

International Comparison of Reviews of Electoral Arrangements

Background

1. This paper follows LGBCS Papers 2446, 2452 and 2476 discussed at the September 2018, October 2018 and March 2019 meetings, respectively. Building on their work considering boundary commissions in a selection of other democratic jurisdictions, it further discusses issues relating to the objections raised to commissions' recommendations by legislative assemblies or parliaments.
2. According to the minutes of the meeting of March 25th, the Commission asked: "the Secretariat to prepare a chart summarising the types of objections that are raised and how these are addressed."
3. This paper focuses on areas where legislative assemblies or parliaments have the final say in determining electoral boundaries, having been presented with recommendations by independent boundaries commissions.

Discussion

Canadian National Parliament

4. In the Canadian national parliament, objections to commissions' recommendations (each province has its own boundary commission), are formally raised by groups of Members of Parliament. These objections are considered by the boundaries commissions, which choose to accept them, accept them with modifications, or reject them.ⁱ The final decisions on the boundaries remain with the commissions, and as such, the consideration of objections raised by MPs is effectively a final stage of consultation.

Canadian Provinces and Territories

5. The Canadian province of Quebec has a system for determining its electoral boundaries for legislative assembly (known as the "National Assembly") which is somewhat similar to that of the Canadian national parliament. In Quebec an independent boundary commission presents preliminary and secondary reports of its proposals to the National Assembly as part of its consultation process. These reports are debated by the National Assembly, but the commission has the final decision on electoral boundaries.ⁱⁱ
6. In the provinces and territories where legislative assemblies have the final say on electoral boundaries, objections to commissions' recommendations typically take the form of comments by elected members in debates. The Secretariat did not find instances of commission members discussing proposals in committees with elected members. The purpose of these debates is to allow elected members to decide whether to approve commissions' recommendations at the end of the boundary-making process.
7. The objections are not addressed in the sense that there is a process of resolution between the legislative assemblies and the commissions, whereby commissions make changes to their recommendations for further consideration by members. Rather, at the end of the process, members decide by their votes whether to

implement the commissions' recommendations: whether the advantages of implementing the recommendations (including, in cases such as British Columbia's Legislative Assemblyⁱⁱⁱ norms such as that the recommendations of the independent boundary commission should be respected) outweigh objections they may have.

8. Objections raised in debates usually relate to perceived unfairness introduced by commissions' recommendations relative to the status quo, and in cases where additional members are recommended, unnecessary future costs. Objections generally fall into one or more of the following categories:
 - Local ties within X or between X and Y are broken;
 - X and Y have little in common and should not be within the same electoral area;
 - the recommended increase in number of members is too expensive and unnecessary;
 - the recommended reduction in the number of members causes insufficient representation;
 - electoral disparities are too high;
 - there is too much focus on electoral parity;
 - area X is now too large / remote to be represented adequately;
 - these recommendations shift the electoral balance between rural and urban areas in an undesirable way;
9. Other objections not directly related to the content of the recommendations include:
 - criticisms of the consultation process or "late" changes in commissions recommendations (changes after the final public consultation);
 - criticism of the rules governing the reviews or manner in which they were decided;
 - criticisms relating to variances in population / electorate registration level and anticipated future changes or voter turnout;
 - other items also included in legislation to implement the recommendations;
10. Appendix A contains a chart showing details of the most recent reviews of electoral boundaries of provinces and territories in Canada, where the legislative assembly had the final say over whether boundaries commissions' recommendations would be implemented. It shows which recommendations were approved without a vote, which were approved following a vote, which were rejected, and the objections that were raised.
11. It is difficult to state with certainty why one set of recommendations were approved, and others rejected, as only Yukon Territory's legislative assembly voted not to implement the recommendations (Nova Scotia's legislative assembly's^{iv} vote to implement recommendation was later overturned by the Court of Appeal as it violated the Canadian Charter of Rights and Freedoms^v). The table indicates though, that objections on the grounds of local ties, and the cost of adding additional members to the assembly were particularly common.
12. In addition to the reasons for objections themselves, the strength of feeling among members of the public about the recommendations, or aspects of them, is likely to have an impact on the votes of members.

13. It is also possible that some objections by members, or the strength of those objections, are motivated, at least in part, by beliefs that they may have about the impact of recommended boundary changes on their or their party's electoral fortunes. It is naturally difficult to obtain robust evidence of this.
14. In some cases members wished to register their objections but did not ultimately oppose the implementation of the recommendations. For example in Saskatchewan, many members expressed opposition to increasing the size of the assembly by three members.^{vi} In Yukon Territory, in contrast, opposition to increasing the number of members in the legislative assembly influenced members to vote against the recommendations of the boundary commission, which were rejected by the legislative assembly.

Republic of Ireland National Parliament

15. In the most recent reviews of electoral boundaries of the lower house of Republic of Ireland's national parliament, the recommendations of an independent boundary commission – the "Constituency Commission" – were adopted without a vote. Amendments were suggested to constituency names, but these were withdrawn without being put to a vote.^{vii} Several members referred to "an accepted practice" or "long-established practice" that the recommendations be accepted without change during the debates.
16. Despite the lack of votes against the recommendations, there were some objections raised to the proposals during the Parliamentary debates. Some members objected to the recommendations on the basis of breaking of local ties, particularly for constituencies which crossed county boundaries, as well as objection to high electoral disparities in some areas. Many members expressed dissatisfaction at the rules governing the reviews, which included constitutional requirements for the number of people to be represented by a single member of parliament, and acknowledged that these constrained the Constituency Commission's choices.

Conclusions

17. Without in-depth knowledge of local history, geography, political culture and the contemporary balance of political forces; and because multiple reasons can contribute to members' votes, it is hard to state with certainty why a particular recommendation was accepted or rejected by an assembly or parliament.
18. It seems probable that the higher esteem in which a commission, and its independence is held, the higher the political cost of voting against its recommendations will be, and the more likely they are to be accepted.

References

ⁱ <http://www.redecoupage-federal-redistribution.ca/content.asp?section=ab&dir=now/reports&document=intro&lang=e>

ⁱⁱ <https://lacarte.electionsquebec.qc.ca/en/stages.php>

ⁱⁱⁱ <https://www.leg.bc.ca/documents-data/debate-transcripts/40th-parliament/4th-session/20151103am-Hansard-v30n10> (R Fleming, p.10,090)

^v https://www.novascotia.ca/exec_council/oic/view.asp?oicID=18130

^{vi}

<http://docs.legassembly.sk.ca/legdocs/Legislative%20Assembly/Hansard/27L2S/130304Debates.pdf#page=16>
(p,2,460)

^{vii} <https://www.oireachtas.ie/en/debates/debate/seanad/2017-12-15/10/>

Results of most recent consideration of Independent Boundaries Commissions' Recommendations by Legislative Assemblies of Canadian Provinces and Territories

Province / Territory	Year of Final Decision	Recommendations Approved or Rejected?	Was a Vote Held?	(Final) Vote tally	Were Electoral Area names changed?	Main Objections raised in Debates										Notes
						Local ties are broken	Areas X and Y have little in common	Recommended increase in members is too expensive and / or unnecessary	Recommended reduction in members causes insufficient representation	Electoral Disparities are too high	Area X is too large / remote to be adequately represented	Objections to change in rural v urban balance	Objections re. Variances in electoral or registration level, future changes or voter turnout	Too much emphasis on electoral parity	Objections to "late changes" / lack of consultation	
Alberta	2017	Approved	Yes	42 votes to 15	Yes	Yes	Yes				Yes	Yes	Yes	Yes		One Commissioner submitted a minority report.
British Columbia	2015	Approved	No	N/a	No											No. of seats increased from 85 to 87
Newfoundland and Labrador	2015	Approved	Yes	27 votes to 5	Yes	Yes	Yes		Yes		Yes	Yes		Yes	Yes	No. of seats were reduced to from 48-40. The bill to implement the recommendations also affected the timing of the election.
Nova Scotia	2012	Approved*	Yes	26 votes to 22	No	Yes								Yes	Yes	
Nunavut	2011	Approved	Yes**	13 votes to 3	Yes	Yes		Yes								
Prince Edward Island	2017	Approved	No	N/a	No											
Saskatchewan	2013	Approved	No	N/a	No			Yes					Yes		Yes	3 additional members were added.
Yukon Territory	2018	Rejected	Yes	7 votes to 11	N/a	Yes		Yes		Yes					Yes	An additional 20th electoral area was proposed in the final recommendations. The public had been consulted on a scheme for 19 electoral areas.

Notes

- * Nova Scotia's House of Assembly Act, which was narrowly passed by the House of Assembly, was ultimately ruled to have violated the Canadian Charter of Rights and Freedoms by the Court of Appeal.
- ** Nunavut's Legislative Assembly held 2 votes. Amendments to names were approved, but an amendment to defer the recommended changes was defeated. Both votes were 13-3.

Notes on Other Territories / Provinces

- * In Manitoba an independent boundary commission decides electoral boundaries.
- * In Northwest Territories the Legislative Assembly chooses from 3 sets of recommendations proposed by an independent boundary commission.
- * In New Brunswick an independent boundary commission has the final say on electoral boundaries; the Legislative Assembly has the power to change electoral area names.
- * In Ontario the Legislative Assembly boundaries follow those of the National Parliament, which are ultimately determined by an independent commission; apart from in the far north of the province, for which a local independent boundary commission decides.
- * In Quebec an independent boundary commission prepares a preliminary report, which it consults upon, including a consultation with the National Assembly. It then files a second report which the National Assembly debates. The Commission then makes the final decision.