

May 4, 2006

**Special Committee on Prince Edward Island's Electoral Boundaries
First Report of the Third Session Sixty-second General Assembly
Proposed Provincial Electoral Boundaries and
Fixed Provincial Election Dates**

Mr. Speaker and Members of the Legislative Assembly:

The Special Committee on Prince Edward Island's Electoral Boundaries has the honour to present its report.

Executive Summary

The Special Committee on Electoral Boundaries met six times during March and April 2006 to conduct consultations and receive opinion concerning recommendations made by the PEI Electoral Boundaries Commission in its final report, dated October 5, 2004. In addition, your Committee solicited public input on the desirability of establishing fixed dates for provincial general elections. In total, your Committee received personal interventions and written submissions on these matters from 38 individuals and groups from across the province.

As a result of its deliberations, your Committee is making 13 recommendations to improve the process of adjusting electoral boundaries, including proposals for legislative changes. In addition, your Committee is offering four comments based on the feedback received concerning the advisability of holding provincial general elections at fixed intervals and on fixed dates.

Committee Mandate

The Special Committee on Prince Edward Island's Electoral Boundaries was appointed by motion on December 8, 2005, to meet to receive opinion and report back to this House with recommendations as follows:

WHEREAS section 9 of the Electoral Boundaries Act R.S.P.E.I. 1988 Cap. E-2.1 requires a commission to review districts of the province, and make a report to the Legislative Assembly setting out its recommendations as to the area, boundaries and names of the districts of the province;

AND WHEREAS the final report of the PEI Electoral Boundaries Commission has been received by the Speaker;

AND WHEREAS the report makes recommendations which require consultation;

THEREFORE BE IT RESOLVED that a Special Committee of this House be established

to be called the Special Committee on Prince Edward Island's Electoral Boundaries;

THEREFORE BE IT FURTHER RESOLVED that this committee be comprised of six members, two to be named by the Leader of the Opposition, four to be named by the Premier;

AND THEREFORE BE IT FURTHER RESOLVED that this Assembly request the Special Committee on Prince Edward Island's Electoral Boundaries meet to receive opinion and report back to this House with recommendations.

Your Committee reports that it broadened its mandate by adopting the following motion on March 8, 2006:

THEREFORE BE IT RESOLVED that this Committee expand these hearings in order to gather public input into the desirability of establishing fixed election dates on Prince Edward Island.

Committee Membership

The Special Committee on Prince Edward Island's Electoral Boundaries is composed of the following members:

Hon. Jim Bagnall, Chairman (Minister of Agriculture, Fisheries and Aquaculture; District 4, Montague-Kilmuir)
Cletus Dunn (Government House Leader; District 26, Alberton-Miminegash)
Helen MacDonald (Acting Deputy Speaker; District 22, St. Eleanors-Summerside)
Hon. Elmer MacFadyen (Minister of Community and Cultural Affairs; District 10, Sherwood-Hillsborough)

By the terms of the motion establishing the Committee, specifically, the penultimate operative clause, the Committee is to be comprised of six members, two to be named by the Leader of the Opposition and four to be named by the Premier. The members as named by the Premier are listed in this report.

The Leader of the Official Opposition, the Hon. Robert Ghiz, stated publicly, both in the media and in the House, that he would not name two members to the Special Committee on Prince Edward Island's Electoral Boundaries. He objected to the involvement of Members of the Legislative Assembly in reviewing recommendations of the PEI Electoral Boundaries Commission, and, therefore, declined participation in the process.

Public Consultations

Your Committee held six meetings to consider these matters: on March 8, March 21 (afternoon and evening sessions), March 22 (afternoon and evening sessions), March 23, April 24, and April 27, 2006.

On **March 8, 2006**, your Committee met to elect a chairman and to begin discussions on its proposed workplan. Your Committee decided, by motion, to request the views of Islanders on the desirability of establishing fixed election dates for the province in addition to its consideration of matters relating to electoral boundaries readjustment. At this meeting, your Committee determined the need to place a series of advertisements inviting organizations and individuals interested in receiving additional information and/or scheduling a time to appear before your Committee to contact the Office of the Clerk of the Legislative Assembly.

As a result of this decision, an advertisement soliciting the views of the public appeared in the *Guardian* and the *Journal-Pioneer* newspapers on March 11 and March 15, 2006. On March 15, the advertisement also appeared in the *East Prince Graphic*, the *Western Graphic* and, as a French language version, in *La voix acadienne*. In conjunction with this effort, comprehensive information concerning the work of your Committee and additional resource material was posted on the website of the Legislative Assembly (at www.assembly.pe.ca). A feedback form was also posted on the website for the convenience of the public in responding to your Committee's call for input.

Public hearings were scheduled as follows and listed in the advertisement:

Tuesday, March 21, 2006

1 pm - Elmsdale Community Centre, Elmsdale
7:30 pm - Linkletter Inn, Summerside

Wednesday, March 22, 2006

1 pm - Hunter River Lions Club, Hunter River
7:30 pm - Whim Inn, Poole's Corner

Thursday, March 23, 2006

1 pm - Coles Building, Charlottetown

On **March 21, 2006**, your Committee heard from a number of interested Islanders at its meetings in Elmsdale and Summerside. Many presenters expressed the view that the proposed changes to electoral boundaries contained in the *Report of the PEI Electoral Boundaries Commission*, dated October 5, 2004, would have negative implications for rural Islanders. Mr. Gerard LeClair, appearing at the Elmsdale Community Centre, stated, "These changes proposed are significant and I feel that they will have catastrophic implications in rural PEI and we should not change just for the sake of change." The next presenter, Mr. Reg Harper, was in agreement with this position. Mr. Harper also stated that the report "did not do justice to the many presentations that

were given and especially those presented at this end of the Island.” He added, “We feel that we were not heard and now we have another opportunity to make our thoughts known to you as our elected officials of Prince Edward Island.”

Other presenters at this meeting included representatives of the District 25 PC Association and the District 27 PC Association. Both groups identified a goal of making only minimal adjustments to existing boundaries, with a deviation in number of electors among districts limited to approximately 15%. Ms. Eileen McCarthy made the recommendation to your Committee that rural interests could be protected by adding members to the Legislative Assembly. The next presenters, Mr. James Diamond and Mr. Lloyd Gavin reiterated the previously expressed concerns about rural Prince Edward Island.

Presenters Mr. Dennis Gallant, Mr. Wade Stetson and Ms. Margaret Adams agreed that a 15% variance among districts would be acceptable in order to keep rural areas and communities of interest together. Mr. Alan Graham had several concerns he brought before your Committee. He spoke about communities of interest, specifically Alberton, being divided by the proposed district boundaries, and then requested clarification regarding the renumbering of districts to which your Committee responded. Mr. Graham also put forward his view regarding fixed-date elections saying, “But I really think before anything is done on a fixed election basis, a major study should be done of the repercussions that it would have from a historical point of view.”

The final presenter at the afternoon meeting, Mr. Pat Murphy, Mayor of Alberton, directed his comments towards the common characteristics of a community of interest, specifically as related to Alberton and Tyne Valley. Mr. Murphy cited the Evangeline-Miscouche district as an example of a community of interest, and expanded his remarks to compare it to the Tignish area of the province.

Your Committee re-convened at 7:30 pm, at the Linkletter Inn in Summerside. The first presenter was Mr. John Curtis who questioned the need to have 27 Members of the Legislative Assembly. He proposed either one MLA for each 8,000 people, or two MLAs per county and one MLA for every 12,000 people on Prince Edward Island. Ms. Lorraine Robinson, representing the District 23 PC Association, raised concerns specific to the district of Cascumpec-Grand River, and made more broadly-based recommendations including the desirability of changing the membership of future commissions. She stated, “We do not feel that the community of interests were clearly understood by the McQuaid Commission and feel that urban and rural representations from across the whole province be applied to the next commission even if it means increasing the number of commissioners to ensure an east-west representation.”

The next presenter, Mr. Elmer Williams, encouraged the implementation of the recommendations contained in the *Report of the PEI Electoral Boundaries Commission*, saying, “It’s time to set the wheels in motion...” The final presenters at this meeting were Mr. Ross Harrington and

Mr. Greg Guptill. Mr. Harrington proposed a smaller number of elected officials to represent the people of the province, combined with a limit on the number of terms they could serve. Mr. Guptill addressed his remarks exclusively to the topic of fixed-term elections and recall of elected politicians. He suggested that the question of adopting fixed election dates be presented to the electorate in the form of a referendum. Mr. Guptill urged the implementation of some form of recall—the process whereby an elector may petition other electors in the electoral district for the removal of their elected member of the provincial legislature between elections—in concert with fixed term elections.

Your Committee met again on **March 22, 2006**, in Hunter River and Poole's Corner. The first presenter of the afternoon session held at the Hunter River Lion's Club was Mr. Ken Williams. Mr. Williams presented his thoughts on the question of fixed-date elections, of which he was in favour. His arguments centered on fairness for all political parties and the possibility of reducing costs of frequent elections. Mr. George Noble shared his experiences as a candidate in the recent federal election, and his belief in a close relationship between the elected politician and the voter. He stated, "I think if we can keep it the way we are, where we can have contact with the people that elect us, that is prime, it is most important."

In the evening of March 22, your Committee re-convened at the Whim Inn at Poole's Corner. In this portion of the meeting, your Committee heard from Mr. Billy Cann; Ms. Lorna Whitty; Mr. Blois Dingwell, President of the District 2 PC Association; Mr. George Ferguson, representing the Liberal Association of Murray River-Gaspereaux; Mr. Alex Blue; Mr. Philip Curley, representing the District 5 PC Association; Mr. Ray Cantelo; and Mr. Larry McGuire.

Mr. Cann impressed upon your Committee the need for public input. He said, "It's imperative that this important democratic process be as open and as transparent as possible." He further went on to state, "Many residents of Prince Edward Island feel the Electoral Boundaries Commission recommendations are out of touch with the wishes of Island voters." It was Mr. Cann's belief that the map showing the proposed boundaries should have been distributed to the general public. The next presenter, Ms. Whitty, voiced her disapproval of the proposed boundary changes affecting Dingwells Mills. Following Ms. Whitty, your Committee received input from Mr. Blois Dingwell, President of the District 2 PC Association. Mr. Dingwell felt that your Committee must be mindful of the rights of electors to effective representation and relative parity, which is a broader concern than simply creating a system based on equal number of electors in each district. He offered the comment that equality of representation might involve some sort of test for prospective candidates to ensure they were equal in ability. Finally, Mr. Dingwell argued that the focus on creating boundaries should be on diversity and community of interest to ensure effective representation with relative parity.

Mr. George Ferguson, representing the district of Murray River-Gaspereaux on behalf of the Liberal Association, commended your Committee for inviting submissions regarding the proposed boundary changes as outlined in the *Report of the PEI Electoral Boundaries Commission*. He advocated, as had Mr. Cann, that maps of the proposed boundaries be distributed to the public through newspapers or brochures, in order to obtain informed public

input. Further, he felt that the Electoral Boundaries Commission did not consider geography or communities of interest in establishing boundary changes. He posed the question, “Is it appropriate to sacrifice communities of interest—in other words, distinct regions—in order to obtain relatively equal district populations?”

Your Committee next heard from Mr. Alex Blue, who commented on the effects of proposed boundary changes on District 5 and District 6. It was his opinion that there had been no contemplation on the part of the PEI Electoral Boundaries Commission to preserve communities of interest existing within the two districts. Following Mr. Blue, your Committee heard from Mr. Philip Curley who echoed many of the previous presenters when he stated that, “The traditional strength of the Island economy lies in the rural based industries of farming and fishing.” He contended that the existing variance (that is, a variance of plus or minus 25% from the average number of electors) was established to give rural areas the maximum representation possible in the Legislative Assembly. Mr. Curley went on to voice his concern that the recommendations contained in the *Report of the PEI Electoral Boundaries Commission* would accelerate and perpetuate the trend of urbanization, which he viewed as unhealthy for the province.

Your Committee then received input from Mr. Ray Cantelo who put forward the view that rural areas depend heavily on their MLAs to be their voice in the Legislative Assembly for their economic well-being. The final presenter of the evening, Mr. Larry McGuire, took the opportunity to explain the origins of the word “gerrymander” which has a history dating back to 1812, and means to divide electoral districts so as to give unfair advantage to one party during political elections. He cautioned your Committee about the risk of being accused of gerrymandering and spoke about the independence of the PEI Electoral Boundaries Commission. To conclude, Mr. McGuire offered this comment concerned his strong opposition to fixed-date elections, “I think it’s too American and would lead to an awful long run up as far as campaigning goes.”

At its meeting of **March 23, 2006**, in Charlottetown, your Committee received presentations from Ms. Jane Ralling; Mr. Clifford Lee, Mayor of the City of Charlottetown; Ms. Kirsten Lund and Ms. Jane Ledwell of the PEI Advisory Council on the Status of Women; and the Hon. Robert Ghiz, Leader of the Official Opposition and Leader of the Liberal Party of Prince Edward Island.

Ms. Ralling reviewed, with your Committee, the 11 recommendations that are found on pages 32 through 33 of the *Report of the PEI Electoral Boundaries Commission* (and attached as Appendix B of this report). She contended that there has been a sufficiently long period of information, consultation and reflection concerning the work of the independent Commission, including its interim and final reports. She further asserted that for sitting MLAs to have any influence over determining the composition of their ridings, in terms of physical size or the numbers of voters, is an obvious conflict of interest. Ms. Ralling spoke of the right to vote as being an individual right which would be upheld by the courts. Mayor Clifford Lee brought the view of the City of Charlottetown before your Committee. In agreement with the previous

presenter, Mayor Lee said, “There’s nothing more sacred, there’s nothing more important than the right to vote; and equally important, the fairness of the electoral process. That is to say, the equality of one vote, regardless of where you happen to live in our province.” He recommended a maximum deviation of plus or minus 10 to 15% in the numbers of electors (from the average number of electors in all districts) as being reasonable in the Prince Edward Island context. In contrast to many of the presenters previously heard by your Committee, he put forward the idea that urban citizens are now under-represented in the Legislative Assembly. He indicated that the City of Charlottetown was generally pleased with the recommendations made in the *Report of the PEI Electoral Boundaries Commission*.

The Advisory Council on the Status of Women was represented by Ms. Kirsten Lund and Ms. Jane Ledwell at this meeting. The Advisory Council made three recommendations to your Committee: (1) that the setting of electoral boundaries be done by a body independent of elected members; (2) that electoral boundaries be set at least one year in advance of elections; and (3) that fixed election dates be adopted for provincial elections. The Advisory Council also supported a wider and more diverse representation on future Electoral Boundaries Commissions. Finally, the Advisory Council offered some observations on reversing the rural depopulation trend, including the need for immigration and population strategies, supports and services for families in rural areas, along with community economic development strategies. It was their position that the population decline in rural Prince Edward Island is an issue that is beyond the scope of an Electoral Boundaries Commission’s mandate, and the solution lies outside of electoral boundary changes.

The final presenter at this meeting was Hon. Robert Ghiz, Leader of the Official Opposition and Leader of the Liberal Party of Prince Edward Island, who confined his remarks to the issue of adopting fixed dates for provincial elections. Mr. Ghiz advocated for fixed election dates for the following reasons: (1) any governing party should not control the timing of our most important democratic function; (2) fixed election dates contribute to the transparency of the entire electoral process; (3) fixed election dates would permit the Auditor General to prepare fully audited financial statements; and (4) potential candidates would be able to plan more effectively which may attract a greater range of candidates.

In addition to the personal representations heard by your Committee, there were two written submissions received from Mr. Michael Le Clair and Mr. J. Elmer Arsenault. In his statement, Mr. Le Clair emphatically objected to the process undertaken by the Special Committee on Prince Edward Island’s Electoral Boundaries as making a mockery of civil and human rights. Mr. Arsenault, in his submission, suggested that the number of electors in each district should be determined by dividing the total number of electors in the province by 27, and no variance among districts be permitted. He also expressed his view that fixed-date elections would eliminate any advantage a governing party may have in setting an election date.

Your Committee then devoted the next several weeks to reviewing the transcripts of oral testimony, the written materials submitted to it, and to conducting research on the topic of electoral boundaries and fixed election dates. In mid-April, your Committee decided to place

another advertisement in the *Guardian* and the *Journal-Pioneer* newspapers soliciting further public comment and advising the public of a final scheduled hearing. The advertisement appeared on Saturday, April 22, 2006, in both daily newspapers.

On **April 24, 2006**, at 7 pm, your Committee met in Charlottetown, at the Coles Building. At this meeting it heard from Ms. Diane Griffin, Ms. Edna Reid and Mr. Mitchell Tweel. Ms. Griffin stated that she was generally supportive of the recommendations contained in the *Report of the PEI Electoral Boundaries Commission*. The next witness, Ms. Edna Reid, represented a group of concerned residents of District 8. Her presentation was made jointly with Mr. Don Gillis, although he was unable to be present at this meeting. Ms. Reid presented statistical information regarding numbers of electors in rural and urban districts. She also spoke about the additional level of a municipal government available to urban voters. Mr. Tweel, a councillor with the City of Charlottetown, was strongly in favour of fixed election dates, and recounted his experiences as a candidate running in a municipal election too closely scheduled with a provincial election. At the conclusion of the public portion of this meeting, your Committee met *in camera* to consider its next steps.

Your Committee met again *in camera* on **April 27, 2006**, to begin consideration of its final report to the Members of the Legislative Assembly.

Basis for Recommendations

Your Committee has reviewed the written materials and presentations and is making a number of proposals for the consideration of the Members of the Legislative Assembly. There are 13 recommendations specific to the consultations conducted regarding the *Report of the PEI Electoral Boundaries Commission*, as directed by the Legislative Assembly; in addition, your Committee presents four recommendations directed toward the question of fixed-date provincial elections.

During its consultations, your Committee heard two major themes related to the electoral boundary adjustment process. The first of these acknowledges the tension between equality of the vote and effectiveness of the representation; that is, how do we reconcile the interests of the individual with the interests of the community. The language of the Commission's report emphasizes the important consideration that all voters in Prince Edward Island should have a vote of equal weight. Your Committee received further input concerning the franchise as a fundamental democratic right of every citizen, and points out that the Canadian Charter of Rights and Freedoms constitutionally entrenches this right.

On the other hand, many presenters tended to favour collective considerations as weighed against individual ones. Your Committee heard such comments as:

I ask you to maintain the present representation in rural PEI....This will allow these communities of interest in rural PEI to remain intact and to maintain their unique identity.

(~ Gerard LeClair, March 21, 2006)

and

We should recognize the distinctiveness of the rural areas of this province and the right to effective political consideration. The future of our province will be much brighter if we focus on geography and communities of interest in establishing our electoral boundaries.

(~ Billy Cann, March 22, 2006)

Your Committee struggled to find an appropriate balance between those two goals, and to make recommendations which would address the rights of the individual voter, as well as the needs of the district itself to effective representation in the Legislative Assembly of Prince Edward Island.

The second theme which was heard throughout the public testimony was perhaps summed up best as follows:

We feel that we were not heard and now we have another opportunity to make our thoughts known to you as our elected officials of Prince Edward Island.

(~ Reg Harper, March 21, 2006)

Variations of this comment were expressed throughout the consultations. There appeared to be an expectation of transparency in decision-making, and accountability to the people of Prince Edward Island that was not met.

Your Committee acknowledges and supports Electoral Boundaries Commissions as fully independent bodies, insulated from the political process and from interference in determining electoral districts. However, we note that independence does not mean inflexibility.

Your Committee assures all Members of the Legislative Assembly that it listened carefully to these concerns. We are well-aware that it is not possible to please everyone in an exercise of this type; however, throughout the process, we remained committed to accepting sometimes difficult public input and to the principle of flexibility in crafting solutions.

In doing so, your Committee considered a number of questions: What are the appropriate criteria for deciding a district boundary? How can we balance the rights of the individual voter with the concerns of a community? What is the best composition of an Electoral Boundaries Commission? How important is public education and input to district redistribution? How should objections and appeals be handled? What is the role of Elections PEI in the process?

Recommendations Concerning the Report of the PEI Electoral Boundaries Commission

The final *Report of the PEI Electoral Boundaries Commission*, dated October 5, 2004, makes recommendations with respect to the area, boundaries and names of each of the 27 provincial electoral districts within the province. The report makes a number of additional recommendations concerning the register of electors, the frequency of reviews of area

boundaries and names, composition of future Electoral Boundaries Commissions, public consultation in the establishment of poll boundaries, and a review of the mandate of the Chief Electoral Officer. (See Appendix B of this report for the complete list of recommendations.) Each recommendation as contained in the final report was reviewed within the context of the public input received and considered by your Committee.

The Special Committee on Prince Edward Island's Electoral Boundaries recommends:

- 1. that the area and boundaries of the existing 27 electoral districts of the Province of Prince Edward Island be re-distributed so as to balance, as far as practicable, community concerns as expressed during the public consultations of your Committee with voter parity.**

Your Committee heard that there exist a number of factors which should be considered when re-drafting electoral boundaries. Demographic factors, including the sparsity, density or rate of growth or decline in a population; community boundaries; facilities for, and patterns of transportation and communication within and between different areas; language, culture and any other special community or diversity of interests; and special circumstances relating to existing electoral districts were some of the concerns expressed during the public consultation phase of your Committee's work.

- 2. that the deviation in absolute parity in the number of electors in each of the 27 electoral districts be limited to plus or minus 15% as compared to the electoral quotient (that is, the total number of electors in the province divided by 27), with the exception of the district of Evangeline-Miscouche where the deviation is permitted to be greater to accommodate the cultural diversity of that area.**

The first two recommendations of this report seek to balance considerations of community of interest, or community of identity in, or the historical pattern of an electoral district with the democratic rights of the individual, as guaranteed in the Canadian Charter of Rights and Freedoms.

Your Committee recognizes that communities have specific histories and community issues. Further, your Committee believes that the starting premise for re-drafting of electoral boundaries should be continuity, not change. There needs to be sensitivity to the human institution of electoral districts, which have a value and identity to those who belong to them. People seek continuity, stability, predictability and a sense of belonging which extends to their relationship with their Legislative Assembly, their Member, and in their dealings with government services.

Of equal concern is the democratic right of the individual voter. In fact, the Electoral Boundaries Act specifies the Canadian Charter of Rights and Freedoms as a criterion for an Electoral Boundaries Commission to consider in determining the area to be included in a district and fixing the boundaries of a district. The Commission's interim report of June 30, 2004, includes judicial interpretations of Section 3 of the Charter, which reads,

“Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.”

Your Committee has reviewed the decisions of the Supreme Court of Prince Edward Island as related to the establishment of electoral districts, and believes that a variance of plus or minus 15% from the electoral quotient (with the exception of the variance for the district of Evangeline-Miscouche) serves to preserve the rights of the individual, while not unnecessarily disrupting people and communities for the sake of a strict mathematical model.

3. that Elections PEI commence with this re-drafting immediately to produce maps and legal descriptions delineating the area and the boundaries of each of the province’s 27 electoral districts.

The task of designing and mapping polling divisions presently lies with Elections PEI, who draw on outside resources and expertise as required, and more widely consult with each of the political parties in determining polling divisions. In this recommendation, your Committee suggests a greater and more active role for Elections PEI in determining the electoral districts of the province.

Your Committee is not a substitute or rival Electoral Boundaries Commission. Its role was to hear, observe, comment and report back to the Members of the Legislative Assembly concerning the public’s reaction to the recommendations of the PEI Electoral Boundaries Commission. As part of this work, your Committee examined the strengths and weaknesses of the current legislation, the Electoral Boundaries Act. This review revealed an area where the legislation is silent, that is, what is the procedure for objections and appeals.

Your Committee considered several alternatives as to how to deal with objections to the boundaries as proposed in the *Report of the PEI Electoral Boundaries Commission*. It has selected the option of designating Elections PEI to redistribute the electoral districts based on the recommendations of this report, and as adopted by the Members of this Legislative Assembly.

4. that government present the recommended changes to the Electoral Boundaries Act including the schedule describing the electoral divisions, as re-drafted by Elections PEI, in the form of a Bill, for the consideration of all Members of the Legislative Assembly within Third Session of the Sixty-second General Assembly.

The process of redistribution has been a lengthy one. The PEI Electoral Boundaries Commission was established on December 23, 2003. The Commission commenced its work and presented an interim report on June 30, 2004, with its final report published in October of that same year. Your Committee believes that controversy would result from any delay, and so is recommending that the time limit for government to present a Bill to the Legislative Assembly be specified as the current session of this Assembly.

- 5. that the new electoral boundaries, as re-drafted by Elections PEI, receive wide publication in local media, and a detailed map showing electoral boundaries for the entire province, plus an enlarged view of the boundaries of the specific district be sent to each household in each district.**

Your Committee is recommending a communications program to assist the public and inform constituents of electoral district redistribution. As an example, each household in District 1 would receive a map showing the province with all the electoral boundaries drawn in, plus a magnified view of the boundaries of District 1.

Your Committee heard from several presenters that there was a lack of public awareness of the boundary changes proposed by the PEI Electoral Boundaries Commission. Presenter George Ferguson said, "I expect that over 90% of constituents have never seen the proposed electoral boundaries which have been drastically changed in some instances."

- 6. that Recommendations 1 through 4 of the *Report of the PEI Electoral Boundaries Commission* as they relate to the specific descriptions, including name, area and boundaries, of the 27 electoral districts as proposed by the PEI Electoral Boundaries Commission, not be adopted by the Legislative Assembly.**

The recommendations of this report largely replace the first four recommendations of the *Report of the PEI Electoral Boundaries Commission*.

- 7. that Recommendation 5 and Recommendation 6 of *Report of the PEI Electoral Boundaries Commission*, which refer to the Register of Electors, be adopted by the Members of the Legislative Assembly without amendment.**

These changes are required because an enumeration process is no longer provided for in the Election Act; it has been replaced by a confirmation process, which results in an official list of electors.

- 8. that Recommendation 7 as presented in the *Report of the PEI Electoral Boundaries Commission* not be adopted by the Members of the Legislative Assembly.**

Your Committee recommends that no change is required to the current legislation which calls for the establishment of an Electoral Boundaries Commission within 90 days following ordinary polling day of each third general election.

- 9. that Recommendation 8 as presented in the *Report of the PEI Electoral Boundaries Commission* not be adopted by the Members of the Legislative Assembly.**

Your Committee is recommending a change to the composition of future Electoral Boundaries Commissions in terms of the number of Commissioners and their

qualifications to serve on a Commission, and suggests the following change to section 8 of the Electoral Boundaries Act (proposed changes are highlighted):

Section 8. Within ninety days following ordinary polling day of the third general election after this Act comes into force and within ninety days following ordinary polling day of each third general election thereafter, the Lieutenant Governor in Council shall establish an Electoral Boundaries Commission, **broadly representative of the population of the Province**, consisting of

(a) a chairperson appointed by the Lieutenant Governor in Council, who is a judge or retired judge of the Supreme Court of Prince Edward Island

(b) **two** persons who are not members of the Legislative Assembly, or of the Parliament of Canada, or employees of the Government of Prince Edward Island, appointed by the Speaker of the Legislative Assembly on the nomination of the Leader of the Opposition, after consultation with the leaders of any other political party registered under section 24 of the Election Act that is represented in the Legislative Assembly; and

(c) **two** persons who are not members of the Legislative Assembly, or of the Parliament of Canada, or employees of the Government of Prince Edward Island, appointed by the Speaker of the Legislative Assembly on the nomination of the Premier.

In addition, it is the opinion of your Committee that decisions involving community representation could be well-served by ensuring that persons with considerable experience in community service augment a commission's academic or legal expertise. As well, your Committee believes that the addition of two members to future commissions may offer the opportunity to address issues of regional representation.

- 10. that Recommendations 9 and 10 as presented in the *Report of the PEI Electoral Boundaries Commission* be adopted by the Members of the Legislative Assembly without amendment.**

Recommendation 9 of the *Report of the PEI Electoral Boundaries Commission* is concerned with wide consultation with the public in the establishment of the poll boundaries by the Chief Electoral Officer and monitoring by the Legislative Assembly. Recommendation 10 further specifies the role of the Legislative Assembly in undertaking a thorough review of ways to give the Chief Electoral Officer a much broader mandate to maintain the register of electors. Your Committee endorses the view that the Legislative Assembly should attend to, and assist in, the work of the Chief Electoral Officer as it relates to poll boundaries and the register of electors.

- 11. that Recommendation 11 as presented in the *Report of the PEI Electoral Boundaries Commission* be adopted by the Legislative Assembly without amendment.**

This recommendation simply states the need for the Legislative Assembly to make any consequential amendments to the Electoral Boundaries Act identified by Legislative Counsel.

12. that section 17 of the Electoral Boundaries Act be amended to ensure that future Electoral Boundaries Commissions shall take the following criteria into consideration when determining the area to be included in, and in fixing the boundaries of a district:

- (a) the Canadian Charter of Rights and Freedoms**
- (b) data from the Register of Electors**
- (c) polling divisions from the most recent general election**
- (d) geographical features**
- (e) information pertaining to population**
- (f) community of interest**
- (g) municipal boundaries**
- (h) public input**
- (i) guidelines or criteria proposed for the consideration of the Commission by resolution of the Legislative Assembly**
- (j) such other factors as it regards as relevant**

Along with preserving the rights of individual voters, it is important to have regard for local concerns when contemplating a change to an electoral district map. Your Committee, therefore, is recommending expanding the list of factors, as contained in the current Act, to be taken into consideration by future Electoral Boundaries Commissions.

13. that the Electoral Boundaries Act be amended by the addition of a new section to clarify the process of establishing the new electoral districts, as follows:

Section 22. If the Legislative Assembly, by resolution, approves or approves with alterations, the proposals of the commission, the government must, at the same session, introduce a Bill to establish new electoral districts in accordance with the resolution.

This recommendation indicates your Committee's desire to see a structure and timeframe formally specified in legislation for the benefit of future commissions.

Recommendations Concerning Fixed-Date Elections

As reported, your Committee solicited input from the public on the issue of fixed election dates. Throughout the consultation phase of its work, it collected a number of opinions on the advisability of holding elections on a specific day at a specific intervals.

Proponents identified several advantages of a fixed-date system including greater certainty for parties and their candidates in preparing their strategies and campaign policies, economic efficiency of administering predictable elections, and increased voter confidence in the process. Your Committee also heard that the ability to call an election at a date of the government's choosing could well constitute a significant advantage for the party in power. Others were opposed to change, and pointed out that the maximum time period between general elections is already defined in legislation, and that fixed-date elections would open the door to lengthy and expensive campaigns.

It was clear, however, that many presenters had not considered the full impact of the arguments either for or against fixed-date elections and so were unable to offer an informed opinion.

Therefore, your Special Committee on Prince Edward Island's Electoral Boundaries recommends:

- 1. that a referendum on the question of fixed-date elections be conducted in conjunction with the next provincial general election**
- 2. that a public education program be conducted in advance of the referendum with the goal of explaining the advantages and disadvantages of the current system and the proposed alternative of fixed-date elections to the electorate**
- 3. that the question presented in the referendum be clear and unambiguous**
- 4. that the outcome be endorsed by a simple majority (50% +1).**

Conclusion

The Special Committee on Prince Edward Island's Electoral Boundaries has appreciated the opportunity to hear from the public regarding issues and concerns on the recommendations contained in the *Report of the PEI Electoral Boundaries Commission* and the desirability of adopting fixed-date elections for the province. In particular, your Committee benefitted from traveling outside the capital city and holding public hearings for interested Islanders in their own communities. This provided both an opportunity for citizens to see their representatives at work, and it allowed for input by individuals which might not have otherwise been received had all the meetings been held in Charlottetown. Although not a formal recommendation, your Committee strongly encourages this practice be adopted by standing or special committees of the Legislative Assembly in their future work.

Page 16

Your Committee wishes to acknowledge and thank the PEI Electoral Boundaries Commission for its work in completing a difficult task. We appreciate the public service the Commission performed for the benefit of this province. The comments and recommendations contained in this report are not critical of the legitimacy of the redistribution they proposed, but are, rather, intended to offer constructive improvements to the process and are based on the concerns expressed at the public hearings in held in March and April of this year.

Adoption of this report effectively concludes the work of the Special Committee on Prince Edward Island's Electoral Boundaries. Your Committee thanks all those individuals and groups who appeared before it throughout the public consultation phase of its work, and to those who participated by submitting written briefs and comments.

Respectfully submitted,

Hon. Jim Bagnall, Chairman
Special Committee on Prince Edward Island's Electoral Boundaries

Appendix A

List of Interveners

March 21, 2006

Margaret Adams
Ronnie Costain, District 25 PC Association
John Curtis
James Diamond
Diane Doyle, District 27 PC Association
Dennis Gallant
Lloyd Gavin
Alan Graham
Greg Guptill
Reg Harper
Ross Harrington
Gerard LeClair
Eileen McCarthy
Pat Murphy, Mayor of Alberton
Lorraine Robinson, District 23 PC Association
Wade Stetson
Elmer Williams

March 22, 2006

Alex Blue
Billy Cann
Ray Cantelo
Philip Curley
Blois Dingwell
George Ferguson
Don Gillis
Larry McGuire
George Noble
Lorna Whitty
Ken Williams

March 23, 2006

Hon. Robert Ghiz
Jane Ledwell, Advisory Council on the Status of Women
Clifford Lee, Mayor of the City of Charlottetown
Kirsten Lund, Advisory Council on the Status of Women
Jane Ralling

Appendix A
List of Interveners (continued)

April 24, 2006

Diane Griffin

Edna Reid

Mitch Tweel

Written Submissions

J. Elmer Arsenault

Don Gillis

Michael Le Clair

Appendix B
Recommendations of the
Report of the PEI Electoral Boundaries Commission,
dated October 5, 2004

1. That subsection 2(1) of the Electoral Boundaries Act be amended to read as follows:

The province, for the purpose of the election of members to serve in the Legislative Assembly, is divided into twenty-seven districts, as set out in section 3.

2. That section 3 of the Electoral Boundaries Act be amended to read as follows:

The province is divided into twenty-seven districts to be styled as Souris-Elmira, Morell-Mount Stewart, Georgetown-Baldwins Road, Montague-Gaspereaux, Belfast-Murray River, Stratford-Pownal Bay, Stratford-Glen Stewart, Charlottetown-East Royalty, Charlottetown-Sherwood, Charlottetown-Parkdale, Charlottetown-Kings Square, Charlottetown-Spring Park, Charlottetown-Queens Arms, Charlottetown-West Royalty, Stanhope-Milton, Cornwall-Meadowbank, Crapaud-North Wiltshire, Cavendish-Hazel Grove, Borden-Kinkora, Kensington-Malpeque, Summerside-Wilmot, Summerside-Central, Summerside-St. Eleanors, Evangeline-Miscouche, Alberton-Grand River, O'Leary-West Point, Tignish-St. Louis.

3. That sections 4 and 5 of the Electoral Boundaries Act be repealed.
4. That the present Schedule to the Electoral Boundaries Act be deleted and replaced with a Schedule prepared in accordance with the Schedule I to this report.
5. That section 17(1)(b) be amended by the deletion of the present words and replaced with the words "data from the Register of Electors."
6. That section 1 of the Electoral Boundaries Act be amended by the addition of subsection (d) which is to read as follows:

"Register of Electors" means the register of electors established and maintained by the Chief Electoral Officer pursuant to section 24 of the Election Act R.S.P.E.I. 1988 Cap. E-2.

7. That section 8 of the Electoral Boundaries Act be amended to reflect that a review of the area boundaries and names of the electoral districts be held not more frequently than every ten years.

Appendix B
(continued)
Recommendations of the
Report of the PEI Electoral Boundaries Commission,
dated October 5, 2004

8. That amendments to section 8 of the Electoral Boundaries Act respecting the composition of an Electoral Boundaries Commission are not required.
9. That there be wide consultation with the public in the establishment of the poll boundaries by the Chief Electoral Officer and that this be monitored by the Legislative Assembly.
10. That the Legislative Assembly undertake a thorough review of ways to give the Chief Electoral Officer a much broader mandate to maintain the Registrar of Electors.
11. That any consequential amendments to the Electoral Boundaries Act identified by Legislative Counsel be made.