

FEDERAL ELECTORAL BOUNDARIES COMMISSION

FOR ALBERTA

2003

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 15, 2003

Disposition of Objections – Alberta Commission

Introduction

The Federal Electoral Boundaries Commission for Alberta (“Commission”) has considered and disposed of the objections filed by Mr. Peter Goldring, the Honourable Anne McLellan, Mr. Bob Mills, Mr. Kevin Sorenson and Mr. John Williams, with respect to the Commission’s Report dated January 15, 2003 (“Report”). In so doing, the Commission has reconsidered its Report having regard to a copy of the objections, the minutes of proceedings of the Subcommittee on Electoral Boundaries Readjustment of the Standing Committee on Procedure and House Affairs (“Standing Committee”), and the Thirty-third Report of the Standing Committee.

We note that three of the five members of Parliament who have filed objections appeared and made extensive representations at our public hearings. The Commission recognizes the expertise that elected representatives bring to this process and appreciates the effort taken in this regard. However, we are an independent Commission and are not bound by the views of elected representatives.

Mr. Peter Goldring: Edmonton Centre-East

Mr. Goldring’s objection is that he wishes to exchange a portion of the new EDMONTON EAST electoral district with the new electoral district of EDMONTON—SHERWOOD PARK. Mr. Goldring claims that this will:

- 1) reduce the population of EDMONTON EAST from 119,160 to 106,667
- 2) return the new EDMONTON EAST to its existing boundaries, i.e. restore the status quo, and
- 3) promote economic diversity in EDMONTON EAST

The Standing Committee endorses

... Mr. Goldring’s objection and concurs with the underlying bases of his proposal – to adjust the riding boundaries to align with historical riding divisions, and community and natural boundaries where possible. It also makes sense to accommodate continuity, where possible, with an existing riding whose numbers match the provincial quotient, rather than preference a newly formed riding.

Therefore, the Committee recommends that the portion of Edmonton-Sherwood Park comprising Harisine (sic), Farase (sic), Bannerman, South Clariview (sic) and Homesteader be with Edmonton East. Also, given these are both urban constituencies, we suggest that an appropriate boundary line the (sic) runs parallel to 167th Avenue between 97th Stand (sic) Manning Road, or the railway – and respecting the community league boundaries if possible – be found to balance the populations of these two constituencies with regard to the provincial quotient.

At the outset, the Commission notes that Mr. Goldring appeared during the public hearings making extensive recommendations to the Commission's proposal for EDMONTON EAST. And, as acknowledged by Mr. Goldring in his testimony before the Subcommittee on May 5, 2003, "approximately 75% of those recommendations were accepted." The portion that was not accepted forms the basis of his objection.

The Commission has considered the objection and observes that:

- 1) Although the population of EDMONTON EAST is above the electoral quota (12.16 percent), it is well within statutory guidelines and consistent with the variance of other inner city electoral districts in Calgary and Edmonton. As noted in our Report, the City of Edmonton did "not indicate any dramatic increases in population in the near to medium future in the inner city." In contrast, the suburban areas are expected to grow more rapidly. Nothing in Mr. Goldring's objection or testimony before the Subcommittee changes this view.
- 2) The Commission recognized a historical community of interest in maintaining the status quo and attempted to preserve major electoral districts intact. However, the Commission also recognized a community of interest represented by the urban voter such as between urban Edmonton and urban Sherwood Park.
- 3) The Commission did not create electoral districts with a view to incorporating economic diversity. Our view was that economic diversity within an electoral district is not necessarily a thing to be avoided. In any event, we do not understand how economic diversity has been decreased.

There are, obviously, many configurations that could be chosen to satisfy relative numerical equality. We are satisfied that the boundaries as we have established them achieve this goal and combine compatible urban populations, and are fully justified for the reasons given in our Report.

Disposition:

The objection is dismissed.

The Honourable Anne McLellan: Edmonton West

Ms. McLellan wants the Commission to revise the boundaries of the EDMONTON CENTRE electoral district to include the communities of Riverdale, Boyle Street and McCauley, and to move the communities of Spruce Avenue and Westwood to EDMONTON EAST. In her view, the Commission has failed to take account of the importance of self-identified communities of interest represented by Edmonton's community league structures (leagues and districts) and business revitalization zones in creating EDMONTON CENTRE's boundaries.

The Standing Committee agrees with Ms. McLellan that "The proposed boundary fragments an existing community neighbourhood and does not reflect the shifting community of interest." It supports her proposal "to retain in Edmonton West the communities of McCauley, Boyle (Street) and Riverdale, while transferring Westwood and Spruce Avenue to the proposed riding of

Edmonton East.” This “would take Edmonton Centre to approximately 14% above the provincial quotient. As Edmonton Centre is a small, densely populated urban riding, geographically easy to serve, the Committee feels that would be an acceptable variance.”

Ms. McLellan did not make oral submissions at our public hearings, but after the hearings concluded the Edmonton West Liberal Association filed a written submission approving the proposed electoral districts in the Edmonton Region. The Association also supported the proposed electoral district of EDMONTON CENTRE, subject to including the communities of Lynwood and Elmwood.

The Commission obliged by including Lynwood and Elmwood in EDMONTON CENTRE, but in making the change, moved the northeastern boundary of EDMONTON CENTRE eastward to 97 Street, thus achieving a population balance and meeting strong requests for EDMONTON EAST to have its western boundary along 97 Street. The communities of Spruce Avenue and Westwood were moved into EDMONTON CENTRE in our final Report to balance the loss of Riverdale, Boyle Street and McCauley, and in view of the use of 97 Street as a boundary between EDMONTON CENTRE and EDMONTON EAST.

The Commission recognized that community leagues themselves represented an easily identifiable community of interest and in drafting our proposed federal electoral districts we tried to keep entire community leagues within a given federal electoral district although it was not always possible, for reasons of geography, population density, and other factors. It is to be noted that the changes we made did not “split” community leagues as such but rather community league districts that form the representational bases within the Edmonton Federation of Community Leagues.

What Ms. McLellan now asks of us is a still more sophisticated structure for a federal electoral district, which would respect the boundaries, not only of community leagues, but also of community league districts, and business revitalization zones. As she said to the Subcommittee, the Proposals for the Province of Alberta (“The Proposals”) had, for the most part, “respected” the boundaries of community league districts and business revitalization zones. We did take account of community league districts, but in our view, they involve blocks of city populations that tend to be too large to work with, and, as well, identify administrative convenience, as opposed to community of interest.

At the public hearings in Edmonton, the Commission heard much criticism about the boundary between EDMONTON CENTRE and EDMONTON EAST contained in the Proposals. Aside from Mr. Goldring’s criticism based on historical community of interest, the Commission heard from several presenters that this particular boundary was confusing. It was argued that clear physical boundaries are preferable as it is easier for electors to determine which electoral district they live in. Community leagues are a way for some members of the community to identify themselves, but the boundaries are not always self-evident to all members of the community.

Although we were pleased with the support received for the Commission’s Proposals for EDMONTON CENTRE from the Edmonton West Liberal Association, we were persuaded by the criticism made about the need for clear geographic determinants in drawing the electoral

districts. Accordingly, we made the change to 97 Street as the eastern boundary of EDMONTON CENTRE and will not change that determination.

Disposition:

The objection is dismissed.

Mr. Bob Mills: Red Deer

Mr. Mills objects that the Commission's decision to exclude Rocky Mountain House, Eckville, Blackfalds and Caroline from the electoral district of RED DEER ignored both the expressed wishes of the electorate in these communities and the natural community of interest that exists among them.

The Standing Committee says that it:

... finds Mr. Mill's (sic) arguments persuasive and recommends that Rocky Mountain House, Eckville, Blackfalds and Caroline be transferred back to the community of Red Deer. These communities are integral to a community of interest centred in Red Deer and not in the neighbouring, agricultural, rural ridings.

Mr. Mills's objection echoes what he and his supporters said during the public hearing. The Commission responded with significant changes to the Proposals, but found itself unable to agree that the Rocky Mountain House area should remain in the electoral district. Our views were fully set out in our Report and have not changed.

Disposition:

The objection is dismissed.

Mr. Kevin Sorenson: Crowfoot

Mr. Sorenson wants the City of Camrose and the County of Flagstaff to be in the same federal electoral district, CROWFOOT.

The Standing Committee supports Mr. Sorenson's proposal that the County of Flagstaff be transferred to the CROWFOOT electoral district "on the basis of a community of interest." It observes that:

Mr. Sorenson's proposal would put Vegreville-Wainright at approximately 7% below the provincial quotient and Crowfoot at approximately 6% above the provincial quotient. Both quotients are well within tolerable limits. Vegreville-Wainright is a large, rural riding and in general the Committee supports the principle that large, rural ridings can err below the quotient as they require more travel to serve. For the population distribution of Crowfoot, adding Flagstaff County would add no significant burden as Camrose, in Crowfoot, is the service centre for Flagstaff County.

The Proposals placed the County of Flagstaff partly in VEGREVILLE—WAINWRIGHT and partly in CROWFOOT. The Village of Forestburg, located within the County of Flagstaff, strongly objected to being included in the electoral district of CROWFOOT. In order to place the entire county within the same electoral district and to observe the natural boundary of the Battle River, the Commission decided to make the change indicated in its Report.

The Commission believes that although Mr. Sorenson's suggestion is not unreasonable in a numerical sense, to change the boundaries again would serve only to please some people and displease others. We are not persuaded that the County of Flagstaff's relations with the City of Camrose will be in any way impacted by the two municipal entities being located in different federal electoral districts.

Disposition:

The objection is dismissed.

Mr. John Williams: St. Albert

Mr. Williams objects to the proposed EDMONTON—ST. ALBERT electoral district and wants a return to the existing electoral district on the following bases:

- 1) In making its decisions about the Edmonton Region electoral districts, the Commission “relied” on the advice of Dr. Roger Gibbins, “a Calgarian”, and “dismissed” the views of local authorities, members of Parliament and citizens. The interests of urban and suburban communities, he asserts, are not necessarily compatible.
- 2) The Commission failed to take into account the existing connections, including the market or trading area, between St. Albert and the rural area beyond.
- 3) The Commission divided the francophone community north of Edmonton, thereby making it difficult for the community's linguistic and cultural voice to be heard.
- 4) The Commission gave preference to the historical equality of the number of electoral districts between Calgary and the Edmonton metropolitan area over the interests of their populations.
- 5) The boundaries of the EDMONTON—ST. ALBERT electoral district will make the location of a constituency office a contentious issue.
- 6) Responses to a questionnaire distributed by Mr. Williams's office show that members of the existing St. Albert electoral district are overwhelmingly opposed to the new EDMONTON—ST. ALBERT electoral district.

The Standing Committee agrees with Mr. Williams that the existing electoral district of St. Albert “comprises a historical, distinct community of interest and contains in whole a significant community of identity,” and that there should be significant changes to EDMONTON—ST. ALBERT. The Standing Committee contends:

There should be a way to accommodate the essence of the riding of St. Albert through thoughtful and judicious consideration of the characters and boundaries of the adjacent rural ridings and the ridings that represent the urban agglomeration of Edmonton. We suggest that the core of the riding of St. Albert can be maintained by looking to the

adjacent rural ridings to the north and east to find communities more compatible with the Edmonton St. Albert's communities of interest and make minor, strategic adjustments to the current ridings boundaries if necessary. The dense, urban ridings of Edmonton can be adjusted to accept the rump of Edmonton currently in the proposed riding of Edmonton-St. Albert. Urban ridings, well serviced and easy for constituency access, can readily tolerate variances above the provincial quotient.

The Commission's Response

- 1) Although the Commission found much of value in the views of Dr. Gibbins, it is inaccurate to say that we "relied" upon those views any more than we "dismissed" representations made by others. Moreover, the views of other presenters were not unanimous. For example, three councillors from the City of St. Albert strongly favoured our proposal. Their arguments, in our judgment, were more persuasive than those put forward in opposition.

It is true that the official position of the cities of Edmonton and St. Albert and some members of Parliament who spoke at our Edmonton hearings did not support the creation of electoral districts composed of part of the City of Edmonton and part of an outlying city or municipality. But the reason given for their opposition was that a member could not represent the interests of both. The Commission is of the view that patterns of "work, living, shopping, and socializing," to use Mr. Williams's words, cut across municipal boundaries within the Edmonton Region to such an extent that the interests of the wider community represented by that region deserve the attention of members of Parliament whose loyalties are not so narrowly focused as they are at present.

Moreover, federal policies are not limited by municipal boundaries, and although urban and suburban communities may differ on local issues, they share an overwhelming interest in how federal policies affect them. The Commission believes that the electors in the Edmonton Region will be more effectively represented by members of Parliament who will promote and protect the wider interests of the urban-suburban community than by members who must compete for the same scarce resources available from the federal government.

- 2) Mr. Williams objects to the loss to the existing St. Albert electoral district of the towns of Morinville and Legal, which are north of the City of St. Albert and which the Commission placed within the new federal electoral district of WESTLOCK—ST. PAUL. In doing so we recognized a common agricultural community of interest as well as a linguistic one based upon the strong francophone presence in both the western and the eastern parts of the WESTLOCK—ST. PAUL electoral district.

We received support for this view from presenters at the St. Paul public hearing. Ms. Maryanne Finley, President of the St. Paul Chamber of Commerce, had this to say:

We recognize that the new riding captures many communities that are primarily agriculture related and supported. This factor will play an important role at establishing good working relationships within the riding because of the

similarities An MP representing Westlock - St. Paul will truly speak for the majority of the electorate.

And contrary to Mr. Williams's contention that the creation of the EDMONTON—ST. ALBERT electoral district will separate St. Albert from its natural trading area to the north, Ms. Finley observed, "We believe the natural commercial trading patterns are maintained and enhanced with this proposal."

We remain convinced that the boundaries established in our Report separate a major agricultural community of interest in the WESTLOCK—ST. PAUL electoral district from the urban dwellers of EDMONTON—ST. ALBERT and that is the overriding consideration.

- 3) Mr. Williams repeats his earlier argument that the creation of the EDMONTON—ST. ALBERT electoral district will divide the linguistic and cultural unity of the francophone communities in St. Albert, Morinville and Legal. Mr. Williams does not explain how the boundaries of a federal electoral district can fracture a linguistic and cultural community. Nor does he offer any evidence that francophones in the three communities are "fractured and marginalized" at this time. The only example of francophone co-operation he offers is that of the Roman Catholic School Board, which manages schools in St. Albert, Morinville and Legal. However, it should be noted that education is a provincial and not a federal responsibility. The Commission did not hear from a single member of the francophone community, before or at our public hearings, who opposed the creation of the EDMONTON—ST. ALBERT electoral district. In fact, at the Commission's public hearing in St. Paul – one of the major centres in the new WESTLOCK—ST. PAUL electoral district – Mr. Paul Pelletier, a francophone and president of the Lakeland Progressive Conservative Party, observed:

La commission a démontré une opportunité d'avoir une circonscription qui représente une culture francophone reconnue d'un coin à l'autre. Des communautés comme Bonnyville, St. Paul, Legal, Morinville et beaucoup d'autres. Félicitations à tous et toutes les membres de la commission. [sic]

To place the matter in a numerical context, according to Statistics Canada, 2.53 percent of the population of the new EDMONTON—ST. ALBERT electoral district identify themselves as having French as their mother tongue, versus 2.91 percent in the existing electoral district of St. Albert. Some 6.70 percent of the population of WESTLOCK—ST. PAUL will have French as their mother tongue. These figures certainly reveal an important community of interest, but in our view, it is one that crosses electoral boundaries and will continue to thrive notwithstanding the creation of these boundaries.

- 4) The Commission rejects Mr. Williams's assertion that it ignored its statutory and constitutional mandate. As we explained in the Proposals and in our Report, the rationale for our approach to the Edmonton Region is to "adequately reflect the urban population in Edmonton and its environs." The fact that this restores the historical equality of the number of electoral districts between the Edmonton Region and Calgary is a result of our approach and not the motivation for it.

- 5) The potential location of a constituency office is not a relevant factor in determining where federal electoral boundaries are drawn. Parenthetically, the Commission notes that federal electoral districts are so large that choices such as the location of a constituency office might be controversial regardless of the electoral district. Further, we fail to see how this would impact on the ability of a member of Parliament to represent his or her constituents.
- 6) At a Subcommittee hearing, Mr. Williams asserted that about 175 respondents to a write-in survey opposed the Proposals. Later in the hearing he said that “the better part of 200 objections” from his riding were received, and finally that there were 151 respondents. At one of the Commission’s public hearings in Edmonton, he said that he had “151 responses from households in these areas, 149 of which opposed the Proposals.”

In fact, the responses filed with the Commission at the public hearing totalled 116. Of that number, the Commission is of the view that 13 were spoiled (as either incomplete or illegible), 101 purported to reject the proposals and 2 agreed. More fundamentally, however, the Commission was unsure what to make of the questionnaire, as it asked readers to choose between the proposed “Westlock–St. Paul constituency” and “remain(ing) part of the Capital Region.” The questionnaire did not contrast the proposed electoral district with the existing one. Instead it referred to the “Capital Region.” Yet, if we understand Mr. Williams’s point, he does not see the existing St. Albert electoral district to be part of the Capital Region, rather, his argument is that St. Albert is very distinct from Edmonton. Furthermore, the questionnaire does not address what community of interest or interests the respondents are concerned about.

The Commission, therefore, is unsure of the message to be drawn from Mr. Williams’s questionnaire, although it is clear that about 100 respondents in the Morinville area expressed the wish not to be included in the WESTLOCK—ST. PAUL electoral district. Because of the population involved, however, the Commission was unable to accommodate their wishes.

Disposition:

The objection is dismissed.

The Standing Committee’s General Comments

According to the Standing Committee, “the Commission has adhered to a narrow and somewhat idiosyncratic interpretation of equality and representation.” In so doing, it “has strayed from the letter and the intent of the *Electoral Boundaries Readjustment Act*.” The Committee adds:

On the one hand, the Commission philosophically objects to requirements in the Act to take into account how communities identify themselves and their interests, the very thing upon which representation bases itself, stating that electoral representation should be on the criteria (sic) of one person, one vote. On the other hand, it justifies its decisions on the basis of equality of representation between the larger communities of interest of two large

cities – Edmonton and Calgary – not on individual representation. This basis – the equality of cities within a province – is not listed anywhere in the Act. In introducing this element of inter-city equality, the Commission has done representation in Edmonton a misservice and perhaps created incidental ripple effects and representation issues elsewhere in the province.

The Commission's statutory obligations are established in section 15 of the *Electoral Boundaries Readjustment Act* which states:

- (1) In preparing its report, each commission for a province shall, subject to subsection (2), be governed by the following rules:
 - (a) the division of the province into electoral districts and the description of the boundaries thereof shall proceed on the basis that the population of each electoral district in the province as a result thereof shall, as close as reasonably possible, correspond to the electoral quota for the province, that is to say, the quotient obtained by dividing the population of the province as ascertained by the census by the number of members of the House of Commons to be assigned to the province as calculated by the Chief Electoral Officer under subsection 14(1); and
 - (b) the commission shall consider the following in determining reasonable electoral district boundaries:
 - (i) the community of interest or community of identity in or the historical pattern of an electoral district in the province, and
 - (ii) a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.
- (2) The commission may depart from the application of the rule set out in paragraph (1)(a) in any case where the commission considers it necessary or desirable to depart therefrom
 - (a) in order to respect the community of interest or community of identity in or the historical pattern of an electoral district in the province, or
 - (b) in order to maintain a manageable geographic size for districts in sparsely populated, rural or northern regions of the province,

but, in departing from the application of the rule set out in paragraph (1)(a), the commission shall make every effort to ensure that, except in circumstances viewed by the commission as being extraordinary, the population of each electoral district in the province remains within twenty-five per cent more or twenty-five per cent less of the electoral quota for the province.

From the outset, the Commission has interpreted its obligation as one of giving effect to the principle of equality of representation, and in so doing, considering the communities of interest at play. Historical community of interest (historical boundaries) is but one consideration.

The Commission's view is that population growth patterns may warrant not only an adjustment of boundaries to conform to electoral quotas, but also a revisiting of the rationale underlying electoral districts. In the Commission's judgment, such a situation exists in the Edmonton Region, which has experienced much urban population growth outside Edmonton's municipal boundaries. The existing electoral districts bordering the City of Edmonton have been primarily rural, but now contain significant urban populations. The Commission's approach to the Edmonton Region has been to re-examine the structure of electoral districts and to change them to reflect as closely as possible the principle of equality of representation and the urban community of interest in Edmonton and area. Moreover, as we point out above, the fact that this will result in the same number of seats as Calgary is a consequence of this approach rather than the reason for adopting it.

Dated at Edmonton, Alberta, this 4th day of July, 2003.



Honourable Mr. Justice Edward P. MacCallum
Chairman



Ms. Ritu Khullar
Member



Mr. Donald Barry
Member

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



Ms. Miranda Petryshyn
Commission Secretary