

**FEDERAL ELECTORAL BOUNDARIES COMMISSION**

**FOR NEW BRUNSWICK**

**2003**

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**DISPOSITION BY THE COMMISSION**

**PURSUANT TO SUBSECTION 23(1) OF**

**THE *ELECTORAL BOUNDARIES READJUSTMENT ACT***

**OF**

**OBJECTIONS FILED BY MEMBERS OF THE**

**HOUSE OF COMMONS WITH RESPECT TO THE COMMISSION'S**

**REPORT DATED JANUARY 10, 2003**

The Federal Electoral Boundaries Commission for New Brunswick has completed the final phase of the federal electoral boundaries readjustment process as outlined in the *Electoral Boundaries Readjustment Act*, R.S.C. 1985, c. E-3, and the *Constitution Act, 1867*.

## **The Process**

If fair and equitable representation is to be achieved, changing populations and new relationships forged between communities require regular readjusting of electoral boundaries to reflect the distribution of people. With this goal in mind, an electoral boundaries commission is established for each province following each decennial census.

Following the calculation of the number of members of the House of Commons to be assigned to a province, each commission prepares initial proposals dividing the province into electoral districts based on population and adhering as close as reasonably possible to the quotient of members per population established for that province. In accordance with the requirements of the *Electoral Boundaries Readjustment Act* (referred to hereinafter as "the Act"), the commission also considers community of interest, community of identity, historical voting and geographic challenges in cases of sparsely populated, rural or northern regions. The commission may depart from the electoral quota by a variance of up to  $\pm 25$  percent in order to accommodate such circumstances.

The commission holds scheduled public hearings to gather feedback with regard to its initial boundaries proposals. In response to the public's input and guided by the spirit and intent of the Act, the commission then prepares a revised report, which is submitted to the Chief Electoral Officer of Canada who then transmits it to the Speaker of the House of Commons for tabling.

Following the tabling of the commission's report in the House of Commons, members of the House of Commons have the opportunity to file objections to the proposals contained in the report. Objections are filed with the Standing Committee on Procedure and House Affairs for consideration and assessment of merit. Following this, the commission's report, the objections, and the minutes of Committee proceedings are returned to the relevant electoral boundaries commission, which has 30 days in which to dispose of the objections pursuant to subsection 23(1):

**23.** (1) Within thirty days after the day the report of any commission is referred back to the Chief Electoral Officer by the Speaker pursuant to section 22, the commission shall consider the matter of the objection and dispose of the objection, and, forthwith on the disposition of the objection, a certified copy of the report of the commission, with or without amendment accordingly as the disposition of the objection requires, shall be returned by the Chief Electoral Officer to the Speaker.

As stipulated in the Act, final decisions rest with each electoral boundaries commission which, after careful consideration and disposition of objections, prepares and submits a final certified report. The Chief Electoral Officer of Canada then transmits the report to the Speaker of the House of Commons. Once all the reports have been finalized, either through the disposition of

objections or due to the fact that no objections were filed, the Chief Electoral Officer of Canada will prepare a draft representation order, which will specify the number of members of the House of Commons to be elected for each of the provinces, divide each of the provinces into electoral districts, describe the boundaries of each such district and specify the population and name to be given to each, in accordance with the recommendations contained in the commissions' reports. Upon receipt of the draft representation order, the Governor in Council will proclaim it to be in force and, following proclamation, publishes it in the *Canada Gazette*. The readjusted boundaries will then take effect on the first dissolution of Parliament that occurs at least one year after its proclamation.

### **The Standing Committee on Procedure and House Affairs**

The *Report of the Federal Electoral Boundaries Commission for New Brunswick* was tabled in the House of Commons on February 12, 2003. Within the prescribed 30-day period, five members filed seven objections. A subcommittee of the Standing Committee on Procedure and House Affairs considered and assessed these objections. The House subcommittee report containing comments and recommendations was submitted to the New Brunswick Federal Electoral Boundaries Commission, which reviewed, considered and dealt with each and every objection with care, in the spirit of compromise, while yet remaining focused on the ultimate goal – effective and equitable representation.

### **Background: Approach and Goals**

This document represents the final decisions of the Commission in response to the objections addressed in the Thirtieth Report of the Standing Committee on Procedure and House Affairs submitted to the Commission on May 13, 2003. The Commission has so advised the Chief Electoral Officer.

The Commission, as a result of careful deliberation, has agreed to make certain amendments where objections were acknowledged as being reasonable and worthy of merit, subject to the intent and requirements of the Act.

In completing this final phase, the Commission has continued its approach of listening carefully to public input in a responsive manner, while keeping in mind the overall objectives and principles of the Act. Electoral boundaries readjustment is primarily driven by population and its distribution, with, as noted above, the optimal number of people in each electoral district set by the Act. However, other factors are to be considered as outlined in the Act, including communities of interest and identity, historical alliances and traditions, geographic challenges and established living and working patterns.

Throughout the process, the Commission benefited from feedback that offered increased knowledge and understanding of these social, human, cultural, economic and accessibility concerns. As a result, the Commission's decisions have respected, where meritorious, reasonable and possible, other factors as outlined in the sub-rules. However, given that fair and equitable representation throughout the province was the ultimate goal, the overall principle guiding the Commission's final decisions remained consistent throughout all phases of the process, i.e.

avoiding too wide a variance from the established electoral quota so as to adhere as close as reasonably possible to the principle of *one person, one vote*.

While not able to respond as requested to all differences of opinion and recommendations, the Commission's final decisions reflect a willingness to reach a compromise where possible without jeopardizing fair and equitable representation.

While this report deals with each objection on an individual basis, taken as a whole the final decisions have resulted in a relatively balanced distribution of population and reasonable variances from the New Brunswick electoral quota (72,950). Final decisions have resulted in the province's three major urban centres having similar variances (approximately a +14 percent variance). Just as it has from the beginnings of its deliberations, the Commission agrees with the Committee's assessment that an "urban constituency over the provincial quotient is easier to service than a rural constituency under the provincial quotient."

In the province's rural electoral districts, where decreasing population and geographic realities presented significant challenges, the Commission's final decisions were aimed at maintaining a reasonable variance from the New Brunswick electoral quota between electoral districts, while still considering other factors as outlined in the sub-rules and in public feedback. The Commission's final decisions and boundaries adjustments have resulted in a maximum variance from the electoral quota in the rural electoral districts of –14 percent.

The following outlines our final decisions regarding specific objections filed by the members of the House of Commons with the Commission by the Standing Committee on Procedure and House Affairs.

1. Proposed transfer of the Town of Rothesay from the electoral district of FUNDY to the electoral district of SAINT JOHN

The transfer of the Town of Rothesay from the electoral district of FUNDY to the electoral district of SAINT JOHN was objected to on the basis of a strong community of interest and shared services. It is noted that Rothesay and the neighbouring Town of Quispamsis are commonly referred to as the Kennebecassis Valley and share a strong community of interest.

While recognizing that community of interest between Rothesay and Quispamsis, the Commission is also aware of an equally strong community of interest between Saint John and Rothesay. In fact, a similar situation existed in the Moncton area where the Town of Riverview had been part of the electoral district of MONCTON—RIVERVIEW—DIEPPE for a number of years. In response to public input, the Commission arrived at a compromise solution to that problem by returning part of Riverview to MONCTON—RIVERVIEW—DIEPPE. The reception to this solution was overwhelmingly positive.

**In a similar spirit of compromise, the Commission will include a part of the Town of Quispamsis in the electoral district of SAINT JOHN, thereby retaining Rothesay and a portion of Quispamsis in the same electoral district.**

This solution increases the positive variance of the SAINT JOHN electoral district from +11 percent to +14 percent, resulting in SAINT JOHN having the same variance as the province's other two major urban centres (FREDERICTON and MONCTON—RIVERVIEW—DIEPPE).

As noted above and in the Commission's report tabled in the House of Commons, urban electoral districts, by virtue of their smaller geographic size and representative accessibility, are justified in having higher positive variances from the established electoral quota.

2. Proposed transfer of the parishes of Kars, Springfield and Studholm to the electoral district of ST. CROIX

The transfer of the parishes of Kars, Springfield and Studholm to the electoral district of ST. CROIX was objected to based on community of interest. The Standing Committee on Procedure and House Affairs concluded that this objection was without merit. **The Commission agrees and rejects this objection.**

In addition to geographic challenges impacting accessibility, the ST. CROIX electoral district was seriously underpopulated, as revealed by the decennial census. (A similar situation is addressed in this document with respect to the chronically underpopulated MIRAMICHI electoral district). Furthermore, as pointed out by the Standing Committee on Procedure and House Affairs, removing the three communities cited in the objection would not address geographic challenges given the subsequent requirement to add communities to the northeast in order to decrease the electoral district's negative variance.

As well, at the public hearing in Saint John, presenters clearly demonstrated that entire regions, which are part of the electoral districts of FUNDY, SAINT JOHN and ST. CROIX, are one and the same community of interest with common challenges and concerns. Hence, the three communities named in the objection share as much with ST. CROIX as they do with FUNDY. As well, removing the communities from ST. CROIX would result in a -21.11 percent variance for that electoral district, a result that is close to the maximum variance of 25 percent and a variance discrepancy that the Commission views as unjustifiable.

3. Proposed change of name from Fundy—Royal to FUNDY

The change of name from Fundy—Royal to FUNDY was objected to on the basis of a long-standing historical connection with the Canadian monarchy. The Commission concurs with the Standing Committee's recommendation which agreed that the name be FUNDY if the Commission's electoral boundaries proposals remained unaltered.

Therefore, based on the fact that the proposed boundaries will remain as redrawn in the 2003 exercise, the Commission's original rationale for the new name remains valid, i.e. with the current changes, portions of both Kings and Queens counties remain outside the electoral district.

**The proposed electoral district name of FUNDY will stand.**

4. Proposed name of ST. CROIX for the former electoral district of New Brunswick Southwest

The proposed name of ST. CROIX for the current electoral district of New Brunswick Southwest was objected to on the basis that it did not reflect the true nature of the electoral district, specifically the eastern portion where the name was less well-known and without the significance it had in the electoral district's western portion.

The member of the House of Commons for the electoral district suggested that the addition of Belleisle to the name of the electoral district would more aptly describe the entire community and would be in accordance with the Commission's desire to reflect the area's geography and history as well as the bilingual nature of New Brunswick.

**The Commission accepts this objection as having merit and the final name of the electoral district will be ST. CROIX—BELLEISLE.**

5. The inclusion of the parishes of Maugerville and Northfield in TOBIQUE—MACTAQUAC

The fifth objection recorded before the Standing Committee on Procedure and House Affairs is with regard to the transfer of the parishes of Maugerville and Northfield from the two current electoral districts of Fundy—Royal and Fredericton to TOBIQUE—MACTAQUAC.

It is argued that the electoral district of TOBIQUE—MACTAQUAC, already the largest electoral district in the Maritimes, would see its geographic size increase from 14,105 km<sup>2</sup> to almost 17,000 km<sup>2</sup> with the addition of these two parishes. The member of the House of Commons for the electoral district objected on the basis that fair and equitable representation would be challenged by the electoral district's unmanageable size.

The Commission realizes that part of the Parish of Maugerville is already included within the FREDERICTON electoral boundaries. In addition, given the population of both parishes, transferring close to 600 persons in those parts of the parishes of Maugerville and Northfield to FREDERICTON would result in a minimal change in variance for both FREDERICTON and TOBIQUE—MACTAQUAC.

**Therefore, the Commission accepts that the objection has merit and will alter the boundaries of the FREDERICTON electoral district to include these two communities.**

In making this change, as noted above, the variance for the electoral district of FREDERICTON will match the variances of the electoral districts of SAINT JOHN and MONCTON—RIVERVIEW—DIEPPE.

6. Proposed transfer of portions of the parishes of Saumarez, Bathurst and Allardville from the electoral district of ACADIE—BATHURST to the electoral district of MIRAMICHI

The objection to the transfer of portions of the parishes of Saumarez, Bathurst and Allardville from the electoral district of ACADIE—BATHURST to the electoral district of MIRAMICHI is consistent with the line of reasoning expressed in public hearings in the current electoral district

of Acadie—Bathurst. The objection was based on community of identity, i.e. transferring francophone communities to a majority anglophone electoral district.

The Commission has discussed this issue at length and in depth, exploring and investigating throughout this process numerous possibilities aimed at remedying the wide disparity of variances between these two adjoining rural electoral districts of ACADIE—BATHURST and MIRAMICHI.

Prior to the electoral boundaries readjustment process in New Brunswick, Acadie—Bathurst had a variance from the established electoral quota of +14 percent while Miramichi had a variance from the electoral quota of -21 percent. While, as pointed out by the Committee, the Act allows for variances of  $\pm 25$  percent, the Commission is of the belief that respecting the spirit and intent of the Act leads to the obvious conclusion that variances between electoral districts should not be excessive. In the case of Acadie—Bathurst and Miramichi, the status quo would result in a variance between the two electoral districts of 35 percent, a clearly unjustifiably large discrepancy, particularly in light of the fact that, as rural electoral districts, both share similar challenges.

While recognizing and considering the desirability to participate within natural communities, the Commission does not feel that it can deviate excessively from the reality that, for equitable representation, reasonable weight must be granted to preserving the individual's parity of vote.

ACADIE—BATHURST has an anglophone minority of 15 percent. It was stated clearly at the hearing that there was no demand, reason or basis to transfer this anglophone minority out of this predominantly francophone electoral district.

MIRAMICHI is an electoral district that has a francophone minority of 33 percent, a minority that is primarily located in the eastern part of the electoral district and thus adjoins the southern part of ACADIE—BATHURST, which is francophone in majority as well. Furthermore, as heard throughout the hearings and stated in the Commission's report, members of the Commission clearly heard that the need to protect and maintain economic communities of interest should be a primary consideration when redrawing boundary lines. The Commission is aware that the eastern part of MIRAMICHI and the southern part of ACADIE—BATHURST share the same economic community of interest, i.e. forestry, fishery, mining, services and government employment.

**The Commission has therefore taken all of these matters into consideration and has decided to return the Parish of Saumarez and a portion of the parish of Allardville including Saint-Sauveur into the electoral district of ACADIE—BATHURST. The Parish of Bathurst and a portion of the Parish of Allardville will remain in the electoral district of MIRAMICHI.**

The Commission anticipates that this compromise will be an acceptable one, and points out that similar compromises were made with regard to the two southern communities of Riverview and Quispamsis.

7. Proposed transfer of Colborne from the electoral district of Madawaska—Restigouche to the electoral district of Miramichi

The transfer of Colborne from the current electoral district of Madawaska—Restigouche to the electoral district of Miramichi was objected to based on shared community of identity. **Based on its negative effect on the MIRAMICHI electoral district, which is already significantly under the electoral quota, Colborne will remain in the electoral district of MIRAMICHI.**

### **Other Matters**

With regard to comment #28 in the Standing Committee's report, the Commission wishes to reiterate the substance of its reply to the Office of the Commissioner of Official Languages following its notification to the Commission and the media of its investigation into the decisions regarding the electoral district of ACADIE—BATHURST. Further, the Commission also noted that the issue was brought before the House of Commons Standing Committee on Official Languages and included in its Fifth Report (tabled on April 9, 2003) that makes recommendations as well on the proposed ACADIE—BATHURST readjustment decisions.

In a similar vein to the Alberta Commission's response to a complaint by the federal Commissioner of Official Languages, the New Brunswick Commission notified the Office of the Commissioner of Official Languages that it has no jurisdiction to intervene in the mandate and decisions of federal electoral boundaries commissions. Pursuant to provisions of the Act, only members of the House of Commons have the right to offer objections before the House of Commons Standing Committee on Procedure and House Affairs. The Commission, as is evidenced in its original Proposals, its report, and in this disposition of objections, has throughout exhibited sensitivity to minority language concerns.

### **Conclusion**

The Federal Electoral Boundaries Commission for New Brunswick has throughout the process attempted to balance competing interests and views, considering with care the principle of equality of population as well as the more qualitative and subjective factors as outlined in the sub-rules of the Act. The Commission recognizes that the debate continues over the constitutional weight to be accorded to the principle of *one person, one vote*, and the extent to which factors other than population can be used to structure electoral districts. The Commission is not of the belief that absolute parity of vote is a requirement for equitable representation. However, in the final analysis, the Commission unanimously opted to adhere as close as reasonably possible to the principle of *one person, one vote*.

That approach was also tempered by:

- the belief that urban areas exceeding the optimal electoral quota can more easily offer equitable representation than rural areas where excessively low populations threatens equitable representation and parity of vote; and
- consideration of the workload and geographic challenges faced by some members of the House of Commons.



The 2003 redrawing of the province's electoral boundaries has been arrived at as a result of the Commission members' commitment to thoughtful consideration and responsiveness to input from both the public and members of the House of Commons. Compromises were adopted where reasonable and possible, most involving finding a resolution to the conflict created by changing economic environments, and maintaining communities of identity, interest and historical traditions.

Of note is the fact that changes to the initial Proposals are, for the most part, the result of representations made at public hearings and the members of the House of Commons objection phase.

In light of the opinions expressed at the hearings and the comments received, the Commission attempted to respond, subject to the applicable legislation and jurisprudence, to the desires expressed by the presenters. Obviously, given certain challenges, it was not possible to meet every objection throughout the process. However, while the Commission recognizes that change is difficult and disruptive, experience has demonstrated that people and communities tend to forge new bonds and relationships over time. Clearly, that has been the New Brunswick experience in several electoral districts.

## **The Future**

The Commission concurs with the Committee's view as stated in the *General Comments* section of its Thirtieth Report and in its own *Report of the Federal Electoral Boundaries Commission for New Brunswick*, that New Brunswick presents significant challenges given population migration, its bilingual nature and its unique geography.

In all probability, these challenges will resurface during the next federal electoral boundaries readjustment exercise when, as suggested by the Standing Committee, more radical changes will obviously be required. In support of that direction, two Commission members included their own comments in the *Further Comments* section of the Commission's report, pointing out future possibilities that emerged late in the decision-making process. As recommended by the Committee, future electoral boundaries commissions will no doubt want to review such comments, past challenges, public input, and the reports of the Standing Committee in order to arrive at more long-term solutions.

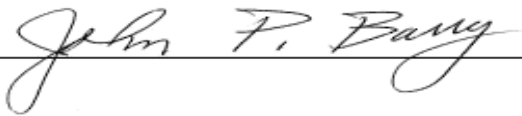
Pursuant to the *Electoral Boundaries Readjustment Act*, the Commission's final decisions in response to the objections and recommendations submitted by the Standing Committee on Procedure and House Affairs are herein transmitted to the Chief Electoral Officer.

Dated at Moncton, New Brunswick, this 29th day of May, 2003.

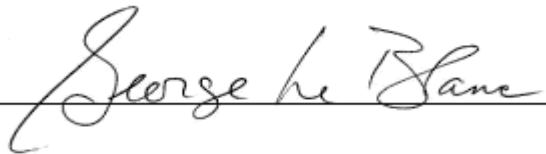
Corrected due to a clerical error at the bottom of page 6 and redated at Moncton, New Brunswick, this 17<sup>th</sup> day of June 2003 to reflect the original decision of the Commission.

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Honourable Guy A. Richard  
*Chairman*

A handwritten signature in cursive script, appearing to read "John P. Barry", written over a horizontal line.

John P. Barry, Q.C.  
*Member*

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George H. LeBlanc, Esq.  
*Member*

CERTIFIED copy of the disposition of objections to the Report of the Federal Electoral  
Boundaries Commission for New Brunswick.

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Rolande Godin  
*Commission Secretary*