

Appendix P

The Number of Electoral Districts in Rural British Columbia

I. Premier's Letter of September 12, 2007

Honourable Bill Barisoff
Speaker of the BC Legislature
Legislative Building, Room 207
Victoria, BC V8V 1X4

Dear Honourable Speaker:

I am writing to advise you of the Province's intention to introduce legislative amendments to the *Electoral Boundaries Commission Act*, in the upcoming fall sitting of the legislature. I ask you to share this with the Electoral Boundaries Commission. The attached news release explaining the proposed changes will be issued tomorrow, along with this letter, to ensure that all British Columbians are aware of the government's intention and rationale as the commission continues its work.

The legislative changes will be aimed at providing the commission new legal tools, direction and flexibility to better balance the need for effective representation with the constitutional imperative for relative voter parity. The intent is to ensure that none of the 12 regions identified in the commission's preliminary report will have its existing level of representation reduced under the new electoral map and that growing population centres also gain the representation to which they are entitled.

As you know, the commission's preliminary report identifies three regions (the North, the Cariboo-Thompson and Columbia-Kootenay) that would each lose one representative under the proposed new map. As the commission noted, this flows from its interpretation of what the legislature intended by the *Electoral Boundaries Commission Act*, particularly in regard to the provision [Section 9 (1) (c)] that permits it to "exceed the 25 percent deviation principle where it considers that very special circumstances exist." To quote the commission:

"Our interpretation of our mandate leads us to conclude that no region of the province has an automatic entitlement to 'very special circumstances' status for some or all of its electoral districts. Neither do we believe that it would be appropriate for us to begin with a presumption that each region of the province should be guaranteed its current level of representation. The Legislative Assembly could have made that our mandate – but it did not. Rather, we are governed by the overriding constitutional and legal requirement to strive for relative parity of voting power among electoral districts and to deviate from parity only to the extent necessary to ensure effective representation."
[*Preliminary Report*, pg. 44]

With respect to the commission, the Province had hoped that the legislation would provide sufficient leeway to not only protect existing levels of regional representation, but also allow for greater parity of voting power through the allocation of up to six additional seats. The government did not specifically identify the regions, as that would have entailed drawing boundaries which were properly the commission's to identify.

It was never my government's intention, nor I dare say the legislature's intention, to reduce existing levels of regional representation that are already challenged to ensure rural British Columbians have fair access to effective representation. Indeed, I had thought that the Attorney General made that point clear during debate on the *Electoral Boundaries Commission Amendment Act* in the fall of 2005. In his First Reading remarks on October 24, 2005, the Attorney General specifically noted the bill's "intent of protecting northern representation in the legislature" – a theme he repeated in his Second Reading comments. During Committee Stage debate on November 15, 2005, the Attorney General was also asked by MLA Blair Lekstrom (Peace River South) if "there is some latitude in [the bill] that would allow the protection of northern and rural ridings." The Attorney General responded as follows: "I want to assure the Honourable Member that there is a clear intent on the part of the government to protect northern representation in the legislature. The bill gives the commission the necessary flexibility to make those recommendations in order to ensure that northern ridings and northern representation will be protected in the legislature."

Yet, I can well understand the commission's interpretation and reasoning in the absence of further legal clarity and direction. As such, the government believes that statutory changes are necessary to empower and direct the commission to adequately respond to rural British Columbians' unequivocal desire to protect their regional representation. In the absence of new statutory direction, the commission might not have the legal latitude or direction it needs to fundamentally remedy the regional impacts of its preliminary proposed new electoral map. Members of both parties currently represented in the legislature have already publicly indicated that the loss of regional voices in the three regions at issue is unacceptable to them. Without substantive changes to better protect rural representation and improve representation by population, the final report will almost certainly be doomed to defeat in the legislature.

Therefore, my government will be recommending amendments early in the upcoming legislative session to help the commission complete its work with new guidance from the legislature. Now that the commission has identified 12 regions for its purposes, the legislature is in a better position to clarify its intent.

The legislation will specifically require that no region will see its current level of representation reduced. If passed by the legislature, the amended Act will essentially direct the commission to add back the three seats to the three regions affected. The North region would be guaranteed its existing eight seats, the Cariboo-Thompson would be guaranteed its existing five seats, and the Columbia-Kootenay would be guaranteed its existing four seats. As well, the commission will be specifically required to further allocate an additional five seats to help achieve greater population-based parity in voting power. Together, these additional eight seats will result in a total of 87 electoral districts, up from the current 79.

Although an additional eight seats may not be quite enough to perfectly provide for parity of voting power and effective representation, they should give the commission room to better achieve those ends without a massive increase to the size of the Legislative Assembly. This will obviously also oblige the commission to revisit its proposed BC-STV electoral districts, to similarly allocate the 87 seats as it sees fit.

I recognize that the commission may feel that more time might be required to complete its work if this new direction is endorsed by the legislature. The Government stands ready to accommodate such an extension, provided the final report can still be completed in time for debate and ratification by the legislature, to ensure its scheduled implementation in the next general election.

Sincerely,

[signed]

Gordon Campbell
Premier

II. Premier’s Press Release of September 13, 2007

NEWS RELEASE

For Immediate Release – Office of the Premier
 2007OTP0122-001113
 Sept. 13, 2007

NEW LEGAL TOOLS TO PROTECT RURAL REPRESENTATION

VICTORIA – The Province will provide new legal tools to the British Columbia Electoral Boundaries Commission to protect the number of electoral districts in rural British Columbia while ensuring fair representation in growing regions of the province.

“Since the commission released its initial report on Aug. 15, 2007, we have heard clearly from British Columbians that reducing rural British Columbians’ representation in government is unacceptable,” said Premier Gordon Campbell. “We are committed to protecting the number of electoral districts in rural British Columbia. At the same time, the commission clearly identified growing regions of the province where more representation is needed. We will set broader guidelines under the *Electoral Boundaries Commission Act* to give the commission the flexibility necessary to adjust electoral boundaries and ensure fair and equal representation for all regions of the province.”

Under the existing act, the commission is “permitted to deviate from the provincial electoral quotient by no more than plus or minus 25 percent (population),” and only “permitted to propose electoral districts with deviations exceeding plus or minus 25 percent where we consider that very special circumstances exist.” As a result, the commission has a legal and constitutional obligation to propose electoral districts that come as close as possible to the provincial electoral quotient which is calculated by the total provincial population divided by the number of electoral districts.

In its preliminary report, the commission identified 12 provincial regions: The North; Cariboo-Thompson; Okanagan; Columbia-Kootenay; Fraser Valley; Tri-Cities; Surrey; Richmond and Delta; Burnaby and New Westminster; Vancouver; North Shore; and Vancouver Island and South Coast. While the preliminary report increased the number of electoral districts from 79 to 81, the North, Cariboo-Thompson and Columbia-Kootenay would each be reduced by one seat.

The government intends to introduce legislation this fall that will give the commission the legal tools required to protect rural representation. The legislation will establish special designations for the North, Cariboo-Thompson and Columbia-Kootenay using the boundaries already established by the commission after their first round of hearings. At the same time, the commission will be given the legal requirement to increase the number of seats in growing regions of the province by five. The government wants rural and remote residents of the province to have a clear and representative voice in their legislature while ensuring that there is balance for more heavily populated areas.

“We were hopeful that the commission would be able to maintain the number of electoral districts in rural British Columbia within the original mandate that allowed them to increase the number of districts by up to six,” said Campbell. “The commission clearly identified challenges they faced in keeping districts within the provincial electoral quotient of no more than plus or minus 25 percent, so we are giving them the legal tools to maintain the current number of representatives in the three regions of the North, Cariboo-Thompson and Columbia-Kootenay with this special designation.”

The legislation will give the commission the legal ability to carry on its work to recommend new electoral boundaries. Based on the 12 regions identified in the preliminary report, the commission will be required to ensure no region loses any existing seats. As such, the legislation will protect representation in the three regions where their draft proposal had suggested reducing the number of MLAs. The commission will also be directed to allocate an additional five seats to reflect population growth. Increasing the number of MLAs in total by eight will allow the commission to strike a balance between protecting rural representation and increasing representation for growing areas. As a result, the next Parliament will have 87 members. The commission will be asked to address single transferable vote (STV) allocations and boundaries for all 87 members of the Legislative Assembly as well.

“We commend the commission for the work they have done so far and we look forward to their final report,” said Campbell. “We will seek the commission’s input on whether they require additional time to complete their public consultations. If that is required appropriate legislative adjustments will be made to accommodate them.”

III. Bill 39 – *Electoral Boundaries Commission Amendment Act, 2007*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 3 (2) of the Electoral Boundaries Commission Act, R.S.B.C. 1996, c. 107, is repealed and the following substituted:

(2) The commission must make proposals to the Legislative Assembly for 87 electoral districts.

2 Section 10 (1) is amended by striking out “the number, which must not be less than 79 nor more than 85, and”.

3 Section 15 (2) is amended by striking out “Select Standing Committee of the Legislative Assembly on Labour, Justice and Intergovernmental Relations” and substituting “Select Standing Committee of the Legislative Assembly on Parliamentary Reform, Ethical Conduct, Standing Orders and Private Bills”.

Direction to the current Electoral Boundaries Commission

4 (1) In this section:

“**Act**” means the *Electoral Boundaries Commission Act*;

“**commission**” means the Electoral Boundaries Commission appointed under the Act to propose electoral districts for British Columbia to be used starting with the 2009 general election;

“**preliminary report**” means the Preliminary Report of the commission dated August 15, 2007.

(2) The purpose of this section is to provide direction to the commission in order to recognize that, for the better governance of the people of British Columbia,

(a) effective representation in the Legislative Assembly requires that, for the areas of the Province that are most sparsely populated or geographically isolated, or both, there be no fewer Members of the Legislative Assembly than currently represent those areas, and

(b) for the remainder of the Province, increasing the number of electoral districts will allow the commission to achieve better compliance with the principle of representation by population established by section 9 of the Act.

(3) The commission must, by January 31, 2008, submit a report to the Speaker of the Legislative Assembly respecting its revised proposals regarding electoral districts for our current electoral system, in accordance with the following:

(a) the number of proposed electoral districts is to be 87;

(b) each of the regions identified in the preliminary report as The North, Cariboo-Thompson and Columbia-Kootenay must not have the number of their electoral districts reduced from the number of electoral districts that currently exist for the region;

(c) for the purposes of complying with paragraph (b), the commission may exceed the 25% deviation principle established by section 9 (1) (b) of the Act;

(d) the boundaries of the regions identified in the preliminary report, including the regions referred to in paragraph (b), may be adjusted taking into account the purposes described in subsection (2);

(e) subject to this subsection, the commission is to prepare its revised proposals in accordance with section 9 of the Act.

(4) The report under subsection (3) must include the commission's revised proposals regarding electoral districts for the single transferable vote system, as required under section 4 of the *Electoral Boundaries Commission Amendment Act, 2005*, and for these purposes subsection (3) of this section applies, except that the references in subsection (3) (a) and (b) to the number of electoral districts is to be read as a reference to the number of Members of the Legislative Assembly to be elected.

(5) The report submitted under subsection (3) is to be considered an amendment of the preliminary report, and the preliminary report as amended is deemed to be the report submitted under section 10 (1) of the Act.

(6) The deadline for amendments to the preliminary report, as established by section 12 (1) of the Act, is changed to April 15, 2008.

(7) At the request of the commission, either before or after a date specified in subsection (3) or (6), the Lieutenant Governor in Council may, by order, establish a date that applies in place of the specified date.

Commencement

5 This Act comes into force on the date of Royal Assent.

IV. Our Scenarios in Response to Bill 39

1. Introduction

In our August 2007 *Preliminary Report*, we proposed that the number of electoral districts in each of the North, the Cariboo-Thompson and the Columbia-Kootenay regions be reduced by one. We also proposed that the number of electoral districts in fast growing urban regions be increased by five, for a net increase of two, to 81 electoral districts.

However, when Bill 39 was introduced in the Legislative Assembly in October 2007, it signaled a significant change to our mandate – each of these three regions “must not have the number of their electoral districts reduced from the number of electoral districts that currently exist for the region” (Bill 39: *Electoral Boundaries Commission Amendment Act*, 2007, s. 4(3)(b)). Significantly, Bill 39 preserved the principle of representation by population set out in section 9 of the *Electoral Boundaries Commission Act*.

In anticipation that Bill 39 would be enacted and our mandate would be altered, we revisited this issue. We developed scenarios for these three regions that would be consistent with Bill 39’s new mandate. As a result of oral presentations and written submissions, we decided to propose that the number of electoral districts in the Columbia-Kootenay region be restored to four (see Map 22). Thus, in this Appendix, we will discuss the North and Cariboo-Thompson regions in turn and set out the boundary configurations for them that we would have proposed had Bill 39 been enacted. In the maps in this Appendix, the boundaries of electoral districts that we developed under the Bill 39 scenarios are shown in purple, to distinguish those districts from the ones we are proposing in this report.

We are not proposing these boundaries for these two regions. As mentioned, these scenarios were prepared with Bill 39 in

mind. We have merely included them as part of this report to indicate what we considered at the time might be the appropriate boundaries for these two regions under Bill 39. In the event that the legislature determines to accept our proposals for all of the other regions, but decides to alter our proposals by restoring the number of current electoral districts in the North and Cariboo-Thompson regions, for a total of 85 electoral districts, then these scenarios may provide assistance to the legislature when drawing the boundaries for these two regions.

In Appendix Q, the final appendix to this report, we invite British Columbia’s legislators to give serious, and timely, consideration to the statutory mandate set out in section 9 of the *Electoral Boundaries Commission Act*.

2. Province-wide deviations resulting from our scenarios for the North and Cariboo-Thompson regions in response to Bill 39 (85 electoral districts)

TABLE 33: TABLE OF DEVIATIONS FOR PROVINCIAL SMP DISTRICTS IN RESPONSE TO BILL 39

Electoral district	Area in sq. km.	Population	Deviation*
THE NORTH			
Nechako Lakes	73,757	26,436	-45.4%
North Coast	143,922	23,135	-52.2%
Peace River North	175,808	38,485	-20.5%
Peace River South	30,340	25,926	-46.4%
Prince George–Mackenzie	20,361	45,379	-6.2%
Prince George–Valemount	31,539	46,885	-3.1%
Skeena	31,637	30,011	-38.0%
Stikine	196,437	20,622	-57.4%

TABLE 33: TABLE OF DEVIATIONS FOR PROVINCIAL SMP DISTRICTS IN RESPONSE TO BILL 39 (CONT'D)

Electoral district	Area in sq. km.	Population	Deviation*
CARIBOO-THOMPSON			
Cariboo North	39,838	31,805	-34.3%
Cariboo-Chilcotin	43,295	30,385	-37.2%
Fraser-Nicola	33,792	31,049	-35.8%
Kamloops–North Thompson	21,625	49,769	+2.8%
Kamloops–South Thompson	2,384	51,005	+5.4%
OKANAGAN			
Boundary-Similkameen	11,166	38,167	-21.1%
Kelowna–Lake Country	1,166	51,950	+7.3%
Kelowna-Mission	540	53,231	+10.0%
Westside-Kelowna	1,140	51,958	+7.4%
Penticton	1,903	53,687	+10.9%
Shuswap	8,607	53,658	+10.9%
Vernon-Monashee	5,038	58,538	+21.0%
COLUMBIA-KOOTENAY			
Columbia River–Revelstoke	39,714	32,513	-32.8%
Kootenay East	11,172	37,718	-22.1%
Kootenay West	12,016	39,713	-17.9%
Nelson-Creston	13,220	34,883	-27.9%
FRASER VALLEY			
Abbotsford South	211	49,555	+2.4%
Abbotsford West	105	48,541	+0.3%
Abbotsford-Mission	663	49,766	+2.8%
Chilliwack	146	49,338	+2.0%
Chilliwack-Hope	10,833	43,980	-9.1%
Fort Langley–Aldergrove	234	59,050	+22.0%
Langley	95	58,808	+21.5%
Maple Ridge–Mission	390	50,195	+3.7%
Maple Ridge–Pitt Meadows	1,945	50,474	+4.3%

Electoral district	Area in sq. km.	Population	Deviation*
TRI-CITIES			
Coquitlam–Burke Mountain	619	46,732	-3.4%
Coquitlam-Maillardville	32	51,706	+6.8%
Port Coquitlam	35	52,692	+8.9%
Port Moody-Coquitlam	81	46,148	-4.6%
SURREY			
Surrey-Cloverdale	121	50,875	+5.1%
Surrey-Fleetwood	20	50,284	+3.9%
Surrey–Green Timbers	19	52,934	+9.4%
Surrey-Newton	14	53,711	+11.0%
Surrey-Panorama	62	52,060	+7.6%
Surrey-Tynehead	60	50,989	+5.4%
Surrey-Whalley	29	52,004	+7.5%
Surrey–White Rock	62	51,128	+5.7%
RICHMOND AND DELTA			
Delta North	32	51,628	+6.7%
Delta South	463	45,774	-5.4%
Richmond Centre	374	59,166	+22.3%
Richmond East	92	57,798	+19.4%
Richmond-Steveston	31	57,497	+18.8%
BURNABY AND NEW WESTMINSTER			
Burnaby North	24	51,274	+5.9%
Burnaby–Deer Lake	14	52,730	+9.0%
Burnaby-Edmonds	22	49,911	+3.1%
Burnaby-Lougheed	37	48,884	+1.0%
New Westminister	18	58,549	+21.0%

TABLE 33: TABLE OF DEVIATIONS FOR PROVINCIAL SMP DISTRICTS IN RESPONSE TO BILL 39 (CONT'D)

Electoral district	Area in sq. km.	Population	Deviation*
VANCOUVER			
Vancouver-Fairview	9	52,020	+7.5%
Vancouver-False Creek	7	43,943	-9.2%
Vancouver-Fraserview	13	57,276	+18.4%
Vancouver-Hastings	14	55,595	+14.9%
Vancouver-Kensington	9	54,967	+13.6%
Vancouver-Kingsway	9	57,185	+18.2%
Vancouver-Langara	15	57,047	+17.9%
Vancouver-Mount Pleasant	13	52,628	+8.8%
Vancouver-Point Grey	44	54,823	+13.3%
Vancouver-Quilchena	22	56,409	+16.6%
Vancouver-West End	11	48,350	-0.1%
NORTH SHORE			
North Vancouver-Lonsdale	27	53,642	+10.8%
North Vancouver-Seymour	396	52,203	+7.9%
West Vancouver-Capilano	80	55,157	+14.0%
West Vancouver-Sea to Sky	9,642	49,161	+1.6%
VANCOUVER ISLAND AND SOUTH COAST			
Alberni-Pacific Rim	13,141	42,275	-12.6%
Comox Valley	2,490	59,482	+22.9%
Cowichan Valley	1,682	55,040	+13.7%
Esquimalt-Royal Roads	68	47,961	-0.9%
Juan de Fuca	2,736	43,376	-10.4%
Nanaimo	462	50,854	+5.1%
Nanaimo-North Cowichan	2,720	49,402	+2.1%
North Island	45,077	53,662	+10.9%
Oak Bay-Gordon Head	322	48,953	+1.2%
Parksville-Qualicum	959	49,012	+1.3%
Powell River-Sunshine Coast	20,979	47,101	-2.7%
Saanich North and the Islands	1,543	55,201	+14.1%
Saanich South	92	49,430	+2.1%
Victoria-Beacon Hill	98	50,939	+5.3%
Victoria-Swan Lake	18	49,304	+1.9%

* assuming 85 electoral districts, and a provincial electoral quotient of 48,394

TABLE 34: TABLE OF DEVIATIONS FOR PROVINCIAL BC-STV DISTRICTS IN RESPONSE TO BILL 39

Electoral district	Area in sq. km.	Population	Deviation*
Burnaby-New Westminster	116	261,348	+8.0%
Capital Region	4,878	345,164	+1.9%
Cariboo-Thompson	140,933	194,013	-19.8%
Columbia-Kootenay	76,122	144,827	-25.2%
Fraser Valley East	11,958	241,180	-0.3%
Fraser Valley West	2,664	218,527	+12.9%
Mid-Island	5,824	204,308	+5.6%
North Central	125,657	118,700	-18.2%
North Island-South Coast	81,687	202,520	+4.6%
North Shore-Sea to Sky	10,145	210,163	+8.6%
Northeast	206,148	64,411	-33.5%
Northwest	371,996	73,768	-49.2%
Okanagan-Boundary	14,209	143,812	-0.9%
Okanagan-Shuswap	15,351	217,377	+12.3%
Richmond-Delta	992	271,863	+12.4%
Surrey North	129	206,211	+6.6%
Surrey South	259	207,774	+7.4%
Tri-Cities	767	197,278	+1.9%
Vancouver East	57	277,651	+14.8%
Vancouver West	109	312,592	+7.7%

* assuming 85 electoral districts, and a provincial electoral quotient of 48,394

3. Our scenarios for the North and Cariboo-Thompson regions in response to Bill 39

a. The North

i. Single member plurality electoral districts

As discussed earlier in this report (see Part 2), we believe that the North Coast should continue as a separate electoral district, notwithstanding its small population. There is no feasible way to bolster its population without encroaching into Terrace, which we consider inappropriate. We also believe that the Peace should be divided into two electoral

districts and that the Fraser–Fort George Regional District should serve as the outer perimeter for two Prince George–based electoral districts. Under the Bill 39 scenario, we would have proposed the same boundaries for these areas of the North as we proposed in Part 2 of this report.

The remaining area of the North, stretching from Terrace to Vanderhoof and north along Highway 37 to the Yukon border (pop. 77,069), was divided into three electoral districts to preserve the “protected” total of eight electoral districts in the North. (Maps 117 to 119 show the three districts in this scenario.) Further, we believe that, where required, significant negative deviations should apply to the more sparsely populated areas of a region. In the scenario we developed, this resulted in the following districts and deviations, beginning in the west¹:

TABLE 35: THE NORTH – OUR REGIONAL SCENARIO IN RESPONSE TO BILL 39

Electoral district	Area in sq. km.	Population	Deviation*
North Coast	143,922	23,135	-52.2%
Skeena	31,637	30,011	-38.0%
Stikine	196,437	20,622	-57.4%
Nechako Lakes	73,757	26,436	-45.4%
Prince George–Mackenzie	20,361	45,379	-6.2%
Prince George–Valemount	31,539	46,885	-3.1%
Peace River South	30,340	25,926	-46.4%
Peace River North	175,808	38,485	-20.5%

* assuming 85 electoral districts, and a provincial electoral quotient of 48,394

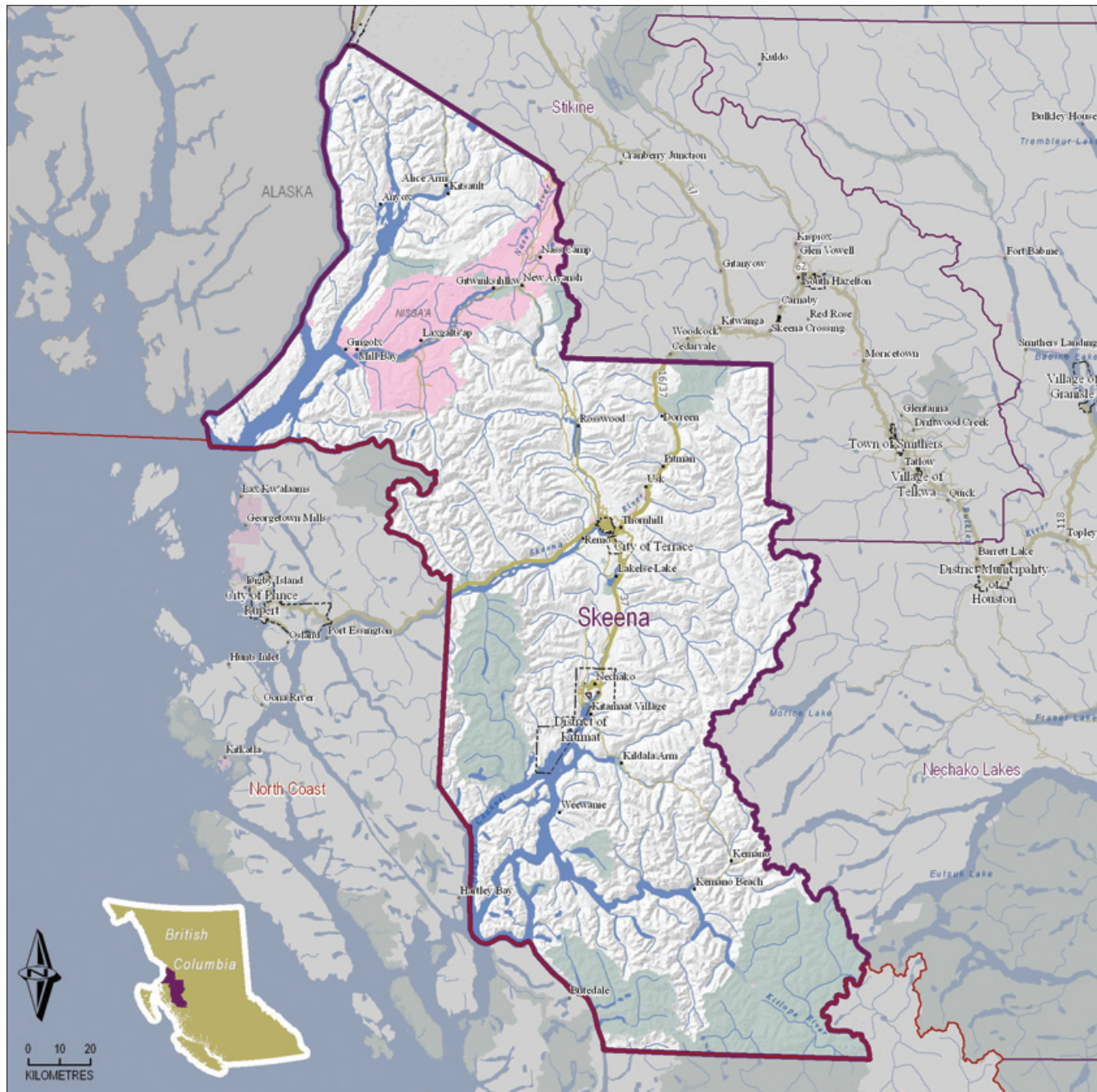
¹ These deviations are based on the assumption that we restored the three electoral districts in rural B.C. that Bill 39 mandated and continued to propose the addition of six electoral districts in fast growing areas of the province. This would have resulted in an overall total of 85 electoral districts and a provincial electoral quotient of 48,394.

Map 116: *The North* – Our regional scenario in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 117: Our scenario for the Skeena Electoral District in response to Bill 39 (not proposed)



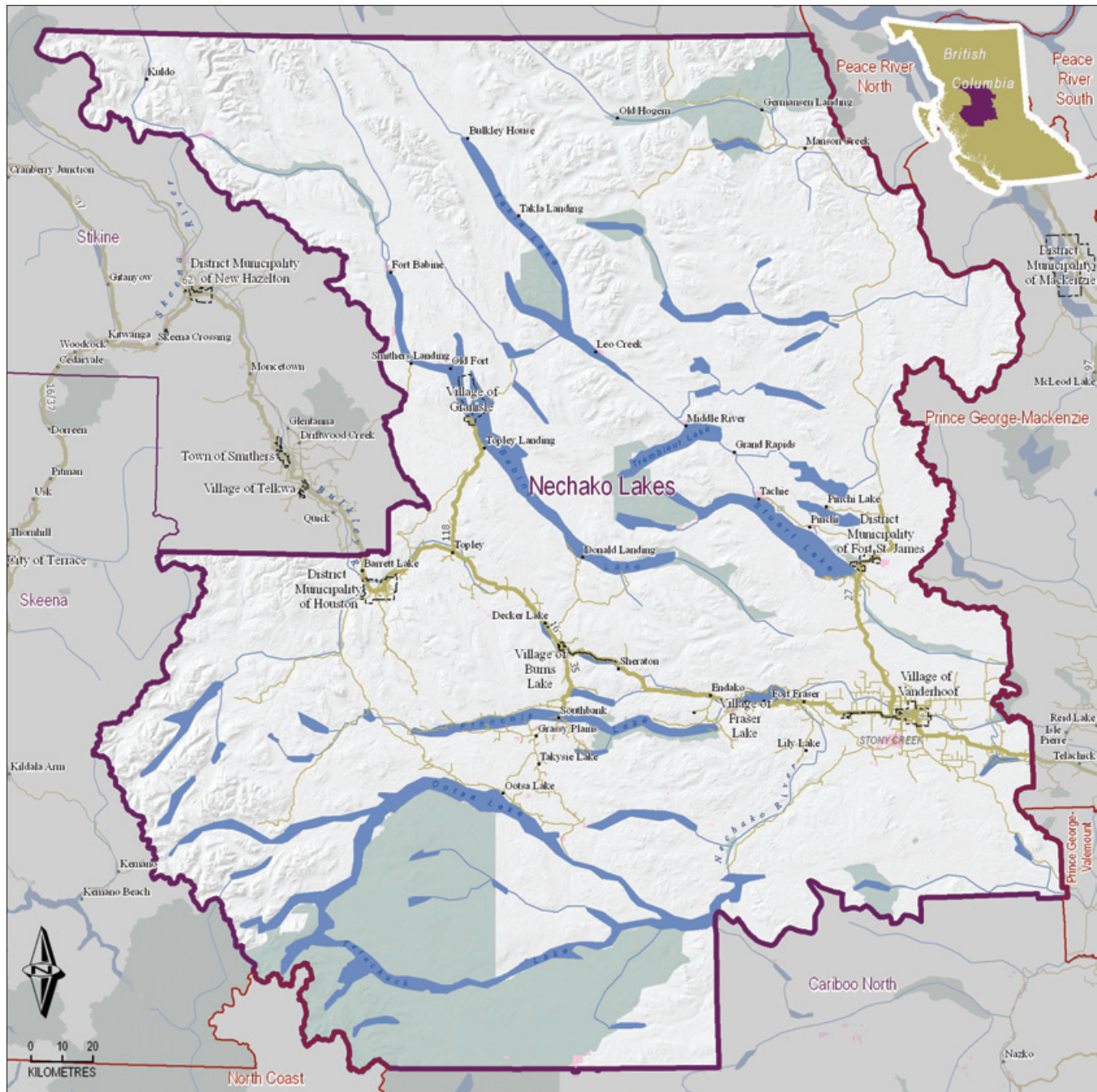
Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 118: Our scenario for the Stikine Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 119: Our scenario for the Nechako Lakes Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

ii. BC-STV electoral districts

We considered how a total of eight SMP electoral districts in the North should be grouped into BC-STV electoral districts. We would have grouped them into three BC-STV electoral districts. Tables 36 and 37, and Maps 120 and 121 show the two BC-STV electoral districts that would have been different under the Bill 39 scenario.

TABLE 36: OUR SCENARIO FOR THE NORTHWEST BC-STV ELECTORAL DISTRICT IN RESPONSE TO BILL 39
(NOT PROPOSED)

Proposed SMP districts	Area in sq. km.	Population	Deviation*
North Coast	143,922	23,135	-52.2%
Skeena	31,637	30,011	-38.0%
Stikine	196,437	20,622	-57.4%
District magnitude: 3	371,996	73,638	-49.2%

* based on 85 SMP electoral districts, and a provincial electoral quotient of 48,394

TABLE 37: OUR SCENARIO FOR THE NORTH CENTRAL BC-STV ELECTORAL DISTRICT IN RESPONSE TO BILL 39
(NOT PROPOSED)

Proposed SMP districts	Area in sq. km.	Population	Deviation*
Nechako Lakes	73,757	26,436	-45.4%
Prince George–Mackenzie	20,361	45,379	-6.2%
Prince George–Valemount	31,539	46,885	-3.1%
District magnitude: 3	125,657	118,700	-18.2%

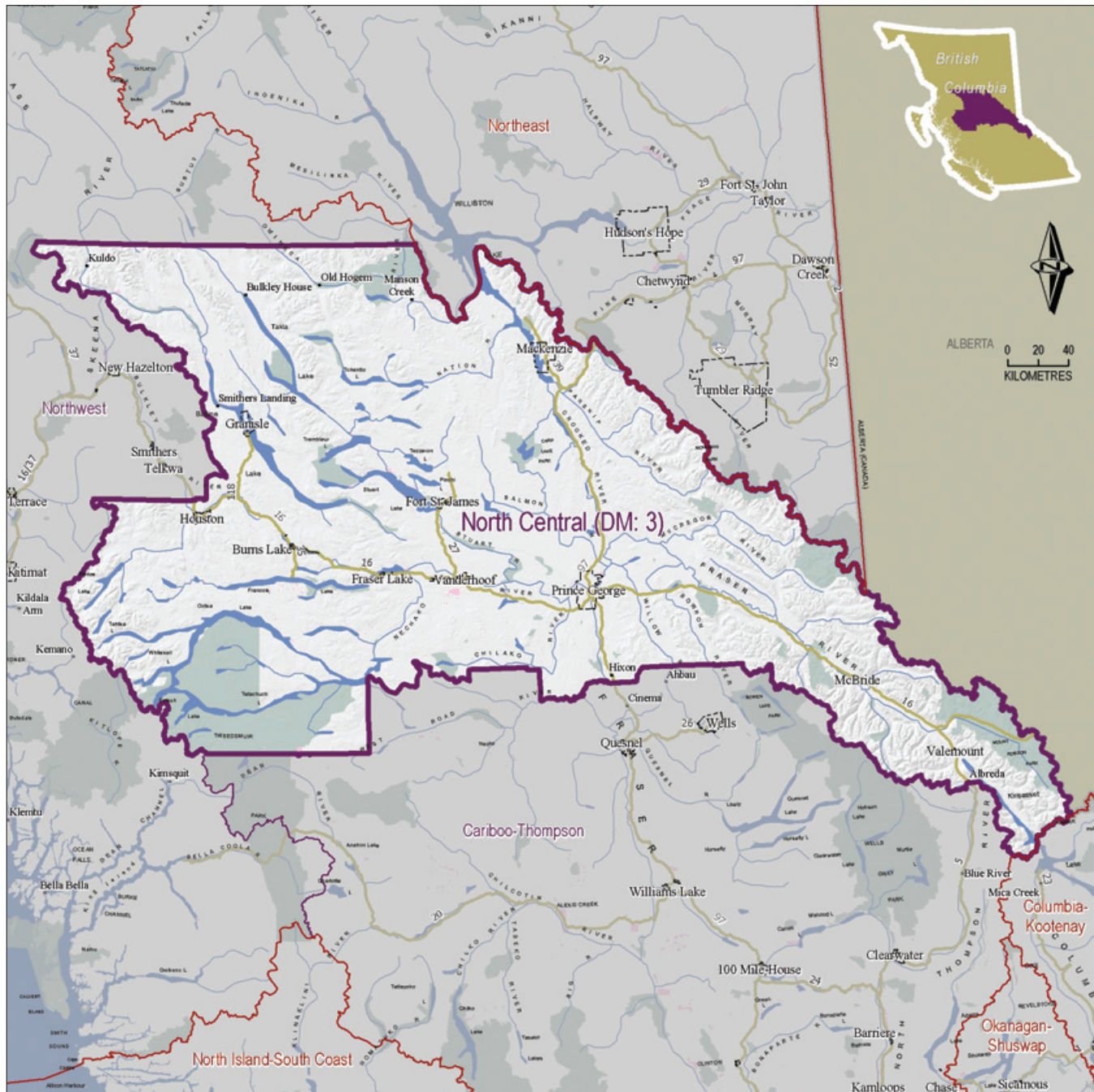
* based on 85 SMP electoral districts, and a provincial electoral quotient of 48,394

Map 120: Our scenario for the Northwest BC-STV Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 121: Our scenario for the North Central BC-STV Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

b. The Cariboo-Thompson

i. Single member plurality electoral districts

We considered two scenarios for creating five electoral districts in this region.

First, we could divide the region into five districts with approximately equal populations. Given a regional population of 189,128, each district would have a population of 37,826 and a deviation of minus 21.8 percent (based on 85 electoral districts). Given that the population of the City of Kamloops (pop. 80,376) constitutes nearly half of the region's total population, this configuration would require dividing Kamloops among three electoral districts, even though its population is not large enough for two. It would be difficult to justify such high negative deviations for three Kamloops-based electoral districts, since a majority of constituents would be residents of the compact and accessible City of Kamloops.

Second, we could create two Kamloops-based electoral districts with modest positive deviations (as did the 1999 Wood Commission), given that 80 percent of their combined population would be residents of Kamloops itself, and then create three other electoral districts in the remainder of the region. In this scenario, the other three districts would have populations averaging 29,451 and a deviation of minus 39.1 percent (based on 85 electoral districts). This would be consistent with our approach in the North where we decided significant negative deviations should occur in the more sparsely populated areas of a region.

When we adjusted the populations of these three districts to take into account demography, history and community

interests, we discovered that the most southerly electoral district would have a deviation of minus 44.7 percent. This could be remedied by including 100 Mile House and all of the nearby communities along Highway 24 in this district, but that would breach significant community interests in the two districts farther north.

The only viable option to reduce this deviation would be to increase the population of this most southerly electoral district. That could be achieved by bringing into it Area H of the Okanagan-Similkameen Regional District, which extends from the eastern boundary of the Fraser Valley Regional District (Manning Park) to the Bromley Rock Park area between Princeton and Hedley. This area has a population of 4,885. Including this area would mean that the total population of the three proposed electoral districts would be 93,239. Including Area H in the most southerly Cariboo-Thompson electoral district would bring its deviation much more in line with the other two electoral districts.² Under this configuration, the five electoral districts in this region would have populations and deviations as set out below. Maps 123 to 126 show the four electoral districts that would have been different under the Bill 39 scenario; the fifth electoral district (Kamloops–North Thompson) would have remained the same.

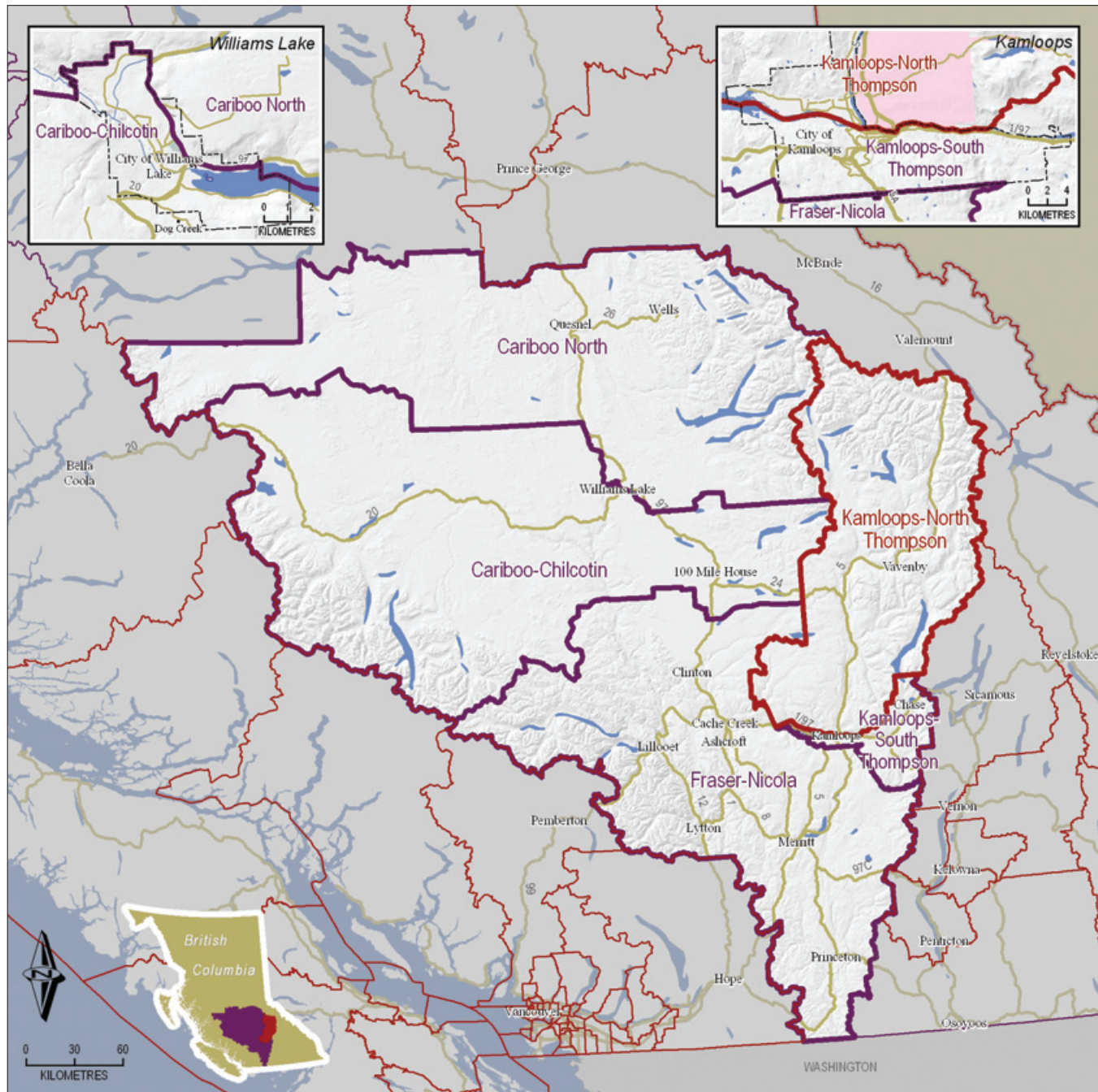
TABLE 38: CARIBOO-THOMPSON – OUR REGIONAL SCENARIO IN RESPONSE TO BILL 39 (NOT PROPOSED)

Electoral district	Area in sq. km.	Population	Deviation*
Cariboo North	39,838	31,805	-34.3%
Cariboo-Chilcotin	43,295	30,385	-37.2%
Fraser-Nicola	33,792	31,049	-35.8%
Kamloops–North Thompson	21,625	49,769	+2.8%
Kamloops–South Thompson	2,384	51,005	+5.4%

* assuming 85 SMP electoral districts, and a provincial electoral quotient of 48,394

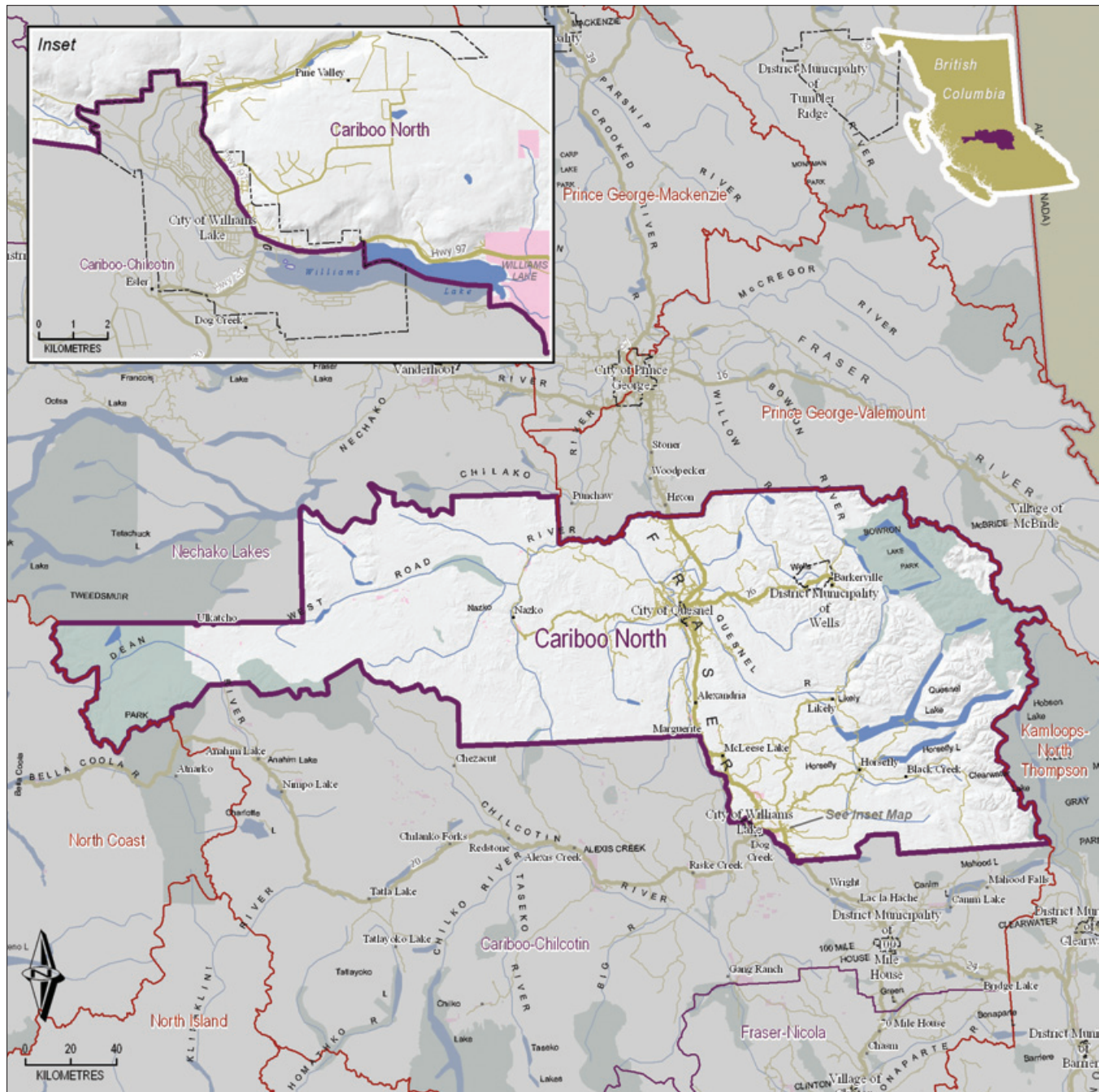
² It would also result in the population of our proposed Boundary-Similkameen SMP electoral district and its component part of the Okanagan-Boundary BC-STV district being reduced from 43,052 to 38,167. Based on 83 electoral districts, and its lower population of 38,167, its SMP district deviation would increase from minus 13.1 percent to minus 23.0 percent. However, based on 85 electoral districts, its deviation would be minus 21.1 percent. That deviation could be moderated, but it would require a reconfiguration of the other six Okanagan electoral districts at the expense of numerous community interests. Map 127: Boundary-Similkameen Electoral District and Map 129: Okanagan-Boundary BC-STV Electoral District reflect this change.

Map 122: Cariboo-Thompson – Our regional scenario in response to Bill 39 (not proposed)



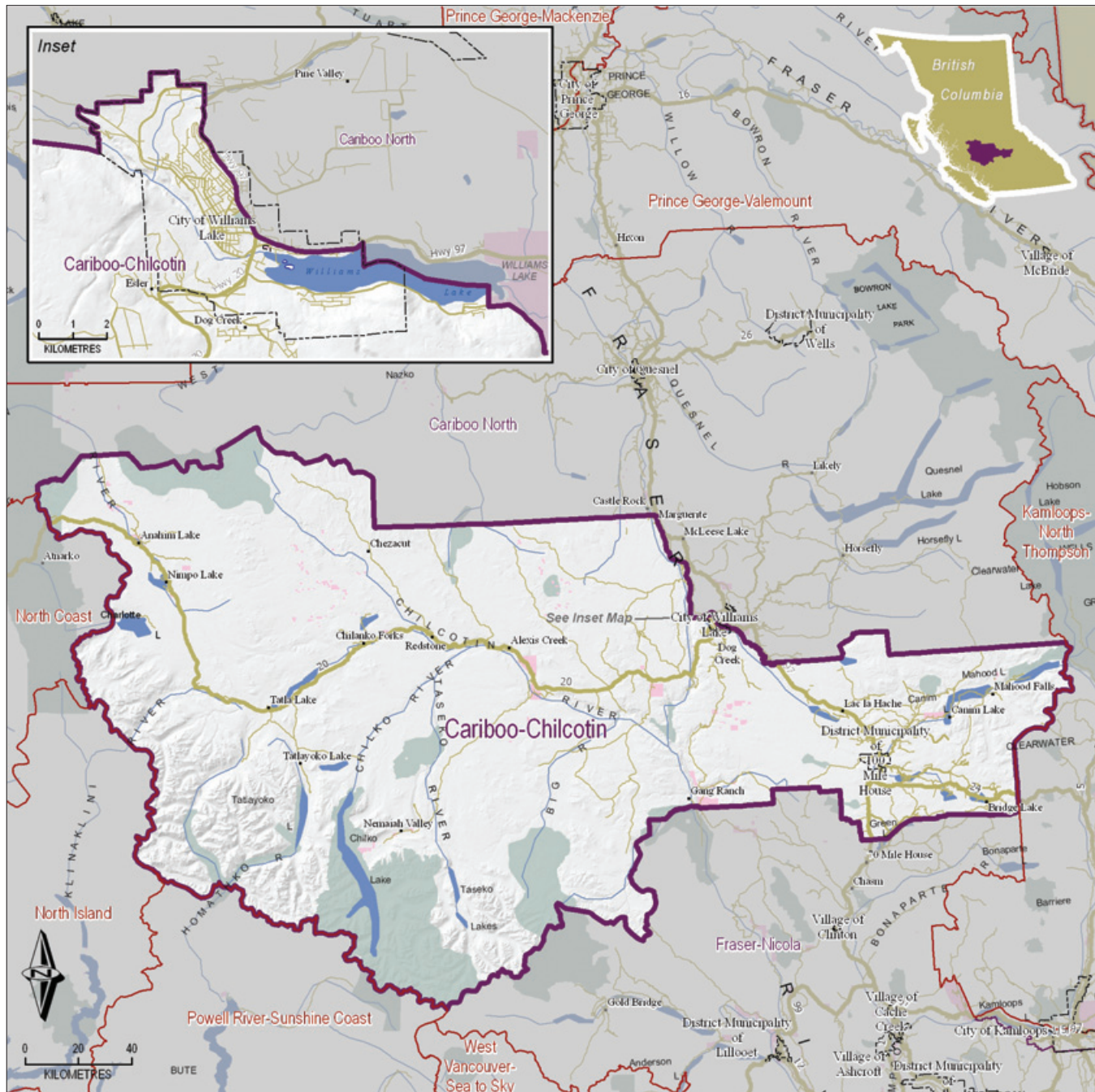
Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 123: Our scenario for the Cariboo North Electoral District in response to Bill 39 (not proposed)



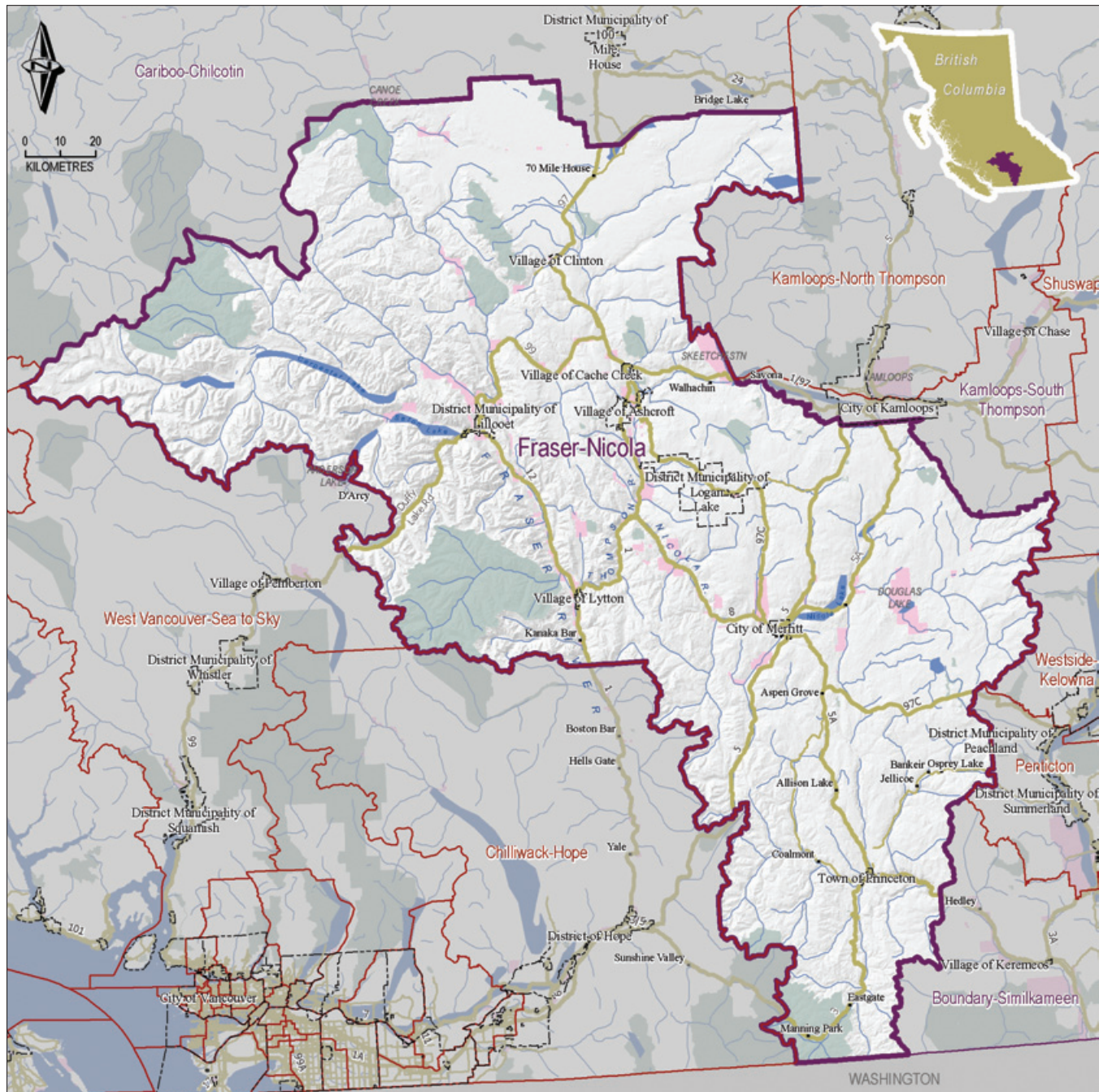
Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 124: Our scenario for the Cariboo-Chilcotin Electoral District in response to Bill 39 (not proposed)



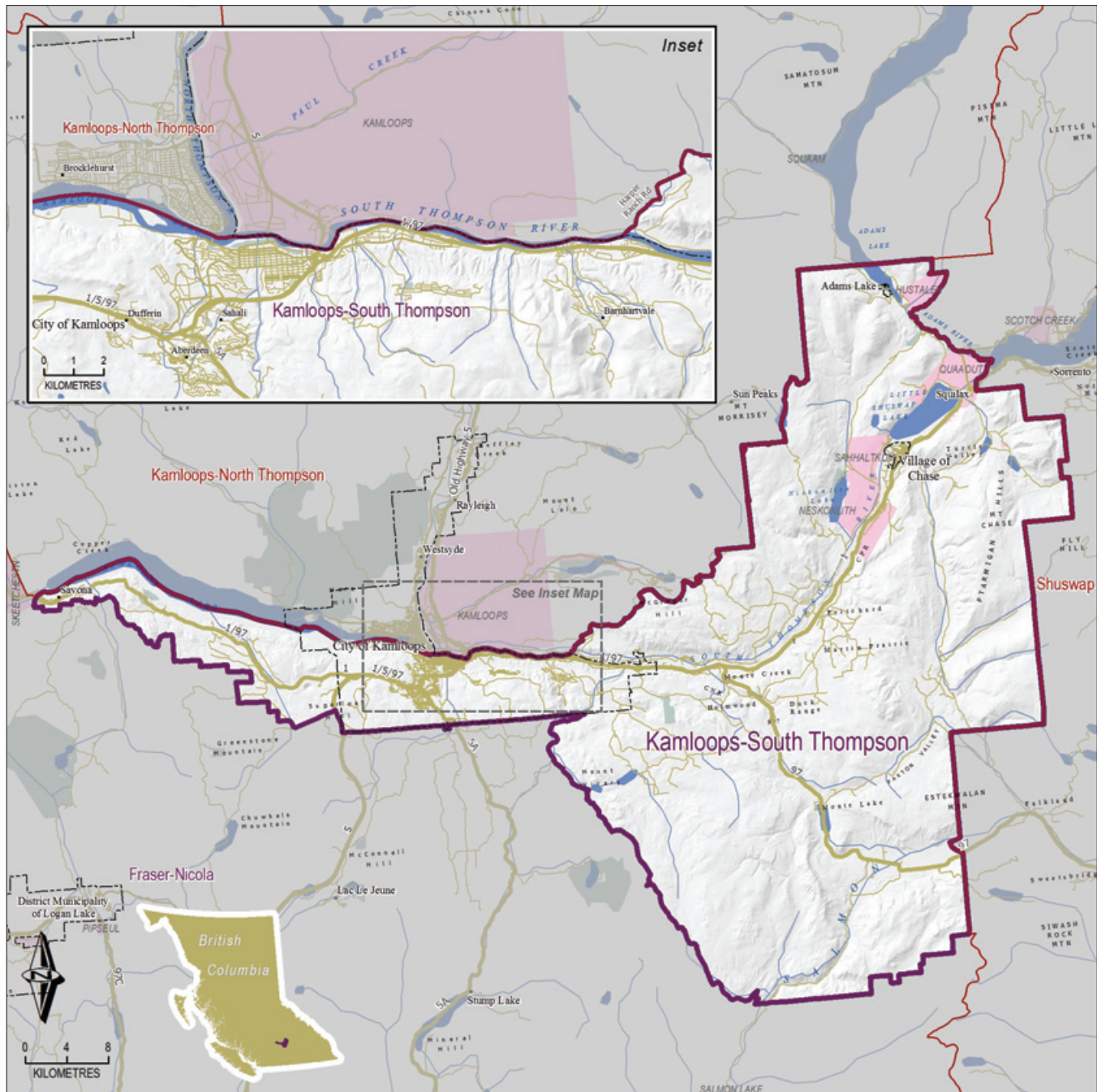
Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 125: Our scenario for the Fraser-Nicola Electoral District in response to Bill 39 (not proposed)



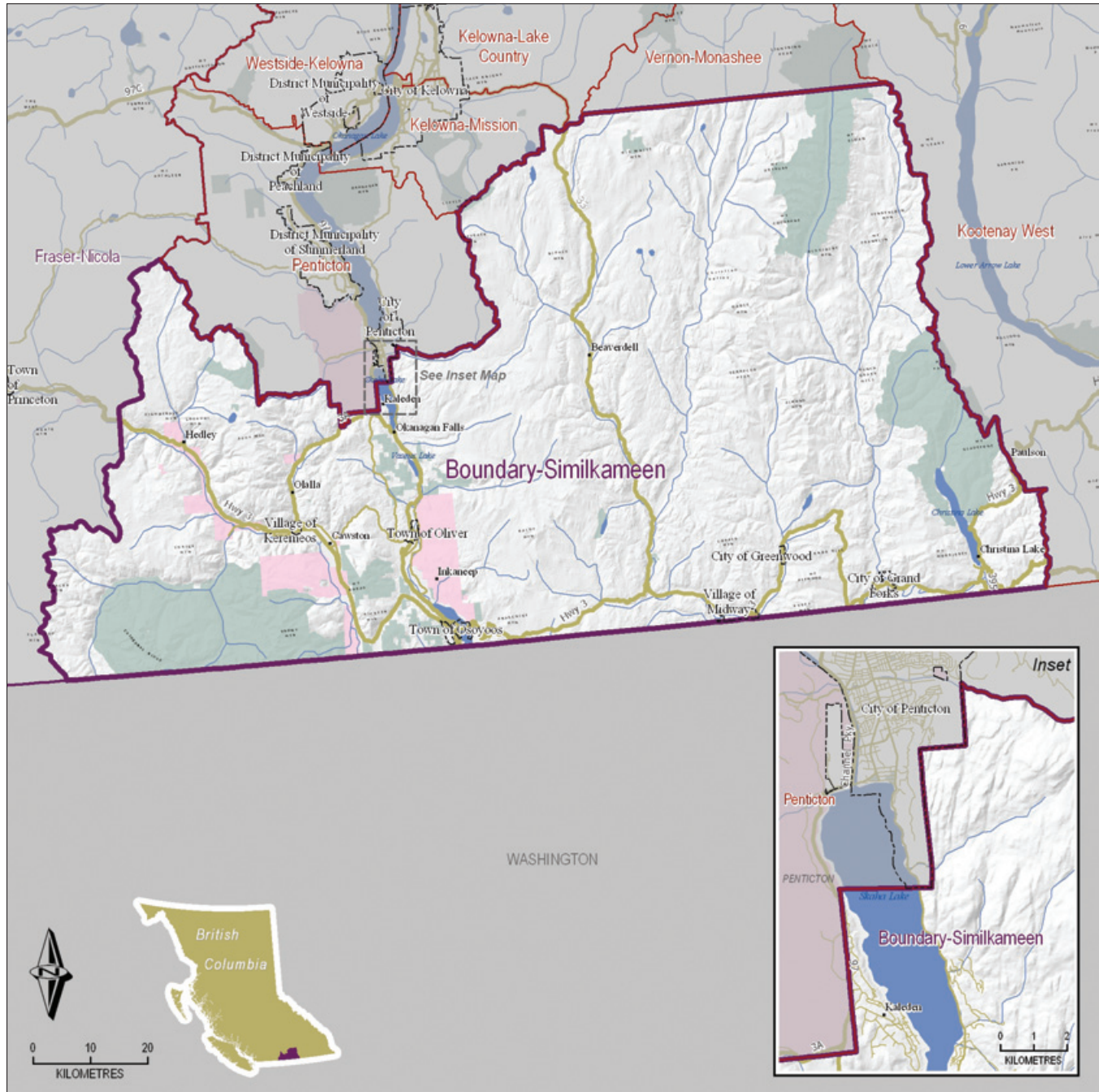
Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 126: Our scenario for the Kamloops–South Thompson Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 127: Our scenario for the Boundary-Similkameen Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

ii. BC-STV electoral districts

We considered how a total of five SMP electoral districts in the Cariboo-Thompson should be grouped into BC-STV electoral districts. We would have grouped them into one five-member BC-STV electoral district (see Map 128), with a deviation of minus 19.8 percent (based on 85 SMP electoral districts). Map 129 shows the resulting changes to the Okanagan-Boundary electoral district.

TABLE 39: OUR SCENARIO FOR THE CARIBOO-THOMPSON BC-STV ELECTORAL DISTRICT IN RESPONSE TO BILL 39 (NOT PROPOSED)

Proposed SMP districts	Area in sq. km.	Population	Deviation*
Cariboo-North	39,838	31,805	-34.3%
Cariboo-Chilcotin	43,295	30,385	-37.2%
Fraser-Nicola	33,792	31,049	-35.8%
Kamloops–North Thompson	21,625	49,769	+2.8%
Kamloops–South Thompson	2,384	51,005	+5.4%
District magnitude: 5	140,933	194,013	-19.8%

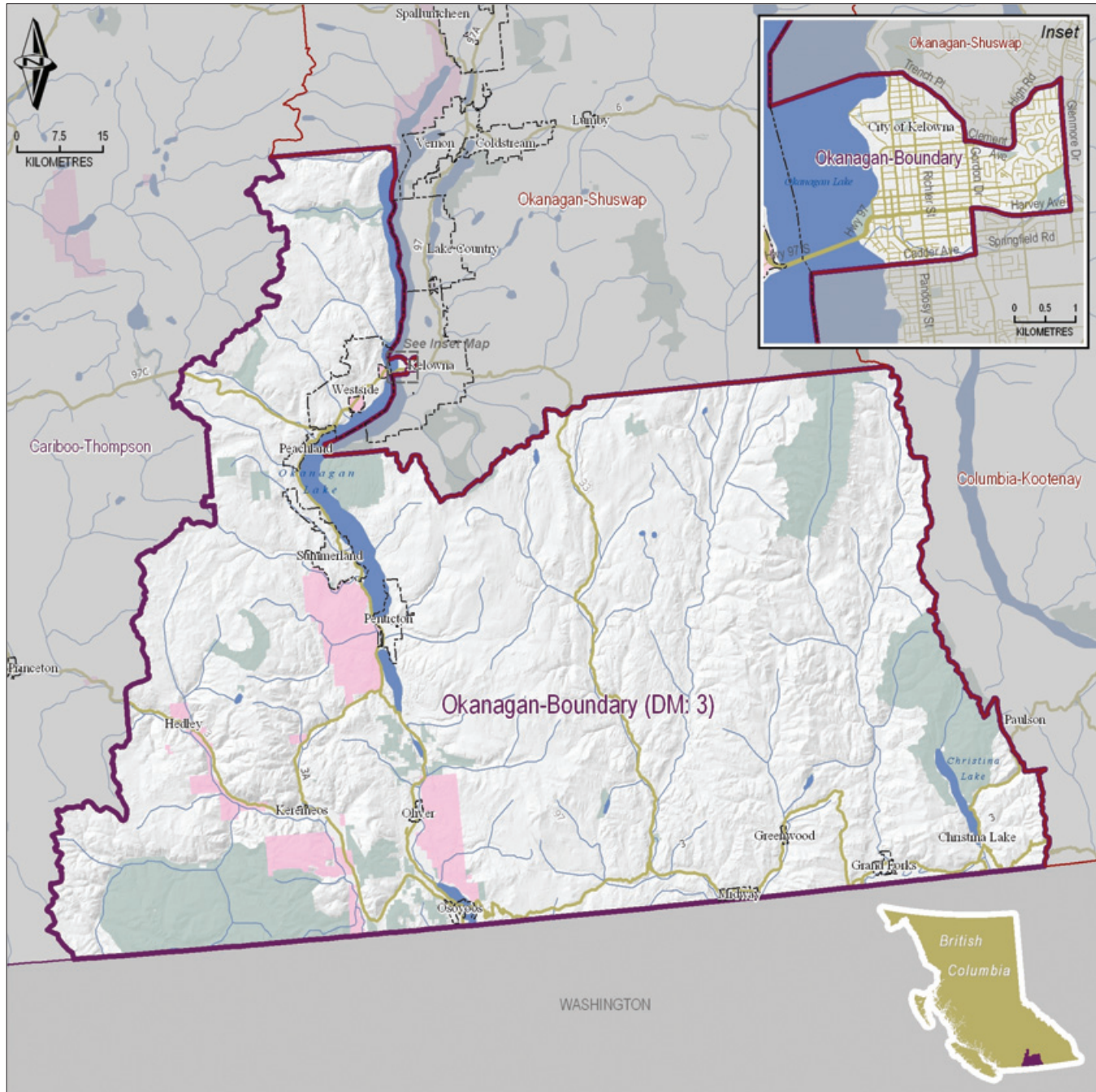
* based on 85 SMP electoral districts, and a provincial electoral quotient of 48,394

Map 128: Our scenario for the Cariboo-Thompson BC-STV Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Map 129: Our scenario for the Okanagan-Boundary BC-STV Electoral District in response to Bill 39 (not proposed)



Purple boundary lines denote our boundary scenario in response to Bill 39 (not proposed). Red boundary lines denote proposed boundaries.

Appendix Q

The Way Forward

a. The challenge

Our two reports, this report and our *Preliminary Report*, and the public discussion surrounding them, dramatize the competing interests with which our commission grappled. People living in rural British Columbia rightly contend that representation by population must yield to the extent necessary to ensure effective representation. Conversely, the Alberta Court of Appeal succinctly articulated the interests of people living in urban areas, when it stated:

No argument for effective representation of one group legitimizes under-representation of another group.³

It is not a question of which interest is more important – both must be respected. It is a tension that exists in many jurisdictions. The challenge we faced and that is faced in many other Canadian provinces, is determining how far one can go in protecting rural representation without violating the legal and constitutional rights of residents of urban electoral districts. Several other Canadian provinces (such as Alberta, Saskatchewan and Newfoundland) have adopted varying legislative approaches to protect rural representation.

Developing electoral boundaries is an exercise in judgment – there is no bright line to separate proposals that will survive legal challenge from those that will be struck down. We affirm that our proposals are only that – proposals. It is up to

the Legislative Assembly to decide whether to approve, approve with alterations, or not approve our proposals.

b. Developing a new model

As long as representation by population is the starting point for the Supreme Court of Canada’s interpretation of the right to vote in section 3 of the *Charter of Rights and Freedoms* and for an electoral boundaries commission’s statutory mandate, there is a limit to how far a legislature can wander from that principle to accommodate the concerns of the residents of rural regions. As deviations from parity increase, the constitutional ice gets thinner and thinner.

That vulnerability to legal challenge can, of course, be lessened by increasing the number of electoral districts in fast growing urban regions. Based on our understanding of the jurisprudence, there is no magic number of electoral districts that will ensure surviving judicial scrutiny.⁴ What is clear, however, is that as the number of electoral districts increases (so as to reduce the positive deviations in urban electoral districts), the number of electoral districts in rural regions (even if protected in absolute numbers), becomes proportionately less and less, which may well defeat the object of protecting rural representation.

Having said that, there may be different approaches within the current paradigm that would address the unique situation

³ *Reference re Electoral Boundaries Commission Act (Alta.)* (1991), 86 D.L.R. (4th) 447 (Alta. C.A.).

⁴ Our *Preliminary Report* stated (page 83): “. . . even if the commission decided to use its authority to add six electoral districts in the urban areas of the province, it would only marginally ameliorate the deviations found in the current electoral districts in the North.” In order to accommodate retaining eight districts in the North, with an average deviation not exceeding the statutory limit of minus 25 percent, our commission would have needed authority to allocate 97 electoral districts. However, the maximum is set at 85 districts by section 10 (1) of the *Electoral Boundaries Commission Act*.

found in British Columbia, where 90 percent of the population lives on 1.3 percent of the land base.⁵ It is clear that the need to balance these competing claims to representation will become more pronounced as British Columbia becomes increasingly urbanized.

It is well outside our legislated mandate to propose changes to the legislative framework within which electoral districts are developed. Nevertheless, we respectfully encourage the members of the Legislative Assembly, who we are confident understand the complexities of this issue, to develop a legislative model well before the appointment of the next commission in 2013. We would encourage legislators to give this matter priority, and develop a model that strikes an appropriate balance between these competing interests and, at the same time, respects the constitutional framework within which the legislative branch must operate.

⁵ See Appendix M for a detailed breakdown of B.C. communities with populations exceeding 1,000 persons and the area of land each community covers.