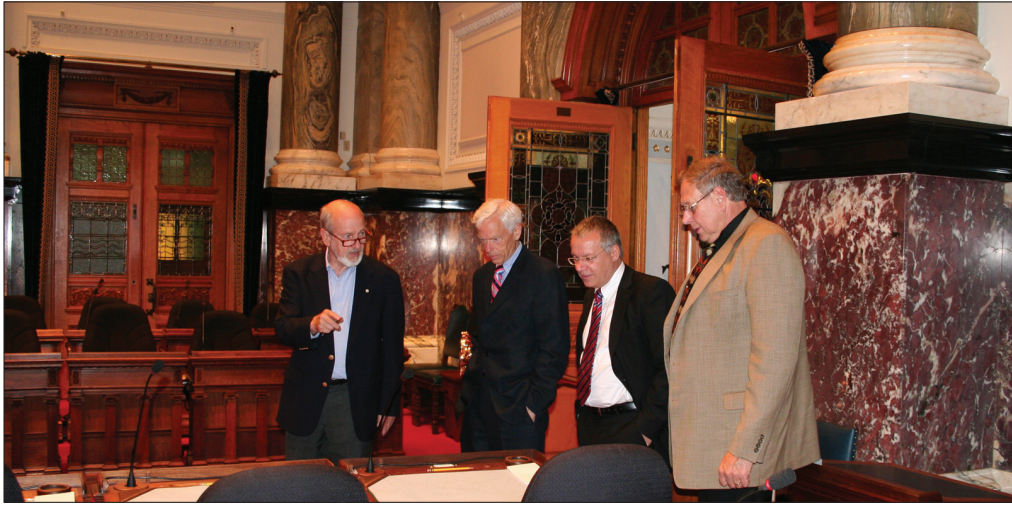


Part 2 – The Role of the Commission





Part 2 – The Role of the Commission

A. Introduction

1. The Electoral Boundaries Commission's task

One of the most cherished fundamental rights of Canadian citizens is the right to vote – voting breathes life into our democratic ideal. What does the right to vote mean? At a minimum, it means the right to cast a ballot. Historically, however, the right to vote has taken on a much more robust meaning. We speak of “one person, one vote,” which means equality of voting power or an electoral system in which every person’s vote has the same value.

Equality of voting power could be achieved in a jurisdiction where the population is distributed evenly. Electoral districts could be drawn of relatively equal geographical size and with approximately the same number of people. Then, every person’s vote would be worth the same. In reality, there are few jurisdictions where

geography and the distribution of people make this possible.

It certainly does not work in British Columbia, which is an extreme example of uneven population distribution. According to the 2006 census, about 85 percent of our population lives on 16 percent of our land base (the Lower

Mainland, Okanagan and southern Vancouver Island), with vast, sparsely populated areas across the northern two-thirds of the province and in some parts of the Cariboo and the Kootenays.

In recognition of these geographic and demographic realities, British Columbia

has always adopted electoral districts that vary in size, depending on factors such as geography, population, history, transportation, communication and community interests. Indeed, the legislation under which our commission operates allows us to propose electoral districts whose populations are as much as 25 percent above or below the provincial average, or even more in “very special circumstances.” This discretion is typical across Canada, although the allowable deviation ranges from plus or minus 5 percent to plus or minus 25 percent.

Equality of voting power does not adequately describe the right to vote. Since 1982, the right to vote has been guaranteed in the *Canadian Charter of Rights and Freedoms*, and the Supreme Court of Canada has stated 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.’” As you will see when reading this report, much of our energy has gone into proposing electoral boundaries that take into account geography, population, history and community interests with the intent that every British Columbian receive effective representation.

British Columbia’s population is not only unevenly distributed, it is also

growing. When our current 79 electoral districts were adopted in 1999, they were based on the 1996 provincial census population of 3,724,500. Since then, British Columbia’s population has grown by 10.4 percent, to 4,113,487, and this growth has been uneven, taking place primarily in the Okanagan, Lower Mainland and southeastern part of Vancouver Island.

The challenge facing our commission is to propose electoral boundaries that consider our province’s geography, our very uneven population distribution, our history, transportation, communications and community interests, as well as population projections during the life span of our commission’s proposals.

2. A new commission after every second provincial election

Provincial legislation, the *Electoral Boundaries Commission Act* (see Appendix A), mandates that an electoral boundaries commission must be appointed within one year after every second provincial general election. Since British Columbia now has a fixed election date every four years, a new electoral boundaries commission is appointed every eight years. Our commission was appointed in late 2005 and our final proposals, if adopted by the Legislative Assembly, will

apply to the 2009 and 2013 provincial general elections.

3. The dual mandate

a. *The current electoral system*

Currently, British Columbia has a single member plurality (SMP) electoral system. In a provincial general election, each voter is entitled to vote for only one candidate. The candidate in an electoral district who receives the most votes (a plurality) wins, and the political party that elects the most candidates forms the government.

Under this electoral system, the role of an electoral boundaries commission is to consider population changes since the last set of electoral districts was adopted, and to make proposals to the Legislative Assembly as to the area, boundaries and names of electoral districts.

Commissions are usually authorized to propose an increase in the number of electoral districts. Our commission, for example, is authorized by the legislation to propose an increase in the number of electoral districts, from the current 79 up to 85. At 79 electoral districts, British Columbia has 52,069 constituents per MLA. Two provinces have higher ratios of constituents to elected members: Ontario (118,061) and Quebec (60,369).¹

¹ See Part 8 (“Electoral Districts and MLAs”) on p. 61, for an inter-jurisdictional comparison.

b. The proposed BC-STV electoral system

In addition to this normal mandate, our commission has been given a second task, which is unique in Canadian electoral boundary setting history. Some background explanation is required.

In April 2003 the Legislative Assembly unanimously established an independent, non-partisan Citizens' Assembly on Electoral Reform, consisting of 161 members (one man and one woman from each of the 79 electoral districts, two First Nations members and the Chair of the Citizens' Assembly).

The Citizens' Assembly initiative grew out of an on going debate about the adequacy of the current SMP electoral system. While proponents favour its simplicity and its tendency to produce majority governments, opponents contend that it is an unfair electoral system because:

- a candidate does not need to receive at least 50 percent of the votes in his or her electoral district to win (for example, in the 2005 general election, 36 of 79 MLAs elected did not receive majority support);
- the political party that receives the most votes does not necessarily form the government (for example, in the 1996 provincial election, the B.C. Liberal Party received 41.8 percent of the vote, but the New Democratic Party of B.C., which received only 39.5 percent of the

vote, elected more candidates and formed government); and,

- each political party's share of votes is not necessarily reflected in its share of seats in the Legislative Assembly (for example, in the 2001 provincial election, all opposition parties combined received 42 percent of the vote, but won only 2.5 percent of the seats or two seats).

The Citizens' Assembly identified three basic values that it believed should form the basis of our electoral system:

- *fair election results through proportionality*: the number of seats won by each political party in an election should reflect as closely as possible the number of votes each party received;
- *effective local representation*: each community needs the opportunity to choose the people who speak for it in the legislature, and to hold them accountable in democratic elections; and,
- *greater voter choice*: citizens should have the fullest possible opportunity to choose the candidates that best represent their interests, among party candidates and across all parties.

After studying a variety of electoral systems used around the world, conducting 50 public hearings across the province and considering over 1,600 written submissions, the Citizens' Assembly ultimately con-

cluded that a single transferable vote (STV) system would best reflect these values, with several features unique to British Columbia, hence BC-STV.

In May 2005 British Columbians voted in a referendum on the Citizens' Assembly's recommendations. To pass, two thresholds had to be met. First, in at least 60 percent of B.C.'s electoral districts (48 of 79), more than 50 percent of valid votes cast had to vote "yes" – that threshold was passed in 97.5 percent of electoral districts (77). Second, at least 60 percent of valid votes cast province-wide had to vote "yes" – that threshold was not met, as only 57.7 percent voted "yes."

The provincial government has decided that a second referendum on the Citizens' Assembly's recommendations will be held in conjunction with the May 2009 general election. In order that voters have a better understanding of what electoral boundaries would look like under a BC-STV electoral system, the Legislative Assembly has instructed our commission to make proposals based on the BC-STV system, as to:

- the areas, boundaries and names of the electoral districts under BC-STV; and,
- the number of MLAs for each of those electoral districts.

We are required to propose that the same number of MLAs be elected

for both the SMP and the BC-STV electoral systems.

Our commission has no preference for or against BC-STV, and has no authority to invite submissions about whether or not BC-STV should be adopted. Our expanded mandate is limited to drawing proposed BC-STV electoral boundaries, which will potentially be used in the 2013 provincial general election if the May 2009 BC-STV referendum passes. The proposed BC-STV electoral system is described in more detail in Part 10 of this report.

4. The purpose of this Preliminary Report

The Legislative Assembly has instructed us to prepare a report by August 15, 2007, with our proposals for the number of electoral districts and the area, boundaries and names for each district, under each electoral system. We have named this document *Preliminary Report*.

We submit this report to the Speaker of the Legislative Assembly, who “must promptly cause it to be made public.”²

We will hold public hearings around the province, so that people can make representations to us responding to our proposals. Following these public hearings, we may amend our proposals and must submit any amendments to the Speaker by February 15, 2008. We will



name that document the *Final Report to the Legislative Assembly of British Columbia*.

Thus, the purpose of this *Preliminary Report* is to describe our conclusions respecting the number of electoral districts, and the area, boundaries and name for each proposed electoral district under the current SMP system and the proposed BC-STV system. In this report, we will lay out the rules under which we operate, our conclusions and the reasons for them.

We encourage you to give us your views, either in writing or orally at one of our public hearings about our pro-

posed electoral boundaries, so that we can produce the best possible sets of electoral boundaries within the legislative framework.

B. The Commission

1. Our team

a. The commissioners

The *Electoral Boundaries Commission Act* states that there must be a three-person commission, consisting of:

- a judge or a retired judge of the B.C. Supreme Court or the B.C. Court of Appeal, nominated by the Lieutenant-Governor-in-Council;
- a person who is not a member of the Legislative Assembly or

² *Electoral Boundaries Commission Act*, s. 10(2).

an employee of the government, nominated by the Speaker of the Legislative Assembly after consultation with the Premier and the Leader of the Official Opposition; and,

- the chief electoral officer appointed under the *Election Act*.

In late 2005 the Lieutenant-Governor-in-Council appointed:

- **Mr. Justice Bruce Cohen**, a B.C. Supreme Court judge, who acts as commission chair. Justice Cohen was born in Vancouver, B.C. He received his B.A. (1962) and LL.B. (1965) from the University of British Columbia, and his LL.M. (1966) from the University of California (Berkeley). He was called to the bar of British Columbia in 1967, and practised with the Vancouver law firm of Ladner Downs (now Borden Ladner Gervais LLP). Justice Cohen was elected a bencher (director) of the Law Society of British Columbia in 1978, and served as its treasurer (president) in 1986. He was appointed a Queen’s Counsel in 1983. He accepted an appointment to the Supreme Court of British Columbia in 1987.
- **Stewart Ladyman**, a retired school district administrator who lives in Penticton. Mr. Ladyman was born in Redhill, Surrey, England. He received a B.Sc. in zoology from U.B.C. (1967) and a master’s in educational administration from U.B.C. (1977). He initially taught as a secondary teacher in Midway, B.C. Between 1975 and 1988, he acted as supervising principal of six rural elementary schools in the Kettle Valley School District; principal of David Thompson Secondary School in Invermere; and superintendent of schools in School District No. 10 (Arrow Lakes) and School District No. 21 (Armstrong-Spallumcheen). In 1988, he was appointed superintendent of schools in School District No. 15 (Penticton). Between 1996 and 2002, Mr. Ladyman was seconded to the Ministry of Education as superintendent, field liaison, where he was involved in many complex public policy issues and program delivery matters. He is currently a private consultant, providing a full range of professional services to the education system.
- **Harry Neufeld**, the chief electoral officer for the Province of British Columbia. Mr. Neufeld was born in Brooks, Alberta. He has a B.A. from the University of Lethbridge and an M.A. in political science from the University of Victoria. He has more than 25 years of electoral management experience, having held senior level positions in three electoral management bodies: Elections BC, the United Nations and Elections Canada. In addition, he has worked as an electoral management con-

sultant with the Canadian Royal Commission on Electoral Reform and with various international organizations and electoral agencies around the globe. Mr. Neufeld has contributed numerous articles on electoral management published by the International Institute for Democracy and Electoral Assistance, the International Foundation for Election Systems, and the United Nations Electoral Assistance Division.

b. Staff

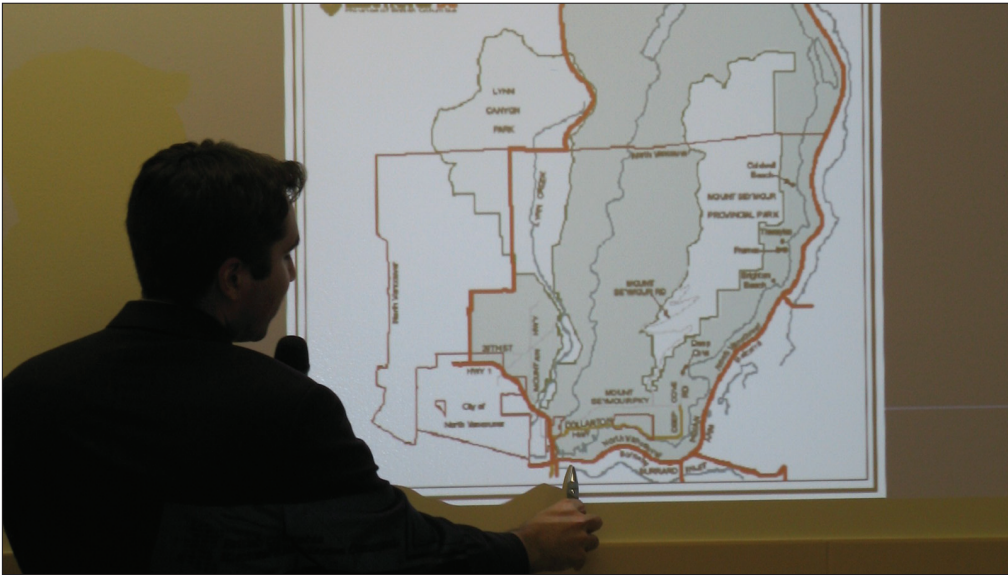
Our senior staff consists of **Leo Perra** (Executive Director), **Cathy Stooshnov** (Manager, Finance and Administration) and **Wendy Stewart** (Manager, Communications). For a complete listing of our staff, please turn to the back of this report.

c. Counsel

We retained **Brian J. Wallace, Q.C.**, a senior partner with the Vancouver law firm of Lawson Lundell LLP as commission counsel, and **Keith R. Hamilton**, a Vancouver sole practitioner, as research counsel.

d. External technical staff

Part of our work requires a technical understanding of demographics, including population estimates and projections. Although most earlier commissions hired their own demographics staff, we decided to rely on the expertise of BC Stats instead.



In addition, we needed people specially trained in map plotting and in the use of sophisticated new Elections Canada computer software called the Commission Re-Districting Tool. Rather than develop our own in-house expertise in these areas, we concluded that it would be more efficient and economical to rely on Elections BC's expertise, and we entered into a formal agreement with that office to provide these services to our commission. **Randy Parker**, Elections BC's director of geographic and voter data services, oversees this aspect of our work,

and **Daniel Hirner** is the production manager.³

2. Our activities

Once our team was in place, we began the daunting task of educating ourselves about the challenges we would face. We commissioned research on electoral boundaries legislation across Canada, on Canadian court decisions interpreting this legislation and the *Canadian Charter of Rights and Freedoms*' "right to vote" guarantee, and on the evolution of electoral districts in British Columbia since the first modern com-

mission was appointed in 1966. We learned a great deal from meetings with:

- **Robert Patterson** and **Lisa Martz**, a commissioner and commission counsel, respectively, from the 1999 Wood Electoral Boundaries Commission;
- **Prof. Kenneth Carty**, acting head of U.B.C.'s political science department, who served as advisor to the 1988 Fisher Commission and to the Citizens' Assembly on Electoral Reform, and as a commissioner on the 2003 Federal Electoral Boundaries Commission for B.C.;
- **Prof. John Courtney**, professor emeritus in the Department of Political Studies at the University of Saskatchewan, a Canadian expert on electoral issues and author of several important texts, including *Commissioned Ridings*;
- **Richard Balasko**, Manitoba's chief electoral officer who has served on several boundary commissions;
- **Dr. Lisa Handley**, an electoral boundary delimitation consultant from Washington, D.C.;
- **Don McRae**, director of administration for BC Stats;
- **Neil Reimer**, senior policy and legislation analyst and **Janet Erasmus**, senior legislative counsel,

³ During our public consultation sessions (discussed below), we were given examples of past electoral district boundaries that had unintentionally isolated people from the electoral district with which they had a clear community interest, and of instances in which voters had to travel through a different electoral district in order to vote in their own electoral district. In carrying out our duties, we wanted to ensure that, to the extent possible, our proposed boundaries avoided these problems. To that end, we sought the assistance of Elections BC's technical staff.

- B.C. Ministry of Attorney General;
- **Linda Johnson**, deputy chief electoral officer for B.C.;
- **Brett McGillivray**, B.C. geography instructor at Capilano College;
- **David Baxter**, futurist, The Urban Futures Institute, Vancouver;
- **Helmut Pastrick**, chief economist, B.C. Central Credit Union;
- **Dr. Tracy Summerville**, assistant professor of political science at the University of Northern British Columbia, Prince George; and,
- **Seven alumni** of the Citizens' Assembly on Electoral Reform.



In order to engage the public in our work and to encourage public participation, we developed a multi-faceted communications program. We compiled a comprehensive mailing list of several thousand individuals and organizations who we thought would have an interest in our work and, through letters and brochures, invited them to participate in our public consultation process. We also developed an interactive website (www.bc-ebc.ca), and a brochure that was widely distributed. In advance of each public consultation session we published advertisements in local newspapers and conducted media interviews.

3. Our consultations with the public *a. Process*

The legislation under which we operate does not require that we consult with the public before submitting our

Preliminary Report. However, one of our first decisions was that it would be unwise for us to reach conclusions about boundaries until we had heard from and considered the views of interested members of the public, MLAs and representatives of political parties.

Electoral districts need to work – boundaries need to take into account community interests, history and population growth trends, and electoral districts need to be of a geographical size and population that makes it possible for MLAs to provide effective representation to constituents. We were convinced we would learn a great deal about what works by visiting local communities and talking to residents and MLAs.

For those reasons, we spent 12 weeks between September and November

2006 travelling to 30 communities across the province. In order for us to get to as many communities as possible in the available time, one commissioner attended and chaired each of these informal public consultations. The commissioners met regularly between these consultation sessions, to ensure that all three of us were aware of the views expressed at each of the public consultation sessions.

We also held two sessions (September 13 and 28, 2006) focusing on the concerns of MLAs and one session (September 14, 2006) devoted to political parties' issues, which all three commissioners attended.

Summaries of what was discussed at each consultation session can be found on our website.

b. Where we went

Including the MLA and political party sessions, we held 34 sessions in 30 communities covering every region of the province. In the less densely populated areas, we did our best to choose locations that most people could drive to within 90 minutes:

The North

Masset
Prince Rupert
Terrace
Smithers
Prince George
Dawson Creek
Fort Nelson

Cariboo-Thompson

Williams Lake
Kamloops
Merritt

Columbia-Kootenay

Cranbrook
Nelson

Okanagan

Kelowna
Penticton

Fraser Valley

Maple Ridge
Langley
Chilliwack

Tri-Cities

Coquitlam

Surrey

Surrey

Richmond-Delta

Richmond

Burnaby-New Westminster

New Westminster

Vancouver

Vancouver-Downtown
Vancouver–West Broadway

North Shore

North Vancouver

Vancouver Island–South Coast

Sechelt
Port Hardy
Campbell River
Courtenay
Port Alberni
Nanaimo
Victoria

For a complete listing of consultation session dates and locations, and who made oral presentations and written submissions to the commission, please see Appendices J and K.

c. What we heard

More than 500 people attended our public consultation sessions, and many others made written submissions. People spoke articulately, many passionately, about their political representation and how it could be improved. Suggestions ranged from the very

general (“don’t add any more MLAs”) to the very specific (“move our district’s boundary over by one street”).

It has been an invaluable educational experience for us – we learned a great deal about our province and its people, our challenging geography, the dramatic differences among regions and B.C.’s very uneven population distribution and its growth. We are, unquestionably, much more sensitive to the concerns of those rural British Columbians who do not want to lose their voices in Victoria.

Later in this report, when we discuss our proposed electoral districts, we will refer to the specific suggestions for boundary setting that we received. For now, we want to summarize the more general views and suggestions we received and considered. Not surprisingly, people did not speak with one voice and, at times, suggestions were contradictory. But even that is helpful, as it confirms our own conclusion that decisions on boundary setting can be difficult.

The general themes we heard about boundary setting were as follows:

- B.C. is a province of regions, and we should try to rebalance population among the electoral districts of each region first, before deciding whether to propose the addition or elimination of an electoral district.
- In the North and other sparsely

“As we worked through the numerous iterations of proposed boundaries that led to our proposals set out in this report, we constantly referred back to what people had told us.”

populated rural regions we should not reduce the number of electoral districts in any region, an approach adopted by the 1999 Wood Commission; others argued for “one person, one vote of equal value.”

- We should develop a statistical formula for determining electoral district size in remote areas, taking into account factors such as population density, geographical area and number of kilometers of paved roads.
- We heard conflicting views on whether we should propose an increase in the number of electoral districts (currently 79) up to 85. Some people thought that the annual cost of each additional MLA (between \$324,000 and \$512,000 according to information provided by the Legislative Assembly) would be better spent on health care, education and social programs. Others said that the number of MLAs should keep pace with our province’s increasing population.
- We should recommend two or three province-wide constituencies for members of First Nations, to ensure an effective Aboriginal voice in the legislature. Others spoke against this idea, fearing political exclusion.
- We were told to keep like-minded communities together (*e.g.* draw boundaries along heights of land,

not down highways), be aware of a community’s trading routes, and make boundaries clearly identifiable to the public, elections officials and political parties.

- Electoral district names should be descriptive and use local identifiers, and we should propose new names for all electoral districts, in order to differentiate our proposed districts from earlier electoral districts.

General comments about the proposed BC-STV electoral system

The second aspect of our mandate is to recommend electoral boundaries for the proposed BC-STV electoral system that was recommended by the Citizens’ Assembly on Electoral Reform in 2004. Each BC-STV electoral district would be significantly larger in geographical area than our current electoral districts, and would have between two and seven MLAs. The number of MLAs could vary among electoral districts, and we are mandated to determine the number of MLAs for each electoral district that we propose.

Most submissions focused on two issues:

- *The basis for creating BC-STV electoral districts:* Some people said that we should design electoral districts under the current single member

plurality (SMP) electoral system first, and then simply aggregate SMP districts into BC-STV electoral districts. This would make it easier for the public to understand the differences between the SMP and BC-STV electoral systems (when it comes time to vote in the BC-STV referendum in May 2009), and it would be administratively simpler for political parties and elections officials, both of whom are organized around the current SMP boundaries. Others told us that BC-STV electoral districts should reflect truly regional community interests, and that some of our current SMP boundaries had to disregard community interests in order to balance population. Yet others told us that if the BC-STV electoral system is adopted, the first set of BC-STV electoral districts could remain in place for many years, and they should be drawn to stand the test of time. It was suggested that regional district boundaries or bio-regions might be good models to follow.

- *The number of MLAs for each electoral district:* Many people spoke about proportionality – if one political party gets 40 percent of the votes, it should get about 40 percent of the seats in the Legislative Assembly.

People stressed that BC-STV is designed to improve proportionality, and proportionality improves as the number of MLAs to be elected in any electoral district increases. Some people said that we should not recommend any electoral district with less than three members (except perhaps in sparsely populated areas), while others said that every electoral district should have seven members to maximize proportionality and to improve the likelihood of smaller political parties having a candidate elected. Some people liked five, because it ensured a good degree of proportionality, avoided unwieldy ballots and left room for future growth – i.e. in an electoral district of high growth, a future commission could simply increase the number of MLAs to be elected from five to six, without having to redraw boundaries.

d. How we considered people's views and suggestions in our proposals

Our staff prepared detailed summaries of every oral presentation and every written submission. In late 2006 and early 2007, we met regularly to review this material and to discuss what we had learned during the public consultations. We also developed numerous scenarios for various electoral district and boundary configurations, mindful of the legal rules under which we operate and the ever-present tension between equality of voting power and the other factors we must consider (e.g. demographics,

history and community interests) in order to ensure effective representation.

We have carefully read all this material, and we have spent many hours discussing submitters' comments, views and suggestions.

As we worked through the numerous iterations of proposed boundaries that led to our proposals set out in this report, we constantly referred back to what people had told us. We repeatedly challenged ourselves and each other, by asking how our ideas fit with what we had been told about community interests, communications, transportation and trading routes, winter weather, population growth and decline, and historical precedent. The public consultation helped immensely.

We had to balance the competing ideas

heard around the province, and respect the overriding legal and constitutional framework within which we operate – creating electoral districts with relatively equal population, and deviating from parity only to the extent necessary to ensure effective representation.

4. Our goals: independence, transparency and accessibility

The legislation which governs us, including provisions that deal with how the three commissioners are appointed and how our commission is to function, ensures our independence and impartiality.

It is equally important to us that the public has confidence in our decisions. To that end, we have made every effort to be accessible to the public, and to be transparent in our activities. For example:



- We held informal public consultation sessions across the province, before beginning the process of developing our proposals set out in this report.
- We advertised widely in the print media, in advance of our public consultation sessions, to encourage the greatest possible public participation.
- We have scheduled formal public hearings across the province following the release of this report, which will be preceded by extensive advertising.
- We have widely distributed brochures and other mailings, encouraging public participation in our processes.
- We maintain a commission website (www.bc-ebc.ca), which includes:
 - summaries of oral presentations made at every public consultation session;
 - every written submission received;
 - reports of previous electoral boundaries commissions; and,
 - maps of current electoral districts.
- We have made ourselves available to the print and electronic media for interviews.
- We plan to circulate this report widely, and provide information on electoral boundaries to every household in the province.

Finally, we decided that this report should be comprehensive, so that readers will have an appreciation of how B.C.'s electoral districts have evolved since the 1960s, as well as the legislation and court decisions that govern our boundary setting. In Parts 9 and 10, we set out not only what our proposals are for specific electoral boundaries, but the reasoning that went into those decisions.