
Towards a More Equitable Distribution of Seats in British Columbia

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Currently the size of British Columbia electoral districts range from 5,511 in Atlin to 68,347 in Surrey-Newton. With 69 seats there is an average of 41,873 persons for each district.

A British Columbia Royal Commission has just completed the most extensive provincial redistribution of electoral districts in decades. It was not envisioned as such when first formed and was originally appointed solely as a vehicle to end the system of dual member constituencies. However, it soon became engaged in a fully fledged electoral redistribution for the whole province.

In 1984, the province made constitutional provision for a periodic independent review of the number and allocation of electoral districts under a formula which retained existing boundaries and added members to single districts or split dual member districts.¹ Prior to this, redistributions had been *ad hoc* and sporadic. The immediate impact of this new procedure was an increase in seats from 57 to 69 (including 17 dual member districts) for the 1986 general election. On the eve of election day 1986, Premier Vander Zalm promised the elimination of all dual member districts. Five months later, under the *Inquiry Act*, he acted outside the 1984 framework and appointed a one-man royal commission on electoral boundaries.

On April 9, 1987 the Commissioner, Thomas K. Fisher, a judge of the County Court of New Westminster, B.C. was instructed to examine all the two member electoral districts and those districts "contiguous" to the two member districts, with a view to recommending the establishment of electoral districts each returning one member to the Legislative Assembly. In making his recommendations, the Commissioner was instructed to have regard to:

- the principal of the electoral quota, that is to say, the quotient obtained by dividing the population of the Province, as ascertained by the most recent population figures published by Statistics

Canada, pursuant to the *Statistics Act* (Canada), by the total number of members of the Legislative Assembly;

- historical and regional claims for representation;
- special geographic considerations including the sparsity or density of population of various regions, the accessibility to such regions or the size or shape thereof;
- special community interests of the inhabitants of particular regions; and
- the need for a balance of community interests.²

The Commissioner was to hold hearings and conduct such other research as he considered appropriate prior to publishing a preliminary report. The first of what was to become four sets of public hearings commenced on June 22, 1987 and concluded in Vancouver on August 12, 1987. In this first phase of the redistribution process, the actual mandate of the Commission became a primary issue. A number of briefs urged the Commissioner to interpret his mandate as comprehensively as possible. It was noted that the term "contiguous" could be broadly interpreted and certainly did not prohibit the Commission from examining all the districts within the province. It was also suggested that the total number of districts was left open and could remain at the existing number of 69, could go higher or even lower if the Commission so wished.

The Commissioner secured a change in his mandate in September, 1987 so as to "have the opportunity to consider all electoral districts in the province to ensure proper representation for British Columbians in the Legislative Assembly."³ The reference to two member districts and contiguous districts was eliminated and the appropriate number of districts was left to the Commissioner to decide.

What had begun as a crudely defined vehicle for the elimination of 17 dual member districts was transformed into a fully fledged redistribution commission charged with the task of defining and drawing all electoral boundaries.

On November 23 and 24, 1987, hearings were held under the new mandate to address the question of the appropriate number of members of the Legislative Assembly "required

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to secure fair and effective representation for the people of British Columbia."⁴ Judge Fisher was particularly interested in the duties of, and demands on, MLAs and how an increase or decrease in the number of members would affect their ability to serve constituents. Many redistribution commissions have considered the work load of MLAs in framing their recommendations, but it is somewhat unique for a specific round of hearings to be devoted to the question. This information helped the Commissioner frame his views as to a desirable electoral quota. On December 9, 1987 Judge Fisher announced a preliminary quota of 38,523 persons for each provincial district, without committing himself to a specific number of districts or how much a deviation from the quota he would tolerate. The preliminary decision implied 75 districts (1986 British Columbia population divided by 38,523) but it was unclear if there would be any deviation level that is for example, a level of plus or minus 25%; plus or minus 10%; plus or minus 1%, or some other figure. The quota gave only the barest guidance for drawing the boundaries of a single district. From a province-wide perspective such a decision made it difficult to prepare a detailed redrawing of all electoral boundaries without making assumptions about the number of districts and a deviation level.

The third round of hearings commenced on January 18, 1988 and concluded on April 15, 1988. This phase of the redistribution focused on designing a specific electoral map for the province. A wide range of submissions were received including proposed electoral maps for the entire province, particular regions and individual electoral districts. All of the briefs dealt with one or more of the major issues facing the Commission, namely: (1) the total number of districts; (2) the allocation of districts by region; (3) the deviation level; (4) specific boundaries for individual districts; and (5) the names of districts.

On May 27, 1988 Judge Fisher released his preliminary report. He recommended that membership in the Legislative Assembly be increased from 69 to 75 members and that dual member ridings be eliminated. He argued that the only way to deal with the problem of under-representation of urban areas in the existing Assembly without exacerbating the problems experienced in northern and remote areas was to increase the size of the Legislature. The report also established a plus or minus 25% deviation level around the electoral quota. Here it was noted that a limit on deviations had been endorsed by the political parties in the province, academics and the public. The recommendation to limit deviations to plus or minus 25% was based on this testimony as well as an examination of representation formulas elsewhere in Canada where a plus or minus 25% deviation is most common. The Commissioner also attempted to minimize population differences between neighbouring districts.

Most of the seats added to the Legislature were in the Lower Mainland. The table below details the allocation of districts by region.

A number of observations are pertinent. Vancouver Island gains one district. The North has two more districts and the Lower Mainland two less than would be warranted by a strict application of the electoral quota. Population growth has taken place in the cities and suburbs even in the interior of the province and this is reflected in the electoral map. In the north, for example, Prince George gains an extra district while two small districts – Prince Rupert and Alton are combined to form North Coast-Stikine.

On May 30, 1988 the then Provincial Secretary, Elwood Veitch announced appointment of a nine member legislative committee to study and make unanimous recommendations to the House on the preliminary report. The Committee was constituted on June 22, 1988 but made no submission to the Commissioner before his fourth and final round of 6 public

ALLOCATION OF DISTRICTS BY REGION⁵

Region (1986 Population)	Number of Districts with Electoral Quota of 38,523	Existing Districts in Legislative Assembly	Districts Recommended in Preliminary Report
Vancouver Island (516,425)	13.41	12	13
North (311,274)	8.08	10	10
East (178,079)	4.62	5	5
Interior (344,691)	8.95	9	9
Lower Mainland (1,538,738)	39.94	33	38
PROVINCIAL TOTAL (2,889,207)	75	69	75

hearings ending on August 12, 1988.⁶ Judge Fisher had set September 15, 1988 as the last day for receiving written submissions. Subsequently, the Legislative Special Committee, under the chairmanship of James Rabbitt (MLA, Yale-Lillooet), requested that this deadline be extended to enable MLAs to deposit responses with the committee and the Commissioner acceded to a new October deadline.⁷ An exchange of information took place between the Special Committee and the Commission but the Committee is yet to make its report to the House.

The fourth round of hearings (July 19, 1988 to August 12, 1988) provided an opportunity to give feedback to the Commissioner to help him refine his preliminary report. Hearings were held in six centres throughout the province – Penticton, Kamloops, Prince George, Prince Rupert, Victoria and Vancouver. Concern was raised about a number of the recommendations. These included an increase in the size of the legislature, the elimination of some northern districts, under-representation of the city of Vancouver and specific boundaries particularly those involving Williams Lake, Penticton and Denman Island. The failure to use the full range of the plus or minus 25% deviation and the constitutionality of such a deviation, the geographic compactness of districts and the lack of a consistent standard applied province wide to draw district boundaries were also among the substantive issues raised about the preliminary report.

The final report of the Commission was submitted to the cabinet on December 20, 1988. At this juncture it is unclear what will happen to the report, but there are a number of circumstances that will help shape its fate. Firstly, the British Columbia Civil Liberties Association has launched a court challenge to the existing distribution of electoral districts in British Columbia. The Association maintains that two member districts and the discrepancy in population among districts is unconstitutional. The case was heard in the second week of January 1989 by Chief Justice Beverley McLachlin of the Supreme Court of British Columbia.⁸ Secondly, the June, 1988 preliminary report of the Manitoba Electoral Boundaries Commissions casts doubt on the constitutionality of plus or minus 25% deviations. All 57 proposed districts in Manitoba are with plus or minus 10% of the provincial quota. Chief Justice Alfred Monnin of Manitoba, Chairman of the Commission, noted that it feared a court challenge with a plus or minus 25% deviation and explained that Section 15 of the *Canadian Charter of Rights and Freedoms* provides for the equality of every citizen.⁹ Thirdly, the final report has to be considered by cabinet and tabled in the Legislature within 15 days after the opening of the new spring 1989 session. Unlike the procedure for federal redistributions or that in other provinces, publication of the final report of the Commission is no guarantee that it will be implemented quickly or in its entirety.

In terms of both substance and process most observers have viewed the preliminary report as being fair, sensitive and non-partisan. Population is taken much more seriously than in the past. In the preliminary report the size of districts would range from 29,529 in North Peace River to 44,825 in Burnaby-Willington. The report addresses two realities about British Columbia which are reflected in the proposed electoral map. First, population growth has taken place in the suburbs of Prince George and Kelowna as well as the larger conurbations of Victoria and Vancouver. The report adds districts in the Lower Mainland and Victoria and adjusts boundaries in Kelowna and Prince George to reflect this development. Second, there is a deep sense of alienation in the North. Judge Fisher respects this sentiment by maintaining the existing number of northern districts even though population numbers do not warrant such representation. This is not to say the preliminary report is perfect. Some of the major criticisms have been noted above, but it is a significant improvement over the existing electoral map. No one party appears to be favoured, regional and community claims are well respected and the Commissioner has moved closer to the goal of giving equal weight to the vote of each British Columbian.

The redistribution process itself has paralleled that in many provinces with permanent independent boundary commissions. Credit for this can be attributed to the Commissioner rather than to a set of rules spelled out in legislation. The process authorized under the *Inquiry Act* is *ad hoc*. There are no guarantees that there will be an independent review for future redistributions or that the process adopted by Judge Fisher will be replicated. If his or a similar approach is to be continued it will be necessary to set out new rules in the provincial *Constitution Act*. ■

Notes

1. Statutes of British Columbia, 1984, Chapter 12.
2. British Columbia, *Order-in-Council*, 690, April 9, 1987.
3. Letter from T. K. Fisher to E. Veitch, Provincial Secretary of British Columbia, August 12, 1987. Reprinted in British Columbia, Royal Commission on Electoral Boundaries, *Preliminary Report of Proposed Boundaries for British Columbia Electoral Districts*, May 27, 1988, p. 24.
4. British Columbia, Royal Commission on Electoral Boundaries, *Preliminary Report of Proposed Boundaries for British Columbia Electoral Districts*, May 27, 1988, p. 2.
5. Calculated from *Ibid.*, Schedules E and F, pp. 28-31.
6. British Columbia, Legislative Assembly, *Votes and Proceedings*, no. 87, June 22, 1988.
7. Letter from T. Julian, Chief Administration Officer, Royal Commission on Electoral Boundaries to J. Rabbitt, Chairman, Special Committee on Electoral Boundaries, September 13, 1988. Exhibit D 168, Royal Commission on Electoral Boundaries.
8. Re: *Dixon and Attorney-General of British Columbia*, Vancouver Registry No. A860246, March 25, 1988.
9. Province of Manitoba, Electoral Divisions Boundary Commission, *News Release*, June 27, 1988.