is not much help. If anything, the reference to “the historical pattern” of a district may actually confuse the issue. Does it mean voting pattern? mobility pattern? demographic pattern? some other pattern? And how far back in a district’s history is a commission expected to go?

The E.B.R.A. turns commissions into high-wire balancing acts. Commissioners are required to construct districts “as close as reasonably possible” to the population quota, yet they are permitted to depart from that principle when an area’s “community of interest,” “community of identity,” or “geographic size” are deemed to be sufficiently compelling. They are even allowed in extraordinary circumstances to go beyond the maximum +/- 25 percent population variances.

One way of understanding how commissions have responded to the rules set out in the law is to examine how much weight they have attached to the Act’s requirement that electoral districts should be constructed with populations “as close as reasonably possible.” The evidence suggests they have taken that rule seriously, possibly even at the risk of offending the principle of community of interest. From the establishment of the first federal commissions in the 1960s through to the most recent redistribution, commissioners have responded to the high-wire balancing challenge by constructing an increasingly greater share of the districts near their province’s average per district population size. Of the 298 non-territorial ridings created in the 1994 redistribution, fully three quarters (74.8%) had populations within 10 percentage points of their province’s average population size. That compares with slightly less than one half (48.0%) of the 262 seats created in the 1960s at the time of the first federal independent redistribution.

If politicians from rural and relatively isolated parts of the country and the public had their way, the reverse would be the case. With particular and local interests to advocate, rather than general and province-wide interests to balance, politicians who object to the riding proposals of commissions, and citizens who believe their local interests have been badly served by the commissions, see the purpose of the boundary readjustment process differently from commissions. This tension between local and parochial interests on the one hand and province-wide interests on the other was captured in the report of one federal commission. The 1983 commission for Ontario concluded that “almost invariably those making representations were preoccupied with their local communities of interest

and quite unconcerned with the electoral quota.... Perhaps this is as it should be. All the more reason why the commission itself must be responsible for overseeing the process and for maintaining the principle of ‘representation by population’ within the province.”³

That observation was confirmed by a study that analyzed the 470 representations to Ontario’s federal and provincial boundaries commissions in the 1980s. It found that almost three quarters (74.2%) of proposals from the public and politicians would have resulted in greater population *inequality* among electoral districts. At the other extreme, only two percent of the 470 proposals explicitly recommended that population equality be given more weight in constructing ridings.⁴



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The Community of Interest Debate of the 1990s

Mindful of the difficulties surrounding the concept, the Royal Commission on Electoral Reform and Party Financing (the Lortie commission) concluded a decade ago that community of interest can only be interpreted on a case-by-case basis. At the same time, it recommended that commissions be empowered to consider communities of interest and that they “justify their boundary proposals with reference to community of interest objectives.” This could be accomplished if commissions were directed by the E.B.R.A. to consider electoral districts as representing communities established “on the basis of demographic, sociological and geographic considerations” and if commissions took into account “the accessibility, area and shape of a region, its natural local boundaries and ecology, and the boundaries of local government and administrative units, as well as treaty areas.” It favoured the idea that commissions should examine sociological and demographic profiles of constituencies because minority groups stood to “maximize their electoral influence” whenever their “community of interest is respected in drawing constituency boundaries.”⁵

After considerable debate, MPs settled on a different version of community of interest when, in the mid-1990s, they attempted to overhaul the E.B.R.A. with Bill C-69. Although the House of Commons approved the bill in 1994, it died on the *Order Paper* a year later, after it failed to receive Senate approval. C-69’s provision regarding community of interest was a good deal more explicit than the terms of the existing E.B.R.A. It contained references to municipal and natural boundaries, Indian reserves, and access to means of communication and transport. It included “existing or traditional boundaries of electoral districts” and “the economy” as factors making up a community of interest, but it made no mention of either

sociological or demographic factors as part of the definition. MPs opposed Lortie's recommendation to use electoral redistricting to enhance the representation of minority groups. They feared that "ghettos" or "ethnic enclaves" would be created and that the implementation of a provision adding a reference to Canada's plural society would lead to a form of "segregation."

A major concern of the MPs was to make certain that the "spatial characteristics of the single-member plurality system" were included in the guidelines that formed a part of the legislation. They did this by ensuring that the definition of community of interest contained in C-69 was primarily territorially-driven. In addition to its provision relating to community of interest, C-69 would also have obliged commissions to consider in determining electoral boundaries both "manageable geographic size" and the "probability of . . . substantial future population growth" in an electoral district. Only when those three factors were considered by a boundary readjustment commission to be "sufficiently significant" to warrant changes to the *existing* electoral district boundaries were ridings to be altered. The MPs had constructed a provision of the ultimately unsuccessful bill that accepted the continuing importance of "community" and "territory." It also acknowledged the Members' unease with having to regroup their political forces and resources into newly defined districts every ten years or so.⁶

Conclusion

Nearly a decade ago, MPs wrestled with competing notions of community of interest and settled on one in C-69 that focussed on economic and territorial factors. Sociological and demographic considerations were eschewed, even though the Lortie commission had championed them. The debate among parliamentarians and

provincial legislators over what was appropriate to include in a definition of community of interest revealed a profound difficulty with the concept. Community of interest lacks precision and clarity and is open to various, sometimes competing, notions of what it should include. The sense of "place" that characterized the approach that MPs took to community of interest distinguished it from other approaches that stressed the human side of electoral districts. To boundary commissioners, on the other hand, the open-endedness of community of interest means that they are dealing with something much more difficult to explain on anything other than a case-by-case basis. One would be surprised if that were not also the case with the decennial federal redistribution that got underway early in 2002. ✕

ENDNOTES

1. *Commissioned Ridings: Designing Canada's Electoral Boundaries* (Montreal: McGill-Queens University Press, 2001), chap. 10.
2. Alan Stewart, "Community of Interest in Redistricting," in David Small (ed.), *Drawing the Map: Equality and Efficacy in Canadian Electoral Boundary Reform* (Toronto: Dundurn Press, 1991), pp. 151-54. (N=1760).
3. Canada, *Report of the Electoral Boundaries Commission for the Province of Ontario* (Ottawa, 1983), 8.
4. Stewart, "Community of Interest in Redistricting," p. 141.
5. Canada. Royal Commission on Electoral Reform and Party Financing, *Reforming Electoral Democracy: Final Report* (Ottawa: Minister of Supply and Services Canada, 1991), 1, pp. 150 and 157-158.
6. For more details of the parliamentary debate see *Commissioned Ridings*, chap. 10.

Community of Interest

and Minority Representation

The Dilemma Facing Electoral Boundaries Commissions



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How is it possible to square the principle of voter equality with the consideration of community of interest in drawing electoral boundaries?

Everyone understands voter equality. It is the idea that one person's vote has the same value as the next person's. Community of interest, on the other hand, is an elastic concept. Economic interests; an historical identity; a group identity in a way of life; traditional practices – these are among the many ways that the concept has been used to justify departures from voter equality. Obviously, the concept lacks defined scope. All communities have interests, especially economic interests, and even the newest will eventually generate a history. A more precise, weighty and well-accepted meaning of community of interest needs to be developed. However, there is currently no such development. If anything, more ideas are being added to the mix – in particular, minority representation, which it is my purpose to discuss.

Background Rules

The Canadian Constitution requires that the distribution of seats in the House of Commons be governed by the “proportionate Representation of the Provinces”: each province is to receive a share of seats in proportion to its share of the population as a whole. The principle of representation by population is based on

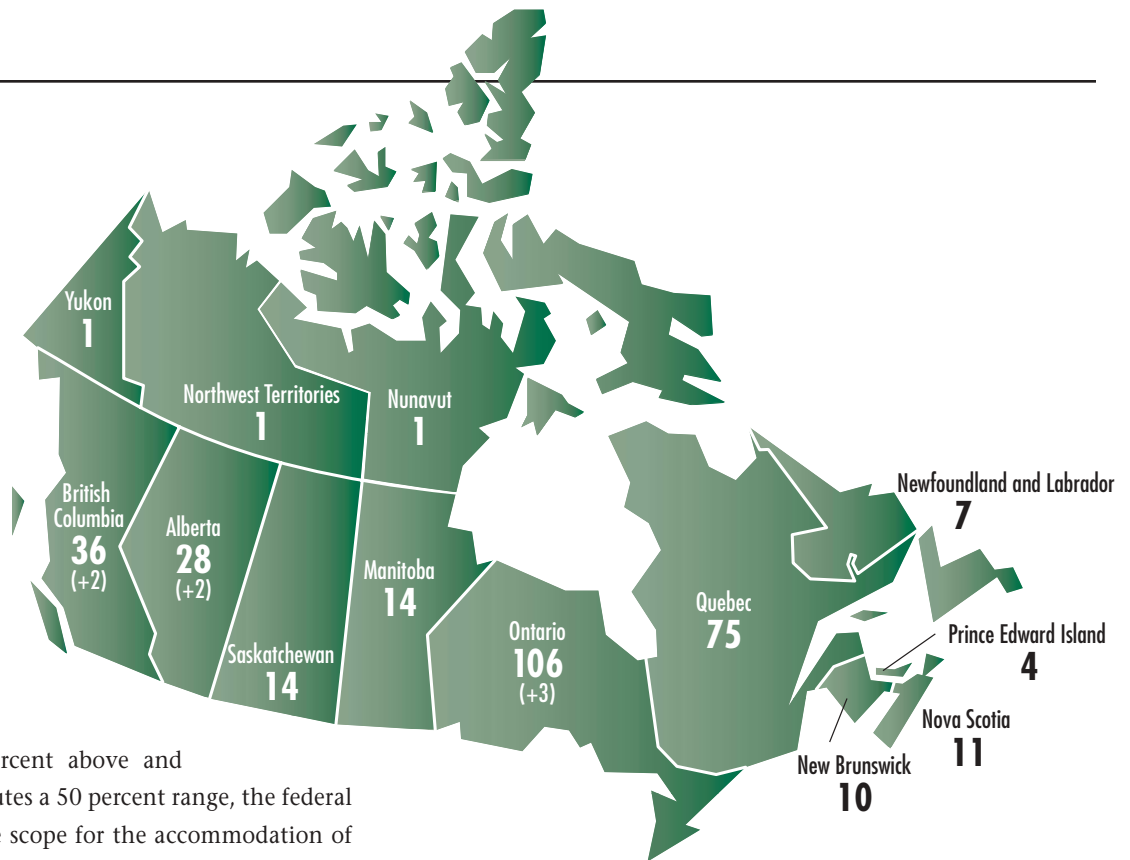


the idea of equality, which logically points to the desirability, if not the necessity, of constituencies of comparable voter numbers. Nevertheless, the logical inference of voter equality is not the same as a clear endorsement of it, and in the revision of electoral boundaries Canadian legislators have not pursued voter equality with single-minded enthusiasm. Instead, they have been inclined to focus on accommodating countervailing factors like community of interest and geography, which is why the standard legislative scheme employs the concept of variance.

Under the variance model, as it is termed here, the legislature fixes the size of permissible departures from voter equality, and then outlines the factors that might justify such departures. Thus Parliament enjoins federal boundaries commissions to pursue the objective of equal population size per constituency, while at the same time requiring them to consider non-population factors, like community of interest, community history and geography. The commissions are permitted to accommodate these factors within a variance of 25 percent above and below the average constituency population (the electoral quotient), except in undefined “extraordinary” circumstances. In such “extraordinary” cases, there is no

ELECTORAL DISTRICTS AFTER REDISTRIBUTION

CANADA 308



limit on the extent to which the population of a constituency can depart from the average. Since 25 percent above and below the average in fact constitutes a 50 percent range, the federal model clearly offers considerable scope for the accommodation of non-population considerations.

Boundaries commissions serve two masters, judicial as well as legislative. The courts have defined the meaning of the right to vote as requiring a “relative equality of voting power”. In *Dixon*, the Supreme Court of British Columbia concluded that, while the idea of equality is central to the Canadian conception of voting rights, the idea of absolute or exact equality is not. Deviations from voter equality are permissible, declared Chief Justice McLachlin (as she then was), but “only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed.”¹ In her next boundaries decision (*Carter*), Justice McLachlin, now writing for the Supreme Court of Canada, elaborated her concept of the right to vote by defining it in terms of the purpose of “effective representation”. “It is my conclusion,” she wrote, “that the purpose of the right to vote enshrined in s.3 of the Charter is not equality of voting power *per se*, but the right to ‘effective representation’.”² And the primary condition of effective representation, she continued, is relative parity of voting power, modified where necessary by factors like geography, community history, community interests and minority representation.³

The concept of community of interest not being a particularly exacting one, mostly it is used to buttress arguments in favour of leaving boundaries where they are. Not that this is illogical. Leaving boundaries where they are confirms the “community” as it has become, willy-nilly, over time. It is a typically English, typically Burkean idea. By contrast, the idea of boundaries that mark out group identity implies sociological representation. This is new and different and deserves debate, which occurred in 1994 in

the House of Commons Standing Committee on Procedure and House Affairs. The committee considered alternative ways to define community of interest: the conservative way being existing boundaries, natural boundaries, geographic features and transportation and communications concerns; the broader way including sociological factors, too. In the end, it took the conservative route, on the grounds that an explicit reference to sociological factors would compel the establishment of minority districts and thereby promote an illiberal politics.⁴

Although the committee’s report was shelved, the exercise of seeking to define community of interest demonstrated how significant the concept really is. Undefined, it is a repository for everyone’s hopes and dreams and a nightmare for boundaries commissioners. How can the valid use of such a concept be tested in connection with any one map? In other words, what constitutes adequate justification for invoking the community-of-interest claim?

Justifying Departures from Voter Parity in Favour of Community of Interest

For boundaries commissions, the lesson to draw from Charter jurisprudence on electoral boundaries is the need for justification. Individuals or groups who are dissatisfied with the way that commissioners draw a particular electoral map can contest it in court. As a result of this development, the reasoning behind decisions about boundaries revisions, previously submerged in the minds of the commissioners, has been forced to materialize in the clear light of day. Or it has been concocted – by someone.

The issue of justification is proving to be somewhat troublesome. So far, it appears that the courts' insistence on justification has put an end to the older practice of electoral maps that conform *only* to custom and partisan calculation and to no external standards at all. Presumably there will be no repetition of the *MacKinnon*⁵ case in Prince Edward Island in 1993, in which the provincial government found itself constructing arguments to defend an electoral map that had remained largely unchanged for one hundred years. But there remains the habit of some boundaries commissions of supplying no written reasons for their decisions. The Alberta map at issue in 1993 in *Reference re Electoral Divisions Statutes Amendment Act* was accompanied by very little in the way of written justification, prompting the appeal court to write: "[W]e simply do not know, with precision, why the many variations were permitted. In this case, what was needed was a riding-by-riding justification. It has not been offered."⁶

In addition to the problem of no justification, there is the problem of *adequate* justification, which is especially difficult when an all-purpose phrase like community of interest is used. Finally, there is the issue of justifying community-of-interest departures from voter equality that fall within a stipulated variance like the +/- 25 percent rule. Is anything within the variance valid on its face? Fortunately, there is further jurisprudence in P.E.I. on that point. The province's century-old electoral map, mentioned above, was felled easily in *MacKinnon*. The province's subsequent offering was drafted by the legislature, which used the variance of +/- 25 percent of the electoral quotient per district. The legislation accompanying the map prescribes the use of a boundaries commission for future revisions and instructs the commission to take into account the usual aspects in reviewing boundaries, namely, geography, population patterns, community of interest, municipal boundaries and anything else it deems relevant. So the model in place for future revisions is a version of the federal model.⁷ Meanwhile, the new map authored by the legislature was unaccompanied by a report explaining and defending what was done. When Charlottetown and some nearby smaller communities contested the map in court, the government's counsel had to generate a rationale in response to the contention of the applicants that the 27 electoral districts, which ranged from +21.10 percent above the average population to -19.28 percent below it, failed to achieve the standard of relative voter parity;

that the districts over-represented the rural areas of the province to the detriment of the urban areas; and that they failed to conform to the new boundaries of Charlottetown and Summerside, described as communities of interest.⁸

The idea that the two cities were communities of interest was a throwaway. The real beef of the applicants was that the map failed the test of voter parity because it over-represented rural areas at the expense of urban ones. The government conceded the rural over-representation, and then presented an array of arguments to defend it, including a novel community-of-interest claim in connection with rural Kings County, citing statistical indicators to demonstrate

that the county is a distinct and disadvantaged region of the province. However, Chief Justice MacDonald would have none of it.

The irony is that Chief Justice MacDonald upheld the map, while accepting none of the arguments offered to defend the very rural over-representation that caused most of the population discrepancies among the districts in the first place. He queried P.E.I.'s decision to choose +/- 25 percent and asked if a lower variance might not be more appropriate – say +/- 10 percent. It is not necessary to explore his reasons for landing on this figure. The important point is what came next. His idea of a valid reason for departing significantly from voter equality arises in his discussion of compactness. The government had argued that districts should be compact, and that compactness requires some latitude with the numbers. Chief Justice MacDonald countered that compactness is an ideal that ought not to be pursued at the expense of voter equality – except, however, in the district of Evangeline—Miscouche, in which much of the Island's Acadian community resides. On the existing map, the Acadian voters are combined with a smaller number of English-speaking voters, and he thought this unnecessary. "[T]here is no reason," he wrote, "why this district could not be given special status and allowed to go below the 25 percent variance. By doing so, the Acadian population would have their exclusive district and a minority English population could be attached to an English district."⁹ Even the applicants, he noted, were prepared to give Evangeline—Miscouche dispensation from the principle of voter parity.

It is worth sorting out what happened here, especially since the decision was upheld on appeal, the majority of the appeal court taking essentially the same position as the lower court.¹⁰ First, the explanations for the departures from voter parity were



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put together after the fact – again – and the courts did not find them convincing. Second, the courts signalled clearly that a minority cultural community that is geographically compact can fill the community-of-interest bill. In this model, the minority is a community of interest and as such constitutes a valid reason to depart from the standard of voter equality. However, there is another, different model in effect, too, which takes us to Nova Scotia.

Legislative Definition of Community of Interest

In Nova Scotia, the legislature has issued instructions about the accommodation of minorities in the drawing of electoral boundaries. Since Parliament issues no such instructions, and instead leaves the federal commissioners to judge the issue of community of interest, it might be supposed that the Nova Scotia case has no relevance for the federal arena. Yet it does, because of the way in which the legislature has flagged minority representation – thereby supplying a precedent for all to see – and conceptualized it.

In 1991, a select committee of Nova Scotia's House of Assembly set the terms of reference for the province's first independent boundaries commission. In its report, issued after the *Carter* decision, the select committee affirmed that relative parity of voting power in the form of constituencies of equal population is a "primary" factor of "paramount importance" in ensuring the right to effective representation, and that departures from voter parity are permissible only to the extent that they can be shown to contribute to the better governance of the population as a whole. It also listed five other primary factors that might be involved in effective representation: geography; community history; community interests; projections of the rate of population growth; and minority representation¹¹. Singling out minority representation, it instructed the boundaries commission to pursue the "advice, support and co-operation" of representatives of the African-Canadian community, the Acadian community and the Mi'kmaq people. Finally, the committee declined to establish a variance rule, emphasizing instead that the commission was "not to be governed by a predetermined population deviation factor or by a predetermined split between urban and rural ridings".¹²

Since the legislature accepted the report of the committee in its entirety, the boundaries commission was faced with the challenge of producing a provincial electoral map that met the legislature's requirements regarding minority representation, as well as its stricture on the paramount importance of relative parity of voting power. In response, the commission devised an "entitlement" model to be used in conjunction with a concept of the "protected constituency". The details of both the model and the concept are in the commission's report.¹³ Briefly, the entitlement model results in a map based entirely on the principle of equality. It

shows the number of constituencies to which any area of the province is "entitled", in terms of its population size. Having determined the kind of map that the factor of population alone would generate, the commission turned to the non-population factors in the terms of reference.

As has already been noted, the legislature pressed the representational cause of specified minority communities. The commission needed to judge (1) which areas of the province, if any, are distinguished by communities of interest and history, or minority communities or geographic isolation, and (2) the extent to which the population in these areas requires protection in the form of discrete and undersized electoral districts or, indeed, *can* be protected in that way. Such judgments are not always easy to make. Moreover, if members of a particular community are scattered far and wide, it is difficult to accommodate their representational needs within the confines of a territorially based electoral system. The situation of Nova Scotia's Black community is a case in point, since members of the community reside throughout the province. However, a significant number live in a series of small communities in the Preston area, which is where the commission chose to establish a protected constituency. Although the population of the new constituency was only half the average population of the non-protected constituencies, the Black communities still

comprised only one third of it. Thus the constituency could not be described accurately as a designated "Black seat". On the other hand, the literature on the competition between the candidates of political parties in single-member constituencies suggests that a percentage in this range is enough to provide members of a minority community with a reasonable prospect of electing a member from among themselves. That prospect



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materialized when the Preston constituency elected the first Black member to the House of Assembly in the election using the new electoral map.

There remains the question of how protected constituencies are tied to the entitlement model. Altogether, the boundaries commission established five protected constituencies: three in Acadian areas of the province, one in the Preston area, and one in a sparsely populated part of rural Cape Breton. Since the total number of seats in the legislature was fixed at 52, the decision to depart from relative voter parity in five constituencies meant that the population average or population entitlement for the rest of the constituencies would necessarily change. In an effort to be absolutely clear about this consequence, the commission decided to omit the protected constituencies entirely from the calculation of the population entitlement of the remaining 47. As a result, the adjusted entitlement for them was about five percent higher than it would have been in the absence of protected constituencies. The five percent difference was the “penalty”, as it were, that residents of the 47 constituencies paid for the effective representation of the residents in the smaller-sized constituencies. It was a penalty that the legislature had determined to be appropriate and publicly acceptable – and still does.

The province is undergoing a review of electoral boundaries at this time. In November 2001, a select committee of the legislature reviewed the terms of reference of the boundaries commission and decided to retain the emphasis on minority representation. As before, it ranked voter equality as the first of the primary factors of representation, followed by geography, community history, community interests, and minority representation, in particular, representation of the Acadian and Black peoples of the province. However, its model now more closely approximates the federal model, with a variance rule of +/- 25 percent. It also links minority representation to the notion of extraordinary circumstances: “The Provincial Boundaries Commission is to be governed by the general principle that a constituency should not deviate by greater or lesser than 25 percent from the average number of electors per constituency, except in extraordinary circumstances. Extraordinary circumstances are the desire to promote minority representation by Nova Scotia’s Acadian and Black communities.”¹⁴

Conclusion

The experience of the two Atlantic provinces leaves federal boundaries commissioners with two points to ponder about community of interest. The first is the weight of the precedents that are being set. For a second time, the Nova Scotia legislature has issued clear instructions on minority representation that the boundaries commission once again can be expected to implement. Then there is the reasoning of the courts in P.E.I. that minority representation is a clear example of a valid claim of community of interest.

The second point is the development of competing ways of conceptualizing minority representation. One way is the idea of a minority as a community of interest in and of itself, an idea played out in the P.E.I. courts, where some judges suggested that the minority’s community of interest was the only valid reason for departures from voter parity. Just how valid, is apparent in the comments of the dissenting judge on the appellate court, who found no good reasons for the province’s electoral districts to be so unequal in population, except for Evangeline—Miscouche. It is the type of district, he wrote, for which “there is no limit to the amount of deviation allowed provided it is justified as necessary for more effective representation.”¹⁵ The other way of conceptualizing minority representation is the Nova Scotia select committee’s categorization of minority representation as an extraordinary circumstance. This recalls the federal rule that enables boundaries commissions to move past the variance of +/- 25 percent in extraordinary circumstances and the British Columbia rule that permits the same thing in “special” circumstances.

Are these models analytically distinct from one another? Arguably, yes. If minority representation is conceived in terms of the concept of community of interest, then it must compete with all other notions of community of interest. However, I suspect that it would compete very well with these other notions simply because the claim of cohesiveness in a significant dimension of life – cultural identity – seems more compelling than, say, patterns of transportation. On the other hand, if minority representation is thought to be a special or extraordinary circumstance, then it moves to a different conceptual plane. It becomes a separate category altogether and, by implication, an unusual one. Given the terms of reference under which they operate, including the undefined concept of community of interest, federal boundaries commissioners can go either way in assessing a claim of



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minority representation – as a matter of community of interest or extraordinary circumstance. One thing is certain – the claim of minority representation is not going away. ✕

ENDNOTES

1. *Dixon v. British Columbia* (A.G.) (1989) 59 D.L.R. (4th), 267. It is important to emphasize that Justice McLachlin included the idea of justifiable deviations as part of her concept of the right to vote under section 3 of the *Canadian Charter of Rights and Freedoms* – justifiable deviations are not separate from the definition of the concept. This is apparent in her discussion of the relationship between section 3 and section 1, the opening clause of the Charter, which stipulates that governments may impose reasonable limits on rights if they can show that the limits are “demonstrably justified in a free and democratic society”. She wrote “that every citizen is entitled to an equal vote, subject only to such exceptions as may be justified on regional or geographic grounds as providing better government. The question under s. 1 is whether breach of that standard can be justified on the basis that the breach is reasonable and demonstrably justified in a free and democratic society. In other words, can population discrepancies incapable of being supported on the above grounds be upheld under s. 1 of the Charter?” *Ibid*, 270.
2. *Reference Re Provincial Electoral Boundaries* (Sask.) (1991) 81 D.L.R. (4th), 35.
3. *Ibid*, 39.
4. House of Commons Committee on Procedure and House Affairs, *Report*, 25 November 1994, 33: 5-11.
5. *Mackinnon v. Prince Edward Island* (1993), 101 D.L.R. (4th), 362.
6. *Reference re: Electoral Divisions Statutes Amendment Act, 1993 (Alberta)* (1994), 119 D.L.R. (4th), 14.
7. *Electoral Boundaries Readjustment Act*, Stats. P.E.I. 1994, c. 13.
8. *Charlottetown (City) et al. v. Prince Edward Island et al.* (1996), 150 Nfld. & P.E.I. R., 98-99.
9. *Ibid*, 101.
10. *Charlottetown (City) et al. v. Prince Edward Island et al.* (1998), 169 Nfld. & P.E.I. R. 188; 521 A.P.R. 188. The appeal court’s decision in turn was appealed to the Supreme Court of Canada, which declined to hear the appeal.
11. The commission pursued the idea of a Mi’kmaq seat as instructed by the legislature, consulting with Mi’kmaq leaders about it. There was no consensus then among the Mi’kmaq about the appropriate way to fashion such a seat. However, the legislature chose to recognize a 53rd seat belonging to the Mi’kmaq, thereby issuing a standing invitation to them to take it up.
12. *Ibid*, 7.
13. Nova Scotia, Provincial Electoral Boundaries Commission, *Effective Political Representation in Nova Scotia: The 1992 Report of the Provincial Electoral Boundaries Commission* (March 1992), 20-30.
14. Provincial Electoral Boundaries Commission, Information Package, March 2002. www.nspebc.ca/index.html
15. *Charlottetown*, 1998, 213.

Community of Interest

and Electoral Quota

Revising the Federal Electoral Map in Quebec



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If democracy is fundamentally based on the concept of the sovereignty of the people, it is implicit in our own representative democracy that people participate in the exercise of political authority by choosing those who will represent them. The choice is made through competitive elections based on certain rules, that is, an electoral process that is truly democratic. Universal suffrage, the nature of the electoral system and the division of the electoral map are constituent elements of that process. It is, therefore, important to carefully define who has the right to choose representatives, the procedures and the territorial framework for the choice. It follows that the determination of electoral boundaries is a process that is just as important as the definition of the electoral system.

Legal framework

The *Electoral Boundaries Readjustment Act* (E.B.R.A.) provides only general guidelines for updating the electoral map. It names three factors that must be taken into account: the electoral quota – the population must not vary by more than 25 percent from the median population for the electoral districts of the province; the community of interest; and the geographic area – an electoral district must not be too vast.

These criteria must be considered in association, giving each its due. The criterion of geographic area is infrequently applied, while the electoral quota and community of interest must always be considered. The latter two factors are of almost equal importance; however, the quota must be given the most weight, to prevent excessive distortions in electoral representation. This is an essential tool for ensuring parity in representation for the population of different electoral districts and the closest approximation to voting equality for citizens. In practice, however, perfect equality among districts is probably not desirable, because then other factors such

* The author was a member of the Federal Electoral Boundaries Commission for Quebec in 1994.

as community of interest could not be considered. Parliament has, therefore, given commission members great latitude in authorizing a difference of 25 percent more or less than the electoral quota.

The Supreme Court of Canada has recognized the importance of community of interest, and the various elements that can be included under that heading. In a majority ruling on *Reference re Provincial Electoral Boundaries (Saskatchewan)*, it found that the right to vote guaranteed in section 3 of the *Canadian Charter of Rights and Freedoms* is not equality of voting power per se, but the right to “effective representation”. This right to vote, it adds, comprises many factors, of which equity is but one.

The Court explains further that “such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation.” It is important to note that the Court itself cites a number of factors that may be considered when deciding on electoral district boundaries: “Factors like geography, community history,

community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic,” while adding that this does not constitute an exhaustive list.

Beyond these key guideposts established by the E.B.R.A. and the Supreme Court, what is meant by this notion of community of interest?

Community of interest

First of all, it should be kept in mind, as posited by John C. Courtney (2001: 207), that this concept suggests “a variety of possibly competing factors”. The E.B.R.A. speaks of the community of interest or community of identity or the historical pattern of an electoral district, which can give rise to differing, often contradictory interpretations. Is the community of interest primarily economic, sociological, linguistic or cultural in nature? Is the community of identity geographic, demographic, or of some other type?

The Quebec *Election Act* lays down some more specific guidelines which may enlighten us: “An electoral division represents a natural community established on the basis of demographic, geographic and sociological considerations, such as the population density, the relative growth rate of the population, the accessibility, area and shape of the region, the natural local boundaries and the limits of local municipalities” (section 15). The federal commission members probably take implicit account of most of these criteria in their work, with the possible exception of the relative growth rate of the population.

The Federal Electoral Boundaries Commission for Quebec wrote in its report, published in 1994, that it had tried:

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- “to acknowledge the existence and personality of every major region of the province;
- not to shift existing electoral boundaries without a valid reason;
- to respect the sense of belonging and community of interest of the residents of a region or sub-region, as well as their commercial, industrial, residential, agricultural or other focal points;
- where necessary, to ignore the purely mathematical aspects of demography, so that in the same region, there may be notable population differences that are both justified and desired by the persons concerned;
- by establishing a reasonable ratio between the two factors of territory and population, to facilitate the work of members of Parliament, who are ultimately responsible for listening to their electors and for being accessible to them in all circumstances.” (*Report*, 1994: 52-53)

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The very notion of community of interest raises a question that is fundamental to the work of boundaries commission members: do the people residing in an electoral district share common interests, which a representative might be called upon to defend, or do they experience common problems which a representative might be called upon to resolve? To answer this, we must look at a number of factors that imply the population of a given territory does share certain interests, problems and attributes.

In the case of Quebec, with which we are specifically concerned here, we must recognize a natural boundary that divides the territory in two, namely the St. Lawrence River. The communities of interest are generally defined on either side of the river. It should, therefore, be accepted as a rule that in no case should the boundaries of an electoral district cross this natural barrier, even in a region such as Trois-Rivières to the north and Bécancour to the south, where economic exchange and trade have become increasingly frequent since the construction of a bridge.

Another physical factor, the immensity of the land mass of Quebec, plays an important role. The north of the province is vast and sparsely populated. This situation is not peculiar to Quebec, but it is more accentuated there because the province extends further north than the other Canadian provinces. In particular, this vast northern territory raises the question of the common interests of the Aboriginal communities living there, and hence the problem of representation of those interests.

In 1994, in an interesting and well-documented brief, the Makivik Corporation, which is responsible for the defence and promotion of Inuit interests, called for the creation of an electoral district north of the 55th parallel that consisted, at the time, of 7 693 people. The Commission's initial project was to divide the Inuit territory into two districts, Manicouagan and Abitibi. Since it was impossible to create the requested district, the Commission, with the consent of the Inuit representatives, decided to include all the Inuit in one electoral district, that of Abitibi. This district is the largest of all the provincial electoral districts in Canada (the territories excepted); it also includes many Cree villages. As for the district of Manicouagan, it constitutes the only case in Quebec where the "extraordinary circumstances" clause is applied: the Commission went below the lower population limit permitted by the Act.

Of course, it is not easy for the MP to provide services and ensure full representation of districts that are immense in size. We should remember what Munroe Eagles had to say on this subject. Recognizing that "the boundary determination process itself is a blunt and unimaginative instrument for addressing servicing concerns," he added: "A more direct means of redressing the issue would be to provide members from remote or sparsely populated

regions with greater allowances for additional staff, and telecommunications facilities to deliver satisfactory levels of representation and service." (Eagles, 1991: 180)

Beyond these factors, which partake of physical geography but appeal to the notion of community of interest as well, it is also important to consider the sense of belonging to a particular municipality, where ties among citizens are established or, in the big cities, belonging to a particular neighbourhood, where relationships are built among those living in close association. To this we can add consideration of the economic interests uniting the people of a region, such as the ties between a city that serves as the economic hub of a region (e.g. Rimouski, Joliette, Drummondville, etc.) and its hinterland, or the economic links that have developed in a region such as the Beauce.

In 1994, the Federal Commission for Quebec tried to harness this dual reality – membership in a particular municipality and common economic interests – by taking into account the regional county municipality (MRC) structure that is peculiar to Quebec. Outside the large urban communities of Montreal, Quebec City and the Outaouais, which are home to just over a third of the population of Quebec, all the rest of the province's territory (except for the most northerly part) is divided into 96 MRCs. Each MRC constitutes a supramunicipal unit encompassing a number of municipalities that normally have

certain affinities, particularly of an economic nature; the MRCs deal with land use planning, economic development and pooling of municipal services. To the extent possible, the Commission strove to preserve the boundaries of the MRCs and incorporate them as a block in a given electoral district, thereby protecting their economic interests. In certain regions, such as the Eastern Townships, it was not always possible to do so.

For Quebec, as for the other provinces, the depopulation of the rural areas and outlying regions to the benefit of the cities



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and central regions raises another issue. This has been an acute problem in the Gaspé and in eastern Quebec generally. It should be a bigger issue this year in the region of Saguenay/Lac-Saint-Jean. It was clear from the outset in 1994 that the three existing electoral districts in the Gaspé could not be maintained, since each would have been far removed from the electoral quota of 91 946 inhabitants, and even well below the maximum difference of 25 percent allowed by the Act. It seemed impossible to justify any attempt to maintain the status quo and create three exceptions, since this would have penalized the more populous electoral districts of Montérégie south of Montreal and the Laurentians to the north. Moreover, what the region lost (an electoral district) could not be regained in the adjacent region, namely the Lower St. Lawrence, itself in demographic decline.

And subsequently, there remained the creation of new electoral boundaries for the Gaspé Peninsula. Initially, the Commission proposed to redraw the electoral map along the east-west axis. This proposal was debated from Percé to Rimouski. Those attending the hearings indicated that they favoured a north-south redistribution, which they felt would better respect the communities of interest and the territorial integrity of the peninsula's MRCs. The final report took these observations into account.

The rapid development of the suburbs and the emptying of city centres raise a similar problem. In this vein, the Commission proposed in 1994 to abolish one electoral district on the island of Montreal and to create two new ones in the greater metropolitan area, one to the south in Montérégie and the other to the north in the Laurentians. This proposal led to substantial changes in the Montreal island and metropolitan area districts. But in this case, unlike the Gaspé case, the proposal to transfer a district to the suburbs caused less controversy because the city centre's loss was the suburbs' gain.

Finally, two other points are worthy of mention. The first concerns the presence of common social characteristics in a given area, such as the sharing of a minority language or membership in a cultural community. These are social factors that can create a genuine community of interest. Should we then favour the cultural community or linguistic group, and guarantee it an electoral district where it would be in the majority, even if it means introducing a form of "gerrymandering" aimed at social advancement or affirmative action? This second assumption should be rejected; however, we should be sensitive to the first

part, on the condition that the linguistic minority or ethnic group in question is sufficiently large and concentrated in a specific area. In this way, the electoral districts in western Montreal can more easily be majority Anglophone than the immense district of Gaspé, and the districts in the centre of Montreal can have, if not a majority, at least a substantial minority of people who belong to an ethnic group. In both cases, as much account as possible must be taken of these situations in dividing up the electoral map.

Finally, the community of interest can be the result of a previous division of electoral districts. Citizens do not appreciate regular changes of districts, and their representatives normally prefer the existing boundaries of their districts (unless the proposed change is more favourable to them...). This was pointed out by Alan Stewart (1991: 151-153) when he wrote: "Existing boundaries are relevant, not only because they were designed according to a previous commission's finding that they reflected community of interest, but because the enactment of a particular set of boundaries creates a community of interest among those who participate in politics at any level (including voting) in that jurisdiction." The parties are organized on the basis of the electoral districts; and the same applies to a number of associations intent on influencing the political life of their community, thereby contributing to the development of common interests.



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Conclusion

As long as the current system is in place, that is, a system based on the election of a member of Parliament by simple majority in an electoral district, the territorial framework will always be a fundamental element. Within the territory to be divided, it is important to take into account the sociodemographic and economic factors that define a community of interest.

But that community of interest cannot ignore the electoral quota defined by the Act, even though that quota may be exceeded within reasonable limits (25 percent more or less), keeping in mind that the "extraordinary circumstances" clause must be used sparingly. Thus delimited, a community of interest can be neither too extendable nor too small.

The disappearance of an electoral district, especially in regions other than the big cities, will always raise a great many objections: its opponents usually feel that the commission members have confined themselves to demographic criteria only, without considering the other principles set out in the Act. In support of

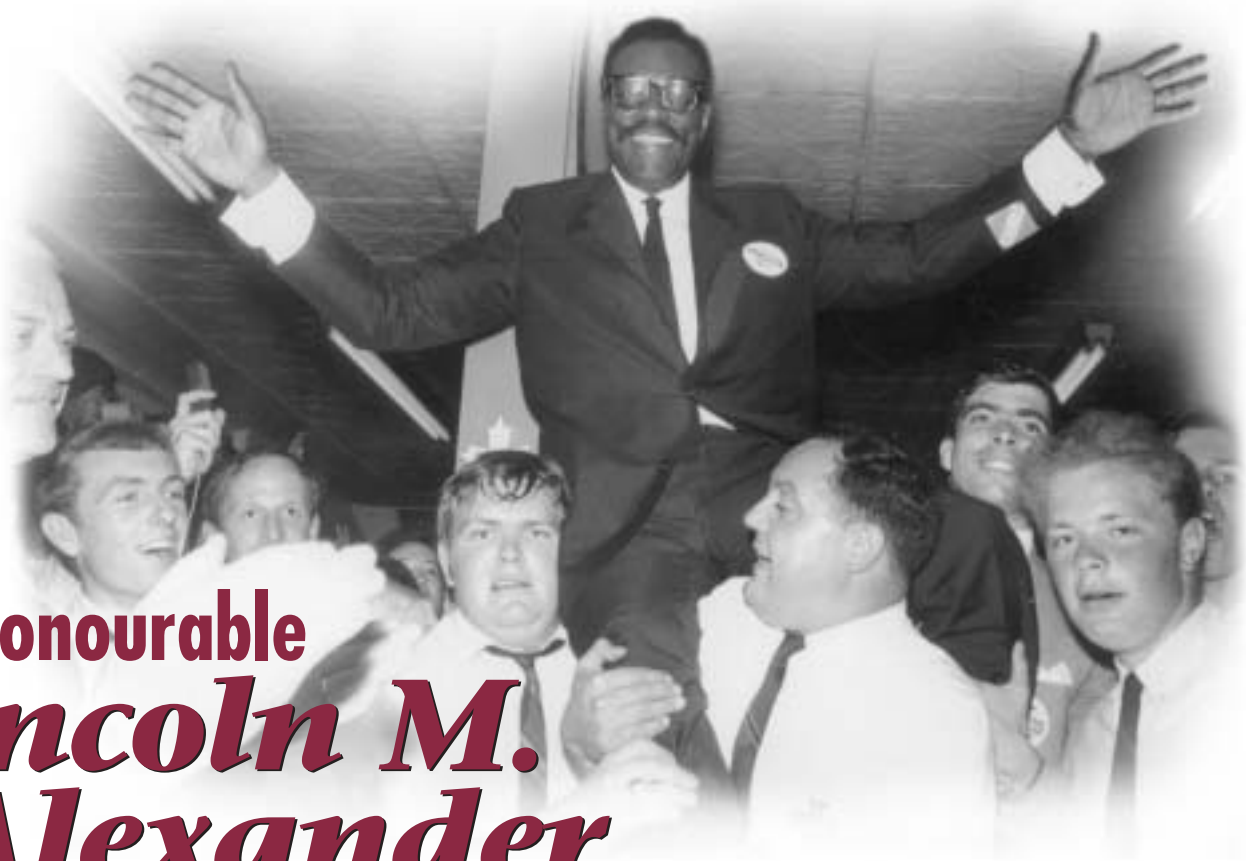
their demands, they argue the notion of community of interest, a notion that can embrace just about anything, from the advantages of the old district to the idea of natural boundaries, not to mention rural or urban character, ties among municipalities, neighbourhood life in the city, economic interests, or linguistic or ethnic character.

Obviously, the often contradictory proposals of stakeholders in any region complicate the work of the commission members, sometimes preventing them from making far-reaching changes. To this, we can add the fear of a domino effect from one electoral district to another. It is for this reason that changes are often minor, and usually concern municipalities on the outskirts of an electoral district.

We can conclude that it is the primary responsibility of commission members to strive to comply with the demographic criterion set out in the Act, though without neglecting communities of interest, and to thereby ensure, to the extent possible, that citizens are equal when the time comes to vote. ✖

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The Honourable *Lincoln M. Alexander*

First Black Canadian Elected to the House of Commons

On June 25, 1968, Lincoln Alexander celebrated his first election victory on the shoulders of his enthusiastic supporters in the riding of Hamilton West. He was 46 years old at the time.

Photo: Special Collections, Hamilton Public Library

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Lincoln M. Alexander has accomplished many firsts in a life that has helped remove numerous large barriers for visible minorities in Canada. On June 25, 1968, he made electoral history as the first Black Canadian to be elected to the House of Commons. Eleven years later, he was the first Black person appointed to serve in the federal cabinet. In 1985, Alexander was appointed Ontario's Lieutenant Governor, the first member of a visible minority to serve in that role in any province in Canada. More recently, in 1996, he became the first Chairman of the Canadian Race Relations Foundation, a post he still holds. He has experienced racism at many stages in his life and has always tried to fight it head on. In January, he celebrated his 80th birthday.

Lincoln MacCauley Alexander was born in Toronto, Ontario, on January 21, 1922, the son of immigrants of West Indian descent; his mother was from Jamaica and his father from St. Vincent. His mother, Mae Rose, was a maid, and his father, also named Lincoln MacCauley Alexander was a carpenter by trade, but in Canada, had to work as a railway porter, which in those days was one of the few jobs available to a man of colour. The younger Alexander grew up in Toronto, until the age of 15 when he moved to Harlem, New York City, to be with his mother. He subsequently lived in Long Island and Brooklyn.

On returning to Canada, Alexander served in the Royal Canadian Air Force during the World War II years of 1942 to 1945. At Lachine, Quebec, he trained to be a wireless operator. On graduating he was sent to Portage La Prairie, Manitoba, where he flew training missions. He entered McMaster University in Hamilton, Ontario, and graduated with a Bachelor of Arts degree in 1949. He would also earn a law degree from Osgoode Hall in Toronto. Alexander recalls there were only about four Black practicing lawyers ahead of him in all of Ontario. When established law firms turned him away, in 1954, he became a partner in the first interracial law firm in Canada, Duncan and Alexander. "It was not really difficult, but I didn't have all the clients, because people weren't used to having a Black lawyer," says Alexander. "Nobody said it, but Black meant you were seen as incompetent." In 1962, he became a partner in the Hamilton law firm of Miller, Alexander, Tokiwa and Isaacs, and he was subsequently appointed Queen's Counsel in 1965.

In 1965, Alexander entered federal politics. At first, he hadn't really expected even to win his party's nomination. There were only a few hundred Black persons in Hamilton at the time and "no one of colour in those days was involved in politics to any great extent. They really weren't wanted," he says. Regardless, he succeeded in becoming the first Black candidate to run for a federal seat in Hamilton. As the Progressive Conservative candidate in the riding of Hamilton West, he lost to the Liberal incumbent by a margin of 2,359 votes.

However, Alexander's team regarded the result as a victory and he immediately got himself nominated again for the next election, which would not actually occur until two and a half years later. His long campaign paid off. In the 1968 general election, he won by the narrow margin of less than 350 votes and became the first

Black Canadian elected to the House of Commons. He was the only Progressive Conservative party candidate to be elected in an Ontario urban centre, as the Liberals, led for the first time by Pierre Trudeau, scored a majority government win. Alexander's victory was notable for another reason too. He had never held any political office before and "went from the guy in the street to the House of Commons. Most people (in the Commons) usually had some previous experience in politics, maybe as an alderman or school trustee," says Alexander. (In that same general election, Leonard Marchand would become the first Status Indian to be elected to the Commons, as the Liberal member for the British Columbia riding of Kamloops—Cariboo. For more on Senator Marchand, see the June 2000 edition of *Electoral Insight*). Alexander's riding, Hamilton West, also had the earlier distinction of being the riding that elected Ellen Fairclough, the first woman to be appointed to the federal cabinet as Secretary of State, in 1957.

Alexander's election to Parliament was big news. He remembers receiving a newspaper clipping from a friend in London, England, detailing his historic election in Canada. Alexander says he almost didn't enter active politics. Two years before his first campaign he was asked to meet with then Prime Minister John Diefenbaker who wanted to appoint him to a post as a High Commissioner or Ambassador for Canada. But it didn't happen before the Diefenbaker government lost power a few months later. Why had Diefenbaker been interested in appointing Alexander? Diefenbaker had boasted that "I am the first Prime Minister of this country of neither altogether English or French origin." "I think it was because he too was an outsider," says Alexander. "His name wasn't Smith or Jones either."

When Alexander entered Parliament it was still a club of white men. There was only one female member (Vancouver New Democrat Grace MacInnis) in a legislature of 264 seats. In Parliament, Alexander was an imposing figure. At six feet three inches, the man they called "Linc" towered over most other members and his very deep voice made it one of the most authoritative the Chamber had ever heard. "I was in the club and highly respected by Conservatives, Liberals and New Democrats," he says. He especially loved the camaraderie with members of all political parties and the cut and thrust of the daily question period.



"I worked twice as hard to prove that a Black man could do it. I knew that I was first at this and first at that, and that people were looking at me with certain expectations."

Lincoln Alexander,
2002

Alexander would win federal re-election four times and serve in Parliament for almost 12 years. Another first came in 1979, when he was appointed the first Black cabinet minister in Canada's history, in the newly elected Progressive Conservative government of Joe Clark. But his term as Minister of Labour would last only nine months, until the government's defeat in the winter election of 1980. He remains deeply disappointed that after years on the opposition benches he didn't really get the chance to prove he could be a good cabinet minister or to accomplish much in his portfolio. A few months later, in May 1980, Alexander resigned his Commons seat to accept an appointment from Ontario's Premier William Davis as Chairman of the Workmen's Compensation Board of Ontario. He had loved being a member of Parliament and was very reluctant to leave, but says his wife convinced him he should take the offered job.

Alexander would make front-page news again in 1985. On the recommendation of then Prime Minister Brian Mulroney, he was appointed Ontario's 24th Lieutenant Governor. It was another historic step, as Alexander became the first member of a visible minority group to serve in that vice-regal office in any province in Canada. His official duties included summoning and dissolving Ontario's legislature, reading the Speech from the Throne at the opening of each legislative session and giving assent to bills passed by the legislature.

Meanwhile, he made youth and education issues key parts of his mandate as he spoke to students at more than 250 schools during his term. He constantly promoted the importance of education, with the advice to young Canadians to "Stay in school. Get an education. Leave drugs and alcohol alone. You don't need them as a crutch." He served as Lieutenant Governor until 1991. That same year, he was appointed Chancellor of the University of Guelph, in Ontario. "When you meet him and when he looks at you and shakes your hand, you think that he has waited his whole life to meet you. You have his undivided attention," says the university's Vice President of Alumni Affairs and Development, Robert McLaughlin.

In 1996, Alexander agreed to chair the Canadian Race Relations Foundation. The Foundation was created by the Government of Canada as part of the Japanese Canadian Redress Agreement. In a 1999 speech at the launch of what he described as "the largest anti-racism campaign of its kind in Canadian history," Alexander noted the equality rights provided by the Charter of Rights and Freedoms. But he added, "Racist attitudes and institutional racism are still very much alive. In my view, we still have a long way to go." In asking Canadians to join in the fight against racism, Alexander stated, "We want Canadians to fight racism wherever it rears its ugly head – in schools, in hockey rinks, in workplaces, on the street, and yes, even in Parliament."

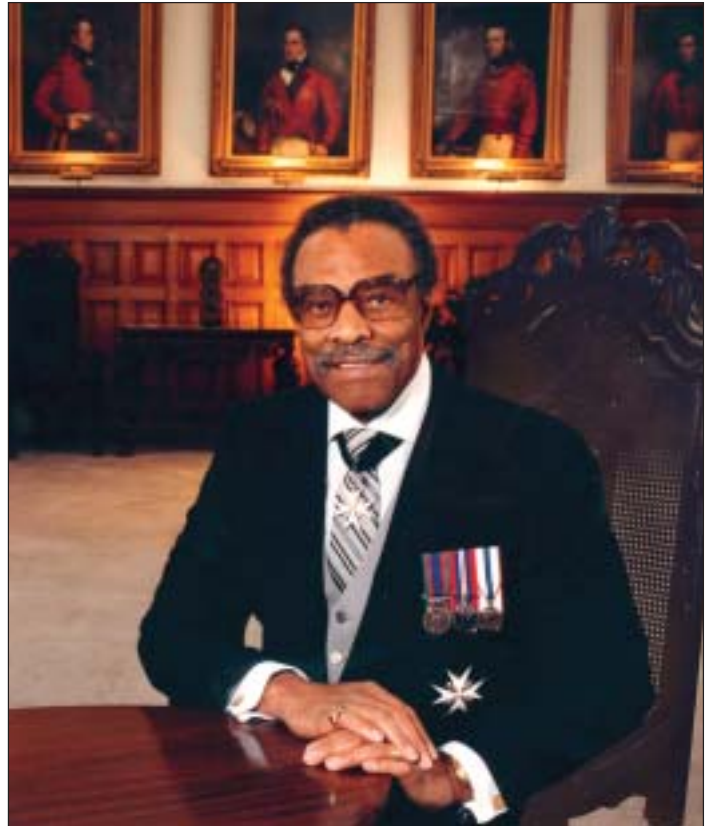


Photo: Office of the Lieutenant Governor of Ontario

The Honourable Lincoln M. Alexander during his term of office as Lieutenant Governor of Ontario from 1985 to 1991.

Last November, he wrote to the federal Minister of Justice to applaud the Government for the "inclusion of stricter provisions for hate crime and hate on the Internet" in its proposed Anti-Terrorism Act (Bill C-36), but he also voiced concern about "the risk of increased racial profiling at borders and in policing and security work" and that the legislation's definition of terrorism was too broad. Meanwhile, Alexander commended the Prime Minister for "the initiatives you have taken to reassure Muslim and Arab communities in Canada in the wake of the horrific events of September 11th."

Now in his ninth decade, Alexander still serves as Chancellor of the University of Guelph and on the boards of the Ontario Banking Ombudsman, the Ontario Press Council, the Royal Winter Fair, and the Shaw Festival. He has been the recipient of a very long list of prestigious awards and honours, including seven honorary doctorates. He was appointed to the Order of Ontario in 1992. To commemorate his term as Lieutenant Governor, since 1993, the province of Ontario has made awards annually, in his name, to two young people between the ages of 16 and 25 who have demonstrated leadership in eliminating racial discrimination. The new Ontario Provincial Police headquarters is named after Alexander, as are a secondary school in Mississauga, Ontario,



Lincoln Alexander with his two granddaughters at his 80th birthday party in Toronto.

two public schools in Hamilton and Ajax, Ontario, and a parkway in his home city of Hamilton. He earned these many marks of recognition, because as race relations consultant Bromley Armstrong stated, "He has opened a lot of doors. He has done it quietly and done it in his own way, without any fanfare, without any parading around or marching with placards."

Last December 13, Alexander's friends gathered at the Fairmont Royal York hotel in Toronto to celebrate his 80th birthday and pay tribute to his long career. The idea for the event originated with Progressive Conservative Senator Don Oliver, and when Alexander was told about it, he requested it be a fundraiser for the University of Guelph. The dinner was attended by 650 people, including members of the business elite, current and former politicians, well-known entertainers, former staff from Alexander's days as Lieutenant Governor, university students and some young students from one of the schools bearing Alexander's name. It raised more than \$600 000 for scholarships in Lincoln's name for visible minority, Aboriginal and disabled students to attend the university and to increase the diversity of its student body. The scholarships embody Lincoln's own philosophy about the value of his own education and the importance of education to everyone. "Nowadays, kids have to realize that in order to become involved in this wonderful century that we've just jumped into, you have to be educated or else you won't be able to compete."

Among the many warm tributes to Alexander at the dinner was one from Prime Minister Jean Chrétien. "The career of Lincoln Alexander has been long and distinguished, spanning both the public and private realms. This event is a wonderful testimony to his many outstanding achievements and dedicated service to community and country." More praise came from another former Lieutenant Governor of Ontario, Hilary Weston: "With your warmth and generous spirit, you have won our respect, admiration and love. Equally at home in the political arena and amongst people of all walks of life, you have become an inspiring role model and have shown us what it is to be A Good Man." In his video message, then Premier Mike Harris added, "You remind us that determination, hard work and compassion are what make Canada great. Our province and our country are much richer for your presence."

At the dinner, Alexander also received a pair of basketball shoes autographed by Toronto Raptor's star guard, Vince Carter, but despite his size 14 feet, Alexander says the shoes are too big for him. Alexander is Chair of the Raptors Foundation, whose fundraising efforts have provided more than \$10 million to registered charities in Ontario that support youth programs and sports initiatives for at-risk children.

Ten years ago, at age 70, Alexander was named a Companion of the Order of Canada. The citation at his induction provides a very good summary of his life: "Motivated by his continuing concern for social justice, he has led an exemplary life as a lawyer, politician and Lieutenant Governor of Ontario. He has broken many barriers during his lifetime. Known for his good judgement, tolerance, compassion and humanity, he has served the citizens of Ontario well, striving to instil these values in young people and working tirelessly for improved race relations." ❌

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Electoral News in Brief

SEVEN MAY FEDERAL BY-ELECTIONS

By-elections were held in seven federal electoral districts, located in five provinces, on May 13, 2002. They were required to fill vacant seats in the House of Commons following a January Cabinet shuffle and the appointment of two members of Parliament to the Senate in late March. The vacant seats included those previously held by former Deputy Prime Minister Herb Gray (Windsor West, Ontario) and former Canadian Reform Conservative Alliance leader Preston Manning (Calgary Southwest, Alberta). The seven by-elections were the most to be held on the same day since 15 occurred on October 16, 1978, following vacancies in the House of Commons that had accumulated since June of the previous year. In more recent years, the previous largest number of simultaneous by-elections was six, which were held on March 25, 1996.

Chief Electoral Officer Jean-Pierre Kingsley issued five of the by-election writs on March 27, 2002. This resulted in a campaign period of 47 days in the electoral districts of Windsor West (Ontario), Saint Boniface (Manitoba), Saint-Léonard—Saint-Michel (Quebec), Bonavista—Trinity—Conception (Newfoundland and Labrador) and Calgary Southwest (Alberta). The additional writs were issued on April 7, 2002, following two resignations from the House of Commons. The by-election period in the districts of Gander—Grand Falls (Newfoundland and Labrador) and Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles (Quebec) was 39 days.

The Liberal Party of Canada retained, by wide margins, four of the six seats it previously held. In the electoral district of Saint Boniface, the victorious candidate was Raymond Simard. The district of Saint-Léonard—Saint-Michel was won by Massimo Pacetti. In Bonavista—Trinity—Conception, John R. Efford was the victorious candidate. Verdun—Saint-Henri—Saint-Paul—Pointe Saint-Charles was won by Liza Frulla.

Stephen Harper, the Leader of the Canadian Reform Conservative Alliance, became the Leader of the Official Opposition with his victory in Calgary Southwest. The Liberal Party of Canada and the Progressive Conservative Party of Canada did not nominate

by-election candidates in that district. The New Democratic Party candidate, Brian Masse, captured Windsor West, while Progressive Conservative Party of Canada candidate, Rex Barnes, won the district of Gander—Grand Falls.

The voting results gave the governing Liberal Party of Canada 170 of the 301 seats in the House of Commons, two fewer than it held before the vacancies that led to the by-elections.

Voter turnout at by-elections is usually significantly lower than at general elections. In the seven by-elections, it ranged from a high of 44 percent in Windsor West to a low of 23 percent in both the Quebec district of Saint-Léonard—Saint-Michel and the Alberta district of Calgary Southwest.

Elections Canada conducted several pilot projects during the by-elections. It provided the returning officers with more detailed demographic data to use in revising the lists of electors. This assisted in identifying, in particular, high-mobility sectors as well as new residential districts and institutions housing electors. Another pilot project involved the use of direct deposit to provide faster payments to the election officials who worked on polling day in the by-election districts. Payments to polling day workers were issued within a few days of polling day and returning officers and election staff were pleased with the quick service. With a participation rate as high as 94.4 percent in one district, the project was declared a success and will become part of the payment process in all returning offices.

AGREEMENT ON SHARED SOURCE OF ELECTOR REGISTRATION AND GEOGRAPHY INFORMATION IN ONTARIO

For many years, the registration of electors in the province of Ontario has been a common topic of discussion between Elections Canada, the Municipal Property Assessment Corporation (MPAC) and Elections Ontario. At a meeting on May 29, 2002, the President and Chief Administrative Officer of the Municipal Property Assessment Corporation, the Chief Electoral Officer of Canada and Ontario's Chief Election Officer agreed to commit their combined resources to move toward a shared source of elector registration and geography information in Ontario.

It is expected that this co-operation will lead to the integration of name, address and geography information to meet the needs of all three partners through "living" databases and ultimately reduce the cost of elections to taxpayers.

Individually, the three partners identify electors for federal, provincial and municipal elections in the province. By sharing their skills, knowledge and resources, it is expected that election administrators at the three levels in Ontario will be able to derive increased value from their activities and provide improved products and services to electors, candidates, political parties and municipalities.

In the short-term, through to 2003, each partner will be preparing for the next electoral event in its jurisdiction. The focus of cooperation during this period will be in areas that will enhance election event readiness for federal, provincial and municipal purposes. A second level of activity, to occur from 2004 to 2006, will be directed toward expanding coordinated processes.



A by-election worker places labels on voter information cards for electors in the district of Windsor West.

Photo: Nathalie Lanthier

Each organization has committed that staff with the relevant skills will be made available, that necessary information and data will be accessible and, most importantly, that they will undertake the necessary financial commitments to achieve these joint objectives.

NATIONAL REGISTER OF ELECTORS ADVISORY COMMITTEE

The National Register of Electors (NRoE) Advisory Committee held its fifth meeting on April 12, 2002, in Ottawa. The meeting was the first to involve a membership newly expanded to include the Chief Electoral Officers (CEOs) of all provinces and territories.

The expansion came about in response to the growing success of Elections Canada's partnerships with other jurisdictions in the NRoE program. The membership of all CEOs allows the Advisory Committee to discuss issues and initiatives of interest to all jurisdictions and data suppliers, to highlight new and existing partnerships, and to encourage co-operation.

Accordingly, partnership was one of the major themes of the day. The Committee heard from the Chief Election Officer of Ontario, and the Chief Electoral Officers of Prince Edward Island, Nova Scotia, and Newfoundland and Labrador, as well as the Clerk of the City of Winnipeg (representing the Federation of Canadian Municipalities) on their experiences with Elections Canada and other jurisdictions. Overall, the experiences underlined the mutual benefits of electoral co-operation.

The day's highlights included a detailed update of all NRoE maintenance activities since the October 2001 meeting and demonstrations of both the Returning Officer List Review System and the Commission Redistricting Tool (in use by federal electoral boundary commissions for the decennial redistribution). The day closed with a discussion of the challenges of getting Canada's youth registered and more involved in the electoral process, as well as the strategies and approaches some members have used in an attempt to do so.

The next NRoE Advisory Committee meeting will take place in November 2002.

ADVISORY COMMITTEE OF RETURNING OFFICERS TO THE CHIEF ELECTORAL OFFICER

Elections Canada has created an advisory committee of returning officers to the Chief Electoral Officer with the aim of ensuring a continuous high level of service to electors and election candidates. The creation of such a committee was one of the major recommendations to emerge from consultations between Elections Canada and returning officers in Ottawa in May 2001. The Committee complements the existing mechanisms used to consult the returning officers on a regular basis.

The Committee's mandate is:

- to bring forth to the Chief Electoral Officer suggestions for improving and enhancing systems, procedures and programs, to ensure consistent quality and levels of service to electors and candidates across Canada;
- to bring forth and present the returning officers' points of view and suggestions on various matters, whether operational, administrative or other, based on each member's region, province and electoral district;

- to share information from Elections Canada with other returning officers from surrounding districts as per the geographical representation list provided to each member of the Advisory Committee; and to obtain the suggestions and viewpoints of these returning officers and share them with the Advisory Committee members.

The Advisory Committee of Returning Officers is made up of 17 returning officers representing every region, and selected on merit after an open competition. The term of appointment for members of the Committee began in September 2001 and is to conclude after the meetings that follow the next national electoral event. The Committee met on June 13 and again on September 19 and 20.

Meanwhile, on June 14, the Committee met in a joint session, for the first time, with the Advisory Committee of Political Parties. Their agenda included the National Register of Electors and communication between candidates and returning officers. It was an important opportunity for both groups to share their concerns and solutions for tasks they perform together during an election.

COURTS AND THE LAW

CASES AFFECTING ELECTION ADMINISTRATION

Sauvé v. Canada – The Supreme Court of Canada heard the appeal on December 10, 2001, but has not released its judgement. As a person serving a sentence of more than two years in a correctional institution, Sauvé was ineligible to vote at the 1997 elections pursuant to paragraph 51(e) of the former *Canada Elections Act* [paragraph 4(c) of the Act adopted in 2000]. The Federal Court of Appeal had held that this provision infringed the right to vote in section 3 of the Charter. Nevertheless, the limit on section 3 was held to be demonstrably justified in a free and democratic society, and therefore not unconstitutional. Further, the Court had held that the contested provision did not infringe the Charter's equality rights in section 15.

Figueroa v. Canada – The Supreme Court of Canada granted leave to appeal and the case is to be heard on November 5, 2002. The Ontario Court of Appeal had previously decided that the provisions of the *Canada Elections Act* requiring a political party to endorse a minimum of 50 candidates at a general election to qualify for registration were constitutional. Further, the Court had ruled that the requirement that a party field a minimum of 50 candidates at a federal election to have its name on the ballot was contrary to section 3 of the Charter, and that this limit on the right to vote was not demonstrably justified. To correct the latter, Parliament adopted changes to the Act in 2001 (Bill C-9).

Société des Acadiens et des Acadiennes du Nouveau-Brunswick v. Canada – This case never proceeded to a full hearing on its merits, and on May 7, 2002, a notice of discontinuance was filed. The Société was challenging the constitutionality of the electoral boundaries for New Brunswick in the 1996 Representation Order, arguing that they infringed section 3 of the Charter by not ensuring effective representation for the province's Acadian community, and section 15 by discriminating against the French-speaking population. At the start of the 1997 elections, the Société had applied for an injunction to prevent the new boundaries from being applied, but the application had been unsuccessful.

Harper v. Canada – On May 9, 2002, the Alberta Court of Appeal heard the appeal from the decision of the Court of Queen's Bench. The latter had decided that

section 350 of the *Canada Elections Act* imposing limits on third-party advertising during election campaigns was contrary to the Charter's guarantees of freedom of expression, and that section 351 prohibiting collusion between third parties to circumvent the limits was contrary to freedom of association. Nevertheless, the Court had upheld other challenged provisions requiring the registration of some third parties, and the submission of returns. The Court of Appeal has not yet rendered its decision.

CANADIAN ELECTION ENVELOPES

Elections Canada used special election envelopes for almost 50 years, forgotten by nearly everyone except old-time returning officers and deputy returning officers. Now postal historians are starting to collect and preserve them, as a reminder of the important role of the Post Office in our electoral system.

From 1925 to 1972, the Post Office Department issued official postal stationery with imprinted stamps for the Chief Electoral Officer of Canada. The envelopes could only be used by deputy returning officers, to mail the Certificate of Poll from a polling station to a candidate, and to mail the Preliminary Statement of the Poll from a polling station to the returning officer of the riding.

Although most envelopes were thrown away after being used, a few survived. Earlier this year, Bruce Nesbitt presented four examples from his own collection to Mr. Jean-Pierre Kingsley. An Ottawa-based consultant, Dr. Nesbitt has been interested in Canadian postal history for many years.

The four election envelopes were printed from 1931 to 1955, and were used during the general elections of 1935, 1945, 1949 and 1957. The postage stamps imprinted on them show King George V, King George VI and Queen Elizabeth.



Dr. Bruce Nesbitt presents Chief Electoral Officer Jean-Pierre Kingsley with special election envelopes.

Photo: Wayne Brown

Russow and the Green Party of Canada v. Canada – A Notice of Application was filed in Ontario Superior Court on May 1, 2001, challenging the constitutionality of the first-past-the-post system in federal elections as being contrary to the right to vote (section 3 of the Charter) and the right to equality (section 15). No hearing date has been set.

Progressive Conservative Party of Canada v. Canadian Reform Conservative Alliance – On May 2, 2000, the Progressive Conservative Party filed in Federal Court (Trial Division) an application for judicial review of the Chief Electoral Officer's decision to allow the inclusion of the name "Canadian Reform Conservative Alliance" in the registry of parties. It argues that the Chief Electoral Officer erred in making this decision, and failed to provide an opportunity for it to be heard. No hearing date has been set.

ADMINISTRATION OF THE BRITISH COLUMBIA TREATY NEGOTIATIONS REFERENDUM

Earlier this year, Elections BC administered a province-wide referendum entirely by mail. In the spring, voting packages were distributed to over 2.1 million registered voters, of whom more than 760 000 returned marked ballots by the May 15 deadline. Elections BC says, to its knowledge, it was the largest vote-by-mail ever administered in any Canadian jurisdiction.

The results of the referendum were announced on July 3, 2002. A majority of validly cast votes were in favour of each of the eight questions on the ballot regarding negotiating positions on such topics as Aboriginal self-government, the management of parks and protected areas, and the expropriation of private property for treaty settlements. A simple majority was required on each question, and the results are binding on the Government of British Columbia.

The British Columbia Liberal government was elected in May 2001. Its election platform included a commitment to conduct a province-wide referendum within the first year of its mandate on the principles to be used in negotiating treaties with First Nations.

In anticipation of the referendum, Elections BC analyzed voting options and developed a discussion document of options and cost models. A traditional ballot-box vote had the benefit of being familiar to voters but, at an estimated cost of \$18 million, was the most expensive option available. As well, the likelihood of multiple questions on the ballot raised concerns about the time it would take a voter to mark the ballot, and the complexities of ballot counting and reconciliation.

Voting by mail was the method chosen for the referendum because of its lower cost and because Elections BC maintains a scanned image of every registered voter's signature. This allowed each voting package to be validated prior to counting. Elections BC maintains the signature file for validating signatures on recall and initiative petitions under British Columbia's unique *Recall and Initiative Act*. The vote-by-mail process cost approximately half the cost of voting by ballot box.

The government established an independent Referendum Office to answer inquiries regarding the ballot questions, limiting the scope of queries Elections BC handled to those about voter registration and voting procedures. The Referendum Office sent a brochure to

all households in the province that explained the distinct roles of its Office and Elections BC, and provided telephone numbers and Web site addresses for both offices.

Elections BC produced voting packages for all registered voters in the province and mailed them between April 2 and April 12. The packages contained a ballot, an instruction brochure, a secrecy envelope, a postage-paid return envelope and a certification envelope. The certification envelope was pre-printed with the voter's name, residential and mailing addresses, and a bar code of their voter registration number. Voters were required to sign a declaration on the certification envelope, which was returned with their marked ballot. Voters who did not receive a voting package could phone Elections BC toll-free until May 1 to request one. A voter registration application form was included in the requested voting package, and eligible individuals could register in conjunction with voting.

Upon receipt of a returned package, Elections BC officials removed the certification envelope bearing the voter's signature, scanned the bar code on each envelope and displayed the signature of the corresponding voter on a computer screen. If the signatures matched, the operator accepted the envelope and made a notation on the voter's record that they had voted. Officials then sorted the accepted envelopes by electoral district, and removed the secrecy envelopes containing marked ballots.

The referendum legislation and regulations did not establish a process for registering "Yes" and "No" groups. As a result, there was no obvious source of scrutineers for the ballot count. To ensure consistency and accuracy, a redundant count was conducted: one referendum official considered and counted all ballots, and then a second official reviewed and validated the counts.

The vote-by-mail referendum process provided an efficient, lower-cost alternative to traditional voting methods. Administering the process centrally lessened demands on infrastructure resources, as there were no field offices to support. Furthermore, the public demonstrated a general acceptance of the voting method used.

Further information regarding the referendum process is available from Elections BC at 1 800 661-8683 or on its Web site (www.elections.bc.ca).

2002 CONFERENCE OF CANADIAN ELECTION OFFICIALS

The 2002 Conference of Canadian Election Officials was held in Regina, Saskatchewan, from July 17-19. The delegates attending represented the federal, provincial and territorial agencies responsible for administering elections in their respective jurisdictions.

The annual conference is a forum for Canadian election officials to report on their offices' electoral activities and initiatives during the past year, to engage in lively discussions and to deliberate on future directions for Canada's electoral statutes. This year's conference dealt with ways to increase electoral participation in an effort to enhance representative democracy.

The conference topics included the exercise of Chief Electoral Officers' emergency powers; statutory recall and initiatives legislation; improving the accuracy of lists of electors through the targeting of revision efforts; new means of communicating with electoral officers, the public and the media; enhancing the training of election personnel, and various methods of holding referendums.

Elections Canada was represented by the Director of Election Financing and Corporate Services, Janice Vézina, the Director of Communications, Oxana Sawka and the Director of Operations, Luc Dumont. Presentations were made about the various advisory committees that assist the Chief Electoral Officer of Canada in fulfilling his mandate, the results of this spring's federal by-elections pilot project on targeted revision and the use of focus groups across the country to simplify the work of official agents.

Participants at the two-day conference were also privileged to receive a presentation by a parliamentarian on the legitimacy of representative government, the promotion of democratic rights and the intrinsic right of all citizens to participate in political governance regardless of their origins or social status. The conference also heard from the Law Reform Commission of Canada about its on-going work on governance relationships and renewing democracy.

The next annual Conference of Canadian Election Officials, to be hosted by the Chief Electoral Officer of Newfoundland and Labrador, will be held next summer in St. John's.

SUMMARY OF ELECTIONS P.E.I. REPORT ON PROPORTIONAL REPRESENTATION

On April 5, 2002, M. H. Wigginton, Chief Electoral Officer of Prince Edward Island, submitted a report on proportional representation to the Speaker of the Legislative Assembly. The report came in response to a recommendation from the Assembly's Special Committee on the Election Act to study the various models existing in jurisdictions of a size and population similar to Prince Edward Island.

The study found 124 countries where the electoral system includes a proportional representation component. According to the report, the diversity of the systems is striking: of the 124 countries examined, 120 have a unique electoral system adapted to their own political, sociological, historic and geographic needs. The authors conclude, therefore, that this diversity of electoral systems suggests that the only model really suitable to Prince Edward Island would have to be thought out and designed locally, based on circumstances specific to the province.

The report reviews the main models of proportional and mixed representation, as well as a few practical examples found primarily in Europe (Belgium, Germany, Switzerland, France, Ireland, Malta, Iceland) and in New Zealand.

The main advantages and disadvantages of each system are briefly examined. The report indicates that proportional systems seem to promote the representation of women and encourage electoral participation, but they also seem to increase the likelihood of coalition governments. *First-past-the-post* systems, according to the report, are known to produce governments with larger majorities and they have the advantage of linking each riding with one elected representative, thus ensuring government accountability.

The authors do not want to be overly theoretical, and thus present three scenarios for the mixed allocation of seats in the Legislative Assembly based on the results of the province's 2000 general election.¹ In each of these scenarios, some of the seats are allocated according to a *first-past-the-post* system and the rest using a formula based on the proportion of votes each political party received.

In the first scenario, the Legislative Assembly would be composed of 30 members, 20 elected under the *first-past-the-post* system and 10 elected from party lists according to the parties' share of the popular vote. The proportional distribution of the 10 seats

would be based on the votes obtained, under the *first-past-the-post* system, in the 20 ridings. A party would have to obtain at least eight percent of the vote to be eligible for proportional allocation.

In the second scenario,² the Legislative Assembly would be composed of 27 members, 18 of whom would be elected in (for example) the province's three ridings, and nine allocated using a proportional system based on the votes obtained by the parties. For the *first-past-the-post* portion, the number of seats for each riding would be determined by that riding's demographic weight. As for the proportional portion, a separate ballot would be used, showing only the political parties' names, which would be used to determine each party's proportion of the vote. The minimum threshold to benefit from proportional representation would be 7.5 percent of the vote, the median rate used by the similar systems reviewed, which varies between 5 percent and 10 percent.

The third scenario resembles the second, but proposes four ridings instead of three – potentially the ones established under federal legislation. Assuming ridings with similar demographic weight, this scenario proposes a quota of five members elected in each riding under a *first-past-the-post* system (for a total of 20), and eight seats allocated on the basis of the political parties' proportion of the vote.

The Chief Electoral Officer of Prince Edward Island notes in conclusion that he cannot recommend the adoption of one of these scenarios, explaining that his role is limited to exploring the options for electoral reform of this kind. Instead he recommends that “any binding decision for one system over another system should be left to a provincial referendum, preceded by an impartial campaign of public education about the issues involved in the choice.”

¹ The Prince Edward Island Legislative Assembly currently has 27 seats. During the most recent provincial general election in 2000, the Conservative Party won 26 seats, the Liberal Party, one seat, and the New Democratic Party, none.

² Further developed by Andrew Cousins in a study entitled *Electoral Reform for Prince Edward Island*, October 2000 (<http://www.upei.ca/~iis/prreport.html>).

INTER-AMERICAN FORUM ON POLITICAL PARTIES

The second meeting of the Inter-American Forum on Political Parties will be held in Vancouver, December 4 to 6, 2002, to address the modernization of political parties and political party systems. It will be hosted by Elections Canada, the Department of Foreign Affairs and International Trade and the Unit for the Promotion of Democracy (UPD) of the General Secretariat of the Organization of American States (OAS).

The participants will include political party leaders and parliamentarians, and representatives from leading social organizations, the academic community, think tanks, electoral authorities, the mass media and international associations from North, South and Central America, including the Caribbean. The issues they discuss will constitute the beginning of an inter-American agenda to strengthen political parties and political party systems.

Leaders of political parties, representatives of political institutions, leaders of organized civil society, members of the media and academics from different countries of the Americas met in Miami, Florida, on December 13–14, 2001, to participate in the first meeting of the Inter-American Forum on Political Parties, organized by the Unit for the Promotion of Democracy of the General Secretariat of the OAS. That meeting was a response from the OAS/UPD to the direct mandate established by the Summit of the Americas in Quebec City during April 2001.

The Inter-American Forum on Political Parties is based on the premise that reforming political parties is the responsibility of society. Consequently, the Forum will seek to bring about discussion among political parties and other key political players that constitute the basis for the consolidation of democracy in the region.

The Heads of State and Government at the Quebec Summit issued the following mandate:

“Convene under the auspices of the OAS, and with the collaboration of the Inter-American Development Bank (IDB), meetings of experts to examine in more depth issues such as: political party registration, access of political parties to funding and to the media, campaign financing, oversight and dissemination of election results and relations of political parties with other sectors of society.”

Recently approved by member states at the special session of the General Assembly of the OAS, in Lima, Peru, the Inter-American Democratic Charter makes clear reference to the importance of political parties and organizations for representative democracy. It states:

“Essential elements of representative democracy include, inter alia, respect for human rights and fundamental freedoms, access to and the exercise of power in accordance with the rule of law, the holding of periodic, free, and fair elections based on secret balloting and universal suffrage as an expression of the sovereignty of the people, the pluralistic system of political parties and organizations, and the separation of powers and independence of the branches of government.”

The Charter further adds:

“The strengthening of political parties and other political organizations is a priority for democracy. Special attention will be paid to the problems associated with the high cost of election campaigns and the establishment of a balanced and transparent system for their financing.”

Since its creation in 1991, the Unit for the Promotion of Democracy of the OAS General Secretariat has initiated a number of projects directly linked to party and electoral systems. For instance, the Unit has worked in the areas of electoral reform, modernization of legislative and electoral institutions, training for the cadres and leaders of political parties and electoral observation missions.

ELECTORAL PROCESS INFORMATION COLLECTION

An ambitious project to collect and publish the first ever compilation of elections management information from all countries in the world reached a new stage in June with release on the Internet of information from approximately 35 countries. The Electoral Process Information Collection (EPIC) project is a Web site and database developed jointly by International IDEA (Institute for Democracy and Electoral Assistance), the United Nations Development Programme (UNDP) and the International Foundation for Election Systems (IFES). The information on the site (www.epicproject.org) is available in English, French and Spanish.

As an increasing number of nations seek to reform their electoral systems, many election officials and observers are seeking reliable, comprehensive and comparative data.



The EPIC site serves as a resource for election administrators, electoral assistance providers, academics and members of the media. It offers reliable and consistent data on electoral systems, laws, management and administration that can be compared on a country-by-country basis. The information answers many questions heard frequently in the elections management community, such as “What is standard practice regarding the compiling and updating of voter registers?”, “Which countries provide public funding to political parties or candidates for election campaign activities?” and “Which countries have special voter education programs targeting women, voters with low literacy levels or minority groups?”

EPIC is a follow-up to the Administration and Cost of Elections (ACE) Project, the first ever electronic encyclopedia of election administration incorporating analytical and comparative texts and examples of good practices for organizing, supporting and studying free and fair elections. While the ACE project gives information about the theoretical aspects of electoral administration, such as the guiding principles and available options together with their advantages and disadvantages, EPIC provides quantitative details as to which countries are using those various options. It also gives country profiles that are useful in determining if individual nations’ practices match or diverge from regional or global practices.

The information on the Web site is compiled through a comprehensive multiple-choice survey about national elections on a country-by-country basis. The survey results make it possible to compare electoral approaches and evaluate electoral systems and administrations, and assist in enacting reforms. The survey covers nine topic areas, including electoral systems, legislative frameworks, electoral management, boundary delimitation, voter registration, voter education, parties and candidates, voting operations and vote counting. Future topics will include elections and the media, elections and technology, and electoral integrity.

Elections Canada’s former Assistant Chief Electoral Officer, Ron Gould, serves on the EPIC Steering Committee on behalf of International IDEA. Elections Canada has assisted the project by proofreading the French translation of the EPIC survey.

To develop greater use around the globe of the EPIC information, the main project partners have established regional partnerships with the Association of Central and

Eastern European Election Officials (ACEEEO) in Hungary, the Electoral Institute of Southern Africa (EISA) in South Africa, Centre pour la gouvernance démocratique (CGD) in Burkina Faso and the Federal Electoral Institute (IFE) in Mexico. Another regional partnership has been formed with the Pacific Islands, Australia and New Zealand Electoral Administrators Network (PIANZEA) in Australia. Researchers at each of those organizations are conducting research on as many as twenty countries in their region. Most of the partner organizations will put this information on their own Web sites. At the end of September, a wider Internet launch of EPIC information from more than 50 countries took place at the annual conference of ACEEEO, in Moscow.

The EPIC data collection will, when completed, be one of the major sources of electoral information accessible around the globe through electronic means. The database will offer an array of comparative information not previously compiled in a comprehensive, accessible format, which will enrich the body of information being compiled through other on-line projects.

CAMPAIGN FINANCE, ETHICS AND VOTING SYSTEMS HIGHLIGHTS OF 2002 COGEL CONFERENCE

Canada’s Chief Electoral Officer Jean-Pierre Kingsley welcomed more than 400 delegates who attended the 24th annual conference of the Council on Governmental Ethics Laws. The four-day event began on September 29 in Ottawa.

COGEL is an organization representing government entities responsible for the administration and enforcement of election campaign finance, conflict of interest, ethics, freedom of information and lobbying laws. Its membership is drawn principally from government agencies in the United States and Canada, at the state, provincial and federal levels.

Launching the conference was Rex Murphy, a well-known Canadian broadcaster, newspaper columnist and political commentator. During his hour-long speech, he said the public treats politics with “an unearned cynicism” and that Canadians tend to “leap always to the cheapest explanation for what might be a complicated circumstance.” Mr. Murphy added, “If there is some erosion of the process whereby we keep this system alive, an educated citizenry must also recognize that part of the weight of this thing lies on them.” He bemoaned the loss of civility and lack of intellectual sparring in the political arena, telling his audience that the finest description one politician could give another recently was to call him a “thug.”

LEVELLING THE CAMPAIGN PLAYING FIELD

The heads of the electoral agencies of the United Kingdom, Australia, the United States and Canada participated in a panel discussion entitled *Levelling the Campaign Playing Field: Disclosure vs. Limits*. Moderator Jean-Pierre Kingsley questioned if disclosure was enough to satisfy public appetite. Research commissioned by Elections Canada shows that more than two-thirds of Canadians want limits on contributions. In November 2001, Mr. Kingsley proposed amendments to the *Canada Elections Act* to improve transparency in election financing. In his report to Parliament, he recommended increased disclosure obligations and imposition of limits on the contributions made to registered and eligible political parties, electoral district associations and candidates.



Photo: Elections Canada

The 2002 conference of the Council on Governmental Ethics Laws held in Ottawa was attended by delegates from the United States, Canada, Europe, Australia and Latin America.

On September 30th, in the Speech from the Throne heralding the opening of a new session of Canada's Parliament, the federal government stated that it would introduce legislative changes to the financing of political parties and candidates, but it gave no details.

Voter turnout was lower than 60 percent at the last general election in the United Kingdom, in 2001. Sam Younger, Chairman of the United Kingdom's electoral commission, told the conference "What was more worrying was that less than 40 percent of the 18 to 24 year olds voted and the fear is very much of that continuing through the cycle as they get older and of having historically lower and lower turnouts. Hence, promoting public confidence in elections, election processes, in parties and politicians is absolutely vital and that's the context for the debate that there currently is in the United Kingdom on the issue of disclosure versus limits."

Andy Becker, Chairman of the Australian Electoral Commission expressed doubt some political parties in his country are seriously interested in disclosing some large donations they receive. "The parties will scurry all around the system to try and figure out how they can best park this money so it will avoid the disclosure provisions."

VOTING TECHNOLOGY SYSTEMS

Conference delegates compared voting technology systems used in several countries. India, the largest democracy in the world with 620 million electors, has steadily expanded its use of electronic voting machines (EVMs) in recent years. Dr. Daniel Guérin, Senior Policy and Research Officer at Elections Canada stated, "The experience of India has shown that enormous savings are possible with this EVM device which meets the integrity and security criteria as well." India has decided to use the machines as widely as possible in all future elections.

Elections Canada has initiated several studies on the potential of technology in elections. While one of the surveys found that almost half of Canadian electors would

like to vote on-line in the near future, a similar percentage is concerned about the security of the new voting technologies. Dr. Guérin told the conference "for the moment, Elections Canada wants to go step by step. In that perspective, it's logical to begin by using technology for registration purposes."

Dr. Rebecca Mercuri, of New Jersey, who has advised several U.S. government bodies about new voting technologies, is opposed to the new full kiosk and Internet voting systems. "My advice right now is that the fully electronic ones, the ones that provide no paper or physical audit trail, there should be a moratorium on the purchase of those. Those are way too dangerous."

CAMPAIGNING ON THE INTERNET

Conference delegates also heard that the latest American trends in political campaigning on the Internet include on-line fundraising and growing use of e-mail to invite recipients to visit candidates' Web sites. As the use of high speed Internet connections increases, many candidates' statements will likely be delivered through full motion video.

Tracy Westen, Vice-Chairman of the Los Angeles-based Center for Governmental Studies predicted on-line fundraising will grow quickly, but will have to be triggered by candidates' stands on issues or their success at campaign events. "If he or she suddenly becomes visible in the press, if they do well in a debate, if they win a primary election, if there is some cue that brings that person to your attention, if that person is for abortion or against abortion or whatever the issue is, you will be able to go to their Web site and very impulsively and quickly with a credit card give them \$50 or \$100." Mr. Westen also thinks fundraising by Internet could bring important benefits to democracy – greater participation by young electors and less chance of attempted influence buying. "Internet contributions will democratize the process a little, by drawing new contributors in who are giving small, arguably very non-corrupting contributions."

COGEL AWARDS

In a video presentation, United States Senators John McCain and Russ Feingold accepted COGEL awards for their key roles in achieving campaign finance reform in the United States. On March 27, President George W. Bush signed into law the *Bipartisan Campaign Reform Act of 2002*, containing the most significant changes in United States campaign finance regulation in more than a generation.

COGEL traces its origins to a December 1974 conference at the Watergate Hotel in Washington D.C., organized by executives of newly formed federal and state ethics agencies. Since its inception 28 years ago, its annual conference has been held in various U.S. and Canadian cities, including Quebec City, Edmonton, Toronto and Ottawa.

COGEL's Web site is at www.cogel.org. 



Photo: Elections Canada

At the 2002 COGEL conference, the heads of four electoral agencies participated in a panel discussion on election campaign financing. From left to right are David Mason, Chairman, U.S. Federal Election Commission; Jean-Pierre Kingsley, Chief Electoral Officer of Canada; Sam Younger, Chairman of the United Kingdom's Electoral Commission; and Andy Becker, Australian Electoral Commissioner.



Electoral Facts

WAYNE BROWN
CO-EDITOR, ELECTORAL INSIGHT

Ridings, Representation & Redistribution

There are currently 301 electoral districts (ridings) across the country and a corresponding number of seats in Canada's House of Commons. The number will increase to 308 following completion of the current redistribution process and at the first dissolution of Parliament at least one year after proclamation of a new representation order. Canadians are represented geographically and by population in Parliament through a system set out in the Constitution and later legislation. Here's a look at some of the facts, figures, dates and events connected with the evolution of that system.

History

- Since Confederation, the term "riding" has been used in Canada to describe the geographic division in which residents elect one person to represent them in the House of Commons. More recently, it is used interchangeably with both "constituency" and "electoral district".
- The term "riding" originates in the United Kingdom, where it was used for many years to refer to the three administrative units into which the county of Yorkshire was divided: East Riding, North Riding and West Riding. Less certain is the suggestion that it may have once referred to the distance a horse could carry its rider in one day.
- Canada's first Parliament in 1867 had 181 seats, distributed as follows: 82 for Ontario, 65 for Quebec, 19 for Nova Scotia, and 15 for New Brunswick. The other provinces had not yet joined Confederation.
- At various times in Canada's history, a few federal ridings were represented by two members. In some cases, the dual-member ridings existed so that each political party could field both a Protestant and a Roman Catholic candidate in the same riding. The practice ended in 1966. (In 1996, Prince Edward Island ended its very long-standing practice of dual-member ridings,

Electoral districts in 1867

Ontario: **82**
Quebec: **65**
Nova Scotia: **19**
New Brunswick: **15**

1867

Total seats in House of Commons: **181**
Population of Canada: **3 230 000**

1900

Total seats in House of Commons: **213**
Population of Canada: **4 833 000**

1930

Total seats in House of Commons: **245**
Population of Canada: **8 888 000**

which had enabled landholders to elect members to the lower house of assembly and non-landholders to elect councillors to the province's upper house.)

- The redistribution now underway is the twentieth since Confederation. (Six were referred to as "partial" redistributions, and occurred mostly to create additional seats and ridings for new provinces entering Confederation.) A new redistribution occurs after each 10-year census to reflect changes and movements in Canada's population.

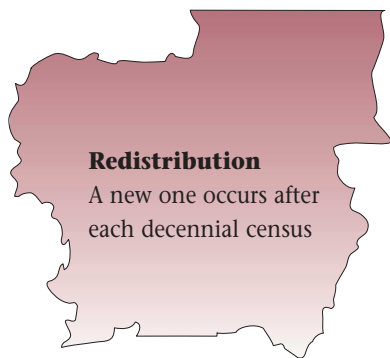
- The total number of seats in the House of Commons has increased at almost every redistribution.

The largest increase was in 1976, when 18 seats were added. The next largest, in 1872, expanded the number of seats by 15, including six for British Columbia as it entered Confederation. B.C. currently has 34 seats.

- Only twice has the total number of seats declined. In 1892, it was reduced by two to 213, and in 1966, the number decreased by one to 264.

- Manitoba was originally allocated four seats in the first redistribution in 1871, following its entry into Confederation the previous year as a much smaller geographic entity than it is now. It currently has 14 seats.

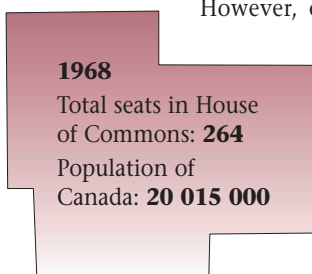
- Saskatchewan and Alberta obtained 10 and 7 seats respectively in the 1907 redistribution, following the division of the Northwest Territories and their entry as provinces in 1905. Saskatchewan currently has 14 seats; Alberta has 26.



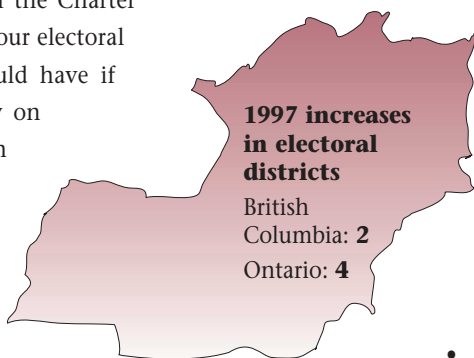
- Newfoundland, the last province to enter Confederation, in 1949, received 7 seats, the number it still has today.

- The Territories acquired one additional seat with the 1976 redistribution, bringing their total to three. Since the division of the Northwest Territories in 1999, Yukon, Northwest Territories and Nunavut have each had one seat.

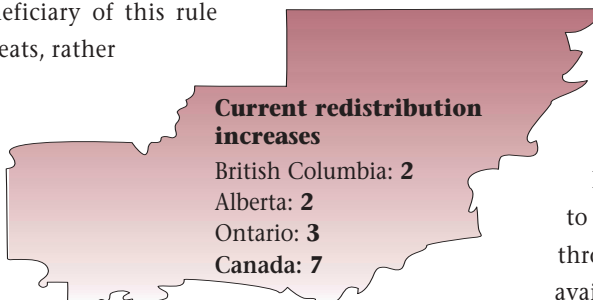
- The least populated province, Prince Edward Island, has been the greatest beneficiary of a guarantee that no province will have fewer seats in the House of Commons than it has in the Senate. This is the “senatorial clause” constitutional amendment of 1915 (subsequently confirmed in the Charter in 1982). Prince Edward Island has four electoral districts, instead of the one it would have if its representation were based solely on population. P.E.I. had six seats when it entered Confederation in 1873.



- Eventually, concern over the continuing loss of seats by some provinces prompted Parliament to adopt the *Representation Act, 1974*, which guaranteed that no province would lose seats. The intent was to provide representation bearing in mind the historic undertakings arising out of Confederation and its responsibilities. The greatest beneficiary of this rule was Quebec, which continues to have 75 seats, rather than the 68 warranted by its population.



- The *Representation Act, 1985*, brought into effect a new “grandfather clause” that guaranteed each province will have no fewer seats than it received with the 1976 redistribution or had during the 33rd Parliament, when the Act was passed.



- Ontario, British Columbia and Alberta are the only provinces that usually have their seat entitlements decided solely based on their populations. The others benefit from the application of the “senatorial” and “grandfather” clauses.

- The responsibility for readjusting electoral district boundaries was first given to independent commissions by legislation (the *Electoral Boundaries Readjustment Act*) passed in November 1964.

- In dividing a province into federal electoral districts, an electoral boundaries commission is required to ensure that each one has a similar population size, to the extent possible. However, commissions may deviate from the average population figure when setting the boundaries.

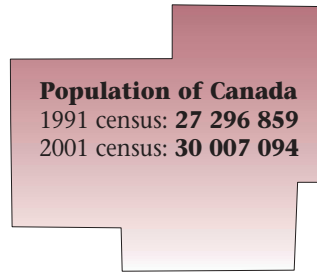
While restricted in most cases to a tolerance of 25 percent either way, a commission may exceed this limit “in circumstances viewed by the commission as being extraordinary.” Such circumstances are primarily prevalent in sparsely populated northern and other rural electoral districts.

The 1997 Redistribution

- The most recent redistribution, which took effect at the dissolution of Parliament on April 27, 1997, for the 36th general election, increased the number of seats in the House of Commons from 295 to 301. This included four additional seats for Ontario and two more for British Columbia, largely due to population growth in those provinces.
- Only 31 of the 295 electoral districts did not experience any boundary changes in the 1997 redistribution.

- During the last redistribution, the electoral boundaries commissions received a total of 641 submissions from interested groups, individuals, municipalities and members of Parliament. This time, submissions to a commission can also be made through the on-line registration form available in the Federal Representation 2004 module on the Elections Canada Web site (www.elections.ca).

- Elections Canada produced about 800 new maps during the last redistribution process for use by the boundaries commissions and those interested in the proposed changes. Digital mapping, enabled by Geographic Information Systems (GIS), allowed for the integration of cartographic and demographic data. This assists the commissions in efficiently analysing the impact of various boundary scenarios.
- The total cost of the last redistribution, which concluded in 1997, was approximately \$6.5 million, including the costs of the independent boundaries commissions, newspaper advertisements, public hearings, and the production of maps, commission reports and the final representation orders.
- Following the 1997 redistribution, the riding with the largest number of electors was Calgary Centre, with 83 749. Nunavut had the smallest number of electors – 17 397.
- The average size of an electoral district in Canada is 33 162 square kilometres, but this number is misleading, since it includes a few very large northern districts that cover tens of thousands of square kilometres. A typical southern riding is more likely to be several thousand square kilometres in size, while many heavily populated, urban ridings are less than one hundred square kilometres.) (The average was calculated by dividing Canada's total 9 981 888 square kilometres by 301, the current number of electoral districts.)



- The largest electoral district in Canada is Nunavut. It is 3 177 463 square kilometres in size and has exactly the same boundaries as the northern territory of Nunavut. The smallest electoral district in Canada is Laurier—Sainte-Marie, in Montreal. It is only nine square kilometres in size.
- At the most recent general election in 2000, there was an average of almost 70 000 registered electors for each electoral district. They voted at an average of 190 polling stations in each riding, a total of 57 000 polls.

The Current Redistribution

- The current redistribution, based on population increases and shifts determined by the 2001 census, will add seven districts (and seats), including three for Ontario, two for British Columbia and two for Alberta. This will bring the total number of seats to 308.

SOURCES

John C. Courtney, *Commissioned Ridings, Designing Canada's Electoral Districts*. McGill-Queen's University Press, 2001.

Representation in the House of Commons of Canada. Elections Canada, 2001.

The Parliamentary Guide, various editions.

FEDERAL REPRESENTATION

2004 



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The Web module sections include:

- **General Information:** *Representation in the House of Commons of Canada; The Electoral Boundaries Readjustment Act; Calendar of Events; Frequently Asked Questions; Communications Products; and More Information (on the readjustment of electoral boundaries and representation in the House of Commons and a link to information about the history of federal electoral districts since 1867)*
- **Federal Electoral Boundaries Commissions** (a section for each commission): General Information (Commission Members. Commission's Proposals. Commission's Report. Comments by Members of the House of Commons on the Commission's Report. Disposition by the Commission of Objections Filed by Members of the House of Commons); Public Hearings; Media; and Contact Us
- **Media:** News Releases; Statements and Speeches; and Frequently Asked Questions
- **Representation Formula:** (detailed calculations for the 2001 Census)

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