



# **2012 Redistribution of Federal Electoral Districts**

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Process Assessment Report



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## Executive Summary

Elections Canada conducted a process assessment of the 2012 redistribution of federal electoral districts following its completion. This report speaks to the commissions' own assessment of their ability to fulfill their responsibilities and evaluates the effectiveness and efficiency of roles played by the Chief Electoral Officer and Elections Canada.

Elections Canada's assessment of the 2012 redistribution process is based on five key success factors, for which both challenges and opportunities for improvement are identified. Evidence to support this assessment was drawn from responses to an online survey of commissioners and administrative staff, in-depth interviews with commissioners, findings from the closing conference, post-mortem reviews with contributors to the process, records of the public consultation and a variety of website and media statistics.

### Factor 1: Preparation level of the commissions for their mandate

The redistribution calendar gave some commissions little time to prepare for both the administrative and legal aspects of their mandate, and to get the necessary offices, personnel and equipment in place. Elections Canada provided assistance to the commissions in this respect, including performing analyses of previous redistributions and organizing a launch conference that helped the commissioners learn about their roles, the technical tools available to them, and the various considerations mandated for them.

Commissioners found the opening conference very useful. Nevertheless, many commissioners noted that the time they had to build the knowledge needed to do their work effectively was too short. The set-up of commission offices before members were appointed also brought its share of difficulties. An earlier establishment of commissions, as provided for in the *Fair Representation Act*, will alleviate some of these challenges in future redistributions.

### Factor 2: Effectiveness and efficiency of Elections Canada's support

Elections Canada offers the commissions a variety of support services to allow them to focus on their mandate and to enhance the efficiency of the redistribution process. Commissions had very little internal capacity for administrative, technical or professional support and relied heavily on Elections Canada for services. Although technical equipment provided by Elections Canada raised some concerns, the assessment found a high level of satisfaction with Elections Canada's support and services, and especially for linguistic and publication services, financial services, operations support, geographic support and map production. In spite of this, some commissions felt that the service offering could have been more responsive to their unique needs.

The potential establishment of commissions earlier in the next redistribution process may afford commissions more time to build internal capacity, which could lead to a more decentralized service model.

### Factor 3: Public and parliamentary awareness and participation

To promote awareness and participation among the public and parliamentarians, Elections Canada undertook a variety of initiatives, including creating a redistribution website, promoting media coverage and implementing measures to inform parliamentarians.

While it is difficult to make direct links between these initiatives and public awareness and participation in the redistribution process, some statistics are encouraging: the website received more than 300,000 visits; the number of representations at public hearings more than doubled those of 2002; and the media published more than a thousand articles on the subject of redistribution. Nevertheless, many commissioners felt that the general public, the media and parliamentarians could have been better informed about the process and the roles of those involved. Part of the solution may be in adapting to the considerable change in how Canadians prefer to receive information, with online and social media gaining prominence.

Commissions also expressed concerns that the single round of hearings, as mandated by the *Electoral Boundaries Readjustment Act*, favours those who object to the proposals. While the Act gives no recourse for this possible shortcoming, several commissions addressed it by adapting the process – for example, by holding additional hearings in targeted areas.

### Factor 4: Ability of the commissions to comply with applicable legislation

All 10 commissions took great care to comply with the provisions of the *Electoral Boundaries Readjustment Act* as they relate to the process, timelines and criteria for consideration, and with the *Official Languages Act*. Elections Canada does not enforce compliance by the independent commissions, but does offer support, such as the launch conference, to help them understand their duties and legal requirements. The assessment revealed that the commissions did face several challenges in meeting their obligations, and that the process could be improved in the following areas:

- *Time constraints* – It was especially difficult to meet the 10-month deadline to submit reports, and the 30-day deadline for responding to objections from members of Parliament (MPs). The two largest provinces required the full two-month extension to complete their reports.
- *Population equality* – Some commissions felt it was justifiable to establish a lower deviation from the electoral quotient than is mandated under the Act or to take projected population growth into account.
- *Boundary descriptions* – The use of textual boundary descriptions is onerous and time-consuming. Alternative approaches might afford greater efficiency in the future.

### Factor 5: Cost-effectiveness of the redistribution exercise

The assessment suggests that the process was cost-effective. The total expenditures for the 2012 redistribution were \$10.5 million, or 15 percent less than the adjusted cost of the previous redistribution. Major cost savings were realized through efficiencies in locating and setting up commission offices and in reduced printing requirements; the shorter redistribution time frame is also a likely factor.

The results measured against the five success factors confirm that the process for the 2012 redistribution of federal electoral boundaries was a success. Nevertheless, the opportunities for improvement identified in this report warrant further analysis and discussion – and possible change. Some measures can be achieved within the existing authorities of the Chief Electoral Officer or the commissions, while others would require amendments to the *Electoral Boundaries Readjustment Act*.

## Introduction

On October 5, 2013, the *Canada Gazette* published the proclamation of the representation order, finalizing the federal electoral boundaries that will be used at the next general election called after May 1, 2014, and that will remain in effect for a decade. While some administrative tasks remained to be done after that point, Elections Canada's role of supporting the federal electoral boundaries commissions, which had worked for up to 18 months in their respective provinces, was complete.

Redistribution takes place every 10 years. Elections Canada benefitted greatly from the records left behind from the last exercise. It is to be expected that many of the people involved will have moved on by the time the next redistribution effort begins. The release of a process assessment report is therefore important not only for the benefit of parliamentarians and the public, but also for those who look back on the 2012 redistribution a decade from now.

The scope of this assessment report includes all aspects of Elections Canada's and the federal electoral boundaries commissions' involvement in the process, from the preparations leading to the establishment of commissions through to the proclamation of the representation order.

The report focuses on the commissions' own assessment of their ability to fulfill their responsibilities as well as on the effectiveness and efficiency of roles played by the Chief Electoral Officer and Elections Canada in redistribution. It does not, however, challenge the validity or legal basis for the specific actions of the commissions or their application of mandated criteria to their decisions. Nor does it attempt to judge the substantive outcome of the electoral redistribution.

In submitting this report, Elections Canada recognizes that the commissions and the Chief Electoral Officer are by no means the only players in the process. The Chief Statistician of Canada, Natural Resources Canada and parliamentarians all have important roles to play. However, the ability to fulfill their obligations and the effectiveness of their decisions and actions are best left for these stakeholders to assess and will not be addressed here.

The report identifies five key success factors in the conduct of the redistribution process and measures performance against them. In doing so, challenges and opportunities for improvement in preparing and supporting the commissions are also identified. An overall cost analysis is also included.

The assessment does not advance formal recommendations for legislative change, but it aims to point out areas for potential improvement in the legislative environment, as well as areas where Elections Canada could implement improvements within its mandate.

## Background: The Redistribution Process

Canada's Constitution requires that federal electoral districts be reviewed after each decennial census and adjusted (or redistributed) to reflect changes and movements in Canada's population. The *Electoral Boundaries Readjustment Act* establishes the roles and responsibilities, the process, and the criteria for redistribution.

The following is a summary of the redistribution process; more details are available on the 2012 redistribution website at [www.federal-redistribution.ca](http://www.federal-redistribution.ca).

### Role of the commissions

Ten independent electoral boundaries commissions – one in each province – are established to revise the electoral district boundaries in their province. Each commission is composed of three members. It is chaired by a judge appointed by the chief justice of the province, and has two other members appointed by the Speaker of the House of Commons.

Each commission works independently to:

- propose a new electoral map for its province by considering such criteria as average population numbers, communities of identity and interest, historical patterns of electoral districts, and geographic size of electoral districts
- consult with Canadians through public hearings
- submit a report on its considerations and propose an electoral map to the House of Commons
- consider objections from MPs
- prepare a final report outlining the electoral boundaries for its province

### Role of the Chief Electoral Officer

The *Electoral Boundaries Readjustment Act* provides several roles for the Chief Electoral Officer in the federal redistribution process. During the process, the Chief Electoral Officer:

- calculates the number of House of Commons seats allocated to each province using the population estimates supplied by Statistics Canada and the [formula set out in the Constitution](#)
- provides each commission with the census population numbers and maps showing the distribution of the population in the province
- provides administrative and technical support to the commissions (such as helping commissions establish offices, or providing mapping resources)
- prepares paper and electronic maps of all electoral districts as described in the commissions' reports, as well as the finalized maps once redistribution is completed
- prepares a draft representation order
- processes payment of all expenses related to the redistribution process
- acts as a liaison between the commissions and Parliament



## Redistribution process at a glance

This section of the report presents the major steps in the redistribution process.

### 1. Allocation of seats in the House of Commons

The number of House of Commons seats given to each province and territory is recalculated on the basis of population estimates derived from the most recent census and through a formula in the Constitution. When the 2012 redistribution comes into force, there will be 338 seats in the House of Commons, allocated as follows:

British Columbia: 42

Alberta: 34

Saskatchewan: 14

Manitoba: 14

Ontario: 121

Quebec: 78

New Brunswick: 10

Nova Scotia: 11

Prince Edward Island: 4

Newfoundland and Labrador: 7

Yukon: 1

Northwest Territories: 1

Nunavut: 1

### 2. Commissions at work

Commissions look at several factors when determining the names and boundaries of the federal electoral districts in their province. A principal goal is to set boundaries so that each electoral district contains roughly the same number of people. The commissions also take into account communities of interest or identity and an electoral district's history. Finally, they must give consideration to ensuring a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.

After creating a proposal for a province's electoral map, the commission publishes this proposal in the *Canada Gazette* and on its website, and advertises it in newspapers. At the same time, it invites Canadians to present their comments and opinions at public hearings.

### 3. Input from the public

The public hearings provide opportunities for the public to participate in the process of redrawing the electoral map. Hearings are usually held at several locations across provinces. Anyone wishing to present ideas must inform the commission in writing within 23 days after the commission has published its proposal.

### 4. Review of commission reports

After considering the views of the public, each commission submits a report of its proposed electoral map to the House of Commons. A committee of the House studies the proposed map in light of objections it receives from MPs. The results of their deliberations, along with the objections, are provided to the commission.

Any commission that receives such objections must then review and decide on them (or “dispose of them,” to use the language in the Act) and may amend its report accordingly. Final reports are then submitted to the Chief Electoral Officer, who transmits them to the Speaker of the House of Commons for tabling in Parliament, or for publication in the *Canada Gazette* if received by the Speaker during an interval between two sessions of Parliament.

## 5. Electoral map becomes official

The Chief Electoral Officer prepares a draft representation order, which sets out all the electoral boundaries in accordance with the recommendations contained in the commissions’ reports, the names of the electoral districts, and their populations. The Governor in Council declares by proclamation the representation order to be in force on the first dissolution of Parliament that occurs at least seven months after the day on which the proclamation was issued. This allows political parties, candidates and Elections Canada time to get ready for an election based on the new electoral districts.

## 2012 redistribution

Each redistribution exercise is unique: in the decade-long intervals between them, the demographic character of Canada can change, which may affect future representation in the House of Commons. However, legislative change can also affect the process, while technological change can improve services and affect participants’ expectations.

### Context

The *Fair Representation Act*, adopted in 2011, introduced the “representation rule,” which altered the formula for the calculation of the number of seats in the House of Commons. It also amended the redistribution calendar considerably:

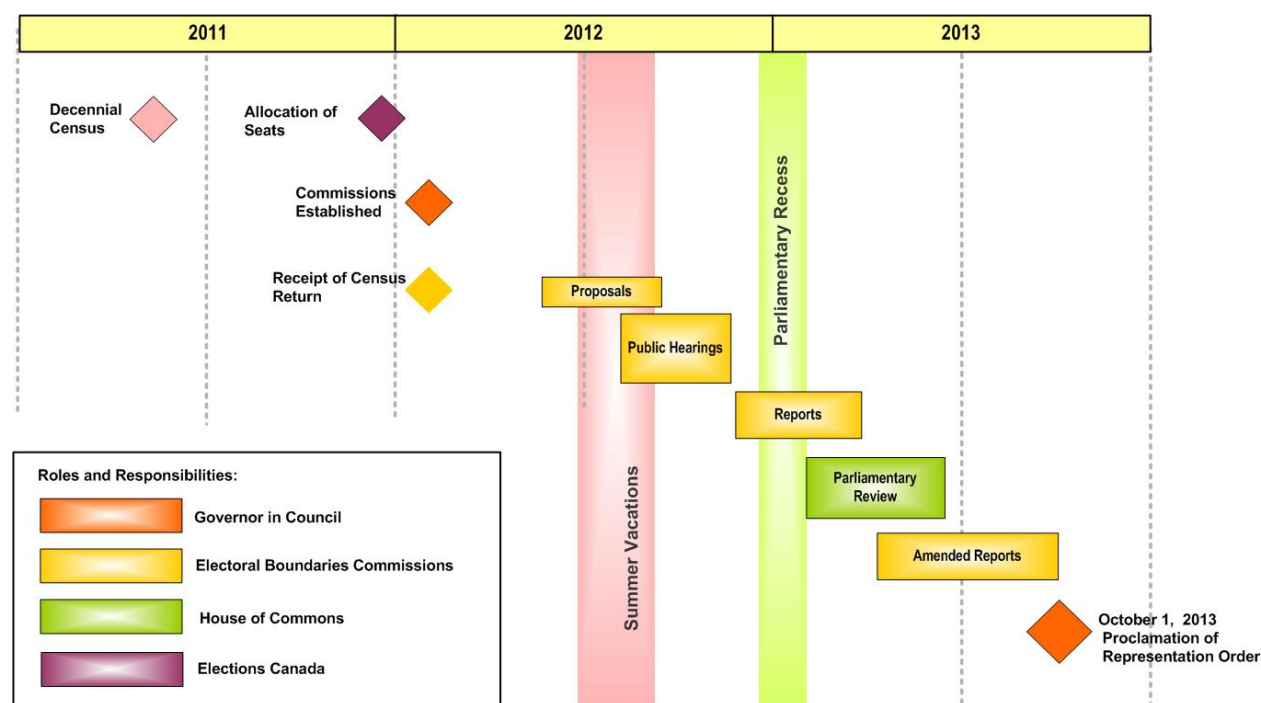
- The time frame for establishing commissions is now based on the earlier of 60 days after the receipt of census information or six months after the month in which the census is taken. It should be noted that the *Fair Representation Act* was adopted after the expiration of the six-month period and, therefore, only the former part of this provision could be applied.
- The time frame for notice of public sittings was reduced from 60 days to 30 days.
- The time frame for production of the report to the House of Commons was reduced from 12 to 10 months, and the possibility of an extension was reduced from 6 to 2 months.
- The representation order now takes effect on the first dissolution of Parliament that occurs at least 7 months, rather than 12 months, after proclamation.

Three provincial redistributions also coincided with the 2012 federal electoral boundaries redistribution. In those provinces, federal commissions had to address possible confusion in the public mind between the redistributions at two levels of government.

## Calendar

Though Elections Canada had been preparing well in advance, the official launch of the federal redistribution process began in February 2012 with the reception by the Chief Electoral Officer of the census population numbers and with the establishment of the commissions. It closed with the proclamation of the representation order in October 2013. The new electoral districts will be applied in the first general election called after May 1, 2014.

### Highlights of the calendar



## Elections Canada's support

The Chief Electoral Officer provides four kinds of support to the commissions, delivered through Elections Canada:

- administrative support, such as office set-up and security
- technical support, including production of the official maps
- professional support, such as communications, research and analysis
- financial support

The Chief Electoral Officer also acts as a liaison between the commissions and Parliament.

Within these parameters, Elections Canada has considerable autonomy in determining what form this support will take. It draws best practices from the previous redistribution and adapts the support it will offer to stakeholders and, in particular, to the commissions.

In the 2012 redistribution, Elections Canada used many of the same support tools as it did in the previous exercise. There were, however, several refinements as well as responses to technological change:

- The launch conference focused on the theme of “balancing voter parity and communities of interest or identity,” which Elections Canada deemed to be the most important learning requirement for commissioners. While Elections Canada does not provide guidance to the commissions on how to strike that balance, it facilitated the discussion by bringing together former commissioners, subject matter experts and authorities such as the Commissioner of Official Languages to share their experience and knowledge.
- One conference day was devoted to helping the commissions to work with their administrative and technological tools.
- Elections Canada provided each commission with a geography specialist.
- The custom software developed for the redistribution allowed scenario-based mapping of electoral boundaries, which gave the commissioners an intuitive way to consider alternatives when determining electoral boundaries.
- Because of advances in Web technology since the previous redistribution, along with the advent of social media, Elections Canada devoted resources to monitoring Twitter and Facebook in addition to online and traditional media. Some of the commissions used these environmental scans.
- Changes in the way Canadians consume media (more online vs. traditional print) allowed a reduction in printed materials and more emphasis on online advertising to complement the print advertising required by the legislation.

Most of these support services were modelled reasonably closely on those of the previous redistribution, which makes comparison of costs possible (as detailed under key success factor 5, below).

## Key Success Factors

While Elections Canada's support role in redistribution contributes to the overall success of the process, it is only one component. The performance of the commissions themselves is critical, and the support of other players – such as interested members of the public, MPs, Natural Resources Canada and the Chief Statistician of Canada – is essential at different stages of the process.

With this in mind, five key success factors were established for measurement in this report:

1. Preparation level of the commissions for their mandate
2. Effectiveness and efficiency of Elections Canada's support
3. Public and parliamentary awareness and participation
4. Ability of the commissions to comply with applicable legislation
5. Cost-effectiveness of the redistribution exercise

Several tools were used to gather information to support this assessment:

- Elections Canada commissioned a study, conducted by Phoenix Strategic Perspectives Inc., that involved an online survey of commissioners and administrative staff as well as in-depth interviews with some commissioners to gather feedback on their experience with respect to the process and the support they received from Elections Canada. These research activities led to the identification of issues of common interest that were further discussed at the closing conference.
- The closing conference, held in September 2013, brought the commissioners together to share their ideas and perspectives, and to identify strengths and weaknesses in Elections Canada's support as well as in the process itself. The commissioners were then able to share and refine these ideas with members of the Standing Committee on Procedure and House Affairs. The Chief Electoral Officer requested that the commissioners develop suggestions that he could act on, especially within his mandate. Elections Canada also held several post-mortem reviews, both internally and with Natural Resources Canada.
- Quantitative performance indicators were also drawn through website and media statistics, and through records of the public hearings.

It is not always possible to compare performance from one exercise to the next. However, because the five key success factors reflect the requirements of the *Electoral Boundaries Readjustment Act* and the responsibilities of the Chief Electoral Officer, it will be useful to use this assessment as a benchmark for assessing future redistributions.

## **Factor 1: Preparation level of the commissions for their mandate**

While chairs of electoral boundaries commissions were generally designated by provincial chief justices a few months before the establishment of the commissions themselves, other members to be appointed were designated by the Speaker of the House of Commons just a few days in advance (see calendar above). It was therefore crucial to prepare commissions rapidly to tackle their mandate. Elections Canada deemed it vitally important that knowledge, including lessons learned from prior redistributions, be transferred to the commissions. Moreover, the required physical infrastructure (offices, equipment) had to be in place, and each commission needed to hire a secretary.

### **Elections Canada's support**

Elections Canada used public submissions and objections from MPs in prior redistributions, as well as media coverage and environmental scans, to prepare a detailed analysis of issues that were in play at the time. Commissions were invited to consider this information in the development of their proposals.

The launch conference, hosted by the Chief Electoral Officer, not only disseminated information to the commissioners but also gave all participants (new and former commissioners, academics, other authorities and Elections Canada staff) an opportunity to share knowledge and learn about the redistribution process, its history and its implications for Canadians.

At the conference, Elections Canada gave commissioners and secretaries information on each player's roles and responsibilities, on the legislative framework and relevant court cases, and on the steps of the redistribution process. It also provided information on several administrative aspects of their work, including the physical and technological infrastructure, financial management and records management.

### **Results**

Feedback gained at the conference and through the Phoenix study showed that the vast majority of commission chairs, members and secretaries found the conference useful in preparing them for their role in the electoral redistribution process. They found both the information provided and the sharing of knowledge from the panel of experts and former commission chairs helpful, and they showed support for repeating this process in the future.

The set-up of commission offices was more challenging. To get the commissions into an operational state as soon as they were established, Elections Canada had to rent offices and select office equipment and the data and telecommunications technology to be used – a source of frustration for some. The commission chairs had to decide on the location of the office before members were identified. The chairs were also expected to hire a secretary, with little knowledge of what his or her work entailed. In spite of these unknowns, the infrastructure was ready for commissions at the outset of redistribution.

As well informed and prepared as they were to meet their operational requirements and legal obligations, some commissioners felt that they did not have the depth of knowledge, nor the time or means to acquire it, to prepare a proposal that properly addressed issues of community of interest or identity.

## **Opportunities for improvement**

The passage of the *Fair Representation Act* immediately before the 2012 redistribution process began prevented the Governor in Council from taking advantage of the Act's provision to establish the commissions earlier – that is, no later than six months after the first day of the month in which the census is taken. For the next redistribution in 2022, this will likely translate into commissions being established by November 2021 – three or four months before receiving the census population data.

An earlier establishment of commissions will allow for a more extensive preparation – not only on operational, technical, financial and administrative issues, but also on strategic issues, such as the legal framework and the application of the criteria to be used in drawing boundaries. A key component of this preparation would be the launch conference, which proved very successful in this redistribution.

The earlier establishment of commissions might also mitigate challenges encountered in setting up commission offices. Commissions would be in a better position to find more favourable office locations, meet their administrative requirements, and hire and prepare staff to address their expectations for technical, administrative, communications and professional support.

The experience of the commissions showed that commission secretaries played a critical role that often went well beyond the work description proposed by Elections Canada. Experience from this redistribution indicated that greater discretion by secretaries would have been beneficial in addressing the unique needs of their commission in matters of office accommodation and equipment, advertising, media relations and overall project coordination. Such additional responsibilities will need to be considered by commissions in reviewing the expected role of the secretaries.

## **Factor 2: Effectiveness and efficiency of Elections Canada's support**

In many aspects of administration, finance, operations, research, publication and technical support, Elections Canada offered services to commissions so as to allow them to focus on their mandate. Attention was paid to ensure both the neutrality of the Chief Electoral Officer and the independence of each commission; services provided by Elections Canada would facilitate the work of the commissions, but would not influence their decisions.

### **Elections Canada's support**

Much of Elections Canada's support and services to commissions is not expressly provided for in the *Electoral Boundaries Readjustment Act*. Rather, it is offered to commissions to enhance the efficiency of the redistribution process through economies of scale and by drawing from the agency's skill base and those of partner agencies and departments, including Statistics Canada and Natural Resources Canada. The commissions could hire technical advisors and other staff as

they deemed necessary and could function with less assistance from Elections Canada if they chose to do so. The late establishment of commissions hindered their ability to build internal capacity; therefore, they relied extensively on support coordinated through Elections Canada.

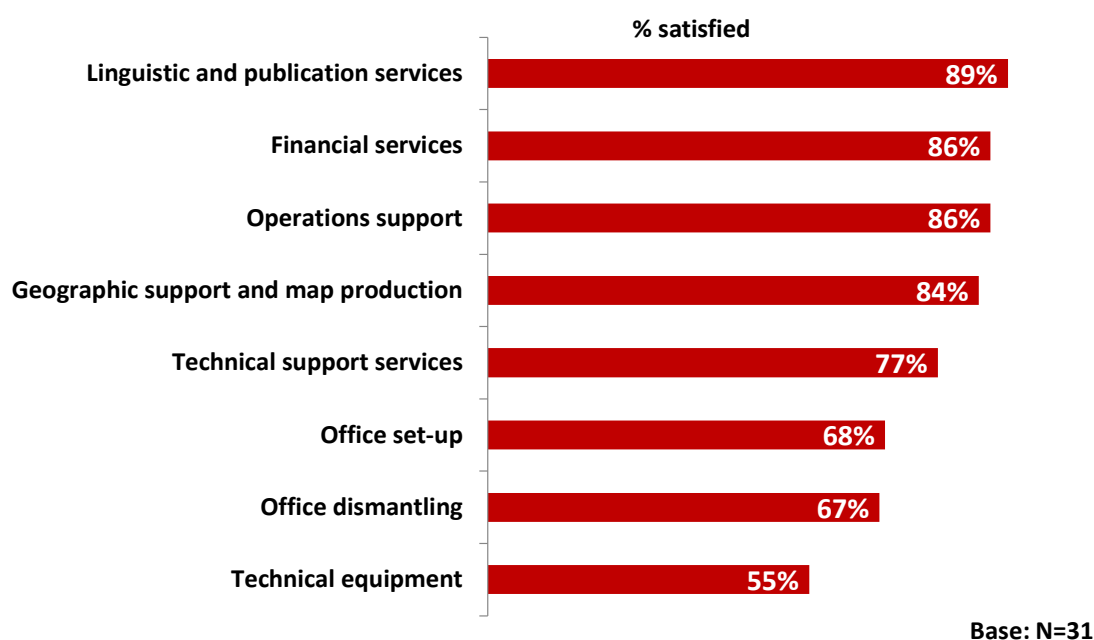
Although not directly to the benefit of commissions, Elections Canada also provided support to the Standing Committee on Procedure and House Affairs by assigning a geography specialist to attend the public portions of committee meetings and to operate the Cartographic Redistricting Tool and the Web-based Map Viewer. This allowed committee members to visualize the electoral districts being discussed at the proposal and report stages of the process. At the objection stage, Elections Canada prepared for committee meetings by providing its analysis of the suggestions made by MPs as part of their objections. Elections Canada calculated the impact of those suggestions on the populations of the affected electoral districts.

## Results

In the surveys and interviews, commissioners and secretaries expressed a high level of satisfaction for services and support provided by Elections Canada.

### Satisfaction with EC's Support in Various Areas

*Q: Elections Canada provided a variety of administrative and technical support services to the electoral boundaries commissions during the redistribution process. To what extent are you satisfied with Elections Canada's support in the following areas?*



Among the most valued services were linguistic and publication services, financial services, operations support, and geographic support and map production.

Elections Canada's assignment of a geography specialist to each commission was particularly appreciated. This person operated the Cartographic Redistricting Tool and had access to topographic data, administrative boundaries such as those for municipalities and counties, as well



as 2011 Census population and 2006 demographic data by enumeration area. The geography specialists helped the commissions to develop scenarios, allowing them to immediately determine the impact of decisions on population counts. Furthermore, the specialists provided geographic support at public hearings, using the tool to display, in real time, the electoral district or geographic area being discussed. Commissioners routinely described the role of the geography specialists as “indispensable,” “invaluable” and “crucial.”

Communications support received a moderately positive assessment. Commissions felt that this service had limited impact on public awareness and participation in the redistribution process. The third key success factor explores public awareness and participation in greater detail.

Commissioners and secretaries were less likely to be satisfied with the technical equipment provided by Elections Canada, including the hardware and software for data and telecommunications requirements. Some commissioners considered the standard provision of office equipment, computers and cell phones to be inadequate or ineffective. Cellular coverage and Internet access was problematic in some areas of the country, while some of the office equipment, and the printer/fax device in particular, did not meet the demand that many commissions put on it.

The chair of the Standing Committee on Procedure and House Affairs reported that Elections Canada’s support to the committee was highly effective.

### **Opportunities for improvement**

One overarching concern with the services and support provided by Elections Canada was in achieving a balance between catering to the individual needs of the commissions and standardizing the service offering to achieve cost-effectiveness. While any commission can employ technical advisers and other staff as it deems necessary, none did so, apart from the secretary employed by each commission. With limited internal capacity in matters such as communications or technology support, commissions relied heavily on Elections Canada to provide such services.

Given the potential in the next redistribution for commissions to be established a few months before the release of the census population data, and with assistance from Elections Canada, commissions may get a chance to build their internal capacity. This could then result in a shift from the centralized offering of services by Elections Canada to a more decentralized model.

In matters of technical equipment and telecommunications, it is reasonable to expect that the technology and communication modes used for this redistribution will be superseded within the next decade. Elections Canada cannot predict the technological changes that might come, but the rationale for providing a specific technological platform to the commissions is likely to be based on similar considerations: security in communicating data, prevention of security breaches, and Elections Canada’s ability to support the hardware and the software. Striking a balance between effectiveness and efficiency will likely remain an important goal.

## Factor 3: Public and parliamentary awareness and participation

As part of Canada's democratic system, electoral boundaries readjustment is a process that all Canadians are encouraged to participate in. For this to happen, the process must be open, inclusive and communicated. The *Electoral Boundaries Readjustment Act* makes provisions to promote public awareness and participation, and to provide opportunities for MPs to voice their views. These provisions include the requirement to publish each commission's proposal in the *Canada Gazette*, to advertise the holding of a minimum of one public hearing in newspapers of general circulation, to allow MPs to file objections with a parliamentary committee, and for that committee to consider these objections.

### Elections Canada's support

Elections Canada undertook a variety of activities to promote awareness and participation by the public and parliamentarians.

- *Redistribution website*: Elections Canada assisted in creating and maintaining a website to help commissions inform Canadians of their progress. Users could view the proposals and reports, find out about public hearings and register to make representations. A separate Web application allowed users to switch views of the current, proposed and final boundaries in a given province. The website went live immediately after the establishment of the commissions.
- *Media coverage*: To alert the media to major events and milestones, Elections Canada published more than 60 news releases over the course of the redistribution process, most of them on behalf of commissions.
- *Informing parliamentarians*: Elections Canada took several steps to inform parliamentarians. In addition to his mandated role of acting as a liaison between the commissions and Parliament, the Chief Electoral Officer also invited members of the Standing Committee on Procedure and House Affairs and a number of other parliamentarians to the launch and closing conferences. The caucuses of the Liberal Party of Canada and the New Democratic Party also accepted the Chief Electoral Officer's invitation to be briefed early in the process. Furthermore, in March and November 2012, Elections Canada staff gave two presentations at seminars organized by the Library of Parliament; the audience at these sessions was mostly made up of MPs' staff. The vast majority of participants found the sessions informative.

### Results

Because many factors contribute to public awareness and participation in the redistribution process, it is difficult to make a clear connection between Elections Canada's support activities and the results achieved. However, there are encouraging signs:

- *Redistribution website*: The website received more than 300,000 visits by more than 65,000 visitors; spikes in site visits tended to coincide with the publication of proposals and reports. In many provinces, commissions received numerous comments or suggestions through the website.

- *Participation at public hearings:* There were more than twice as many presenters at the public hearings in 2012 (2,087 representations) than in 2002 (935 representations).

A total of 537 political participants, including MPs, representatives of political associations and members of provincial legislative assemblies, made written submissions and some presented their views at public hearings. While that number is relatively unchanged from the 499 political participants in 2002, three times as many federal MPs participated in the most recent exercise (166 in 2012 vs. 55 in 2002).

- *Media coverage:* Print media was attentive to the redistribution process and played a crucial role in informing the public. Over the course of the process, the media published more than a thousand articles and made numerous requests to the commissions for interviews. Elections Canada received close to 150 calls from journalists seeking clarifications or information. To maintain the independence of the commissions, Elections Canada referred many of these calls to the commissions.

### Opportunities for improvement

Despite these trends, many commissioners felt that the general public, the media and parliamentarians should have been better informed, both early in the process and as the work progressed. This, they argued, would have augmented both the rate and the quality of participation. Commissioners also noted that the public, the media and parliamentarians often misunderstood the commissions' independent role, sometimes attributing commission decisions to Elections Canada.

Commissioners expressed the view that the public consultations and certain aspects of the process create a bias that favours objections – that is, people who support a proposal or are not affected by it are less likely to participate at a public hearing than are those who object. In drafting their reports, commissions took great care in considering the representations made at hearings. In many instances, the report submitted to the House of Commons was significantly different from the proposal, and those that supported the proposal and were silent then might have wished to object afterward. The Act makes no provision allowing reactions to the report to be heard directly from the public and considered by commissions.

Several commissions did adapt the process mandated by the *Electoral Boundaries Readjustment Act* in order to increase public awareness and participation:

- One commission began each public hearing by presenting amended maps that took into account the most persuasive representations it had received to date. That way, participants could better understand the concerns already raised by residents and could comment on the new proposals.
- Two commissions scheduled additional hearings in regions where the commission was contemplating making major adjustments in response to feedback it received during previous public hearings in those regions. The added time pressure contributed to the commissions' request for two-month extensions to submit their reports.

The option of holding a second round of public hearings, where warranted, could reduce the possible bias that favours objections and thereby promote public acceptance of the report. It could also help to anticipate and address objections from MPs, and thus reduce the time needed for review by the parliamentary committee. However, the Act makes no provisions for a second round of public hearings.

The Act's requirement for informing Canadians about the public consultations is that the time and place fixed by a commission to hold public hearings be advertised in one or more newspapers of general circulation in the province and in the *Canada Gazette*, at least 30 days before the first hearing. As online and social media gain prominence in the public sphere, the outreach potential of such publication is greatly diminished. Commissions could make more and better use of new media, not only to broadcast information but also to engage Canadians in a dialogue about redistribution. The media, including journalists, editorialists, bloggers and other opinion leaders, could be better informed and be encouraged to promote public awareness.

In the next redistribution, the census return will likely be available in February 2022, marking the start of the 10-month period for commissions to complete their report. The timing to communicate the proposal and to hold hearings must account for summer months, during which the potential for public outreach is significantly diminished. An earlier establishment of commissions presents opportunities for proposals to be published and most hearings to be held before July, thereby providing additional time to consider the public input in preparing the report.

#### **Factor 4: Ability of the commissions to comply with applicable legislation**

Because the commissions are independent, Elections Canada does not have a role in ensuring that they comply with applicable legislation. Nevertheless, Elections Canada does take steps to ensure that commissioners are aware of their legislated obligations and are prepared to carry them out.

Most aspects of the commissions' mandate – the process, timelines and criteria for consideration – are legislated through the *Electoral Boundaries Readjustment Act*. However, other legislation applies. For example, as federal institutions, commissions are also subject to the *Official Languages Act* – in particular Part VII, which gives federal institutions a duty to enhance the vitality of the English and French linguistic minority communities in Canada and to support and assist their development.

The *Electoral Boundaries Readjustment Act* requires commissions to follow a standard process, involving preparing and publishing their proposals, holding public hearings and, within a set period, submitting a report setting out the considerations and proposals concerning the division of their provinces into electoral districts, the descriptions and boundaries of the districts, the population of each district, and the name to be given to it. They must also consider objections raised by MPs and resubmit their reports, with or without amendment.

In setting the electoral boundaries, the commissions are required by the Act to consider population equality as well as communities of interest and identity, historical patterns and the geographic size of electoral districts. These complex matters depend not only on topographic and demographic information, but also on a deep understanding of local history and the interconnections of people, communities, industry and infrastructure – all of which may be weighted differently in different parts of Canada. These considerations are informed not just by the legislation itself but by judicial interpretation, including the *Carter* case [*Reference re Provincial Electoral Boundaries (Sask.)* (1991)] and *Raïche v. Canada* (2004).

## **Elections Canada's support**

To ensure that commissions are independent of Parliament, the *Electoral Boundaries Readjustment Act* mandates, among other provisions, the role of the Chief Electoral Officer as an intermediary between them.

Elections Canada prepared the commissions to comply with legislation through the launch conference, notably through information provided by the agency's legal counsel; by the Commissioner of Official Languages, Mr. Graham Fraser; and by guest speakers, including a former Supreme Court judge, the Honourable Michel Bastarache.

## **Results**

In this redistribution, the commissioners took great care to inform themselves of their legal obligations and to abide by the applicable legislation.

All commissions successfully delivered the required results within the allotted time frames. However, in doing so, some encountered significant challenges – at certain times using innovative approaches to mitigate those challenges and, at others, offering observations on the limitations of the legislation.

Many commissioners felt that the launch conference considerably increased their understanding of the legislative framework governing the redistribution process.

Commissioners also expressed the view that the independence of the commissions was key to their success, and that Elections Canada was responsive and co-operative while respecting that independence.

## **Opportunities for improvement**

The experiences of commissioners, along with the perspectives of members of the Standing Committee on Procedure and House Affairs, elicited several possible opportunities for improvements to help the commissions carry out their mandate.

## **Time constraints**

Commissions faced time constraints at three stages of the process:

- The commissions' initial barrier was the lack of time to prepare before launching the process. The *Fair Representation Act* addresses this challenge by amending the *Electoral Boundaries Readjustment Act* so that commissions will be established no later than six months after the first day of the month in which the census is taken. This could give commissions three to four months of preparation time in the next redistribution. However, since the *Fair Representation Act* came into force after the expiration of this six-month period for the 2012 redistribution, transitional provisions required that commissions be established no later than 60 days after the receipt of the census return.
- The period of 10 months for submitting a report to the House of Commons, with a possibility of a two-month extension, remains a challenge, especially for commissions of larger provinces. Assuming that the census return will be available in February 2022, this 10-month period will expire in December, with the report being tabled in the House of Commons either immediately prior to the adjournment of the House or at the next tabling opportunity during adjournment. The Act provides MPs with a period of 30 days to file objections with the parliamentary committee, a period that would coincide with the customary holiday recess. In the 2012 redistribution, at the request of the Speaker of the House of Commons, tabling of several reports was postponed until the next sitting of the House, late in January, to allow MPs the full benefit of the 30 days allocated to them. This added to the overall duration of the objection filing step by as much as six weeks, effectively removing what could otherwise be valuable time. Extending the allotted time frame to 12 months, with a possibility of a six-month extension – as was the case before the *Fair Representation Act* was passed – would alleviate some of these constraints, but would require an amendment to the *Electoral Boundaries Readjustment Act*.
- Several commissions struggled with the 30-day limit imposed on them to consider and dispose of objections from members of Parliament. After disposition of objections, a commission's report is likely to require amendments. One commission had to reconvene to consider 63 objections. With commissioners returning to their normal occupations, scheduling conflicts are to be expected, which consequently reduces the time available to perform this task. As with the initial 10-month delivery period, alleviating this time constraint would require an amendment to the Act.

## **Perspectives of members of Parliament**

Because of their detailed knowledge of the social and economic fabric of the electoral districts they represent, MPs also have an important contribution to make in the redistribution process. They have two opportunities to participate: during the public consultation phase, by presenting their views on the commissions' proposals in writing or at public hearings; and at the parliamentary review stage, by filing objections. Some commissions wondered whether they should specifically target MPs in the early phase of their mandate, giving MPs privileged access. The commissions reached a consensus that such an approach could threaten their independence and would be redundant, since the opportunity to provide early input is available to all Canadians, including MPs.



## **Population equality**

The Act requires that commissions divide a province into electoral districts with population numbers as close as possible to the electoral quota (that is, the population of the province divided by the number of seats). However, commissions may deviate from the electoral quota where they deem it necessary or desirable in order to account for communities of interest or identity, historical patterns or manageable geographic size. Commissions are required to ensure that such deviations do not exceed  $\pm 25$  percent, except in extraordinary circumstances.

In accomplishing this, some commissions established, as guidelines, tolerances of less than the allowed  $\pm 25$  percent. While no commission applied these guidelines dogmatically, the practice raised questions among commissions as to the legal basis and the impact on coherence across the country. This topic warrants further discussion by the commissions at the preparation phase in future redistributions.

While population counts are likely to change over the course of the 10 years in which the new electoral maps are in force, and while some population change is predictable, the Act does not present projected population growth as a consideration for the commissions. However, some commissions did take projected population growth into account. In no instance did commissions report that such a consideration overshadowed the mandated criteria. As the uncertain legality of considering population growth could be challenged in court, it will be important for commissions to discuss this issue at the preparation phase of future redistributions.

## **Boundary descriptions**

Boundary descriptions using metes and bounds, which are at the heart of commission reports, constitute the essence of the representation order. These descriptions must be unambiguous and error-free.

The reality is that commissions first prepare and approve a map, which is then converted into descriptions. This conversion requires a thorough understanding of the provincial land tenure system and local geography, and is best done by a professional land surveyor working closely with commissions. A reasonable alternative was for descriptions to be written by geography specialists at Elections Canada with Natural Resources Canada providing quality assurance. In addition to being a less effective approach, offering this service had the unintended effect of taking this ultimate responsibility away from the commissions. In future redistributions, Elections Canada should help commissions acquire the capacity to perform this function on their own, encouraging them to enter into service agreements with land surveyors, for whom describing land by metes and bounds is a core competency.

Preparing metes and bounds descriptions takes a significant amount of time at the proposal stage. Because the *Electoral Boundaries Readjustment Act* also requires publication of maps showing the proposed division of a province into electoral districts, and because most stakeholders favour maps, it could be argued that descriptions add little value at the proposal stage.

Removing the requirement to publish descriptions of boundaries at the proposal stage would free up time, to the benefit of subsequent stages of the process. It is worth noting that other jurisdictions have adopted alternative means of defining boundaries – for example, through maps or coordinate-based systems. Such alternatives could offer significant efficiency gains with results of equal or greater value to stakeholders. Studying the experiences of jurisdictions that have opted for such alternatives could inform future direction.

## **Factor 5: Cost-effectiveness of the redistribution exercise**

All amounts required for commissions to deliver on their mandate are taxed by the Chief Electoral Officer and paid out of the Consolidated Revenue Fund. The costs incurred by the Chief Electoral Officer are also paid this way, enabling the independent exercise of his or her powers and performance of duties under the *Electoral Boundaries Readjustment Act*.

Costs paid out of the Consolidated Revenue Fund in the previous redistribution, adjusted for inflation, can serve as the basis for comparison with current costs. The adjusted cost of the 2002 redistribution (spanning 2001 to 2003) was \$12.3 million. The anticipated cost of the 2012 redistribution (spanning 2011 to 2013) was originally set at \$12.1 million.

However, this comparison must take into account other factors, such as the effects of legislative amendments, technological change and market pressures on service costs. Furthermore, being independent, the commissions can conduct their affairs as best suits them. Therefore, they might not incur the same types of costs as previous commissions did.

## **Results**

The total of expenditures funded by the statutory authority for this redistribution is \$10.5 million, or 13 percent less than the estimated cost and 15 percent less than the cost of the 2002 redistribution. The shorter time frame allocated to commissions to submit their reports is a factor, although gains could have been negated by the fact that commissions conducted significantly more public hearings than in the previous redistribution (132 vs. 88). Major cost savings were realized through efficiencies in locating and setting up commission offices and in reduced printing requirements.

## **Opportunities for improvement**

These results suggest that the 2012 redistribution was cost-effective. Nevertheless, stewardship of public funds requires constant oversight and the use of innovative service approaches. This allows for effectively and efficiently meeting the commission's requirements, while enabling the Chief Electoral Officer to fulfill his fiscal responsibilities.



## Conclusion

This assessment did not attempt to judge the substantive outcome of the 2012 redistribution. However, given the results measured against the five key success factors, it can be confidently concluded that the process for the 2012 redistribution of federal electoral boundaries was a success.

That said, the principle of continuous improvement obliges Elections Canada to view all aspects of this process as potential areas for greater efficiency and effectiveness. Some of the opportunities for improvement identified in this report can be achieved within the existing authorities of the Chief Electoral Officer or the commissions, while others would require amendments to the *Electoral Boundaries Readjustment Act*. Whether such legislative amendments are warranted before the next redistribution is for Parliament to consider; the Chief Electoral Officer may wish to propose specific amendments.