

*REDRAWING DEMOCRACY: EXPLORING THE MODERN LANDSCAPE OF THE
ELECTORAL BOUNDARIES REVOLUTION IN THE MARITIMES*

by

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DEDICATION PAGE

For my family who have always told me to be someone and pursue my dreams.

TABLE OF CONTENTS

LIST OF TABLES	v
ABSTRACT	vi
ACKNOWLEDGMENTS	vii
CHAPTER ONE: INTRODUCTION	1
CHAPTER TWO: LITERATURE REVIEW	7
CHAPTER THREE: THEORETICAL FRAMEWORK	24
CHAPTER FOUR: METHODOLOGY & RESEARCH JUSTIFICATION.....	29
CHAPTER FIVE: PARTISAN INFLUENCE	37
CHAPTER SIX: LEGAL INFLUENCE	76
CHAPTER SEVEN: PUBLIC INFLUENCE	96
CHAPTER EIGHT: CONCLUSION.....	126
REFERENCES.....	133

LIST OF TABLES

CHAPTER FIVE PARTISAN INFLUENCE:

Table 5.1: <i>2005-06 New Brunswick EBC Commissioners</i>	40
Table 5.2: <i>2005-06 New Brunswick EBC Objections</i>	42
Table 5.3: <i>2012-13 New Brunswick EBC Commissioners</i>	46
Table 5.4: <i>2012-13 New Brunswick EBC Objections</i>	47
Table 5.5: <i>2022-23 New Brunswick EBC Commissioners</i>	50
Table 5.6: <i>2022-23 New Brunswick EBC Objections</i>	51
Table 5.7: <i>2001-02 Nova Scotia EBC Commissioners</i>	54
Table 5.8: <i>2001-02 Nova Scotia EBC Objections</i>	56
Table 5.9: <i>2012-13 Nova Scotia EBC Commissioners</i>	58
Table 5.10: <i>2018-19 Nova Scotia EBC Commissioners</i>	62
Table 5.11: <i>2003-04 Prince Edward Island EBC Commissioners</i>	66
Table 5.12: <i>2003-04 Prince Edward Island EBC Objections</i>	67
Table 5.13: <i>2017-18 Prince Edward Island EBC Objections</i>	70

CHAPTER SEVEN PUBLIC INFLUENCE:

Table 7.1: <i>Preliminary Public Hearing Locations – NB EBC 2005-06</i>	97
Table 7.2: <i>Secondary Public Hearing Locations – NB EBC 2005-06</i>	98
Table 7.3: <i>Accepted Public Hearing Recommendations – NB EBC 2005-06</i>	99
Table 7.4: <i>Preliminary Public Hearing Locations – NB EBC 2012-13</i>	100
Table 7.5: <i>Preliminary Secondary Hearing Locations – NB EBC 2012-13</i>	101

Table 7.6: <i>Accepted Public Hearing Recommendations – NB EBC 2012-13</i>	102
Table 7.7: <i>Preliminary Public Hearing Locations – NB EBC 2022-23</i>	104
Table 7.8: <i>Secondary Public Hearing Locations – NB EBC 2022-23</i>	104
Table 7.9: <i>Accepted Public Hearings Recommendations – NB EBC 2022-23</i>	105
Table 7.10: <i>Public Hearing Guidelines – NS EBC 2001-02</i>	107
Table 7.11: <i>Preliminary Public Hearing Locations – NS EBC 2001-02</i>	108
Table 7.12: <i>Secondary Public Hearing Locations – NS EBC 2001-02</i>	109
Table 7.13: <i>Accepted Public Hearing Recommendations – NS EBC 2001-02</i>	109
Table 7.14: <i>Preliminary Public Hearing Locations – NS EBC 2012-13</i>	111
Table 7.15: <i>Secondary Public Hearing Locations – NS EBC 2012-13</i>	111
Table 7.16: <i>Accepted Public Hearing Recommendations – NS EBC 2012-13</i>	112
Table 7.17: <i>Preliminary Public Hearing Locations – NS EBC 2017-18</i>	114
Table 7.18: <i>Secondary Public Hearing Locations – NS EBC 2017-18</i>	115
Table 7.19: <i>Accepted Public Hearing Recommendations – NS EBC 2017-18</i>	116
Table 7.20: <i>Preliminary Public Hearing Locations – PEI EBC 2003-04</i>	118
Table 7.21: <i>Secondary Public Hearing Locations – PEI EBC 2003-04</i>	118
Table 7.22: <i>Accepted Public Hearing Recommendations – PEI EBC 2003-04</i>	119
Table 7.23: <i>Preliminary Public Hearing Locations – PEI EBC 2017-18</i>	121
Table 7.24: <i>Accepted Public Hearing Recommendations – PEI EBC 2017-18</i>	122
Table 7.25: <i>Summary of Public Hearing Locations – PEI EBC 2017-18</i>	124
Table 7.26: <i>Analysis of Public Hearing Locations – PEI EBC 2017-18</i>	124

ABSTRACT

In R.K. Carty's 1985 study of Canada's "Electoral Boundaries Revolution," he explored the advances in electoral redistribution by both federal and provincial governments since the 1960s in their pursuit to adopt independent boundaries commissions. He concluded that Canada faced an unfinished revolution because several provinces, most notably the three Maritime provinces (New Brunswick, Nova Scotia, and Prince Edward Island), did not implement the independent commissioner model. This issue was dominant until 1991, when the Carter decision sparked the beginning of the Electoral Boundaries Revolution in the Maritime region. Each province adopted the independent commissioners' model and conducted electoral redistribution on a fixed schedule. However, nearly thirty years have passed since this decision, and while scholars have widely documented the build-up to the revolution, nobody has captured the landscape of electoral redistribution exercises across the region in the twenty-first century. This thesis provides an updated analysis of the redistricting landscape in the Maritimes over the past three decades. More specifically, it analyzes whether continuity or change characterizes the commissioners' approach to redistricting exercises during this timeframe. Analyzing partisan, legal, and public influences on redistricting process, I determined that continuity and change characterize commissioners' decisions.

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Chapter One

Introduction

Representation is one of the most fundamental features of liberal democracies (Pitkin 1967). Canada's Single Member Plurality (SMP; also referred to as first past the post) electoral system emphasizes the geographic district model of representation, where individuals elect a constituency representative to act on behalf of their (primarily local) interests in the legislature (Blais et al. 1991, 60-62; Courtney 2004a, 131-132). SMP is conducive to delegate-based representation because constituents in a district elect a single representative with a plurality and not necessarily a majority of votes. In Canada, this is repeated in each of the 338 individual electoral districts across the country (Blais 1991, 246-248; Macivor 1999, 21-22; Pilon 2016, 219). In other words, these districts act as a critical representational building block because they provide citizens with geographically based representation (Courtney 2001, 5). To maintain effectiveness as a representational building block, districts are periodically redistributed to reflect demographic changes in a given jurisdiction over time. John Courtney's (2001) seminal work on electoral redistribution in Canada emphasized the importance of studying electoral districts. However, most electoral-boundary developments in Canada have not been captured by scholars since Courtney's (2001) work. This thesis aims to pick up the threads from Courtney's (2001) work and provide an updated study of electoral redistricting in one part of Canada for the new century.

Considering electoral districts' dual role as representational building blocks and avenues to power for politicians, electoral districts and redistricting did not take long to become politicized as important topics of debate for politicians in Canada (Carty 1985, 273; Courtney 2001, 40-43). Representational expectations, in tandem with significant transformations in Canada's demography and population, quickly led to state actors instituting periodic revisions to electoral boundaries in

their jurisdictions (Courtney 2001, 45). For instance, previously disenfranchised groups, such as women, gained the franchise, which meant new members of the society could participate in the democratic process (Savoie 2020, 65-67). Similarly, Canada experienced rapid population growth as immigration and new births reached record highs, introducing new citizens into the democratic process (Savoie 2020, 91-93).

In response to these factors, political opportunists within governing political parties took advantage of these changes within Canadian society by conducting redistricting in a partisan manner that favoured their re-election (Lijphart & Grofman 1984, 93; Carty 1985, 272; Courtney 2001, 10; Handley & Grofman 2008, 1-10). When it was time to redraw electoral boundaries, committees featuring predominately government parties engaged in '*horse-trading*' with the opposition parties. Redistricting also often occurred at irregular intervals and was prone to *gerrymandering* (Carty 1985, 272-274; Courtney 2001, 12). Gerrymandering involves drawing boundaries that create electoral districts that give one partisan political group an advantage over another (Lijphart & Grofman 1984, 93; Handley & Grofman 2008, 4). The practice often resulted in *malapportionment*, the inequitable distribution of populations across constituencies (Lijphart & Grofman 1984, 95; Handley & Grofman 2008, 7-10). It also permits the creation of districts with sufficient numbers of party supporters who could propel the governing party back into power. In short, the redistricting process was characterized by self-interest, a lack of transparency, and a high degree of partisanship.

Starting with Manitoba's first electoral boundaries commission in 1957, Canada experienced a decades-long redistricting transformation (Archer 1993, 178; Hoffman 2005, 333) – something Carty (1985) called the 'electoral boundaries revolution'. By the early twenty-first century, Canada's provinces and territories witnessed independent electoral redistricting bodies

replacing partisan-prone legislatures as the primary actor that would periodically draw boundaries for electoral ridings (Courtney 2001, 273; Hoffman 2005, 340; Bickerton et al. 2020, 35). The institutions, political actors, and processes involved in this significant transformation warrant examination. Like Courtney's earlier works, my guiding principle in this thesis is to determine “*how and why our constituencies have come to be designed as they are*” (Courtney 2001, 4).

Changes to the process of redistricting did not occur evenly across the country. One notable region is the Maritimes because they were a late adopter of redistricting changes observed in other provinces. Most significantly, their redistribution exercises continued to occur at irregular intervals, resulting in partisan-prone gerrymandering and, ultimately, malapportionment, long after many other provinces had made substantial reforms (Courtney 2001, 237-240). However, by the turn of the twenty-first century, all three Maritime provinces had adopted independent Electoral Boundary Commissions (EBCs) tasked with conducting the electoral redistribution process. Nearly thirty years have passed since the Maritimes adopted EBCs, and little has been written about the lasting political implications of these reforms on the region (Hyson 1995; Hyson 2007; Eagles 2007; Lewis 2018; Bickerton & Graham 2020). This thesis intends to fill this void by conducting an updated study of electoral redistribution in the Maritime provinces to determine whether continuity or change characterizes the electoral redistribution process in the Maritimes over the past thirty years.

To measure continuity or change in the Maritime region, I developed three indicators – partisan, legal, and public influences on redistricting. To start, I determined whether commissioners have *partisan* affiliations by determining whether they donated to a political campaign, ran as a candidate, or worked for the party's central office. I also wanted to know whether there was tension between elected officials and the commissioners. Change would imply

that commissioners became more independent through their appointments, and tension between them and elected officials declined. In contrast, continuity would imply that these factors remained identical over time.

To determine whether continuity or change characterized *legal* influence over the commissioners' decisions, I started by analyzing the legal landscape of redistricting in the region. I wanted to know if there were legal challenges to the commissioners' electoral maps and, ultimately, if they were successful. After developing the legal background, I determined if the provinces appointed independent commissions to analyze aspects of electoral boundaries commissions' decisions. If there were independent commissions, I analyzed their recommendations and if they influenced the commissioners' redistribution decisions. In this sense, continuity would occur if citizens still turned to the Courts to voice their discontent with the design of their provinces' electoral boundaries, resulting in the Courts overturning aspects of the EBC's maps. Conversely, change would occur either when there were no legal challenges or if cases existed but did not affect the Commissioners' redistricting decisions. This development would suggest change.

Finally, I wanted to know whether *public* influence over commissioners' redistricting decisions reflects an area of continuity or change. To measure this indicator, I started by identifying the number and locations of public hearings, looking for changes in the number and location of these hearings over time. I also determined whether the commissioners adopted common themes of objections in each jurisdiction. At the most fundamental level, change implies greater public participation with more successful objections. It also suggests that EBCs may have responded to more significant public feedback by conducting hearings in more areas in the province. However, continuity could also characterize public influence over the redistribution

process. Continuity implies commissioners continued to receive public briefs that actively voiced their discontent and urged the commission to reconsider specific redistribution decisions.

Organization:

The first section of the thesis provides a literature review that captures the central themes in Canada's electoral redistribution history. I found that Canada has embraced two distinct waves of electoral redistribution-related reforms, which I refer to as the *First and Second Waves of the Electoral Boundaries Revolution*. Following the literature review, I provide my project's theoretical framework, which rests on historical institutionalism combined with institutional layering. I conclude this section by providing four hypotheses that discuss continuity and change in relation to my three indicators: *partisan, legal, and public influences* on electoral redistribution decisions. I conclude this section by discussing my methodology, which operationalizes the three indicators.

After providing this information, I move into discussing my three indicators. In chapter four, I introduced my first indicator, partisan influence. I determined whether commissioners have partisan affiliations by determining whether they donated to a political campaign, ran as a candidate, or worked for the party's central office. I wanted to know who was responsible for setting each commission's mandate to determine whether they or the partisan legislature had the final say. I also illustrated partisanship by analyzing whether there was tension between elected officials and commissioners and, if there was, which views (those of the Commission or elected officials) actor was ultimately successful. I found that this was an area of *change* over the past thirty years.

In chapter five, I introduced my second indicator, the role of legal influence on commissioners' decisions. I started by determining if there were court challenges concerning the

commissioners' decisions regarding their final electoral maps. If there were challenges, I wanted to know the specific issues in the cases and, ultimately, if they were successful. After developing the legal background, I determined if independent commissions were appointed to review and analyze aspects of electoral boundaries commissions' decisions. If there were such commissions, I analyzed their recommendations and if they overturned or influenced the commissioners' redistribution decisions. Like the previous indicator, I found that this one represented an area of change.

In the last chapter of the thesis, I introduced my final indicator: public influence. To measure this indicator, I started by identifying the number and locations of public hearings, looking for changes in the number and location of these hearings over time. After analyzing this information, I determined whether there were common themes of objections adopted by the commissioners in each jurisdiction. Finally, I assessed each provincial EBC to determine whether these three factors have changed or remained consistent over the past thirty years. Unlike the previous indicators, I determined that public influence over the commissioners' redistribution decisions represents an area of *continuity* in the Maritimes over the past three decades.

Chapter Two

Literature Review

Representational building blocks (RBBs) are the institutional arrangements forming the basis for participation and representation in the democratic process (Courtney 2001, 8-9). The importance and configuration of RBBs depend on a country's electoral system. Countries such as Canada and United States use variants of the Single Member Plurality electoral system. Winning candidates in SMP must secure more votes in a single territorial district or riding than their competitors (Lijphart & Grofman 1984, 78-80 Blais 1991, 240-241). In other words, electoral districts (often called constituencies or ridings) are critical RBBs in SMP systems.

One fundamental problem of SMP systems is their vulnerability to gerrymandering, which is the manipulation of the boundaries of electoral districts, often for partisan electoral gain (Lijphart & Grofman 1984, 93; Handley & Grofman 2008, 1-10). As Courtney's (2001) work on electoral districts explains, Canada has repeatedly tried to address gerrymandering through a variety of reforms (Courtney 2001, 8-9). In this thesis, I pick up where Courtney (2001) left off and add new contributions to the subject by answering the following research question: *Does continuity or change characterize electoral redistribution decisions in the Maritime provinces over the last thirty years?* I start by explaining the theoretical basis of electoral redistribution. Next, I analyze Canada's overarching electoral boundary redistribution process reforms. I conclude by suggesting possible hypotheses related to my research question based on the literature.

Representation, Canada's Electoral System, and Electoral Redistribution

Before discussing Canada's experience with redistricting, it is critical to understand the relationship between electoral redistribution and representation. In Hannah Pitkin's 1967 seminal work on representation, she articulates several conceptions of representation (Pitkin 1967, 38-44).

For my thesis, I will invoke Pitkin's (1967) conception of *descriptive representation*, when referring to representation. Descriptive representation refers to demographic similarities between elected bodies and the populations they are intended to represent (Pitkin 1967, 62-64). In other words, questions of descriptive representation involve thinking about whether elected officials share similar characteristics to those they claim to represent.

Canada's *First-Past-the-Post (FPTP)* electoral system is an iteration of *Single Member Plurality-based (SMP)* electoral systems. Under FPTP, constituents elect a single representative with a *plurality* that may not necessarily be a *majority* of votes (Blais 1991, 240-243; Cairns 1968, 76-78). Scholars explain that one of the perennial representational issues with FPTP is the problem of majority rule (Blais 1991, 240-243; Cairns 1968, 76-78; Tolley 2017, 113-116). In essence, the plurality of the population elects the representative for the district, which could result in the formation of an *out-group* (Blais 1991, 243; Cairns 1968, 78; Tolley 2017, 115). These out-groups are the constituents that were not in the majority of the population that voted for the representative and could receive inadequate representation as a result. The reason is that the failure to elect out-group representatives in legislatures means there might not be representatives to voice their concerns.

In addition to the out-group problem, the size variation between electoral districts in FPTP can greatly affect elections. Consider the most extreme scenario of two single-member districts, District A has 5,000 electors and District B has 10,000. Under FPTP both districts are entitled to one representative in the legislature, regardless of the population difference. However, District A is half the size of District B, and both receive one representative. The issue is that the two districts are nowhere near equivalent in population size, which raises questions concerning the comparative value of each electors' vote. In this scenario, the value of an elector's vote in District A is worth

half of her counterpart in District B, resulting in vote dilution. To remedy this problem, the concept of *voter parity* calls for each district to have close to identical populations to eliminate the variance and vote dilution between districts.

Electoral redistribution is critical to understanding the relationship between FPTP and representation. In brief, *electoral redistribution* (redistricting or boundary delimitation) is the mapmaking process that divides a jurisdiction into a series of electoral districts (Grofman & Handley 2008, 3). The comparative politics literature suggests a typology of redistricting that ranges from *political* to *independent*, with *hybrid* systems in between (Cox et al. 2002, 17-20; Grofman & Handley 2008, 4-5). Political redistribution occurs when legislatures retain full authority over the mapmaking process, typically resulting in gerrymandering that negatively affects political representation. In contrast, an independent redistribution is when independent, non-partisan bureaucrats or judges follow strict institutional rules that constrain their behaviour by limiting their discretion over the process (Cox et al. 2002, 15-16; Grofman & Handley 2008, 6-9). Limiting actors' influence over the process limits the influence of partisan-driven gerrymandering, improving the prospect for fair and equal representation (Cox et al. 2002, 19-21; Grofman & Handley 2008, 10). Jurisdictions can also adopt a hybrid system, where legislatures retain a degree of influence over the process (eg., creating legislation that underpins the process), but independent actors control the mapmaking process. Therefore, different combinations of institutional rules greatly influence the representational outcome of electoral redistribution.

The First Wave of the Electoral Boundaries Revolution

The literature on Canadian electoral redistribution is often referred to as the Electoral Boundaries Revolution. Scholars refer to it as a revolution primarily because they analyze the process that led Canada to adopt non-partisan electoral boundaries commissions (EBCs) to conduct

electoral redistributions across the country (Carty 1985, 275-277; Coulson 1994, 237-240; Courtney 2001, 6-7; Courtney 2004a, 47-50). These arms-length from government commissions replaced the practice of partisan-oriented redistributions in Canada. In early studies of the Electoral Boundaries Revolution, scholars wanted to know why Canada's federal and provincial governments adopted similar EBC structures despite the decentralized nature of federalism that creates discrete and autonomous political arenas (Carty 1985, 275-277; Courtney 2001, 6-7). These studies suggested a connection between public dissatisfaction with the boundary-drawing process and the transition towards independent EBCs. The authors explain that public frustration grew from the decades-long practice of partisan-oriented *gerrymandering*, resulting in *malapportioned* districts, which is the unbalanced ratio of electors to representatives across ridings (Bickerstaff & Steve 2020, 9-13; Handley & Grofman 2008, 10-12; Cox & Katz 2002, 3-7; Courtney 2001, 2-5).

The methodologies of these studies are intriguing because they account for institutional change through John Kingdon's (1984) three-streams of agenda-setting policy theory combined with the idea of policy diffusion between the federal and provincial governments. Kingdon's (1984) theory contends that the conditions for agenda-setting occur when three streams converge to open a policy window (Kingdon 1984, 21; Courtney 2001, 5-6; Courtney 2004a, 47-50). Institutional entrepreneurs, who are the actors involved in the political process, must identify problems and advocate solutions that receive political support for the proposed institutional changes (Kingdon 1984, 21-23; Courtney 2001, 6). Courtney (2001), like Kingdon (1984), suggests that without the convergence of these three streams, substantial reform of the redistricting process could not occur (see also Kingdon 1984, 23; Carty 1985, 273-275; Courtney 2001, 6; Hoffman 2005, 348-350). They gather their data from a variety of sources ranging from interviews with political elites, written public responses to government, legislature debates, and policy

decisions to determine the role of government and the public to explain the emergence of similar EBCs across the country (Carty 1985, 275-277; Courtney 2001, 6-7; Courtney 2004a, 47-50).

These early scholars of the *Electoral Boundaries Revolution* suggest that the public's dissatisfaction with decades of gerrymandering aligned with the interests of reform-oriented politicians who ultimately opened the policy window to permit institutional change (Carty 1985, 277-280; Courtney 2001, 35-36; Courtney 2004a, 47-50). This process started in Manitoba in 1955 when the province created Canada's first independent electoral boundaries commission. The commission grew out of glaring voter inequities between rural and urban ridings (Courtney 2001, 37; Courtney 2004a, 48). In the early 1950s, the province had 228,280 electors in urban areas represented by 17 members of the legislature (Courtney 2001, 37; Courtney 2004a, 48). In contrast, the province's 224,083 rural electors were represented by 40 members (Courtney 2001, 37; Courtney 2004a, 48). This glaring inequity gained public attention after the province's 1949 redistribution exercise failed to address the issue. Reform-minded politicians mobilized around the issue, and by the early 1950s, they reached an all-party agreement to transfer power away from partisan commissions toward independent commissioners.

Manitoba's solution closely followed the federal government of Australia, because both governments addressed the problem by removing partisanship from the redistribution process and conducted redistricting at regular intervals (Carty 1985, 277; Courtney 2001, 38; Courtney 2004a, 48). The government of the day implemented legislation to curtail the powers of the legislature by codifying the intervals for redistribution, the composition of the commissions, and providing an electoral quotient¹ to determine the number of people per district (Courtney 2001, 50-53; Courtney

¹ There are two calculations to determine the electoral quotient. One way is to divide the total number electors in a given jurisdiction by the number of districts. The other way is to divide the total population by the number of districts.

2004a, 50-51; Pal 2015, 238-240). Scholars determined that Manitoba's reforms were influential because other provinces, such as Quebec, followed Manitoba's lead and constructed a similar electoral boundaries commission in 1963, citing the issue of voter inequalities due to gerrymandering (Courtney 2001, 50-53; Courtney 2004a, 50-52).

Canada's constitution states that federal electoral redistricting must occur after each decennial census but does not state how the process occurs (Constitution Act 1867, sec. 51(1); Courtney 2001, 60-62). The lack of regulations governing the process led to early commissions being dominated by partisanship (Courtney 2004a, 51-52; Pal 2015, 238-240). In the nine federal redistricting exercises between 1872 and 1952, regardless of party, the government of the day carefully monitored the map-making process (Courtney 2001, 62; Courtney 2004a, 52). These governments wanted to ensure that each map's design benefitted their future election prospects, through partisan gerrymandering (Courtney 2001, 62; Courtney 2004a, 52). These exercises also received little public scrutiny because ordinary Canadians were not consulted in the redistribution process (Courtney 2004a, 50; Pal 2015, 238). The partisan dominated era ended in 1964 when the federal government announced that they would move towards an independent boundaries commission model (Courtney 2001, 60-62; Courtney 2004a, 50; Pal 2015, 238). This two-phase model begins with the distribution of seats to provinces based on the federal redistribution equation, followed by creating ten independent boundary commissions, one for each province (Courtney 2004a, 51; Pal 2015, 240).

The first part of the federal redistribution equation is nearly unmoveable due to special constitutional protections for provinces. These protections include the senatorial floor - no province can have fewer MPs than it has members of the senate - and the grandfather clause - no province can have fewer seats than it had in 1976 (Constitution Act 1867, sec. 51(1); Carty 1985,

277). Despite these constraints, there was a substantial opportunity to change who drew the districts by removing partisanship from the redistribution process. The federal government followed Australia's lead and appointed an independent boundaries commission for each province, staffed with independent commissioners tasked with designing their respective province's electoral districts (Courtney 2001, 65; Courtney 2004a, 51). The result is that these reforms limited the prospect of partisan influence on the federal electoral redistribution process.

Despite the redistricting reforms, Carty (1985) explains that the timing of redistributions remained an issue. For example, redistricting occurred every ten years for the federal government, following every election for Manitoba and Quebec, and whenever warranted in Alberta and the Maritime provinces (Carty 1985, 275-276). Without a specified schedule for redistricting, governments could redraw the maps whenever they wanted in a way that would also benefit their reelection bids.

There were also four types of commission structures across the country - *non-partisan*, *bi-partisan*, *bureaucratic*, and *ad hoc* (Carty 1985, 276-279). *Non-partisan* commissions were found in Newfoundland, Manitoba, Saskatchewan, British Columbia, and the federal government. In the provincial context, these commissions were led by an independent commissioner (typically a judge) and two or three other commissioners (Carty 1985, 276-277). In contrast, the federal government's commission is led by a judge and ten commissioners, one for each province, to ensure adequate regional representation. Members were local notables associated with academia and were selected by the speaker of the legislature or designated based on their institutional relationship – eg. Manitoba includes its provincial university president (Carty 1985, 277).

Alberta maintained a *bipartisan commission* with four partisan members representing the province's major political parties. The other three members were quasi-partisan, with a judge, the

province's Chief Electoral Officer, and a member drawn from the community in agreement with the premier and leader of the opposition (Carty 1985, 278). Quebec's *bureaucratic model* was chaired by the province's Director General of Elections and its three members were non-partisan nominations by the premier after receiving two-thirds approval through the legislature (Carty 1985, 278).

The Maritimes' *ad hoc* commissions did not follow a particular structure and diverged across the region concerning who served on them and when they occurred (Carty 1985, 278-279). On one end of the spectrum, Nova Scotia performed at least one redistribution exercise every decade (Carty 1985, 276). In contrast, New Brunswick and Prince Edward Island redistributed their electoral boundaries whenever the government deemed it necessary (Carty 1985, 277). Across the region, the legislatures set the terms of reference for the commissions and retained final authority to amend the commissioners' final reports (Carty 1985, 278-279). These governments also appointed commissioners based on partisan affiliations that often resembled the party standings in the legislature. In other words, the governing party ensured that most commissioners came from their party (Carty 1985, 280). Therefore, it is apparent that electoral redistribution across the region shared three similarities: redistribution occurred infrequently, was highly partisan, and often was unrepresentative of the wider population.

The Second Wave of the Electoral Boundaries Revolution

The literature on the *Electoral Boundaries Revolution* identifies the *Charter of Rights and Freedoms* as another critical factor in solidifying the transition to independent boundaries commissions (Johnson 1994, 225-227; Courtney 2001, 151-155; Courtney 2004b, 494-496; Poffenroth 2005, 54-56;). *Section 3* of the Charter states:

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

This factor was absent during the initial first wave of the transition towards independent boundaries commissions in Manitoba, Quebec, Saskatchewan, and the federal redistributions. Scholars observed that in the wake of the Charter, provinces were concerned that their existing boundaries would be challenged in court because of deviations in the number of people per district (Johnson 1994, 225-227; Courtney 2001, 151-155; Courtney 2004b, 494-496; Poffenroth 2005, 54-56). The provinces’ concerns were not unfounded, and the first court challenge appeared in 1989 via *Dixon v. British Columbia (A.G)*. British Columbia’s Supreme Court found that the province’s boundaries violated Section 3 of the Charter because variation between districts exceeded +/-25%, reflecting significant malapportionment (Johnson 1994, 228-230). As a result, British Columbia adopted the independent EBC model, which Manitoba, Quebec, and Saskatchewan had already embraced (Johnson 1994, 230-231).

Not long after the Dixon ruling, other jurisdictions faced increased scrutiny over the electoral redistribution process. The literature signals that a critical turning point was the *Reference Re Provincial Electoral Boundaries (Saskatchewan)*, more commonly referred to as the *Carter Decision*, in 1991 (Johnson 1994, 225-227; Courtney 2001, 151-155; Courtney 2004b, 494-496; Poffenroth 2005, 54-56). In this reference case, the government of Saskatchewan sought the opinion of the Supreme Court of Canada to test whether their boundaries satisfied *Section 3* of the constitution. The citizen’s group - *Society for the Advancement of Voter Equity (SAVE)*, provoked this shift by arguing that the province’s proposed map violated the principle of voter parity – one person, one vote, one value (Johnson 1994, 227-228; Courtney 2004b, 495-496; Poffenroth 56). The Supreme Court of Canada ultimately ruled in a majority decision that:

“The right to vote therefore comprises many factors, of which equity is but one. The section does not guarantee equality of voting power. Relative parity of voting power is a prime condition of effective representation. Deviations from absolute voter parity, however, may be justified on the grounds of practical impossibility or the provision of more effective representation. Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced” (Re: Provincial Electoral Boundaries (Sask.), [1991] 2 S.C.R. 158).

The *effective representation* provision in the Supreme Court’s ruling was a critical turning point in the Electoral Boundaries Revolution for two reasons. First, in Chief Justice Beverly McLachlin’s majority ruling, the Court states that the first condition of *effective representation* is the ‘*relative parity of voting power*’ (Johnson 1994, 228; Courtney 2004b, 496; Poffenroth 2005, 56). From this provision, we can observe that the Court wanted to clarify that Canadians have a reasonable expectation that their votes are equal (Archer 1993, 176; Johnson 1994, 230; Pal 2016, 243). In practice, the Court has legitimized that a +/-25 percent deviance from a jurisdiction’s electoral quotient ensures the relative parity of voting power (Archer 1993, 179). In other words, the Court believes that divergence from *voter parity* is justified to promote communities of interest, attempting to increase diversity in Canada’s legislatures (Archer 1993, 180; Johnson 1994, 230; Courtney 2004b, 496; Poffenroth 2005, 55). Hence, we can observe that in one respect the Carter decision places less emphasis on voter parity in favour of increasing representation.

Secondly, the language concerning effective representation is ambiguous and imprecise, open to different interpretations depending on the context. In other words, the Carter decision does not offer firm guidance to commissioners regarding which factors are important in designing electoral districts (Courtney 2001, 203; Poffenroth 2005, 55; Bickerton et al. 2020, 37). Instead, each commission will determine which factors are important in their map’s design. For example, one commission may decide to deviate from the electoral quotient to promote the protection of

specific linguistic or cultural groups. Another commission may decide that the urban and rural divisions are critical factors in designing their province's electoral map.

The Maritimes and the Second Wave of the Electoral Boundaries Revolution

We can observe that the *Carter decision* brought newfound attention to the electoral redistribution process in the Maritimes. Understanding how and why each jurisdiction implemented new rules and regulations is imperative to comprehend the early effects of the Second Wave of the Electoral Boundaries Revolution. In the next section, I briefly illustrate the impact of the decision in each Maritime province – New Brunswick, Nova Scotia, and Prince Edward Island.

New Brunswick

The 1987 New Brunswick provincial election was critical in reforming the province's electoral processes. In this election, Frank McKenna led the Liberal Party to a historic shut-out win by capturing all fifty-eight seats in the legislature with 60% of the vote (Hyson 1995, 291; Hyson 2000, 177-178). The glaring disparity between the Liberals' vote share and seat attainment garnered public and media attention. At first, McKenna downplayed the consequences of the electoral institutions, but it became evident by the 1991 provincial election that he could not ignore the issue for much longer (Hyson 1995, 291; Hyson 2000, 177-178). The reason is that across the country debates began to emerge centering around the *Carter* decision and what constitutes the right to vote under section three of the Charter (Hyson 1995, 291; Hyson 2000, 177-178). McKenna recognized that from the national debates regarding voting rights meant that New Brunswick would eventually be forced to make changes to its electoral institutions (Hyson 1995, 292; Hyson 2000, 179). In response, his government announced in the Speech from the Throne (March 19, 1991) its intention to reform the electoral redistribution process in New Brunswick (Speech from the Throne 1991).

Through order-in-council the government created the Representation and Electoral Boundaries Commission. The legislature also created an all-party committee to oversee the commission's map-making process (Hyson 1995, 290; Hyson 2000, 179). While the committee did not explicitly mention the *Carter* decision, they wanted the commission to emphasize the following factors in their final map: linguistic composition, geography, community of interest, population, and population growth patterns (Hyson 1995, 290; Hyson 2000, 179). This mandate diverged from the previous way commissions conducted redistribution in the province, drawing constituencies based on county lines (Hyson 1995, 290; Hyson 2000, 180-182). Considering these factors, the commission had a two-phase mandate: to make recommendations on the number of electoral districts, the average number of voters to be assigned to each district, the percentage variation from the average to be allowed, and the best approach to ensure aboriginal representation; and to recommend a new set of electoral boundaries in consultation with the public (Hyson 1995, 291; Hyson 2000, 180-182).

The 1991 New Brunswick Electoral Boundaries Commission (NB EBC) had a notable membership structure because it was not strictly partisan or nonpartisan. It was co-chaired by two judges of the Court of the Queen's Bench, which granted the commission a degree of impartiality (Hyson 1995, 288; Hyson 2000, 180-182). Notably, Justice William L.M. Creaghan came from the southern portion of the province to represent the Anglophone communities (Hyson 1995, 288). In contrast, Justice Bernard A. Jean came from the north intending to represent the Francophone communities (Hyson 1995, 288). Despite the intention of non-partisanship, Justice Jean served as a Liberal MLA during Premier Louis Robichaud's government (1960-70) and Justice Creaghan as a Progressive Conservative MLA during Richard Hatfield's premiership (1970-87). The other five commissioners had close links to the province's political parties as well, with two from the Liberal

Party (Nice Thériault and Freed Toole), one former president of the provincial Progressive Conservative Party (Janice Clarke), one long-term NDP supporter (Claire Doiron), and the other a defeated Confederation of Regions (CoR) Party candidate (Mabel Groom) who was appointed after the 1991 election (Hyson 1995, 289). Such a partisan committee was inconsistent with trends developing in much the rest of the country.

Following the creation of the NB EBC, it called for the submission of briefs from the public and held fourteen public hearings across the province in the winter of 1992 (Hyson 1995, 292). They also conducted a special hearing with the province's two main Indigenous Peoples – the Mi'kmaw and Maliseet. Following this round of consultations, they issued their first report dealing with the first phase of their mandate. They recommended fifty-four constituencies with an average of 10,000 voters and an allowable deviation of +/- 20 percent. The select committee in the legislature disagreed with the commission's recommendations and imposed new constraints on their mandate (Hyson 1995, 292). In response, they directed the commission to create a separate constituency for the Bay of Fundy Isles (9,411 voters) and increased the allowable deviation to +/- 25 percent while maintaining their proposed fifty-four districts (Hyson 1995, 293). Following this development, the commission proposed a new map in April 1993 and held another round of public hearings in May and June. They submitted their final report to the legislature in October 1993, with the legislature implementing the new map after a few minor adjustments during its 1994 winter sitting. After nearly three years, New Brunswick had a new electoral map in place, which was used in the September 11, 1995, general election.

Nova Scotia

Donald Cameron became Nova Scotia's 22nd Premier on February 26, 1991, and ran on a campaign platform to reform government practices (Bickerton & Graham 2020, 38). As a part of

this plan, he recognized the need to overhaul the province's redistribution process. Cameron's reformist agenda also came at a time when the *Carter* decision and racial tensions were fresh in the minds of Canadians (Bickerton & Graham 2020, 39). In response, the Nova Scotia legislature reached an all-party agreement to create the province's first independent electoral boundaries commission through the Order-In-Council on July 16, 1991 (Hyson 1995, 287). A select legislative committee recommended the terms of reference for the commission's mandate by invoking the concept of *effective representation* from the *Carter* decision (Hyson 1995, 287; Bickerton & Graham 2020, 39). Effective representation for this commission meant finding a way to balance the electoral representation of the province's three minority groups – *Acadians, African Nova Scotians, and Indigenous Peoples* – and the general public (Hyson 1995, 289; Bickerton & Graham 2020, 40). However, the commission also had to maintain the province's existing fifty-two seats with an additional seat for Mi'kmaq people and did not have a pre-determined electoral deviation quota set by the legislature.

To achieve this goal, Nova Scotia's first electoral boundaries commission (NS EBC) was nonpartisan in the sense that its members were private citizens known for their expertise and impartiality (Hyson 1995, 288). The commission's chair and another member were political scientists from Halifax area universities (Hyson 1995, 288). The commission's other four members were demographically diverse, including representatives from the province's Acadian and African Nova Scotian communities. The province urged the commission to finish its work by December 31, 1991, or by the Spring 1992 sitting of the House of Assembly.

Nova Scotia's first EBC-driven process differed notably from previous redistribution exercises insofar as they conducted extensive public hearings across the province (Hyson 1995, 289). Five hearings were bilingual to attract input from the Acadian communities, where a

bilingual commission member served as a chair (Hyson 1995, 289). They also conducted a specific hearing in a vibrant African Nova Scotian community in Halifax to encourage submissions from them (Hyson 1995, 289). In September 1991, the commission sought the help of academics to figure out the best way to represent the province's Indigenous peoples. They subsequently met with individual Indigenous communities in January and February of the following year.

After conducting consultations, the commission drafted its report containing a new electoral map for the province. For comparison, Nova Scotia's 1988 general election was held with an average consistency size of 11,992 per district, with deviances ranging from +67.5 percent to -58.0 percent (Hyson 1995, 290). In contrast, the 1991 EBC map proposed the creation of 46 consistencies within a +/-25 percent range of one another, with the remaining six reserved for increasing the representation of the province's three historic minority groups (Hyson 1995, 290). Ultimately, the legislature implemented the commission's map, with the new consistencies in place for the May 24, 1993, provincial election.

Prince Edward Island

Prince Edward Island witnessed the Second Wave of the Electoral Boundaries Revolution in 1991. The process started when Donald MacKinnon filed an application with the province's Supreme Court, Trial Division, seeking an Order and Declaration that the Island's constituencies were unconstitutional (Hyson 1995, 288). In their ruling, the Court found little change in PEI's boundaries from 1893 to 1991, illustrated by the extreme distortion between districts. For example, in the 1989 provincial election, the district of 5th Kings had 2,042 electors, and 5th Queens had 11,964, nearly 10,000-voter difference or 485% variation between the ridings (Hyson 1995, 288). Ultimately, the Court ruled in February 1993 that the province's constituencies were

unconstitutional and needed an immediate redistribution but permitted the government to use the districts in the March 1993 election (Hyson 1995, 288).

On September 9, 1993, the government created the Prince Edward Island Electoral Boundaries Commission (PEI EBC). Like the NB EBC, the PEI EBC had a two-phase mandate: to make recommendations on the number of electoral districts, the average number of voters to be assigned to each district, and the percentage variation from the average to be allowed, and to recommend a new set of electoral boundaries in consultation with the public (Hyson 1995, 290). Unlike the other two Maritime provinces, PEI asked its commission to consider whether the province should maintain its dual-member ridings or abandon them in favour of single-member districts (Hyson 1995, 290).

The commission adopted a bipartisan model with five of its eight members drawn from the legislature, with the remainder being prominent citizens from the community (Hyson 1995, 288). Despite being selected from the community, these members were known for their high-profile partisan connections. Since the Liberals won thirty out of thirty-two seats in the previous election, they decided to appoint 4 Liberal MLAs to the commission and one Conservative member (Hyson 1995, 288-289). Furthermore, one of the Liberal MLAs served as the commission's chair (Lynwood MacPherson). Hence, the PEI EBC was heavily partisan, with overwhelming influence from the governing Liberal Party.

In October 1993, the commission called for submissions from the public and held nine public hearings across the province in the following month (Hyson 1995, 291). Unlike the NB EBC, the PEI commission did not offer simultaneous English/French translation at its hearings. Instead, they provided this service at the hearing in Wellington - a predominately francophone community (Hyson 1995, 291). Most public submissions were concerned with abandoning the

traditional dual-member ridings. The commission ultimately proposed the creation of an electoral map with thirty single-member constituencies at an allowable deviance of ± 15 percent between ridings (Hyson 1995, 291). Their recommendations sparked controversy in the legislature due to the significant redistribution of voting power across the province. They called for ten districts in Prince County, fifteen in Queens County, and five in Kings County (Hyson 1995, 291). Ultimately, the legislature reached a compromise when a private member's bill proposed 27 single-member districts (Hyson 1995, 291). Through this proposal, Prince County received nine districts, Queens County thirteen districts, and Kings County remained at 5.

From the preceding discussion, we can observe that there were two waves of the Electoral Boundaries Revolution in Canada. The first wave began in the 1950s sparked by Manitoba's adoption of the independent EBC model. Manitoba's government realised that if they left redistricting to arms-length EBCs, it would reduce the role of partisanship in the process. This model quickly spread throughout the next decade to Quebec and then the Federal government, and eventually across the country. While the Maritimes adopted EBCs, they did not appoint non-partisan actors to serve on the commissions and redistricting still occurred at irregular intervals. The next wave of the revolution followed the adoption of the Charter of Rights and Freedoms and the *Carter* decision in the early 1990s. The decision forced provincial governments to consider the idea of malapportioned ridings in order to enhance the effective representation and participation of minority groups in the political process. Fearful that their existing boundaries would be ruled unconstitutional in Court, the Maritimes moved to implement more stringent constraints on their redistricting processes. However, at the turn of the century, we are still not sure about the effects of partisan, legal, and public influences on the Maritimes' EBCs.

Chapter Three

Theoretical Framework & Hypotheses

Why have numerous jurisdictions in Canada reformed their redistricting processes? It is evident across the literature that scholars often explain institutional change through competing conceptions of historical institutionalism (HI). Scholars such as Courtney (2001), Hyson (2007), and Bickerton and Graham (2018) exemplify the *punctured equilibrium iteration* of HI. HI stresses that once institutional rules, practices, forms, and policy legacies are created, they shape and structure behavior and the patterns between actors (Thelen and Steinmo 1992, 10-12; Hall et al. 1996, 940-943; Steinmo 2008, 116-118; Bickerton and Graham 2018, 34-35). Once institutions and their respective processes become embedded, they are resistant to change (Hall et al. 1996, 940-943; Steinmo 2008, 116-118; Bickerton and Graham 2018, 34-35). In other words, once an institution adopts specific choices, the political costs for reversal for that course of action are high (Thelen 1999, 381-384; Bickerton and Graham 2018, 35). This resistance to change is the core of *path dependency*.

These authors also suggest that political and policy change emerge when exogenous shocks (external forces) to a political system “puncture” the path-dependent equilibrium of institutions, creating opportunities for swift departure (a critical juncture) from previously established institutional paths (Capoccia and Kelemen 2007, 342-345). Critical junctures open a window of opportunity for political actors, often referred to as *institutional entrepreneurs*, who advocate for political change and have the ability and will to implement it (Thelen and Steinmo 1992, 11; Steinmo 2008, 117; Bickerton and Graham 2018, 35). In other words, change occurs when key political actors disagree with the existing institutional logic by advancing alternative courses of

action. Successful solutions put forward by institutional entrepreneurs not only consider ideas driving change but also the relevant economic, political, and social contexts in which ideas are situated. (Peters et al. 2005, 1297; Bickerton & Graham 35-36). Institutional entrepreneurs are successful in implementing change when their preferred course of action becomes the favored institutional pathway, returning institutions to a stable path dependent state.

The central issue with these studies is that they cannot fully explain the gradual institutional change found across the Maritimes. I suggest that an institutional layering approach may address whether the Maritime provinces have experienced gradual institutional change or not. Institutional layering implies that an existing institution is not replaced; instead, new rules or actors are added to it (Carstensen 2015, 139-141; Van der Heijden 2011, 11). Scholars convey layering through a *bricolage*, which is the reorganization of institutional logic under new circumstances where actors have agency to develop institutional solutions that often combine old and new institutional logics (Carstensen 2015, 140-145).

Hypotheses

Based on the literature, I propose that three indicators can be drawn upon to capture whether continuity or change characterizes electoral redistribution commissions and their decisions in the Maritimes over the past thirty years. These indicators are *partisan*, *legal*, and *public influences* on the electoral redistribution process. It is likely that continuity can characterize some of these indicators and change can characterize the others. In other words, it is possible that continuity and change can both characterize electoral redistribution decisions in the Maritimes over the past thirty years. Keeping this idea in mind, my research aims to test the following three hypotheses concerning each indicator.

H1 - Partisan Influence

I hypothesize that change characterizes partisan influence over the electoral redistribution process over the past thirty years. That is, I expect to find evidence of reduced and/or less overt partisan influence. In the aftermath of the *Carter* decision, the three Maritime provinces adopted EBCs but did not completely remove partisanship from the process. In New Brunswick and Prince Edward Island, commissioners still had partisan affiliations whether they were sitting elected officials (PEI) or had positions in the party's central office (NB). In contrast, Nova Scotia adopted an EBC model that strived for independent commissioners who were appointed based on merit rather than their partisan affiliations. In this sense, I believe change would occur if Commissioners continued to become independent and did not demonstrate any partisan connections. Conversely, continuity with partisan influence would be if each jurisdiction retained their 1990s EBC membership structure, meaning they did not move towards an independent or arms-length from government model.

Another area within partisan influence to determine whether continuity or change characterises electoral redistricting decisions is the commissioners' independence from the legislature. In other words, do commissioners have the final say in the mapmaking process or can the legislature simply impose partisan changes to the commissioners' proposed map? This area did not receive substantial attention in the immediate post-*Carter* era because each jurisdiction's legislature retained the final authority over the mapmaking process. In effect, if the legislature disagreed with the commissioners' decisions, then they could adjust the map whenever and however they wanted. We would observe continuity if the legislature exerted final authority or change if the commissioners retained final authority. Here too I expect to find evidence of less partisan interference in Commission authority.

H2 - Legal Influence

I hypothesize that legal influence over the redistribution process has increased, indicating another area of change in the Maritimes. The reason is that the *Charter of Rights and Freedoms* and the subsequent *Carter* decision may have granted an avenue for citizens to seek redress outside of (external to) the official redistribution process. Instead, they may have turned to the Courts to voice their discontent with the design of their provinces' electoral boundaries. In essence, concerned citizens can claim that the design of boundaries fails to meet the *effective representation* requirement from the *Carter* ruling. In the first ten years following the *Carter* decision, there was only one legal case (the *McKinnon* decision in PEI) that challenged the province's EBC's redistribution decisions. Change in this area would suggest that there were additional cases or legal threats in each province that influenced the Commissioners' redistribution decisions. Conversely, continuity would occur either when there were no legal threats or cases, or if cases exist, that they did not affect the Commissioners' redistricting decisions.

H3 – Public Influence

Finally, I also hypothesize that public influence exceeded levels in the early 1990s, indicating another area of change for two reasons. First, similar to legal influence, the *Carter* decision and its emphasis on effective representation granted community members increased influence over the redistribution process. Since accommodating communities of interest is one avenue to achieve effective representation, community members may take advantage of this provision. Another reason is that in the immediate aftermath of *Carter*, all EBC mandates across the Maritimes included a provision to gather the public's insight into the redistribution process. More specifically, they developed avenues for the public to submit written and verbal briefs to the commissioners to voice their support for or discontent with elements of the redistribution process.

EBCs likely continued to include this public feedback mechanism in their mandates, and the public became familiar with the process, resulting in an increase in public submissions compared to the EBCs in the early 1990s. In other words, I believe that the emphasis on effective representation and familiarity with the public objection process led to more public objections, resulting in change.

Continuity could also characterize public influence over the redistribution process. In the early 1990s, we observed that commissioners received numerous public briefs that actively voiced their discontent and urged the commission to reconsider specific redistribution decisions. However, relatively few of these objections were implemented due to technicalities with the commissioners' mandate, resulting in a legal constraint on public influence. More specifically, commissioners rejected public objections when they violated the principle of voter parity embodied in the province's electoral quotient. It is also possible that commissioners may have decided to reduce the total number of hearings across the province or restricted them to specific areas, resulting in fewer hearings than the 1990s EBCs. In summary, continuity regarding public influence implies that commissioners continued receiving written and oral objections but failed to implement most of them. In contrast, change would mean either public submissions declined, or the commissioners started incorporating more public objections in their redistribution decisions.

In summary, my expectations are as follows:

H1: *EBCs have become less partisan in the Maritime region.*

H2: *EBCs faced greater scrutiny by the Courts in the Maritime region.*

H3: *EBCs experienced greater pushback from the public in the Maritime region.*

Chapter Four

Methodology & Research Justification

To answer *whether continuity or change characterizes electoral redistribution decisions in the Maritime region over the past thirty years*, I propose a comparative case of the region's provincial redistributions exercises during this timeframe. More specifically, I will compare the policy responses by the Maritime provinces - *New Brunswick, Nova Scotia, and Prince Edward Island* - to calls for greater political representation. In the following section, I begin by providing a description of my three indicators - partisan, legal, and public influences - that will measure continuity and change. I will also explain how I will operationalize each of the three. Following this discussion, I justify my research design, which rests on the Most Similar Systems Design (MSSD). In essence, I suggest that my cases can be considered as similar due to similar ethnic and cultural identities, institutional contexts, and legacies of inequitable redistributions, therefore allowing for hypothesis testing.

Partisan Influence

I propose that *partisan influence* is a critical variable that affects how electoral boundaries commissions arrive at their final map for a given jurisdiction. To measure this indicator, I started by determining whether commissioners have partisan affiliations for each province's commissions over the past thirty years. Information on partisan affiliation, of course, is not readily available (no public party membership lists, etc.). For my research, commissioners are coded as having partisan affiliations if they ever donated to a political campaign, ran as a candidate, and/or worked for the party's central office. To operationalize these factors, I conducted a scan of the provinces' official election websites that readily provides information on political campaigns, such as who ran, donated, or managed the party's affairs during a given election. The constraint of the political

financing side is that political parties are only required to report donations of \$100 or greater to the public.

After analyzing this information, I wanted to know who is responsible for setting the commissioners' mandates and if commissioners have the final say over the mapmaking process. I also wanted to know if the legislatures or the political executive influence the mapmaking process when commissioners do not have the final authority over the map. If the executive or the legislature modifies the commissioners' final report, it demonstrates partisanship. To determine whether partisanship stands out, I will analyze the commissioners' final report and whether the executive or legislature accepted it without amendments. This data is readily available through press releases from each province in the aftermath of the commissioners' final reports.

Finally, I illustrated partisanship by determining whether there is tension between elected officials and commissioners. If there is tension between the two actors, I wanted to determine which actor was successful in advancing their claims. Partisanship emerges in the electoral redistribution process when elected officials successfully pressure the commissioners into modifying their map. I operationalized this factor by analyzing the objections raised by legislature members in response to the official mapmaking process. These objections are followed by a response by the commissioners, who will either reconcile or deny the objections. Therefore, these factors will answer whether continuity or change characterizes the role of partisanship in the commissioners' decisions over the past thirty years.

Legal Influence

In the previous section, I identified that the *Carter* decision was a catalyst to ignite the Second Wave of the Electoral Boundaries Revolution. Building off this development, I propose that *legal influence* is another critical variable that affects the electoral boundaries commissions'

redistribution decisions. To measure legal influence, I started by determining if there were Court challenges in the provinces concerning the commissioners' decisions regarding their final electoral maps. In response to this question, I conducted a search to see if there were any notable legal cases surrounding electoral redistribution decisions in the Maritime provinces over the past thirty years. When there were cases, I also wanted to know the specific issues in the cases and, ultimately if the challenges were successful.

Aside from court cases, I wanted to know if the region's governments appointed independent commissions to review and analyze aspects of electoral boundaries commissions' decisions. If they did appoint commissions, I wanted to know their specific recommendations and if they affected future electoral boundaries commissions. Like the legal challenges, I searched to see if any of these secondary boundaries-related independent commissions exist. I investigated their reports where these commissions existed to determine their final recommendations. After noting their recommendations, I looked at the following electoral boundaries commission in the given province to see if they accepted the suggestions from the secondary boundaries-related independent commissions. The result is that these factors answer whether continuity or change characterizes the role of legal influence in the commissioners' decisions over the past thirty years.

Public Influence

The *Carter* decision emphasizes effective representation and urges deviance from the electoral quotient to protect communities of interest. Considering this point, I suggest that public influence may affect the commissioners' redistribution decisions. More specifically, I wanted to determine if community members raise specific objections concerning representational issues such as linguistic, regional, and cultural minority groups. If these types of objections exist, I wanted to know whether they were successful and, if they were not, why. To operationalize this variable, I

will analyze the objections raised by members of the community in response to the commissioners' proposed electoral boundaries. This information is readily available in the commissioners' final report and through the digital legislature archives for each province.

Analyzing the official objections from community members provides a partial contextual picture of the public influence on the redistribution process. To fully capture community members' objections, I wanted to know whether groups went outside of the official electoral redistribution process to influence future commissions. In lieu of a media scan, I analyzed op-eds that garnered media attention in the aftermath of the commissioners' initial and final electoral map. This data suggests that community members may resort to unconventional methods to voice their dissatisfaction with the commissioners' work. These factors illustrate the role of public influence in the commissioners' decisions over the past thirty years and determine whether there has been continuity or change.

Research Justification

Since case studies are the focal point of my research, I keep in mind the problem of "*Small N, Many variables*" (Lijphart 1975, 159; Anckar 2008, 390). In essence, when we study real world phenomena, it is difficult to develop control variables to test hypotheses, meaning there could be rival explanations that are equally compelling. Scholars such as Lijphart (1975) and Anckar (2008) have suggested that the *Most Similar Systems Design* (MSSD) can remedy this problem (Lijphart 1975, 163-166; Anckar 2008, 390-392). The authors' strategies suggest selecting cases that are similar in several specified variables – "*the control variables*" and different under one aspect – "*the independent variable under study*" (Lijphart 1975, 164-165; Anckar 2008, 390). If the cases are similar, we can accurately explain the dependent variable's variation through the notable differences between the cases. In this study, I suggest that *partisan, legal, and public influences*

are critical independent variables that explain whether continuity or change characterizes electoral redistribution processes and decisions in the Maritimes over the past thirty years. The issue is that rival explanations could emerge to explain this relationship differently. In response to this issue, I suggest that similar *ethnic and cultural identities, institutional contexts, and legacies of inequitable redistributions* act as control variables to test my hypotheses.

Originally, I selected these three provinces because they were the last provinces in Canada to adopt the electoral boundaries commissions approach to electoral redistribution. However, they also share nearly identical *institutional design features*. The Maritime provinces have *Westminster parliamentary systems*, meaning that the government is responsible to the legislature so long as it retains the *confidence* of the elected members (Docherty 2005, 6-8; Lagassé 2016, 19-20; Thomas & Lewis 2019, 366; Turnbull 2019, 66-68). The provincial governments, like the federal government, have witnessed a growing trend of centralization within the executive - *executive dominance* (Sutherland 1991, 95-97; Thomas & Lewis 2019, 366-367; Savoie 2020, 47-49). Executive dominance occurs when political power and influence move away from the legislature towards cabinet, and more significantly, the head of government (prime minister or premier) and their unelected advisors (Dunn 2015, 316-318; Sutherland 1991, 97; Thomas & Lewis 2019, 367; Savoie 2020, 47-49). In turn, non-executive representatives have a limited role in government (Dunn 2015, 319; Savoie 2020, 49-50). These members tend to be heavily disciplined, forcing them to retain the government's position on legislation, with minimal opportunities for divergence from the government's political agenda (Dunn 2015, 319; Thomas & Lewis 2019, 366; Savoie 2020, 50).

The similar institutional arrangement across the region controls for alternate explanations for why governments in the Maritimes may decide to gerrymander their province's electoral

boundaries. Simply, the governing party must maintain confidence in the legislature to ensure it can continue to govern, primarily through winning a majority of seats in the legislature. Once they win a majority, their heavily party-disciplined members will continue to support the government, ensuring it maintains confidence (Dunn 2015, 319; Thomas & Lewis 2019, 366; Savoie 2020, 50). By controlling the redistricting process, the governing party can draw maps in a way that greatly benefits their re-election bid, resulting in a common motivation to gerrymander.

Aside from institutional similarities, the Maritime provinces share a complex history of accommodating historically disadvantaged groups such as the *Acadians*, *Indigenous Peoples*, and *African Canadians* in the electoral process. Until 1981 in Nova Scotia, dual member ridings in Inverness and Yarmouth helped Acadians achieve political representation and influence in the legislature (Bickerton & Graham 2019, 36). New Brunswick adopted a similar approach to accommodate Acadians through dual-member ridings but often resulted in mixed results. Most of the time, these districts elected two Anglophone representatives rather than a Francophone and Anglophone member (Campbell 2007, 280-283). In response to this problem, Nova Scotia refined its approach in their 1992 redistribution by providing four protected ridings for the Acadians and African Nova Scotians (Bickerton & Graham 2019, 39-40). These ridings permitted greater deviations from the electoral quotient to increase the likelihood of electing one of these groups to the legislature.

Unlike the Acadians and African Canadians, Indigenous peoples did not constitute a majority in any riding in either province (Campbell 2007, 288-289). Both provinces proposed the creation of an additional seat in the legislature for an Indigenous representative. This proposal was unpopular amongst Indigenous peoples because one token representative could not adequately represent the multitude of issues facing them (Campbell 2007, 288-289; Bickerton & Graham

2019, 39). Nonetheless, there is sufficient evidence to support that both provinces have tried to accommodate historically disadvantaged groups.

I have decided against analyzing the federal redistricting process for the Maritime region in this thesis due to the immense geographic and population differences between federal and provincial districts. The federal *electoral quotient* that determines the number of people per districts originates from dividing the latest census population by the number of districts (Courtney 2004a, 54-56). Since there are significantly fewer federal districts allocated to each province, the result is larger ridings in terms of population and geography than their provincial counterparts. This difference indicates that the federal electoral boundaries commissions have less leeway than their provincial counterparts to design districts. For instance, it would be extremely difficult to create a special riding to represent minority groups in the federal districts without grossly exceeding the +-25 percent variance in the province's other federal districts. Hence, it is difficult to compare federal and provincial districts together in one study.

The benefit of this design is that it enables analysis of how *partisanship, legal, and public* influences how the Maritimes' *electoral boundaries commissions* (EBCs) arrived at their final map. I propose that the *intra-provincial* comparisons of each province's commissions will illuminate whether these variables influenced the individual provinces' EBCs' decisions over time. In contrast, the *inter-provincial comparison* of the region will help determine whether proposed reforms for increased representation depend on a distinct provincial political context or are common to the Maritime region. One way to determine whether the approach is common to the region is through the concept of *policy diffusion*. Policy diffusion in this context refers to the extent that a policy idea from one jurisdiction transfers to another one (Boyd 2021, 7-9). In other words,

I want to determine whether the *Carter* decision provoked a common redistricting approach that produced similar results across the region with the three indicators.

In a broader context, my research design also allows me to consider questions related to Canada's commitment to democratic values and, more specifically, *free and fair elections*. In essence, voting for a representative is one of the most foundational features of a representative democracy, where citizens are free to express their preferences, believing that every vote matters. However, if Canadian electoral districts are designed unjustly and are unrepresentative of the population through *gerrymandering, malapportionment, and the lack of accommodations for historically disadvantaged groups*, Canada is diluting the power of the democratic vote. Aside from this finding, the research may also bring newfound attention to whether there are other areas of Canadian democracy besides the design of electoral districts that question Canada's commitment to democratic values.

The merit of my data collection and analysis strategy is that it is conducive to *triangulation*. The assumption behind triangulation is that the strengths of one data collection method can offset the weaknesses of another method (Jick 1979, 603-604). By extension, research triangulates when scholars' research is verifiable from mixed methods (Jick 1979, 604). In essence, triangulation increases the validity and reliability of a scholar's research. In the case of my research design, I am analyzing a variety of sources – *the commissioners' official reports, objections from the community and elected representatives, election data (i.e., donations), and public perception through the media* to supplement the weakness of one data source with the strength of another. The result is that this data collection and analysis strategy will create a comprehensive photo of electoral redistribution in the Maritime provinces over the past thirty years.

Chapter Five

Partisan Influence

Introduction

This chapter explores how partisanship has influenced electoral redistribution decisions in the Maritime provinces over the past thirty years. This analysis aims to determine whether partisan influence over the commissioners' decisions has remained consistent or reflects an area of change. When thinking about this question it is important to consider the state of electoral boundaries commissions at the turn of the century. By the mid 1990s each province in the Maritimes adopted EBCs who were tasked with redrawing the provinces' electoral districts. Nova Scotia was the only province in the Maritime region that began to appoint commissioners based on merit rather than partisan affiliations. Prince Edward Island's commissioners were still sitting elected officials and New Brunswick's commissioners had partisan connections to one of the province's political parties. None of the EBCs were granted final authority over the redistribution decisions, meaning that the elected legislature could intervene and amend the commissioners' final map. Change in partisan influence implies that the commissioners' partisan identification declined, and that they gained final authority over the redistricting process.

To answer whether partisan influence has remained consistent or changed, I developed three partisan influence indicators, which I applied to each provincial electoral boundary commission within this timeframe. I started by determining whether the commissioners had partisan connections by tracing their financial contributions to political parties and if they ran as federal or provincial candidates for a party. I proceeded to determine whether the commissioners retain control over the final electoral map or if the legislature can intervene and amend the map

whenever they see fit. In other words, who really has the final say? Finally, I analyzed whether there were overt tensions between elected officials and commissioners over the proposed electoral map for each province by reviewing Hansard records of legislative debates. In the remainder of the chapter, I chronologically apply these indicators by province to each commission to determine whether partisan influence marks an area of continuity or change over the past thirty years.

2006-07 New Brunswick Electoral Boundaries Commission

The Mandate

New Brunswick's first electoral boundaries commission of the twenty-first century was remarkably different from its predecessors. The main reason was that the Legislative Assembly of New Brunswick adopted the *Electoral Boundaries and Representation Act* on June 30, 2005 (EBCNB 2006, 1-3). This Act is significant because partisan legislative committees dominated by the government of the day no longer set the EBCs' mandates (Electoral Boundaries and Representation Act 2006; EBCNB 2006, 3-4). Instead, the Act serves as the commission's mandate, implying that changes to their mandate rests on amending the Act in the legislature. In other words, the Act demonstrates the governing party willingly relinquishing control of the redistribution process to reduce partisan influence over the commission.

The *Electoral Boundaries and Representation Act* explains that the EBC must calculate an electoral quotient to guide their redistribution exercise (Electoral Boundaries and Representation Act 2006; EBCNB 2006, 4). The EBC determines the quotient by taking the total population of New Brunswick from the last census and dividing it by the total number of districts. For the 2005-06 provincial redistribution, the Act states that the commissioners' map cannot exceed 55 districts (Electoral Boundaries and Representation Act 2006). After calculating the quotient, the Act emphasizes that the commissioners' map must adhere as closely as possible to the electoral

quotient (Electoral Boundaries and Representation Act 2006). However, *Section 12(1)* of the Act acknowledges that the commission can deviate between *+/-10% from the electoral quotient* under specific circumstances to achieve the Supreme Court's ruling in the *Carter decision* concerning effective representation (Electoral Boundaries and Representation Act 2006). *Section 12(2)* outlines seven reasons that may warrant deviation from the quotient, which I have listed below:

- Communities of Interest.
- Effective representation of the English and French linguistic communities.
- Municipal and other administrative boundaries;
- The rate of population growth in a region;
- Effective representation of rural areas;
- Geographical features, including the following:
 - (i) the accessibility of a region
 - (ii) the size of a region;
 - (iii) the shape of a region
- Any other considerations that the Commission considers appropriate.

[Source: *Electoral Boundaries and Representation Act, SNB 2005, c E-3.5*]

The Act granted commissioners significant independence to deviate from the electoral quotient whenever they believed it was in the interest of achieving effective representation. Aside from the commissioners' map design, the Act governs other critical aspects of their work as well. First, it required the commission to hold two sets of public hearings to elicit public feedback following their preliminary and final reports (*Electoral Boundaries and Representation Act*). It also explained that the commission must submit its initial report within 90 days after its commencement, followed by its final report within 90 days (*Electoral Boundaries and Representation Act*). Most significantly, members of the legislature could only raise objections to the commissioners' final report rather than during the process. These objections must be brought forward by two legislature members and submitted within 14 days of the commission filing its final report (EBCNB 2006, 5). After reviewing the objections and filing their final report, the Legislative Assembly Committee reviews the commissions' map. They have the authority to make

amendments to an electoral district's name or correct an error in the legal description of its boundaries (EBCNB 2006, 4-5). Finally, the Lieutenant-Governor-in-Council must adopt the recommendations of the commission without making any changes, indicating that the map will be officially in place for the next election.

The Commissioners

On August 15, 2005, the Lieutenant-Governor-in-Council initiated the province's electoral redistribution process by appointing six commissioners on the advice of the all-party legislative committee on electoral redistricting. Like New Brunswick's previous commission, the 2005-06 EBC was co-chaired by two justices - Justice Margaret Larlee of Fredericton and Justice Brigitte Robichaud of Moncton. The other commissioners came from a wide array of backgrounds encompassing urban and rural regions and representatives from the province's anglophone and francophone areas. Notably, the commission also included a representative from the *Metepenagiag First Nation*, Pam Ward. Like the other two Maritime provinces, New Brunswick's commission did not offer insight into whether the commissioners had partisan affiliations. *Table 5.1* provides detailed information into the identity of each commissioner by providing their name, the area of the province they come from, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate.

Table 5.1: 2005-06 New Brunswick EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Justice Margaret Larlee (Fredericton)	No	No	No	N/A	No	N/A	Woman
Justice Brigitte Robichaud (Moncton)	No	No	No	N/A	N/A	N/A	Woman
David Brown (Saint John)	Yes	No	Yes	No	NDP	2011	No
Normand Carrier (Edmundston)	Yes	No	Yes	Yes	PC	2006, 2013	No
Richard Myers (Fredericton)	No	No	No	N/A	N/A	N/A	No

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Réginald Paulin (Lamèque)	No	No	No		N/A	N/A	No
Pam Ward (Metepenagiag First Nation)	No	No	No		N/A	N/A	Indigenous Woman

Source: Compiled from Various Government Databases – Elections NB Political Donation Reports 2000-2023

From *Table 5.1*, we can observe that two out of the seven commissioners had minor connections to a political party. While none had run as candidates, two made modest financial donations. Commissioner Carrier donated a small amount, approximately \$120, to New Brunswick’s PC party between 2006 and 2013. Similarly, Commissioner Brown donated around \$580 to the province’s NDP. It is important to note that Carrier donated to the PCs while serving on the commission, indicating some level of active partisanship. Despite these findings, it is unlikely that their partisan involvement affected either their commission appointment or the mapmaking process for two reasons. First, commissioners’ appointments depended on an all-party agreement in the legislature, meaning no single party had control over the appointment process (EBCNB 2006, 2). Secondly, and more significantly, most of the commissioners did not have partisan connections and could easily overrule the decisions of two partisan-connected individuals. In other words, the commissioners with partisan ties likely did not exert partisan influence on the mapmaking process.

Tensions between Commissioners and Elected Officials

On February 20th, 2006, the EBC filed its final report with the Clerk of the Legislative Assembly. The *Electoral Boundaries and Representation Act* enabled the commissioners to implement the new ridings without a vote by the legislature. Instead, the legislature could only amend the name of the new districts or correct errors in the legal description of the ridings (*Electoral Boundaries and Representation Act*). If MLAs wanted to contest the commissioners’

map, they had to file a formal objection with another member during the commission's official objection phase. Unfortunately, the names of the representatives sponsoring objections were not revealed in their official objections. Despite this issue, *Table 5.2* provides the objections raised by the representatives and whether they were successful or not.

Table 5.2: 2005-06 New Brunswick EBC Objections

Objection	Response	Approved
The community of Baie de Petit-Pokemouche should remain in the electoral district of Lamèque-Shippagan-Miscou and not become part of the electoral district of Centre- Péninsule.	Violates Electoral Quotient	No
The boundaries of the electoral district of Bathurst now coincide with the city boundaries. Part of the city of Bathurst should not be transferred from the electoral district of Bathurst to the electoral district of Nepisiguit.	The objection was not signed by two representatives.	No
Machias Seal Island should be included in the legal description of the electoral district of Charlotte-The Isles.	Oversight on the commissioners' legal description, which missed defining the Machias Seal Island.	Yes
The Commission should reduce the population of the electoral district of Charlotte-The Isles as far below the electoral quotient as permitted by the Act to take into account s. 12(2)(f) with reference to the geographical features of the electoral district.	Violates Electoral Quotient.	No
The boundaries of the electoral districts of Kings East and Hampton-Belleisle should be readjusted by transferring an area north of the Village of Norton including Belleisle Creek from the electoral district of Hampton-Belleisle to the electoral district of Kings East. In addition, part of the Village of Norton located on the north side of the Kennebecasis River should be transferred from the electoral district of Kings East to the electoral district of Hampton-Belleisle.	This option is feasible because the electoral quotient allows it.	Yes
All of the community of Saint-Léonard-Parent should be part of the electoral district of Restigouche-La-Vallée rather than part of the electoral district of Grand Falls- Drummond-Saint-André.	This option is feasible because the electoral quotient allows it.	Yes
The area of Whites Brook to Adams Gulch should be part of the electoral district of Campbellton-Restigouche Centre instead of being part of the electoral district of Restigouche-La-Vallée.	Violates Electoral Quotient.	No
The electoral district of Miramichi Bay should be renamed Miramichi Bay-Neguac.	Violates Electoral Quotient.	No
The Commission should not transfer part of the parish of Nelson from the electoral district of Miramichi Centre to the electoral district of Southwest Miramich, and part of Douglstown to the electoral district of Miramichi Bay.	Violates Electoral Quotient.	No
Parts of the communities of Rivière-du-Portage and Haut-Rivière-du-Portage should not be transferred from the electoral district of Miramichi Bay to the electoral district of Tracadie-Sheila.	Violates Electoral Quotient.	No
The Commission should not reduce the number of electoral districts in Southwest New Brunswick from 13 to 12.	Violates Electoral Quotient.	No
The Commission should leave McLeod Hill and Douglas in the Mactaquac electoral district and not transfer these areas to the electoral district of Fredericton-Nashwaaksis.	Violates Electoral Quotient.	No

Objection	Response	Approved
The communities of Chatham Head and Douglasfield should continue to be in the electoral district of Miramichi-Bay du Vin and not be transferred to the electoral district of Miramichi Centre.	Violates Electoral Quotient.	No
The name of the electoral district of Centre-Péninsule should be changed to Centre-Péninsule-Saint-Sauveur.	Stated that the issue did not originate during public consultations and is a non-issue.	No

Source: *EBCNB 2006*

Table 5.2 illustrates that MLAs raised 15 objections, highlighting the tension between elected officials and the commissioners. Despite the 15 objections, only three were approved by the commission, demonstrating their independence from political influence (EBCNB 2006, 56-57). Out of the approved objections, one was an oversight by the commissioners because they failed to identify the riding responsible for *Charlotte-The Isles* (EBCNB 2006, 57-58). The other two complaints were successful because the MLAs demonstrated to the commission that the areas would be better suited to remain in the existing constituency due to the communities of interest clause (EBCNB 2006, 58-59).

The most significant takeaway from this provincial redistribution exercise is that it appears that the province's stringent legislation surrounding redistricting successfully curtailed partisan influence over the EBC's decisions. The reason is that the New Brunswick legislature did not have the authority to overtly nullify the commissioners' map like other jurisdictions in the Maritimes (see discussion on Nova Scotia & Prince Edward Island's Mandates). Instead, elected officials had to follow strict formal procedures set out in the *Electoral Boundaries and Representation Act* to launch objections against the EBC. As a result, the Act's objection criteria limited tensions between elected officials and commissioners, demonstrating an instance where partisanship did not influence the decisions of the EBC.

2012-13 New Brunswick Electoral Boundaries Commission

The Mandate

Like New Brunswick's previous EBC, the 2012-13 commission mandate was also set by the province's *Electoral Boundaries and Representation Act*. However, in the time between the two commissions, the 57th Legislative Assembly of New Brunswick amended the Act in December 2011, with additional amendments in July 2012 (EBCNB 2013, 1-2). The legislature adopted three significant amendments to the commissioners' mandate. First, they reduced the total number of electoral districts from 55 to 49 and emphasized that the commission cannot create a map beyond 49 districts (*Electoral Boundaries and Representation Act 2005*). They also changed the electoral quotient formula from the total population divided by the number of districts in favour of the number of registered electors divided by ridings (*Electoral Boundaries and Representation Act 2005*). Finally, the legislature lowered the +/-10 percent permitted deviance from the electoral quotient to +/-5 percent (*Electoral Boundaries and Representation Act 2005*). Despite the Act's emphasis on the electoral quotient, the newly created Section 12(4) allowed the commission to deviate +/-25 percent from the electoral quotient in extraordinary circumstances (*Electoral Boundaries and Representation Act 2005*). While the Act kept this term open to the commission's interpretation, Section 12(2) provided the specific provisions where commissioners could deviate from the electoral quotient, outlined below:

- Communities of Interest;
- Effective representation of the English and French linguistic communities;
- Municipal and other administrative boundaries;
- The rate of population growth in a region;
- Effective representation of rural areas;
- Geographical features, including the following:
 - (i) the accessibility of a region
 - (ii) the size of a region;
 - (iii) the shape of a region

Source: *Electoral Boundaries and Representation Act, SNB 2005, c E-3.5*

Aside from the three amendments, the Act remained almost unchanged from the prior redistribution exercise. It still required the commission to hold two sets of public hearings to elicit public feedback following their preliminary and final reports (*Electoral Boundaries and Representation Act 2005*). The commission's timeline remained unchanged because they had to submit their preliminary report within 90 days after its commencement, followed by a final report within 90 days (*Electoral Boundaries and Representation Act 2005*). Notably, the objection process for members of the legislature was identical to the last commission. In brief, members of the legislature can only submit objections to the commissioners' final report. Two members of the legislature must bring them forward within 14 days of the commission's final report (*Electoral Boundaries and Representation Act 2005*). After considering members' objections, the commission produces its amended final map, which becomes the electoral map for the province's next two provincial elections.

The Commissioners

On August 28, 2012, the Lieutenant-Governor-in-Council commenced the province's electoral redistribution process by appointing six commissioners with guidance from the all-party *Legislative Administrative Committee of the Legislative Assembly* (EBCNB 2013, 3). For the first time in the province's history, the commission was not co-chaired by two justices. Instead, one co-chair was anglophone (Allan Maher), and the other was francophone (Annise Hébert Hollies), representing the province's two prominent linguistic groups (EBCNB 2013, 1-2). Once again, the other commissioners hailed from a wide variety of backgrounds encompassing urban and rural regions and representatives from the province's anglophone and francophone areas. Unlike the previous EBC, there was no representative from any of the province's Indigenous groups. Unsurprisingly, the commission did not offer insight into whether any of the commissioners had

partisan affiliations. *Table 5.3* provides detailed information into the identity of each commissioner by providing their name, the area of the province they come from, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate.

Table 5.3: 2012-13 New Brunswick EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Annise Hébert-Hollies (Bouctouche)	No	No	No	N/A	No	N/A	Francophone Woman
Allan Maher (Dalhousie)	Yes	Yes	Yes	Yes	Liberal	1987-95, 2020	No
Condé Grondin (Fredericton)	No	No	No	N/A	N/A	N/A	No
James Stanley (Dalhousie)	Yes	No	Yes	No	PC	2018-22	No
Margaret Susan Murray (Moncton)	Yes	No	Yes	No	PC	2018, 2021	Woman
Jean-Guy Rioux (Pointe-Brûlée)	No	No	No	N/A	N/A	N/A	Acadian

Source: Compiled from Various Government Databases – Elections NS Political Donation Reports 2000-2023

Table 5.3 illustrates that three out of six commissioners had connections to a political party. Notably, Co-Chair Maher was the province's former Minister of Finance under Frank McKenna's Liberal government between 1987 to 1995. Despite Maher's high-profile political affiliation, partisanship is unlikely to play a role in his appointment to the EBC. David Alward's Progressive Conservatives were in government at the time of the commission's commencement, meaning that it is unlikely that a PC government would willingly appoint a Liberal to design the province's electoral boundaries if they thought that overt partisanship was an issue. Regarding partisan alignment with Commissioners Stanley and Murray, the donor reports indicate that neither member was active before or during the commission's work. For these reasons, it is unlikely that partisanship played a role in either the commissioners' appointment or the mapmaking process.

Tension Between Elected Officials and the Commissioners

On April 25, 2013, the commission filed its final report with the Clerk of the Legislative Assembly. Per *Section 20* of the Act, the commission heard formal objections from the members of the legislature (*Electoral Boundaries and Representation Act 2005*). Like the previous commission, if MLAs wanted to contest the commissioners' map, they had to file an objection with another member after the commission's final report (*Electoral Boundaries and Representation Act 2005*). Once again, the commission did not provide the names of the representatives that objected to the map. *Table 5.4* provides the objections raised by the representatives and whether they were successful.

Table 5.4: 2012-13 New Brunswick EBC Objections

Objection	Response	Approved
The community of Dundee should remain part of electoral district #2 Campbellton – Dalhousie and not become part of electoral district #1 Restigouche West.	Violates Electoral Quotient.	No
The town of Beresford should not be part of electoral district #4 Bathurst West – Beresford.	Violates Electoral Quotient.	No
Restore the original Nepisiguit electoral district.	Violates Electoral Quotient.	No
The village of Saint-Isidore should be transferred from the electoral district #5 Bathurst East – Nepisiguit – Saint-Isidore to electoral district #8 Tracadie – Sheila.	Violates Electoral Quotient.	No
Create a majority francophone electoral district on the eastern side of the Miramichi region which includes francophone areas south of Tracadie-Sheila.	Violates Electoral Quotient.	No
Transfer the local service districts of Harcourt and Weldford to the same electoral district as Rexton.	Violates Electoral Quotient.	No
For electoral district #16, supplement the number of registered electors by an additional 1554 electors in consideration of unregistered students of Mount Allison University.	Violates Electoral Quotient.	No
Place Memramcook in the same electoral district as Dieppe.	Violates Electoral Quotient.	No
Place the western side of Riverview in electoral district #23 Riverview.	Violates Electoral Quotient.	No
Place Norton in electoral district #26 Sussex – Fundy – St. Martins.	Violates Electoral Quotient.	No
Remove Mispec and Redhead from electoral district #27 Hampton and place them in electoral district #30 Saint John East. Transfer the former polls #5 and #6 in the current Saint John East electoral district to electoral district #29 Rothesay to bring those electoral districts within the 5% variance permitted. Remove the St. Martins and Fundy Trail area from electoral district #26 Sussex – Fundy – St. Martin and place it in electoral district #27 Hampton.	Violates Electoral Quotient.	No

Objection	Response	Approved
Transfer areas along the west of electoral district #26 Sussex – Fundy – St. Martins to electoral district #27 Hampton.	Violates Electoral Quotient.	No
Maintain the City of Saint John intact and do not attach portions of it to surrounding electoral districts.	Violates Electoral Quotient.	No
Attach the communities along the Westfield Road north of its intersection with Acamac Beach road to electoral district #33 Saint John Lancaster.	Violates Electoral Quotient.	No
Attach the community of South Oromocto Lake to electoral district #39 New Maryland - Sunbury.	Permissible under the electoral quotient.	Yes
Attach the greater Geary communities to electoral district #37 Oromocto-Lincoln.	Violates Electoral Quotient	No
Do not divide the Burton – Greater Geary Local Service District.	Violates Electoral Quotient	No
Place Burton and Swan Creek in electoral district #37 Oromocto - Lincoln.	Violates Electoral Quotient	No

Source: *Electoral Boundaries and Representation Commission of New Brunswick (2013b)*

Table 5.4 illustrates that legislature members raised 18 objections, highlighting the extent of the tension between elected officials and the commissioners. Ultimately, the commission only accepted one of the 18 objections, illustrating their independence from the legislature and partisan influence. The commission accepted this objection because it only brought 35 additional voters into the riding, which meant it was far from violating the maximum and minimum deviations from the electoral quotient (EBCNB 2013b, 3). Notably, the other 17 objections would create several ridings that would exceed or fail to meet the electoral quotient. From this data, we can conclude that the tensions between elected officials and the commissioners did not result in partisanship influencing the commission’s final map for the province.

2022-23 New Brunswick Electoral Boundaries Commission

The Mandate

New Brunswick’s 2022-23 Electoral Boundaries Commission adhered to the province’s *Electoral Boundaries and Representation Act*. In 2014, the 58th General Legislative Assembly of New Brunswick amended the redistribution process legislation, directly affecting the commissioners’ mandate (*Electoral Boundaries and Representation Act 2014*; NBEBC 2023, 8). The number of districts remained unchanged at 49, and once again, it emphasized that the EBC

cannot go beyond the number of districts (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 8). The formula for calculating the electoral quotient also remained unchanged: the number of electors divided by the number of districts. However, the legislature increased the deviance from the electoral quotient to +/-15 percent from +/-10 percent (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 8). Despite the repeal of Section 12(4), which explained the conditions where the commission could deviate from the electoral quotient, Section 11(4) filled this void (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 8). Below I provide the specific requirements where the EBC could differ from the electoral quotient. Interestingly, the conditions remained essentially unchanged from the previous commission.

- Communities of Interest;
 - Local Government and Municipal Boundaries;
 - The rate of population growth in a region;
 - Effective representation of rural areas;
 - Geographical features, including the following:
 - i) the accessibility of a region
 - ii) the size of a region;
 - iii) the shape of a region
 - Any other considerations that the Commission considers appropriate.
- Source: *Electoral Boundaries and Representation Act, RSNB 2014, C-106.*

Aside from amendments concerning the electoral quotient, the Act remained largely unchanged from the prior redistribution exercise. It still required the commission to hold two sets of public hearings to elicit public feedback following their preliminary and final reports (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 9). The EBC's timeline slightly changed because they had up to 150 days to submit their preliminary report after its commencement, followed by their final report within another 150 days (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 9). Notably, the objection process for members of the legislature was identical to the last commission.

The Commission

On July 15, 2022, the Lieutenant-Governor-in-Council appointed six members to the commission on the advice of the all-party legislative committee on electoral redistricting (NBEBC 2023, 1-3). For the first time in the province’s history, this EBC was not co-chaired by two justices. The first co-chair was Robert Clinch, who previously served as a Progressive Conservative Member of Parliament for Gloucester from 1984 to 1988, and who previously served as the Mayor of Bathurst between 1980 and 1983. Camille Thériault was the second co-chair and had a lengthy history in New Brunswick’s provincial political scene. Thériault was a Liberal MLA for Kent South between 1987 and 2001 and held multiple cabinet portfolios as the Minister of Fisheries and Economic Development and eventually Premier from 1998-1999. Like the province’s previous commissions, the other members came from a wide array of backgrounds encompassing urban and rural regions and representatives from the province’s anglophone and francophone areas. *Table 5.5* provides detailed information about the identity of each commissioner and identifies whether they had partisan connections.

Table 5.5: 2022-23 New Brunswick EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Roger Clinch (Bathurst)	Yes	Yes	Yes	Yes	PC	1984-88 (Candidate) 2006,10, 15, 19-22 (Donor)	No
Camille Thériault (Kent South)	Yes	Yes	Yes	Yes	Liberal	1987-2001 (Candidate) 2006,10 (Donor)	Acadian
Roger J. Ouellette (Moncton)	No	No	No	N/A	N/A	N/A	No
Krista Ross (Fredericton)	No	No	No	N/A	N/A	N/A	Woman
Josée Rioux-Walker (Drummond)	No	No	No	N/A	N/A	N/A	Woman
Emily Teed (Saint John)	No	No	No	N/A	N/A	N/A	Woman

Source: Compiled from Various Government Databases – Elections NS Political Donation Reports 2000-2023

Aside from the two chairs who previously disclosed their partisan connections, none of the other four commissioners had obvious links to a political party. Once again, none of the commissioners participated in partisan activity while serving on the EBC. It is also unlikely that partisanship influenced the commissioners' work because only the two chairs had partisan connections from two different parties, and most commissioners did not have a history of partisan involvement. This development indicates that there was a non-partisan majority on the commission who were appointed based on merit rather than patronage. Hence, partisanship did not influence the 2022-23 New Brunswick Electoral Boundaries commission.

Tension Between Elected Officials and the Commissioners

On March 12, 2023, the commission filed its final report with the Clerk of New Brunswick’s Legislative Assembly. Per Section 18(3)(a) of the Act, the commission heard formal objections from the legislature members (Electoral Boundaries and Representation Act 2014; NBEBC 2023, 9). Like the two previous commissions, if MLAs wanted to contest the commissioners’ map, they had to file an objection with another member after the commission’s final report. Once again, the commission did not provide the names of the representatives that objected to the map. *Table 5.6* provides the objections raised by the representatives and whether they were successful.

Table 5.6: 2022-23 New Brunswick EBC Objections

Objection	Response	Approved
The portions of the City of Campbellton that have been placed in electoral district #2 Restigouche East be placed in electoral district #1 Restigouche West.	Violates Electoral Quotient.	No
The portion of the City of Miramichi north of the Miramichi River be placed in ED #10 Miramichi East, that the portion of ED #10 west of highway 126 including Barnaby River and ‘lower highway 118’ be placed in ED #11 Miramichi West and that Baie-St.-Anne, Escuminac and the entirety of Hardwicke be placed in ED #10.	Violates Electoral Quotient.	No
The electoral districts containing the various portions of Kent County be amended from the recommended configuration to prevent the municipality	Violates Electoral Quotient.	No

of Champdoré from being included in electoral district #22 Champdoré-Irishtown.		
The recommendation of the commission to have a portion of the municipality of Cap-Acadie placed in ED #16 Tantramar for the final report to be compliant with legislation is an error and places the concept of voter parity in precedence over other guiding principles.	Accepted due to legal error on the commissioners' part.	Yes
The portions of the City of Moncton, including the location of Moncton High School, that have been placed in electoral district #22 Champdoré-Irishtown be placed in electoral district #18 Moncton East.	Violates Electoral Quotient.	No
The portions of the municipality of York-Sunbury that are within ED #37 Oromocto-Sunbury be placed in ED #43 Hanwell-New Maryland and that the municipalities of Tracy and Fredericton Junction along with some adjacent rural areas be moved from ED #43 to ED #37.	Violates Electoral Quotient.	No
For electoral district #16, supplement the number of registered electors by an additional 1554 electors in consideration of unregistered students of Mount Allison University.	Violates Electoral Quotient.	No
The portions of the City of Fredericton containing the 'town plat' that are within ED #40 Fredericton South-Silverwood be placed in ED #39 Fredericton Lincoln.	Violates Electoral Quotient.	No
The municipality of Saint-Quentin be removed from ED #47 and placed in ED #1 Restigouche West.	Violates Electoral Quotient.	No

Source: *Report of the NB Electoral Boundaries Commission*

Table 5.6 illustrates that members of the legislature raised eight distinct objections, highlighting minimal tension between elected officials and the commissioners. Ultimately, the commission accepted one of the objections because it was a legal oversight regarding the description of the newly created Tantramar riding. Like the previous two commissions in the province, the other seven objections would violate the electoral quotient, prompting the commissioners to reject these objections. From this data, I conclude that the tensions between elected officials and the commissioners did not result in partisanship influencing the commission's final map for the province.

2001-02 Nova Scotia Electoral Boundaries Commission

The Mandate

On November 30, 2001, the Select Committee on Electoral Boundaries of the Nova Scotia House of Assembly created the province's second *Electoral Boundaries Commission (EBC)*. This nine-member all-party select committee had five members from the governing Progressive Party and two each from the Liberals and New Democrats. They were responsible for determining the

composition of the EBC and to set their mandate in accordance with the provisions in the House of Assembly Act (Dodds 2002, 1). The Act also dictates that this process must take place at least once every ten years. The 2001 committee wanted the EBC to create an electoral map that did not exceed 52 *single-member ridings* and wanted them to *abide by an electoral quotient*, which was the province's electorate divided by the province's 52 ridings (Dodds 2002, 5-6). They believed that this quotient would ensure that Nova Scotians could expect relative parity of voting power (Dodds 2002, 6). The committee also noted that the commission had to consider the Supreme Court's ruling in the *Carter* decision surrounding *effective representation* (Dodds 2002, 7-11). The four stipulations put forward by the committee includes:

- Geography, and in particular the difficulty in representing a large physical area.
- Community History.
- Community Interests.
- Minority representation, including, in particular, representation of the Acadian and Black peoples of Nova Scotia

Source: *Just Boundaries: Recommendations for Effective Representation for the People of Nova Scotia*, 5

The committee allowed the commission to deviate from the electoral quotient by +/-25 percent if it meant meeting any of the four factors (Dodds 2002, 6-8). Additionally, the commission could also deviate beyond this number in *extraordinary circumstances*, which they defined as *promoting the minority representation by Nova Scotia's Acadian and Black communities* (Dodds 2002, 5-6). Aside from the technical provisions, the commission was expected to elicit public feedback regarding their proposed map and had to complete their work by May 30th of the following year (Dodds 2002, 15-17). Despite these provisions, the legislature retained final authority over the province's electoral map. If they disagreed with any of the commissioners' recommendations, they could declare it void and alter the map wherever they deemed necessary.

The Commissioners

One notable difference from the province’s previous commission was that it increased in size from six members to nine (Dodds 2002, 2-4). Dr. Colin Dodds, a professor at Saint Mary’s University in Halifax, chaired the EBC. The other eight commissioners represented a combination of rural and urban areas of the province. A bilingual secretary also assisted the commissioners with French translation services (Dodds 2002, 2-4). Neither the committee nor the commission’s report provided any background into whether the commissioners had political affiliations. *Table 5.7* provides detailed information into the identity of each commissioner by stating their name, the area of the province they come from, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate.

Table 5.7: 2001-02 Nova Scotia EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Colin Dodds (Halifax)	Yes	No	Yes	No	Varies	2005-09 (PC, NDP, LP) 2013 (PC)	No
Anne Dillman (Musquodoboit Valley)	No	No	No	N/A	N/A	N/A	Woman
Douglas Hill (Lunenburg)	No	No	No	N/A	N/A	N/A	No
John Kitz (Lunenburg)	Yes	No	Yes	No	Liberal	2013-15 2017, 2021	No
Ronald Landes (Dartmouth)	No	No	No	N/A	N/A	N/A	No
Hayden Landry (Tusket)	No	No	No	N/A	N/A	N/A	No
Andrew Molloy (Cape Breton)	No	No	No	N/A	N/A	N/A	No
Ian Spencer (Antigonish)	No	No	No	N/A	N/A	N/A	N/A
Candace Thomas (Dartmouth)	No	No	No	N/A	N/A	N/A	African Nova Scotian

Source: Compiled from Various Government Databases – Elections NS Political Donation Reports 2000-2023

None of the nine commissioners participated in partisan activity while serving on the EBC. What’s more, none of the commissioners had ever run as a candidate in a federal or provincial

election. However, two commissioners (Dr. Colin Dodds and John Kitz) have a history of contributing to provincial political campaigns. Over the last thirty years, Dodds contributed approximately \$1150 to the Progressive Conservative Party (PC), \$100 to the New Democratic Party (NDP), and \$50 to the Liberal Party. Similarly, Kitz donated approximately \$2600 to the Liberal Party.

Despite this information, the evidence suggests that the commissioners' donations did not demonstrate partisan influence on the redistribution process. The reason is that most commissioners did not have partisan connections and could easily overrule the decisions of the two partisan-connected individuals. It is also unlikely that these commissioners were appointed based on their partisan affiliations because Dodds was the only commissioner who supported John Ham's PC government. Compared to the EBCs before the Carter decision, these commissioners' partisan involvement is significantly less than the partisan legislators who previously served on Nova Scotia's EBCs. The membership structure of this EBC also maintained the reforms implemented in the early 1990s, following the *Carter* decision by appointing private citizens from diverse backgrounds such as race, gender, and expertise. From this data, I can conclude that Nova Scotia's first EBC of the twenty-first century continued to reduce partisan influence over the redistricting process.

Tensions between Commissioners and Elected Officials

The commission submitted its final report to Attorney General Michael Baker on August 30, 2002, who introduced the report near the end of the fall sitting of the legislature (Dodds 2002, 1). Their report recommended significant changes to 27 of the province's 52 electoral districts (Dodds 2002, 65-71). The Hansard debates reveal that the governing PCs, along with the opposition NDP and Liberals, supported the changes to the boundaries (NS Legislative Assembly

2002, 12224). Despite this all-party support, six members voted against the Bill, citing the need to represent their riding's disagreements with the proposed changes (NS Legislative Assembly 2002, 12224). *Table 5.8* outlines the members who voted against the commission's final map, their political party, and why they disagreed with the commission's recommendations.

Table 5.8: 2001-02 Nova Scotia EBC Objections

Name	District	Party	Reason for Disagreement
Jim Boudreau	Cape Breton The Lakes	NDP	Removal of one Cape Breton Riding (their own).
Donald Downe	Lunenburg West	Liberal	Violates established communities of interest.
Kenneth MacAskil	Victoria	Liberal	Large geographic size of their new riding.
Manning MacDonald	Cape Breton South	Liberal	Removal of one Cape Breton Riding.
Paul MacEwan	Cape Breton Nova	Liberal	Removal of one Cape Breton Riding.
David Wilson	Sackville-Cobequid	NDP	Removal of one Cape Breton Riding.

Source: *Nova Scotia, Legislative Assembly, Hansard, 58th Leg, 2nd Sess, No 142 (28 November 2002)*

Table 5.8 illustrates tensions between a small minority faction of elected officials and the EBC. Four out of six elected officials disagreed with the commissioners' decision to remove the Cape Breton riding of "Cape Breton The Lakes" in favour of a new riding in the Halifax area (NS Legislative Assembly 2002, 12224). MacAskil also objected to the EBC's final report, but it was because he believed the new Victoria riding would be too large in geography, harming the future representative's ability to represent their constituents (NS Legislative Assembly 2002, 12224). Similarly, Downe disagreed with the commission's recommendation to merge a portion of Lunenburg West with Queen's County because it would harm the future representative's ability to manage the distinct interests of both communities (NS Legislative Assembly 2002, 12224). Despite the elected officials' objections, the other 49 members sided with the commissioners and implemented their map without revisions on November 28, 2002, in time for the 2006 provincial election.

2012-13 Nova Scotia Electoral Boundaries Commission

The Mandate

On December 30, 2011, the legislature's Select Committee on Electoral Redistribution created Nova Scotia's third EBC by setting their mandate and appointing commissioners. First, they wanted the EBC to develop an electoral map for the province that *did not exceed 52 districts* (MacNeil 2012, 6). Like the previous commission, the committee set the *electoral deviance factor at +/-25 percent from the electoral quotient*, which was *the number of eligible electors divided by 52 districts* (MacNeil 2012, 6-7). Their mandate specified, "*Of paramount importance that relative parity of voting power must be achieved through constituencies of equal electoral population to the extent possible*" (MacNeil 2012, 14). In other words, this stipulation marks a significant departure from previous commissions because it forces this EBC to adhere to the electoral quotient as closely as possible. Despite this provision, the commissioners could deviate from the electoral quotient if it met any of the three situations below.

- Geography, in particular, the difficulty in effectively representing a large physical area
- Community history and interests;
- Nova Scotia's linguistic and cultural diversity, in particular, the province's Acadian and African Nova Scotia population.

Source: *Final Report of the NS Electoral Boundaries Commission* (2012)

Aside from the technical aspects of the map-making process, the EBC's mandate imposed public consultation requirements and a timeline. Like the previous commission, they were expected to conduct an unspecified number of public hearings province-wide to gather feedback regarding their proposed map (MacNeil 2012, 24-26). The EBC could also request translation services for the hearings in Acadian-dominant districts to reduce barriers and help commissioners better understand the communities' interests (MacNeil 2012, 25). Finally, the commissioners were

required to submit their interim report to the province’s Attorney General by May 31, 2012, and August 31, 2012, for their final report (MacNeil 2012, 26).

The Commissioners

Nova Scotia’s third EBC had eight members led by Chair Dr. Teresa MacNeil and Vice Chair Dr. Colin Dodds from the province’s previous boundary commission (MacNeil 2012, 5-7). The other six members were drawn from several urban and rural areas across the province and included experts in Canadian politics. It is important to note that Dr. Jill Grant resigned in protest of the other commissioners’ recommendations on May 31, 2012 (MacNeil 2012, 9). *Table 5.7* provides detailed information into the identity of each commissioner by providing their name, the area of the province they represented, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate. The commissioners were assisted by three staff members who helped with the commission’s day-to-day operations and one that provided mapping expertise from Elections Nova Scotia (MacNeil 2012, 1-2).

Table 5.9: 2012-13 Nova Scotia EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Dr. Teresa MacNeil (Richmond County)	Yes	No	Yes	Yes	NDP	2007-08, 2010-11, 2021	Woman
Dr. Colin Dodds (Halifax)	Yes	No	Yes	Yes	Varies	2005-09 (PC, NDP, LP) 2013 (PC)	No
Dr. Jill Grant* (Dartmouth)	No	No	No	N/A	N/A	N/A	Woman
Dr. James Bickerton (Antigonish)	No	No	No	N/A	No	N/A	No
Douglas Peach (Cape Breton)	No	No	No	N/A	N/A	N/A	No
Paul Gaudet (Saulnierville)	Yes	No	Yes	Yes	Liberal	2010-11, 2020-21	Acadian
Rustum Southwell (Bedford)	Yes	No	Yes	Yes	NDP	2006, 2009	African Nova Scotian

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Barbara Feeney (Mahone Bay)	No	No	No	N/A	N/A	N/A	Woman

Source: Compiled from Various Government Databases – Elections NS Political Donation Reports 2000-2023

This commission was notable because it had two members from Nova Scotia's Acadian and African Nova Scotian groups. It was also the province's first commission with three academics well-versed in representation and Canadian politics. Aside from this information, we can observe that half of the commissioners had partisan connections, with three supporting the governing Darrell Dexter's NDP election campaigns. More specifically, Commissioners Dodds and Southwell contributed approximately \$100 each to the NDP's campaign in the 2006 provincial election. Commissioner MacNeil did not donate during the election campaign, but she was a long-time NDP supporter over the past thirty years, with her contributions reaching nearly \$1400.

Despite the four commissioners' partisan connections, they unlikely influenced the commission's work. To observe partisan influence, it would be reasonable to expect that commissioners actively donated to political campaigns before or during their tenure on the EBC. However, no commissioner actively donated to a political party during their tenure on the commission. Further, the commissioners who did donate to the NDP's 2006 election campaign did not contribute a significant amount of funds to their party, approximating around \$8 a month. It would also be reasonable to expect partisan influence if the commissioners had identical partisan connections to the government in power. However, the commissioners with partisan connections spanned the ideological spectrum (NDP, Liberal, and PC). This suggests that their appointment was not in an effort to "stack the deck" so to speak. Finally, partisan influence would also imply that the commissioners originated from political backgrounds such as current or former elected officials. However, each of the commissioners came from various backgrounds, suggesting they were appointed based on merit rather than partisan appeals. Hence, the partisan-connected

commissioners were likely not selected based on their party record and did not exert partisan influence on the mapmaking process.

Tension Between Elected Officials and the Commissioners

The tension between elected officials and the commissioners was apparent when the commission released its interim report on May 31, 2012. This tension grew out of the voter parity provision of the commissioners' mandate regarding the four protected constituencies created in the 2002-03 redistribution exercise to protect Acadian and African Nova Scotian representation. Notably, the commission produced a map that retained these districts, which meant exceeding the +/-25% allowable deviance from the electoral quotient (MacNeil 2012, 28-31). In response, the province's Attorney General rejected the interim report, citing that "*the terms of reference (referring to the Commission's mandate) are legally binding upon the Commission*" (MacNeil 2012, 110-112). In other words, the Attorney General clarified that the commission could not amend its mandate set by the partisan legislature. This development raised significant questions concerning the commission's independence from partisan influence.

The commission voiced its discontent with the government's decision and responded in its final report. They believed the Attorney General's aggressive response undermined the commission's independence and credibility to the public (MacNeil 2012, 1-3). They also stated that the four ridings were permissible in the prior two redistribution exercises and did not change significantly before the 2012-13 EBC (MacNeil 2012, 26). Keeping with their mandated terms, the commission redesigned its map by removing the four protected ridings, which brought the map in compliance with the +/-25 percent electoral deviance factor (MacNeil 2012, 28-29). Specifically, each proposed constituency fell within +/-15% deviance from the electoral quotient, and 22 fell within +/-10% (MacNeil 2012, 29-30). On September 25, 2012, the commission

released its final report to the legislature, which was ultimately accepted. While the map was ultimately accepted, the final version was heavily influenced by the AG and the terms of reference and the removal of the four protected ridings highlighted the tensions.

2018-19 Nova Scotia Electoral Boundaries Commission

The Mandate

On March 27, 2018, Nova Scotia's House of Assembly passed a resolution to form the *Select Committee on Establishing an Electoral Boundaries Commission*. Like the province's previous committee, they were responsible for appointing members to the next EBC and setting their mandate (Dodds 2019, 5-6). The committee instructed the commissioners to create two versions of the province's electoral map, one with the existing 51 districts and the other with an alternative number determined by the commission (Dodds 2019, 5-6). By granting the commissioners freedom over the number of districts, the committee believed they would produce an electoral map that aligned with the concept of effective representation (MacLellan 2018, 7-9). They also provided the EBC with an electoral quotient: the total number of electors in the province divided by the number of districts (Dodds 2019, 5-6; MacLellan 2018, 9). The committee set deviance from the electoral quotient at +/-25 percent unless in *exceptional circumstances* (Dodds 2019, 5-6; MacLellan 2018, 9). Below I provide a list of factors the committee urged the EBC to consider when deviating from the electoral quotient.

- Deviation from elector parity is justified because of geography.
- Deviation from elector parity may be justified because of historical, cultural, or linguistic settlement patterns and because of political boundaries.

Source: *Report of the Select Committee on Nova Scotia's Electoral Boundaries (2018)*

The most significant difference between this commission's mandate and its predecessor is that they were granted immense flexibility in designing the province's map. The committee believed that by removing constraints around the number of districts and deviation factor, the

commission could develop a map that effectively represents all Nova Scotians (MacLellan 2018, 7-9). Aside from the foundational aspects of the mapmaking process, the commission had to conduct a series of public hearings throughout the province to garner public feedback on the proposed map (Dodds 2019, 6). The committee set a deadline of November 30, 2018, for the commission's interim report and a final deadline of April 1, 2019.

The Commissioners

The Honourable Geoff MacLellan of Stephen McNeil's Liberal government chaired the committee appointing members to the EBC. The nine-member EBC was chaired by Dr. Colin Dodds, who previously served in the vice-chair and chair roles of the province's previous commissions. This commission was notable because it had three members from the province's African Nova Scotian and Acadian communities. Vice Chair Simmonds represented North Preston, one of the province's notable African Nova Scotian communities. Similarly, Commissioners Gaudet (Saulnierville) and LeFort (Chéticamp) were members of the province's Acadian communities. Like the previous commissioners, neither the committee nor the commission's report provided any background on whether they had political affiliations. In *Table 5.10*, I provide detailed information regarding the commissioners' backgrounds to determine whether they had partisan connections.

Table 5.10: 2018-19 Nova Scotia EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Dr. Colin Dodds (Halifax)	Yes	No	Yes	Yes	Varies	2005-09 (PC, NDP, LP) 2013 (PC)	No
Angela Simmonds (North-Preston)	Yes	Yes	No	No	Liberal	2021-23	African Nova Scotian Woman
Michael Baker (Hammonds Plains-Lucasville)	Yes	Yes	Yes	Yes	PC	1998-2009	No

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Paul Gaudet (Saulnierville)	Yes	No	Yes	Yes	Liberal	2010-11, 2020-21	Acadian
Dr. Glenn Graham (Antigonish)	No	No	No	N/A	N/A	N/A	No
Michael Kelloway (Sydney)	Yes	Yes	Yes	No	Liberal	2019-21	No
Léonard LeFort (Chéticamp)	No	No	No	N/A	N/A	N/A	Acadian
Dr. Peter Butler (Halifax)	Yes	No	Yes	Yes	PC	2006-07, 2009, 2011, 2015-16	N/A
Carlotta Weymouth (Dartmouth)	Yes	No	Yes	Yes	NDP	2005-11	Woman

Source: Compiled from Various Government Databases – Elections NS Political Donation Reports 2000-2023

Seven of the nine commissioners had overt partisan connections throughout the past thirty years. However, it is critical to note that none of the commissioners actively participated in party politics during their tenure on the commission. Two of the six commissioners donated were Progressive Conservatives, two Liberals, and one NDP - a sign that the commission wasn't designed with a specific partisan agenda. As previously stated, Dodds alternated donations between the NDP and PCs. Three of the commissioners ran as a candidate for a political party before and after their time serving on the commission. Angela Simmonds ran as a provincial Liberal candidate in 2021, and Michael Kelloway was a Federal Liberal candidate in 2019. Michael Baker served in the provincial legislature as PC MLA for Lunenburg for over twenty years between 1998 and 2009, holding multiple cabinet positions such as Finance Minister and Minister of Justice. Despite their partisan connections, it unlikely influenced the mapmaking process. Most of the commissioners did not have partisan connections and could easily overrule the decisions of two partisan-connected individuals. Hence, it is unlikely the commissioners with partisan connections exerted partisan influence on the mapmaking process.

Tension Between Elected Officials and the Commissioners

On April 15, 2019, the NS EBC submitted its final report to the Honorable Mark Furey, serving as the province's Attorney General and Justice Minister (Dodds 2019, 1). The commissioners recommended a map containing 55 ridings that restored the special ridings removed in the previous redistribution exercise (Dodds 2019, 1-3). At the time, the House of Assembly was not sitting, which meant that the Furey could not table their recommendations until the fall sitting. On October 9, 2019, he introduced *Bill 187 - House of Assembly Act (amended)*, encompassing the commissioners' final map for the province. Remarkably, the Bill received support from all parties in the legislature and passed without any debate from the elected officials (NS Legislative Assembly 2019, 4508). The commissioners were praised by the leaders of all of the parties for their work on creating a more equitable map for the province (NS Legislative Assembly 2019, 4508). The result was that the new electoral map was in place for the 2021 provincial election.

2003-04 Prince Edward Island Electoral Boundaries Commission

The Mandate

Since 1988, two articles of legislation - the *Electoral Boundaries Act, RSPEI 1988*, and the *Legislative Assembly Act RESPEI 1988* govern electoral redistribution exercises in Prince Edward Island. First, the *Legislative Assembly Act* sets the number of districts on the island, 27 single-member ridings (Legislative Assembly Act, 1988). Interestingly, the *Electoral Boundaries Act* also divides the total number of districts among the island's three counties, with nine in Prince County, 13 in Queens County, and 5 in Kings County (*Electoral Boundaries Act*, 1988). The calculation for the electoral quotient rests on dividing the total number of electors by the number of electoral districts (*Electoral Boundaries Act*, 1988). This quotient cannot deviate by +/-25% across the

island's districts (*Electoral Boundaries Act*, 1988). Below are the seven provisions in the Act that may warrant deviation from the electoral quotient.

- The Canadian Charter of Rights and Freedoms.
- Enumeration data from the most recent general election.
- Polling divisions from the most recent general election.
- Geographical Features.
- Population Patterns.
- Community of Interests.
- Municipal Boundaries.
- Any other similar features.

Source: *Electoral Boundaries Act*, RSPEI 1988, Cap. E-2.1

Aside from imposing constraints on the EBC's map-making process, there are additional provisions concerning the commission's timeline and public feedback. The *Electoral Boundaries Act* explains the creation of an EBC must occur no more than 90 days after every third provincial election (*Electoral Boundaries Act*, 1988). The commissioners' final report must be filed to the legislature for consideration within six months of its creation unless they request a formal extension from the legislature (*Electoral Boundaries Act*, 1988). In the case of the 2003-04 EBC, they asked for and received a formal extension because their work took longer than initially intended (McQuaid 2004, 3-5). Finally, the Act vaguely states that commissioners must conduct public hearings across the province to illicit public feedback over the proposed map (*Electoral Boundaries Act*, 1988).

The Commissioners

Pat Binns' Progressive Conservative Party won the 2003 provincial election, which marked the third election since 1988, triggering an electoral boundaries commission. On December 23, 2003, the Lieutenant Governor-in-Council requested the Speaker of the House to appoint non-partisan community members to the island's first electoral boundaries commission (McQuaid 2004, 3). Ultimately, the Speaker selected three members to serve on the commission chaired by

Justice John McQuaid of the Appeal Division of the PEI Supreme Court (McQuaid 2004, 3-4). *Table 5.11* provides detailed information into the identity of the three commissioners by providing their names, the area of the province they come from, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate.

Table 5.11: 2003-04 Prince Edward Island EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
John McQuaid (Stratford)	No	No	No	N/A	No	N/A	No
Roberta Hubley (Queens County)	Yes	No	Yes	No	Liberal	2015	Woman
John Mitchell (Charlottetown)	Yes	No	Yes	Yes	PC	2002-07	No

Source: Compiled from Various Government Databases – Elections PEI Political Donation Reports 2000-2023

Two of the three commissioners had partisan connections, and one repeatedly contributed to the incumbent Progressive Conservative government's election campaign. Commissioner McQuaid did not contribute any funds to the parties, and Commissioner Hubley did not contribute to a party until a decade later (contributing to the provincial Liberals in 2015). However, Commissioner Mitchell contributed approximately \$3600 between 2002 and 2007 to the PCs. More specifically, he donated around \$620 in 2003, with an additional \$575 in 2004, which occurred during his tenure as a commissioner. This finding suggests that Mitchell had consistent partisan connections, which might have been why he was selected for the commission. Despite Mitchell's partisan activity, it is unlikely that he could significantly influence the EBC's direction because the other members did not have partisan connections during their tenure as commissioners. Hence, it is unlikely that the sole commissioner with overt partisan connections at the time exerted partisan influence on the mapmaking process.

Tensions between Commissioners and Elected Officials

PEI's 2003-04 redistribution exercise has a complicated history that involves a significant delay and the legislature rejecting two separate maps - one from the commission and one from Elections PEI. This controversy began on October 5th, 2004, when the commission submitted its final report to the legislature for consideration (McQuaid 2004, 32-34). The government did not acknowledge the report until it created a legislative committee composed of members from the legislature in the Spring 2006 sitting of the legislature (Bagnall 2006, 1-2). *Table 5.12* provides the names, ridings, and parties of the individuals who served on the committee.

Table 5.12: 2003-04 Prince Edward Island EBC Objections

Name	Riding	Party
Jim Bagnall	District 4, Montague, Kilmuir	PC
Cletus Dunn	District 26, Alberton-Miminegash	PC
Helen MacDonald	District 22, St. Eleanors-Summerside	PC
Elmer MacFadyen	District 10, Sherwood-Hillsborough	PC

Source: *Special Committee on Prince Edward Island's Electoral Boundaries (2006)*

All four committee members were elected members from the Progressive Conservative Party. The government allowed the Liberal opposition to appoint two members to the originally six-member commission. Still, the Liberals declined because they wanted to implement the final report from the island's McQuaid commission (Bagnall 2006, 7). Despite the Liberals' absence from the committee, the government pressed on with their electoral boundaries exercise and elicited public feedback regarding the McQuaid report. The committee received 38 public submissions that mainly called for it to abandon McQuaid's report because it would have negative implications concerning rural representation on the island (Bagnall 2006, 2-5). The implication was the removal of two rural seats and the creation of two urban seats in Charlottetown (Bagnall 2006, 4).

Elections PEI presented their report to the Special Committee on June 14 and was immediately nullified by the committee because it also recommended creating two new urban ridings (PEI Legislative Assembly 2006, 3311). Instead, the PC dominated special committee decided to produce and implement an electoral map for the province that did not remove the two rural seats or add two urban seats (PEI Legislative Assembly 2006, 3311). On June 28, 2006, the legislature approved *Bill No. 49 – An Act to Amend the Electoral Boundaries Act* solidifying the PC's favoured map and ending the nearly three-year redistribution exercise (PEI Legislative Assembly 2006, 3380). The provincial government's interference demonstrates considerable partisan influence over the province's redistricting process, illustrating tension between commissioners and elected officials. In essence, the government believed that the EBC's map had political repercussions for them and did not want to pursue it. By nullifying the EBC's proposed map and eventually implementing their own partisan version, the government successfully influenced the electoral redistribution process at the expense of independent commissioners and the Liberal opposition. Hence, we can conclude that partisan influence prevailed in PEI's 2003-04 redistricting exercise.

2017-18 Prince Edward Island Electoral Boundaries Commission

The Mandate

Prince Edward Island's legislation regarding electoral redistribution remained largely unchanged since its previous exercise in 2004. The *Legislative Assembly Act* maintained that 27 single-member districts on the island must comply with the +/-25% of the electoral quotient (*Legislative Assembly Act*). Once again, the electoral quotient was calculated by dividing the number of electors by the districts. However, in 2006, the legislature removed the provision that guaranteed each county a specified number of seats (Mitchell 2017, 3-5). In other words, a county's

seats now depend on whether they have enough electors to warrant a riding consistent with the electoral quotient. They also removed the provision discussing situations when the commission can deviate from the electoral quotient (Mitchell 2017, 3-5). Instead, they replaced it with stipulations the commission must consider when the electoral map for the province, which I have illustrated below:

- The Canadian Charter of Rights and Freedoms;
- Data from the Register of Electors;
- Polling divisions from the last general election;
- Geographical features;
- Information pertaining to population;
- Community of interest;
- Municipal boundaries;
- Public Input;
- Guidelines or criteria proposed for the consideration of the Commission by resolution of the Legislative Assembly.

Source: *Final Report of the PEI Electoral Boundaries Commission* (2017)

This list implies that the legislature expected the commission to produce a map that grouped electors into ridings based on similar demographical, geographical, and historical features. Aside from the technical aspects of the mapmaking process, the commission was expected to hold public hearings to elicit feedback regarding their proposed map (Mitchell 2017, 5). Finally, the Act reaffirmed that the commissioners' final report must be filed to the legislature for consideration within six months of its creation unless they requested a formal extension from the legislature (Mitchell 2017, 4-5).

The Commissioners

Prince Edward Island's second EBC nearly doubled in size with five commissioners. The process began on December 20, 2016, when Liberal Premier Wade MacLauchlan issued an order in council to create the island's third EBC (Mitchell 2017, 1). The Honourable Gerald Mitchell, formerly the province's Chief Justice, chaired the commission. Like the other Maritime

commissions, the four other commissioners emanated from several urban and rural areas across the province. *Table 5.13* provides detailed information into the identity of each commissioner by providing their name, their area, whether they are part of a visible minority group, and most significantly, whether they donated to a political campaign or ran as a candidate.

Table 5.13: 2017-18 Prince Edward Island EBC Commissioners

Name	Partisan	Candidate	Donor	Before?	Party	Year (s)	Equity Seeking Group
Gerard Mitchell (Charlottetown)	No	No	No	N/A	No	N/A	No
Lynn Murray (Charlottetown)	Yes	No	Yes	Yes	Liberal	2001, 2003, 2005, 2007-08, 2014-16, 2018-21	Woman
Kerri Carpenter (Stratford)	Yes	No	Yes	Yes	PC and Liberal	2008, 2011-15, 2018-21	Woman
Elizabeth Shaw (Alberton)	Yes	No	Yes	No	Liberal	2019	Woman
Elmer MacDonald (Augustine Cove)	No	No	No	N/A	N/A	N/A	No

Source: Compiled from Various Government Databases – Elections PEI Political Donation Reports 2000-2023

The data shows that over half of the commissioners had connections to a political party. Interestingly, the commissioners with the two most considerable ties donated to opposing parties. Over the last thirty years, Commissioner Murray donated approximately \$13,050 to the province’s Liberal Party. Similarly, Commissioner Carpenter contributed around \$13,075 to the provincial Progressive Conservatives and roughly \$4,840 to the province’s Liberal Party. Commissioner Shaw also donated to the provincial Liberals in 2019, totalling \$620. It is essential to highlight that none of the commissioners contributed to a political party during their tenure as a commissioner. Despite their inactivity, two commissioners (Murray and Carpenter) contributed in the leadup to the commission and resumed contributions following their work. The data is inconclusive to suggest that partisanship played a role in the commissioners’ appointments. However, it is unlikely that it affected their work commissioners because the majority of the commissioners were non-

partisan. In other words, the majority could easily overrule the decisions of two partisan-connected individuals. More importantly, of the two commissioners who donated significant amounts, they each donated to a different party (Murray to the Liberals and Carpenter to the PCs). This, of course, suggests that the overt partisanship of the commission was seemingly balanced.

Tension Between Elected Officials and the Commissioners

Tensions between elected officials and the commissioners were non-existent, indicating a significant departure from the island's previous commission. On May 5, 2017, the commission submitted its final map to the Speaker of the Legislative Assembly. Premier Wade MacLauchlan introduced the report under Bill 78 titled *An Act to Amend the Electoral Boundaries Act (No. 2)* less than a week later, on May 11, 2017 (PEI Legislative Assembly 2017, 3905). After the Bill's introduction, the Premier and the official opposition leader agreed to support it, solidifying the commissioners' final map for the island (PEI Legislative Assembly 2017, 3905). Ultimately, the Bill passed a day later, on May 12, 2017, without members from either side debating over the commissioners' proposals (PEI Legislative Assembly 2017, 3989). The map was in place for the island's 2019 provincial election on April 23, 2019.

Findings

The purpose of this chapter was to determine whether partisan influence on the Maritimes' electoral redistricting decisions reflects an area of continuity or change. To answer this question, I presented three factors that reflect partisan influence: who sets the commissioners' mandate, whether commissioners donated to political parties, and if there was tension between elected officials and the commissioners. In the following section I will briefly outline the findings for each factor to answer whether partisan influence marks an area of continuity or change.

Trend One: Elected Officials relinquishing power over Redistricting

From the data, I observed that in all three provinces elected officials have progressively relinquished their power over redistricting. However, there is divergence across the Maritimes regarding how much influence officials have over the redistribution process. Prior to the twenty-first century, Prince Edward Island was the only province in the Maritimes with legislation governing the electoral redistricting process. Through Prince Edward Island's *Electoral Boundaries Act*, and the *Legislative Assembly Act*, the commissioners' mandate was pre-set. However, the Act does not set out a formal objection process, which means the legislature can nullify any decisions put forward by the commissioners. New Brunswick was the next province to implement similar and more comprehensive legislation in 2005. Like Prince Edward Island, the commissioners' mandate is pre-set by the legislation, but the Act has strict provisions governing the legislature's objections concerning the redistricting process. In brief, the legislature cannot outright overrule the commissioners' decisions, without amendments to the Act.

Nova Scotia is unique compared to the other two Maritime provinces because they have not implemented legislation to govern their redistricting process. Instead, they have amended the House of Assembly Act to state that redistricting must occur at least every ten years and must be led by an EBC. In contrast, the commissioners' mandate is set by an all-party legislative committee, meaning their mandate could continuously change over time. Put another way, once the legislative committee sets the commissioners' mandate they cannot interfere by rejecting their decisions. From the three provinces we can observe that each province has implemented steps to curtail the power of elected officials, demonstrating an area of change. However, each province varies in commissioners' independence from the legislature. Despite the varying degrees of

independence, each province has taken steps to curtail elected officials' power of the redistricting process, demonstrating an area of change.

Trend Two: Unsuccessful Objections from Elected Officials

Another key trend demonstrating changing partisan influence is the decline of successful objections from elected officials. Across the region each province's legislature voiced their discontent with the commissioners' proposed map with limited success. In New Brunswick there was a total of 41 objections over the last three decades with only five proving to be successful. In the aftermath of the first commission there were three successful objections and in the subsequent two commissions there were one each. Notably, each of these objections were strictly procedural concerning oversights in the commissioners' work. Nova Scotia does not officially disclose their objections from elected officials, but through Hansard debates I discovered that there was a total of six objections over the past thirty years. Each of these objections were unsuccessful and occurred within the constraints of the first commission. More significantly, the legislature adopted the proceeding two commissions' maps without any formal objections.

Prince Edward Island is a unique case because it experienced immense change concerning successful objections from elected officials. In their first commission, the Progressive Conservative majority in the legislature outright nullified the commissioners' map and drew their own version. This map was in place until the 2016-17 electoral redistribution exercise when it was redrawn by a new EBC. This time around the commissioners' map was accepted by the legislature without objections from the Liberals and Progressive Conservatives. This development indicates that PEI fell in-line with the other two Maritime provinces, thereby demonstrating the decline of successful objections from elected officials.

Trend Three: Declining Partisan Commissioners

The last trend that I observed in the Maritimes is the decline of partisan commissioners over the past thirty years. There were 8 EBCs across the Maritimes, with 3 each in New Brunswick and Nova Scotia, and 2 in Prince Edward Island. In total, there were 49 commissioners with two individuals, Colin Dodds, and Paul Gaudet who served multiple times in Nova Scotia. Out of the 49 commissioners, 23 were in Nova Scotia, 19 in New Brunswick, and 7 in Prince Edward Island. The number of commissioners with partisan connections varied between the provinces. By dividing the number of commissioners with partisan connections by the total number of commissioners I determined the degree of partisan connected commissioners across the Maritimes over the last three decades. Prince Edward Island leads the region at 63% (5 out of 8), then Nova Scotia (10/23) at 43%, and New Brunswick (8/19) at 42%.

When reflecting on these percentages in relation to continuity and change regarding partisan influence over time, it is critical to recall the state of EBCs in the lead-up to the twenty-first century. In the immediate aftermath of the *Carter* decision, both New Brunswick and Prince Edward Island's commissioners were drawn from the legislature. By the early 2000s, both provinces moved towards appointing commissioners based on merit rather than partisan connections. This shift indicates an area of partisan change for the two provinces because commissioners were no longer selected from the legislature. Nova Scotia is a unique case in the Maritimes because they adopted the merit model before the twenty-first century, demonstrating that it was a continuation of the merit model. It is also critical to note that it is unlikely that these commissioners' partisan involvement affected the commissioners' decisions. The reason is that no party formed a majority of the commissioners on any of the EBCs. Without a majority it would be nearly impossible for any of the partisan commissions to unilaterally make redistricting decisions

that benefited their party. Therefore, I conclude that partisan commissioners have declined over the past thirty years.

Chapter Six

Legal Influence

Introduction

In this chapter, I investigate the role of legal influence on electoral redistribution decisions in the Maritime provinces over the past thirty years. This analysis aims to determine whether legal influence over the commissioners' decisions has remained consistent or reflects an area of change. Similar to the previous chapter, when thinking about this question, it is critical to consider the state of electoral boundaries commissions and legal influence at the onset of the twenty-first century. We observed by the mid-1990s, in the aftermath of *Carter*, each province in the Maritimes adopted EBCs that were tasked with redrawing the province's electoral districts. We can observe that this development indicated one of the first instances of legal influence over the commissioners' redistricting decisions. Notably, in 1993 Prince Edward Island received one of Canada's first electoral redistribution-related challenges in the post-Carter era. This decision deemed the Island's electoral boundaries unconstitutional due to the effective representation provision set out in *Carter*. In this chapter, I want to know if additional legal challenges emerged in the twenty-first century, which would indicate legal influence is an area of change. I also want to know whether these decisions influenced subsequent EBCs in the Maritimes.

To answer this question, I apply my three legal influence indicators to the three Maritime provinces within the given timeframe. I begin by explaining the findings of my search into the legal cases surrounding electoral redistribution decisions. I discovered that there was one Federal Court of Canada case (*Raïche et al. v. Canada (Attorney General)*), one Nova Scotia Reference Case (*Reference re the Final Report of the Electoral Boundaries Commission, 2017*) and two failed

attempts at court challenges in New Brunswick and Prince Edward Island. I proceed to discuss the impact of these cases on electoral boundaries commissions. More specifically, I look at whether the government of the day implemented changes to EBC mandates to reflect the Courts' rulings. I conclude the chapter by offering insight into whether legal influence represents an area of continuity or change in electoral redistributions in the Maritime provinces.

The Federal Court of Canada

Raïche v. Canada (Attorney General)

Raïche v. Canada (Attorney General) [2004] FCJ (QL) is a landmark federal case because it was the first one in the post-Carter era to challenge the decisions of an electoral boundaries commission. The case originated in the aftermath of the 2002 Federal Electoral Redistribution exercise, specifically, the federal electoral boundaries commission for New Brunswick (Poffenroth 2005, 54-56). Among the Commission's recommendations, they wanted to transfer Allardville and portions of Saumarez and Bathurst from the federal district of Acadie-Bathurst to the existing district of Miramichi (Poffenroth 2005, 55). They believed that if they did not adjust the boundaries, it would distort the number of electors between the province's federal ridings. Specifically, if they did not make the changes, the district of Acadie-Bathurst would have a +/-14 percent deviance from the electoral quotient, and Miramichi would have a variance of +/-23 percent (Poffenroth 2005, 56-58). In contrast, by readjusting the boundaries of the districts, they were closely in line with the provincial electoral quotient, with both achieving under +/-10 percent deviance from the quotient (Poffenroth 2005, 57-58). The commission conducted public hearings across the affected areas, but did not implement any of the proposed suggestions from the communities (Poffenroth 2005, 58). Ultimately, the Commission decided to submit its new

electoral map to the House of Commons, which they intended to come into effect for the 2004 federal election (Poffenroth 2005, 58).

The Commission received four complaints after submitting their map to the *House of Commons Standing Committees on Official Languages and Procedure and House Affairs*. All the complaints centred around the proposed changes to the districts of Acadie-Bathurst and Miramichi (Poffenroth 2005, 56). First, the Commissioner for Official Languages received three identical complaints stating that the EBC did not examine the effects of the proposed redistribution on the “development and vitality” of the francophone minority groups in Acadie-Bathurst (Poffenroth 2005, 56). The Commissioner of Official Languages agreed and stated that the EBC violated Section 41 of the Official Languages Act, which is the federal government’s commitment to “support the development of official language minority communities” (Poffenroth 2005, 56-57). Keeping this provision in mind, the Commissioner concluded that the EBC should reconsider its proposed redistribution of the districts to comply with the Act.

The Standing Committee on Procedure and House Affairs received one complaint from the New Democrat Member of Parliament for Acadie-Bathurst, Yvon Godin. Similar to the public objections and the three concerning the Official Languages Act, he alleged that the EBC failed to consider communities of interest, especially concerning the francophone minority groups in the two ridings (Poffenroth 2005, 57). The committee agreed with Godin’s argument because the electoral quotient permitted the commission to maintain the existing ridings to preserve the long-standing communities of interest without significantly affecting the neighbouring districts (Poffenroth 2005, 57-58). After the Standing committees’ reports, the EBC agreed to return Saumarez and a portion of Allardville to the district of Acadie-Bathurst. Despite the rulings by the

committees, the EBC maintained its decision to transfer the remaining sections of Bathurst and Allardville to the new Miramichi district, with their map taking effect on January 10th, 2003.

In early 2004, Carmel Raïche, Ian Oliver, L'Association des Municipalites du Nouveau- Brunswick Inc., the Bathurst Regional Airport Commission Inc., the Greater Bathurst Chamber of Commerce and the City of Bathurst filed a federal court case regarding the EBC's final map for the province (Raïche et al. v. Canada). Specifically, they filed a case for judicial review of the Crown's Proclamation, which implemented the EBC's final report that transferred Allardville and portions of Saumarez and Bathurst from the federal electoral district of Acadie-Bathurst to the Miramichi electoral district (Raïche et al. v. Canada). Justice Michel Shore of the Federal Court of Canada presided over the case, and Attorney General Irwin Cotler represented Canada as the respondent. The Official Languages Commissioner also obtained intervener status because they wanted to reiterate their concerns as an interested party offering support to the plaintiffs.

The case reached the Federal Court Trial Division on May 24, 2004, where Justice Shore was asked to answer three questions concerning the Crown's proclamation:

- 1) *Did the Proclamation contravene s 3 of the Charter of Right and Freedoms?*
- 2) *Did the Proclamation contravene s 15 of the Electoral Boundaries Readjustment Act?*
- 3) *Did the Proclamation contravene Part VII of the Official Languages Act?*

In answering the first question, the Court used the Supreme Court of Canada's ruling in *Carter* to guide its answer. They found that the Proclamation did not contravene the Charter because the Commission considered balancing voter parity and the effective representation of minority groups (*Raïche et al. v. Canada*). The Court sided with the EBC because they believed the variance would lead to severe representational issues for the province (*Raïche et al. v. Canada*). The reason is that the Acadie-Bathurst district had a total population of 63,603 eligible voters

and geographically was the province's second smallest riding. In contrast, the neighbouring Miramichi district had 51,027 eligible voters and was the province's largest riding in area (Raïche et al. v. Canada). This geography would create a challenge for the elected representative of the region, and the two ridings would have a total population difference of 12,576 or nearly 25 percent from each other. Ultimately, the Court ruled in Question One that the EBC was justified in its redistricting decision (Raïche et al. v. Canada).

In answering the second question, the Court referred to *Section 15(1b) and (2)* of the *Electoral Boundaries and Readjustment Act* that states:

“The commission shall consider the following in determining reasonable electoral district boundaries: the community of interest or community of identity in or the historical pattern of an electoral district in the province, and a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.”

Source: *Electoral Boundaries and Readjustment Act R.S.C., 1985, c. E-3, s 15(1b)*

“The commission may depart from the application of the rule set out in paragraph (1)(a) in any case where the commission considers it necessary or desirable to depart therefrom in order to respect the community of interest or community of identity in or the historical pattern of an electoral district in the province, or in order to maintain a manageable geographic size for districts in sparsely populated, rural or northern regions of the province.”

Source: *Electoral Boundaries and Readjustment Act R.S.C., 1985, c. E-3, s 15(2)*

Ultimately, the Court ruled that the EBC contravened *Section 15(2)* of the Act because it did not consider whether a deviance from the electoral quotient was necessary to preserve the community of interest in the district of Acadie-Bathurst and Miramichi (Raïche et al. v. Canada).

In answering the third question, the Court referenced *Part VII* of the *Official Languages Act*, which states:

“The Government of Canada is committed enhancing the vitality of the English and French linguistic minority communities in Canada, supporting their development, as well as fostering the full recognition and use of both English and French in Canadian society”.

Source: *Electoral Boundaries and Readjustment Act R.S.C., 1985, c. E-3, s 15(2)*

The Court found no evidence to believe that transferring Acadians from Allardville, Saumarez and Bathurst to the district of Miramichi would increase the percentage of francophones and Acadians (*Raïche et al. v. Canada*). The Court also found that the percentage of francophone speakers would be lower in both districts following the redistribution exercise (*Raïche et al. v. Canada*). They concluded that the EBC violated *Part VII of the Official Languages Act*.

Despite *Raïche*'s federal nature, the case directly impacted the Maritime's provincial electoral redistribution exercises. In *Carter*, the Supreme Court ruled that community of interest is one of several reasons to deviate from absolute voter parity (*Reference Re Provincial Electoral Boundaries* (Sask)). They believed deviations from the electoral quotient might be necessary and desirable to maintain a specific community of interest (*Reference Re Provincial Electoral Boundaries* (Sask)). *Raïche* solidifies this ruling and suggests that EBCs should not divide a community of interest to pursue greater voter parity (*Raïche et al. v. Canada*). In other words, the first implication of *Raïche* is that it expands on the *Carter* decision because it emphasizes effective representation rather than the idea of achieving voter parity.

The application of *Raïche* varies across the Maritime provinces. Nova Scotia and Prince Edward Island's EBCs do not implicitly reference *Raïche*. However, both provinces' EBCs discuss the importance of maintaining communities of interest rather than achieving absolute voter parity. In contrast, each EBC in New Brunswick has addressed the importance of adhering to *Raïche* when designing their electoral districts. Interestingly, New Brunswick's EBCs also view *Raïche* as a requirement to preserve the linguistic community of interest in the province. New Brunswick's EBCs explain that the decision compels them to consider the provisions set out in the *Official Languages Act* when conducting redistribution exercises. Therefore, *Raïche* directly impacts electoral redistribution decisions in the Maritime provinces.

New Brunswick Provincial Court

The Acadian Society of New Brunswick Challenge

Unlike New Brunswick's federal electoral redistricting exercises, the provincial EBCs have not had an actual court challenge regarding their electoral redistribution decisions. However, in the aftermath of the 2012-13 provincial electoral redistribution, the province received its first legal threat concerning the commissioners' final map. On July 22, 2013, *The Acadian Society of New Brunswick (ASCNB)* and *The Association of Francophone Municipalities (AFM)* informed the province that they intended to mount a legal challenge regarding the EBC's final map (CBC 2013). The groups believed that the province's new electoral map failed to protect minority language groups because francophone communities were separated and subsequently incorporated in predominately anglophone ridings (CBC 2013). For example, the EBC moved the francophone village of Memramcook into a majority English-speaking riding (CBC 2013; NBEBC 2013, 16-20). The reason is before the 2012-13 redistribution, the provincial government amended the province's electoral redistribution act to lower the number of districts from 55 to 49 (CBC 2013; NBEBC 2013, 16-20). The implication for the EBC was that they had to comply with the Act, which resulted in a higher electoral quotient and, ultimately, larger ridings in terms of population (CBC 2013; NBEBC 2013, 16-20).

The groups followed the path of the individuals and organizations that challenged the 2004 Federal EBC in the *Raïche* case. This time, the groups believed it was reasonable for the commissioners to depart from voter parity to uphold the linguistic rights of francophones as a community of interest (CBC 2014). However, the provincial EBC ultimately declined to use the exceptional circumstances clause in their mandate to permit these changes (NBEBC 2013, 17). Like in *Raïche*, the groups believed they could use a similar argument and force the Commission

to redraw the map as they did federally in 2004 (CBC 2014). In response, David Alward's Progressive Conservative government decided to undertake mediation discussions with the groups to avoid a legal challenge (CBC 2014). However, these discussions were unproductive and ultimately broke down in late January 2014, only eight months before the next provincial election.

In early April 2014, two individuals, Leo Comeau of Neguac and Conrad LeBlanc of Memramcook, filed a formal legal challenge against the province (CBC 2014b). They wanted the Court to review the constitutionality of the new boundaries before the September 2014 provincial election. The two francophone groups from the failed mediation joined the individuals as interveners on the official court documents (CBC 2014b). Despite their challenge, the provincial election occurred with the new ridings on September 22, 2014, resulting in the election of Brian Gallant's Liberal government (CBC 2014c). After the election, Gallant met with the groups who initiated the court challenge to find a resolution to the conflict (CBC 2020). The two sides reached an agreement that an amendment would be made to the Act to increase the electoral quotient's deviation factor to $\pm 15\%$ from $\pm 10\%$ (NBEBC 2013, 1-3). The government believed this increase would drastically change the districts in the next redistribution to grant the commissioners greater leeway in the district's designs (CBC 2020). In response, the individuals and groups dropped the court challenge in anticipation of the next redistribution exercise.

On March 13, 2023, New Brunswick's latest EBC issued its final report recommending 49 single-member ridings that must fall within ± 15 percent of the electoral quotient (NBEBC 2023, 1-3). This EBC addressed the problems raised by the francophone communities from the legal challenge. However, a new problem concerning linguistic rights and a community of interests emerged (NBEBC 2023, 3-5). By removing the francophone Town of Memramcook from the majority anglophone riding of Tantramar to the francophone riding of Dieppe-Memramcook,

Tantramar was significantly below the electoral quotient at -29 percent (NBEBC 2023, 11-13). With +/-25 percent maximum variance under exceptional circumstances, the Commission was left with no choice but to transfer the eastern portion of the municipality of Cap-Acadie into Tantramar (NBEBC 2023, 11-13). The issue is that Cap-Acadie represents a predominantly francophone area of the province. In response, the EBC urged the legislature to amend the Act to create an exception for Tantramar to leave the municipality of Cap-Acadie in its majority francophone riding of Shediac-Cap-Acadie (NBEBC 2023, 12-14). The legislature agreed and unanimously adopted the Commission's recommendations to make an exception for Tantramar to avoid splitting a linguistic community of interest. The amended map was released in early April 2023 and ultimately became the new electoral map for the province.

Nova Scotia Court of Appeal (NSCA)

Reference Case 2012-13 Electoral Boundaries Commission

In the aftermath of Nova Scotia's contested 2012-13 provincial EBC, the Acadian organization, *Fédération Acadienne de la Nouvelle Écosse* (FANE), launched a legal challenge to overturn the province's electoral map (NSCA 2017). One notable difference between the time of the redistribution exercise and 2014 was the election of Stephen McNeil's Liberal government, thereby replacing Darrell Dexter's NDP government (Bickerton & Graham 2020, 40-42). Like New Brunswick's approach, the McNeil government negotiated with FANE. The government ultimately referred the matter to Nova Scotia's Court of Appeals (NSCA) and wanted to know the legality of the province's electoral boundaries (NSCA 2017; Bickerton & Graham 2020, 40-42). More specifically, the government sought the Court's legal opinion concerning two questions:

1. *Does Section 1 of Chapter 61 of the Acts of Nova Scotia 2012, by which provisions the recommendations tendered by the Electoral Boundaries Commission by its Final Report to*

the House of Assembly were enacted, violate Section 3 of the Canadian Charter of Rights and Freedoms by abolishment of the electoral districts of Clare, Argyle and Richmond?

2. *If the answer to question 1 is 'yes', is the impugned legislation saved by operation of Section 1 of the Charter of Rights and Freedoms?*

Source: *Nova Scotia Court of Appeal. 2017. Reference re. the Final Report of the Electoral Boundaries Commission*

In September 2016, the NSCA heard the case and answered YES to the first question and NO to the second (NSCA 2017; Bickerton & Graham 2020, 41-42). The Court reaffirmed the Carter decision and stated that *Section 3* of the Charter reflects effective representation, balancing voter parity with other considerations such as minority and cultural representation (NSCA 2017; Bickerton & Graham 2020, 41). They also stated that a province has no constitutional requirement to create an independent boundaries commission, but whoever is responsible must abide by Section 3 of the Charter (NSCA 2017; Bickerton & Graham 2020, 41). Despite the lack of a constitutional requirement, the Court affirmed that *Section 5 of the House of Assembly Act* vests boundary-related recommendations solely in the electoral boundaries commission (NSCA 2017; Bickerton & Graham 2020, 42). Considering this information, the Court ruled that the intervention by the Attorney General prevented the Commission from achieving the effective representation of the electors in Clare, Argyle and Richmond and prevented them from representing their authentic views concerning effective representation (NSCA 2017; Bickerton & Graham 2020, 42). Consequently, enacting the boundaries advocated by the Attorney General and suggested by the 2012-13 EBC resulted in a violation of Section 3 of the Charter.

In answering Question Two, the Court explained that the legislative objective was to implement the constitutional principle of effective representation by an Independent Electoral Boundaries Commission (NSCA 2017; Bickerton & Graham 2020, 42-43). Once again, the Attorney General's intervention was deemed unnecessary and was not connected to achieving the legislative objective. The Attorney General's intervention was also not a minimal impairment to

the Charter right in question (NSCA 2017; Bickerton & Graham 2020, 42-43). Upon reviewing the history of the House of Assembly Act, the Court further explained that the purpose of *Section 5* was to prevent the government from dictating the boundary-related decisions that harmed effective representation. Considering these factors, the Court decided that Section One of the Charter of Rights and Freedoms did not save the electoral map, thereby declaring it unconstitutional.

In response to the NSCA's opinion, the government created the *Commission on Effective Electoral Representation of Acadian and African Nova Scotians* on April 28, 2017 (Keefe et al. 2018, 1-3). Doug Keefe, the former Deputy Minister of Justice of the province, chaired the three-member Commission. Sharon Davis-Murdoch, who has experience in addressing inequalities faced by the province's African Nova Scotian communities, also served on the Commission (Keefe et al. 2018, 1-3; Bickerton & Graham 2020, 43-44). The third commissioner, Dr. Kenneth Deveau, brought his academic expertise in the vitality of Acadian and francophone minority communities in Canada to the Commission (Keefe et al. 2018, 1-3; Bickerton & Graham 2020, 43-44). The Keefe Commission's mandate was to make recommendations on the effective representation of Acadians and African Nova Scotians, complying with Section 3 of the Charter (Keefe et al. 2018, 2-4). They were to consult Acadians and African Nova Scotians across the province to gather their perspective on the redistricting issue (Keefe et al. 2018, 3-4) Notably, the Commission was also asked to consider the feasibility and desirability of allocating an undetermined number of ridings to these groups to enhance their representation in the political process (Keefe et al. 2018, 4).

In the Keefe's Commission deliberations, they eliminated the possibility of electoral system reform because they believed it would not meet the effective representation provision of the Charter. They believed the only way to initiate meaningful electoral system reform was to

implement a *proportional representation system* (PR) with a quota or designated seats for the affected minority groups (Keefe et al. 2018, 13; Bickerton & Graham 2020, 44). After rounds of consultation and debates, the Commission decided this option was not feasible based on practical and conceptual considerations (Keefe et al. 2018, 13; Bickerton & Graham 2020, 44). By eliminating this option, the Commission devised two strategies to meet its goal. First, they wanted to improve the chances of electing Acadians and African Nova Scotians through the existing SMP electoral system (Keefe et al. 2018, 14; Bickerton & Graham 2020, 45). Second, they acknowledged that there must be additional means of representing these groups through reforms to government organization and practices (Keefe et al. 2018, 13; Bickerton & Graham 2020, 45-46).

The Keefe Commission released its final report by the end of the year, containing several key recommendations for future Nova Scotia EBCs. They believed that EBCs must be able to create additional ridings beyond the 51 status quo if it grants commissioners flexibility in pursuing the effective representation of the province's minority groups (Keefe et al. 2018, 97). They also thought the province's existing +/-25% deviation from the electoral quotient was acceptable because it allows commissioners to balance voter parity with effective representation (Keefe et al. 2018, 97). Despite limiting the variance, the Keefe Commission recommended that the EBC should have the authority to recommend additional ridings through an '*exceptional riding*' clause. (Keefe et al. 2018, 97). In effect, these additional ridings would be in addition to the existing 51 and would not meet the limit on allowable variance from the electoral quotient. Their rationale was that the exceptional ridings would create the conditions necessary to achieve the effective representation of the two minority groups (Acadians and African Nova Scotians). They also

suggested the province should explore the idea of non-contiguous ridings that could connect a minority group are not concentrated in one geographic area (Keefe et al. 2018, 97).

In early January 2018, the McNeil government acknowledged that it would fully accept the NSCA ruling and the recommendations from the Keefe Commission (NSHA 2018; Bickerton & Graham 2018, 44-45). FANE returned to the forefront and agreed with the Keefe Commission's report and suggested that an exceptional riding should be in the Chéticamp area of Cape Breton due to its large Acadian population (Bickerton & Graham 2018, 44-45). The government enacted amendments to the House of Assembly Act through *Bill 99* in response to the Keefe Commission that affected future EBCs (NSHA 2018). The amendments permitted the creation of exceptional electoral districts that exceeded the +/-25 percent variance from the electoral quotient. They also allowed the creation of non-contiguous constituencies that could be used to enable the effective representation of non-geographically concentrated minority groups.

Nova Scotia's 2018-19 Electoral Boundaries Commission was the first one that followed the revised House of Assembly Act containing the new provisions regarding redistricting. Before conducting their redistribution exercise, the EBC received a background report from former Commissioner and academic Dr. James Bickerton (Bickerton 2018, 1-3; Bickerton & Graham 2020, 49). The Bickerton Report agreed with several of the Keefe Commission's recommendations with the most significant being the restoration of the province's protected constituencies for Acadians and a new riding for African Nova Scotians (Bickerton 1-3). In April 2019, the EBC released its final report that recommended the creation of 55 districts, which created four additional ridings from the previous commission (NSEBC 2019, 3-5). The four ridings restored the three historic special ridings for Acadians and created a new district for African Nova Scotians in the Preston area of the province (NSEBC 2019, 3-5). None of the four ridings warranted instating the

exceptional circumstance provision of the commission's mandate and were popular amongst Nova Scotians with a poll indicating a 60% approval rate (Bickerton & Graham 2020, 45). Ultimately, the Commissioners' report became the final electoral map for the province and was in place for the 2021 provincial election.

Prince Edward Island Provincial Court

The Charlottetown Legal Threat

The two Electoral Boundaries Commissions on Prince Edward Island faced no official redistricting-related court challenges in the past thirty years. However, the 2002 EBC narrowly avoided two legal challenges following the government's interference in redistricting. As previously stated, PEI's 2002-2003 redistricting exercise was declared null and void by the provincial government in 2006 following public consultations (PEI Legislative Assembly 2006, 3311). The government believed that the map would negatively impact rural areas of the province and decided to commission Elections PEI to produce another electoral map (PEI Legislative Assembly 2006, 3311). Ultimately, the province rejected this map, and the legislature decided to redraw the boundaries themselves. This map maintained the number of rural ridings. It resulted in demographically larger urban ridings, quickly becoming an issue for residents living in Charlottetown, the province's main urban centre.

After passing the legislation that implemented the legislature's electoral map on June 28, 2006, Charlottetown lawyer Jane Ralling filed court documents to bring the provincial government to court to explain their decision (The Globe and Mail 2006). She emphasized that the government committed a blatant act of gerrymandering by rejecting the independent EBC's electoral map (The Globe and Mail 2006). Charlottetown's city council followed Ralling's claims and threatened to join the case as interveners because they felt their riding was not adequately represented in terms

of population (The Globe and Mail 2006). Before the Court heard the complainants' case, provincial government called an election for April 30, 2007 (Mackinnon 2007, 69).

Prince Edward Island's provincial election was held with the legislature's new electoral map on May 27, 2007, which saw the downfall of Pat Binns' Progressive Conservative government. Robert Ghiz's Liberals formed a majority government by winning 23 seats, reducing the Progressive Conservatives from 23 to 4 seats (Mackinnon 2007, 69-71). This election was a significant development for the boundaries legal challenge because the government who instated the boundaries was no longer in power. In response, Charlottetown's city council decided not to pursue the court challenge and subsequently dropped the case (The Globe and Mail 2006). Jane Ralling claimed that she could not fight the case without the support of the city council and rescinded the case's paperwork (The Globe and Mail 2006). None of the province's political parties commented on the future of electoral redistribution and decided to leave the issue alone until the next redistribution exercise in 2017 (Mackinnon 2007, 71).

Findings

This chapter aimed to investigate the role of legal influence on electoral redistribution decisions in the Maritime provinces over the past thirty years. In the following section, I expand on the data from this chapter to explain whether legal influence represents continuity or change regarding electoral redistribution decisions in the Maritimes over the past three decades. I begin by reiterating the role of legal influence leading up to the Carter decision and how it played a role in the immediate aftermath of the decision. I reinforce this point by restating that the 1993 MacKinnon Case in Prince Edward Island forced the government to adopt an electoral boundaries commission, demonstrating a precise instance of legal influence. After reiterating this background

information, I discuss how the data in this chapter supports my hypothesis that legal influence represents an area of continuity in the Maritime provinces over the last three decades.

The data suggests that legal influence marks an area of continuity in the Maritimes' electoral redistribution decisions over the past thirty years. In the years leading up to the Carter decision, the Courts did not become involved in issues concerning electoral redistribution. Instead, they left it up to the governments of the day to decide the best approach to redistricting. However, the Supreme Court, in the Carter decision, interpreted the *Right to Vote* through *Section 3* of the *Charter of Rights and Freedoms (Reference Re Provincial Electoral Boundaries (Sask))*. In brief, they concluded that it is comprised of many factors, with the relative parity of voting power as only one factor (*Reference Re Provincial Electoral Boundaries (Sask)*). Instead, the Right to Vote implies effective representation, which balances the equality of voting power with several other factors, such as geography, community history, community interests and minority representation. This decision influenced New Brunswick and Nova Scotia provincial governments because they responded by introducing electoral boundaries commissions that conducted periodic redistricting exercises that embraced effective representation provision.

Prince Edward Island, by contrast, did not follow its Maritime neighbours and declined to adopt the commission approach to electoral redistribution. However, less than a decade later, we witnessed the first legal challenge in the Maritimes in the post-Carter era through PEI's MacKinnon Case. In this case, Donald MacKinnon argued that the island's electoral districts were unconstitutional because they had immense population-based voter inequalities between districts (Hyson 1995, 288). The province's Supreme Court ruled in favour of MacKinnon and ruled that the government that they must immediately redistribute the districts (Hyson 1995, 288). The government complied with the Court's ruling and adopted an independent electoral boundaries

commission already in use in every other province in Canada. This first legal challenge in the post-Carter era in the Maritimes represents an instance where the Court influenced the province to change its redistricting process. In this case, the challenge forced the province to adopt electoral boundaries commissions to conduct periodic redistricting exercises.

In this chapter, I wanted to know if legal influence continued to play a role in the three province's electoral redistribution decisions following the Carter and MacKinnon cases. I discovered that the Courts continued to play a role in the aftermath of both cases through two key decisions. In 2004 the Federal Court's ruling in *Raïche et al. v. Canada* expanded *Section 3* of the Charter and solidified the Carter decision. In effect, the Court decided that voter parity is not the central consideration in the electoral redistricting process (*Raïche et al. v. Canada*). Instead, they emphasized the effective representation provision of the Carter decision (*Raïche et al. v. Canada*). They explained that EBCs must draw boundaries that consider a wide range of factors beyond voter parity, such as upholding historic communities of interest (*Raïche et al. v. Canada*) The implication is that all future EBCs had to consider the relative parity of voting power between districts and whether the districts were drawn according to effective representation.

Nearly a decade later, in 2017, the province's Court of Appeal deemed Nova Scotia's provincial electoral boundaries unconstitutional. Through a court reference from the province's new Liberal government, the Court ruled that the province's 2012-13 EBC failed to execute the Charter requirement of effective representation in their redistribution exercise (NSCA 2017). More specifically, the Court found that the Attorney General's intervention in redistricting prevented the EBC from representing their authentic views concerning effective representation (NSCA 2017). The provincial government complied with the Court's ruling by appointing a special commission known as the Keefe Commission to find the best way to achieve effective representation in the

next provincial redistribution exercise (Keefe et al. 2018, 1-3). Ultimately, the Keefe Commission recommended re-establishing special ridings in the province following the next redistribution exercise (Keefe et al. 2018, 72). The 2018-19 provincial EBC fully complied with the Keefe Commission and created a new electoral map that achieved effective representation. From this case, effective representation was once again a contentious issue that the Courts settled.

Aside from de jure legal influence through official court cases, there was also one de facto source of legal influence through potential court threats. Following the 2012-13 provincial redistricting exercise in New Brunswick, several francophone individuals and groups threaten to challenge the province's electoral boundaries (CBC 2013; CBC 2014a,b,c). These groups believed that the province's EBC violated effective representation because they decided to move francophone communities into predominantly anglophone electoral districts (CBC 2013; CBC 2014a,b,c). In other words, the reallocation would break apart communities of interest in the EBC's pursuit of voter party. However, a change in government from the Progressive Conservatives to the Liberals halted the legal challenge (CBC 2014c). The new Liberal government increased the electoral quotient in the next redistricting exercise in return for the actors' abolition of the legal challenge (NBEBC 2013, 6). The groups complied, and the case was never heard before the Court. However, we can observe that the threat of legal challenge brought the government into negotiations with the francophone actors to find a solution to the problem rather than turning it over to the courts.

The continuous and constant interpretation of effective representation provision by courts and EBCs throughout this chapter indicates that legal influence is an area of continuity in the Maritime provinces over the past thirty years. When the courts became involved in matters concerning electoral redistribution, their decisions were guided by the effective representation

provision of the Carter decision. In effect, they believed that voter parity was not the only consideration guiding electoral redistribution. Instead, identical to both the Carter and MacKinnon cases, the courts in the twenty-first century believed that EBCs must consider factors that contribute to the effective representation of Canadians. If the Courts found that EBCs fail to achieve effective representation, then as we observed, the Courts will invalidate their map because it is unconstitutional under Section Three of the Charter. In other words, the Courts' interpretation of effective representation continues to influence electoral boundaries commissions in the Maritime provinces, thereby representing an area of continuity.

The effects of de facto legal influence through groups' legal threats on electoral redistribution decisions in the past three decades remains unclear. The case of the Acadian legal threat in New Brunswick demonstrates the successful use of effective representation provision. Essentially, the groups used the threat of an effective representation legal challenge to leverage the government into amending the mandate guiding the province's EBCs to remedy francophone representational problems. In contrast, PEI's Charlottetown legal challenge did not exert any notable influence on the island's electoral redistribution process. The reason was that once the immediate threat of a legal challenge from the municipality of Charlottetown faded, there was no evidence suggesting it influenced the proceeding electoral redistricting exercise. The two threats represent two opposite ends of the legal influence spectrum, meaning the effects of legal threats on redistribution decisions remain unclear.

In conclusion, in this chapter I investigated the role of legal influence on electoral redistribution decisions in the Maritime provinces over the past thirty years. By applying my legal influence indicators, I found that it represents an area of continuity within the given timeframe. I began by explaining the findings of my search into the legal cases surrounding electoral

redistribution decisions. I explained that there were two successful court challenges and two failed attempts at legal threats in New Brunswick and Prince Edward Island. I proceeded to discuss the impact of these cases on each jurisdiction's subsequent electoral boundaries' commissions. I concluded the chapter by offering insight into how legal influence represents an area of continuity in electoral redistributions in the Maritime provinces.

Chapter Seven

Public Influence

This chapter will explore how *public influence* has affected electoral redistribution decisions in the Maritime provinces over the past 30 years. Specifically, I will determine if public influence over commissioners' decisions has remained consistent or if it constitutes an area of change. To answer this question, it is important to consider the state of public influence and electoral boundaries commissions at the turn of the 21st century. In the mid-1990s, each province in the Maritimes established EBCs to conduct redistricting exercises. One crucial aspect of each commission was to hold public hearings to gather feedback from constituents regarding the proposed electoral map. Nova Scotia held 16 hearings, New Brunswick held 17, and Prince Edward Island held 14. While the commissioners had the power to either accept or reject proposals from the public, it is well-documented in their reports that most objections were rejected due to violations of the electoral quotient (voter parity principle) or communities of interest. *Continuity* refers to EBCs consistently holding public hearings and rejecting proposals that violate electoral quotient or communities of interest. On the other hand, *change* suggests that EBCs have either increased or decreased the number of public hearings and/or found alternative ways to dismiss objections to Commission proposals or reject suggestions for revised boundaries from concerned citizens.

I have analyzed public influence in the Maritime region over the past thirty years by developing three indicators and applying them to each provincial electoral boundary commission. First, I identified the number and locations of public hearings, looking for changes in the number and location of these hearings over time. Secondly, I examined the common

themes of objections that commissioners adopted and rejected in each jurisdiction, tallying each objection only once. This helped me determine whether the nature of objections has changed over time. Finally, I assessed each provincial EBC to determine whether these three factors have changed or remained consistent over the past thirty years. Based on my analysis, I can answer whether public influence in the region has remained consistent or changed over this timeframe.

New Brunswick Electoral Boundaries Commission 2005-06

The Number of Hearings & Locations

New Brunswick's 2005-06 electoral boundaries commission's mandate required the commissioners to hold two sets of public hearings across the province to gather feedback regarding the commissioners' proposed electoral map (EBCNB 2006, 2). One set of hearings had to occur before the EBC's preliminary report and the other following its release. The first set of these hearings occurred in October 2005, resulting in 12 locations across the province (EBCNB 2006, 4). *Table 7.1* provides the location of each hearing, illustrating that, like the previous EBC, this one also had hearings in the province's predominantly Anglophone and Francophone areas. It is also critical to point out that the sessions occurred in the province's rural and urban areas. In addition to the first set of public hearings, the commission received over 30 e-mails and letters from concerned citizens (EBCNB 2006, 4).

Table 7.1: Preliminary Public Hearing Locations – NB EBC 2005-06

Date	Location	Date	Location
October 11th	Moncton	October 25th	Bathurst
October 12th	Fredericton	October 26th	Campbellton
October 14th	Saint John	October 26th	Edmundston
October 24th	Richibucto	October 27th	Grand Falls
October 24th	Miramichi	October 27th	Woodstock
October 25th	Inkerman	October 28th	Saint Andrews

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2006)*

On November 21, 2005, the commissioners submitted their preliminary report to the provincial legislature after reviewing the feedback gathered during the first round of public hearings. They also conducted another round of public hearings in January 2006 to listen to objections on their proposed electoral map, as mandated (EBCNB 2006, 4). *Table 7.2* shows the seven additional hearings that took place during the second stage of the public hearing process. It is worth noting that the commission revisited all the communities from the first round of public hearings. Initially, the commissioners planned to focus on areas where the ridings would undergo significant changes. However, residents of Campbellton requested for a public hearing to take place in their jurisdiction, which the commission granted (EBCNB 2006, 4-5).

Table 7.2: Secondary Public Hearing Locations – NB EBC 2005-06

Date	Location	Date	Location
January 11th	Grand Falls	January 17th	Miramichi
January 12th	Fredericton	January 18th	Moncton
January 16th	Bathurst	January 20th	Saint John
January 16th *	Campbellton		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2006)*

The Accepted Objections:

During the two phases of public hearings, concerned citizens raised objections that were heard by the commissioners. The final report incorporated ten successful objections, which accounted for approximately 25% of all objections raised (EBCNB 2006, 4-6). These objections fell into two categories: *desirable renaming and protecting communities of interest*. Renaming occurred when the community convinced the commissioners to change the names of specific districts to reflect a particular aspect of their community. In this case, the commission renamed four districts: Campbellton to Campbellton-Restigouche Centre, Grand Falls to Drummond-Grand Falls-Saint-André, Nashwaaksis to Fredericton-Nashwaaksis, and Saint John Kings to

Rothesay-Kings to better represent the new geographical features of each district (EBCNB 2006, 5). In the remaining six objections, the commission agreed with the public’s suggestions that certain communities should be grouped within a specific riding to maintain historic communities of interest (EBCNB 2006, 5-6). However, the commissioners clarified that this objection was only admissible if it did not violate the electoral quotient. *Table 7.3* provides a complete list of these objections and the renamed districts. The Table reveals that out of the ten accepted objections, 40% were based on name changes, while the other 60% were based on maintaining historic communities of interest.

Table 7.3: Accepted Public Recommendations - NB EBC 2005-06

Type	Objection
Re-Naming	Campbellton to Campbellton-Restigouche Centre
Re-Naming	Grand Falls to Drummond-Grand Falls-Saint-André
Re-Naming	Nashwaaksis to Fredericton-Nashwaaksis
Re-Naming	Saint John Kings to Rothesay-Kings
Community of Interest	The portion of York County in the existing electoral district of Woodstock should remain in the proposed electoral district of Woodstock and not be transferred to the proposed electoral district of York.
Community of Interest	The Ammon Road area should remain in the proposed electoral district of Moncton Crescent and not be transferred to the proposed electoral district of Petitcodiac.
Community of Interest	The portion of York County in the existing electoral district of Woodstock should not be transferred to the proposed electoral district of York.
Community of Interest	The area of Carleton County east of the Saint John River and north of the Monquart Stream should not be transferred to the proposed electoral district of Victoria-Tobique.
Community of Interest	The area of Saint-Léonard-Parent should be transferred from the proposed Grand Falls electoral district to the proposed Madawaska-Restigouche electoral district.
Community of Interest	All of Mount Carleton Provincial Park should be included in the proposed electoral district of Madawaska- Restigouche.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2006)*

The Rejected Objections

The commission had two main reasons for rejecting most of the public objections. The first was that they did not meet the electoral quotient, which requires a deviation factor of no more than +/-10 percent. This led to the rejection of 21 proposals, accounting for 55 percent of all objections (EBCNB 2006, 6). The second reason was a lack of consensus among the affected

communities. Seven objections, approximately 20 percent of the total, were not accepted because the commission believed they only served the interests of specific individuals, rather than the community as a whole (EBCNB 2006, 6). Overall, the commission rejected about 75 percent of the public's objections due to issues of the electoral quotient and a lack of consensus. These practices were consistent with those of the previous commission in the late 1990s.

New Brunswick Electoral Boundaries Commission 2012-13

The Number of Hearings & Locations

The 2012-13 EBC, similar to its predecessor in New Brunswick, had to conduct two rounds of public hearings across the province to gather feedback from citizens. The first set of hearings took place from October to November 2012 in 13 different areas (EBCNB 2013, 7-8). The commission followed the same approach as previous ones, holding hearings in both Anglophone and Francophone areas in both urban and rural regions. The EBC also created a website where people could submit feedback before the hearings, resulting in over 100 submissions through emails, letters, and the website (EBCNB 2013, 8-10). This is more than double the number of recommendations received by the previous EBC.

Table 7.4: Preliminary Public Hearing Locations – NB EBC 2012-13

Date	Location	Date	Location
October 1st	Moncton	October 24th	Bathurst
October 2nd	Sackville	October 24th	Dalhousie
October 9th	Saint Andrews	October 25th	Edmundston
October 9th	Saint John	October 25th	Grand Falls
October 19th	Bouctouche	October 30th	Woodstock
October 19th	Miramichi	November 1st	Fredericton
October 21st	Caraquet		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2013)*

The EBC submitted their preliminary report to the provincial legislature on January 17, 2013, after considering recommendations from the public hearings. In February 2013, they

conducted an additional round of public hearings as mandated, with a record-breaking 23 hearings held across 12 locations in the province (EBCNB 2013, 8-10). All areas except Caraquet had two hearings due to the high number of presenters who wanted to voice their objections to the commissioners' map (EBCNB 2013, 9). Unfortunately, Caraquet only had one hearing due to inclement weather, making the total number of hearings 23 instead of 24 (EBCNB 2013, 9-10). *Table 7.5* shows the location of each hearing in the second stage of the public hearing process. The EBC wanted to gather as much feedback as possible before submitting their final electoral map to the legislature, evident from the high number of hearings held. The commission decided not to revisit two rural areas, Dalhousie and Saint Andrews, as they believed that the public's concerns were already addressed in their preliminary report (EBCNB 2013, 10).

Table 7.5: Secondary Public Hearing Locations – NB EBC 2012-13

Date	Location	Date	Location
February 17th*	Caraquet	February 26th	Sackville
February 18th	Bathurst	February 27th	Moncton
February 19th	Campbellton	March 1st	Miramichi
February 20th	Edmundston	March 4th	Saint John
February 21st	Grand Falls	March 5th	Woodstock
February 25th	Bouctouche	March 6th	Fredericton

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2013)*

The Accepted Objections

The commissioners received objections during two rounds of public hearings regarding the proposed electoral map. Around 38 percent of all objections were successful, totaling to 18 objections (EBCNB 2013, 10). These objections were primarily related to preserving and renaming communities of interest. Renaming of districts occurred twice, accounting for approximately 11 percent of the successful objections (EBCNB 2013, 9-10). The commission

renamed Shediac-Beaubassin to Shediac-Beaubassin-Cap-Pelé and Memramcook-Sackville to Memramcook-Tantramar to reflect new geographical features of the areas (EBCNB 2013, 9-10). The remaining 16 objections, representing 89 percent of all successful objections, focused on maintaining historic communities of interest while adhering to the strict +/-5 percent allowable variance from the electoral quotient (EBCNB 2013, 9-10). *Table 7.6* provides a complete list of the renamed districts and objections. It can be observed that out of the 18 accepted objections, 11 percent were based on renaming, while the remaining 89 percent aimed at preserving communities of interest.

Table 7.6: Accepted Public Hearing Recommendations – NB EBC 2012-13

Type	Objection
Re-Naming	Include the name of the community of Cap Pelé in the Shediac-Beaubassin riding.
Re-Naming	Change the name of riding #16 Memramcook- Sackville to Memramcook-Tantramar.
Community of Interest	Transfer the community of Dunlop from a riding including Bathurst to a more rural riding.
Community of Interest	Using the Tetagouche River as a boundary, unite the communities south of the Tetagouche River together and in a Bathurst riding.
Community of Interest	Place the Bathurst airport in a Bathurst riding.
Community of Interest	Extend the southern boundary of riding #12 Kent North southward across to the south side of the Richibucto River so that communities along the southern side of the river are in the same riding as Rexton.
Community of Interest	Do not separate the community of Cocagne between two ridings.
Community of Interest	Place the University of Moncton and the Dr. Georges-L.- Dumont University Hospital Centre in the same riding.
Community of Interest	Do not place the new West End of Moncton in separate ridings. Add the area west of Milner Road out to and including the eastern half of the Industrial Park area west of Wheeler Boulevard to the Moncton South riding.
Community of Interest	Place Elgin in the Albert riding
Community of Interest	Expand riding #34 Kings Centre to the northeast to take in Kars, Hatfield Point, and Belleisle Creek.
Community of Interest	Attach the neighbourhood to the immediate west of Hampton (Hall Street and those around it) to the Hampton riding.
Community of Interest	Place St. Martins and the Fundy Trail area in the same riding, attached to Saint John.
Community of Interest	Place the Saint John Airport in a Saint John riding.
Community of Interest	Place the entire community of Lakewood in the Saint John East riding.
Community of Interest	Place all of Rothesay in the Rothesay riding.

Type	Objection
Community of Interest	Place Clover Valley in a non-urban riding.
Community of Interest	Transfer the communities of Wirral and Hoyt from the Kings Centre riding to the New Maryland Sunbury riding.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2013)*

The Rejected Objections

The commission followed the same standards as its predecessor and dismissed most public objections for either not meeting the electoral quotient or lacking community consensus. Out of all the objections, three proposals, roughly 6 percent, were rejected due to lack of agreement among the community, which were introduced by one individual and did not represent the community's views (EBCNB 2013, 9-10). Additionally, approximately 50 percent of the total objections were turned down because they violated the strict limits on variance from the electoral quotient of +/-5 percent (EBCNB 2013, 10). The commission believed that adhering to this standard was necessary to maintain voter parity, only making exceptions in rare cases to ensure effective representation. Unlike the previous commission, one objection was denied due to insufficient demographic representation in the proposal. Overall, the commission's approach to public objections mirrored that of the previous EBC, particularly in the high number of objections rejected due to electoral quotient violations.

New Brunswick Electoral Boundaries Commission 2022-23

The Number of Hearings & Locations

To gather public input, the 2022-23 electoral boundaries commission conducted two rounds of public hearings. The first set took place in August and September 2022, before the commission released its initial report, with 12 in-person hearings and two virtual meetings held in both francophone and anglophone areas of the province, as well as urban and rural areas (EBCNB 2023, 13-14). *Table 7.7* outlines the locations of each hearing. The second set of

hearings occurred after the report's release. Additionally, the commission received over 100 e-mails, letters, and online submissions from concerned citizens (EBCNB 2023, 13-14).

Table 7.7: Preliminary Public Hearing Locations – NB EBC 2022-23

Date	Location	Date	Location
August 23rd	Inkerman	September 6th	Edmundston
August 24th	Campbellton	September 7th	Grand Falls
August 25th	Bathurst	September 8th	Woodstock
August 30th	Miramichi	September 12th	Virtual
August 31st	Bouctouche	September 13th	Saint Andrews
September 1st	Moncton	September 14th	Saint John
September 1st	Virtual	September 15th	Fredericton

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2023)*

The EBC released their preliminary report to the provincial legislature on December 12, 2022, after incorporating suggestions from the public (EBCNB 2023, 1-2). This process took longer than previous commissions, highlighting a deviation from the norm. The EBC held virtual public hearings in January 2023, divided into two province-wide sessions and eight regional sessions, as shown in *Table 7.8* (EBCNB 2023, 15). This differed from previous commissions, which had more second-round public hearings. However, citizens had multiple opportunities to provide feedback within their own electoral district. The use of virtual hearings was a first for EBCs in New Brunswick.

Table 7.8: Secondary Public Hearing Locations – NB EBC 2022-23

Date	Location
January 11th	Northern Region (ED #1-8)
January 11th	Miramichi (ED #9-11)
January 12th	Provincial (ED #1-49)
January 12th	Southeast (ED #12-24)
January 13th	Southern (ED #25-36)
January 13th	Capital (ED #37-44)
January 14th	Upper River Valley (ED #45-49)
January 14th	Provincial (ED #1-49)

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2023)*

The Accepted Objections

Out of all the objections made to the commissioners' proposed map, five were successful, making up about one-fourth of the objections (EBCNB 2023, 13-15). These successful objections fell into two categories: renaming districts and protecting communities of interest while meeting the electoral quotient. Renaming districts was only successful once, accounting for 20% of the successful objections (EBCNB 2023, 13-15). The Restigouche ridings were renamed Restigouche West and Restigouche East (EBCNB 2023, 14). The other four successful objections focused on maintaining communities of interest while not violating the electoral quotient. *Table 7.9* provides a complete list of these objections and the renamed districts. Among the commissioners' accepted objections, 20% were based on renaming, while the other 80% focused on preserving historic communities of interest.

Table 7.9: Accepted Public Hearing Recommendations – NB EBC 2022-23

Type	Objection
Re-Naming	Change the names of ED #1 to Restigouche West and ED #2 to Restigouche East for these ridings.
Community of Interest	Neguac should remain with the existing electoral district since it receives most of its services from Miramichi.
Community of Interest	Fundy-The Isles riding jumps over Grand Bay Westfield takes in area in West Saint John, that should never happen.
Community of Interest	Remove Saint-Quentin from Restigouche West and put with Victoria-La Vallée or Edmundston-Madawaska Centre which will align with communities of interest and favourable economic development.
Community of Interest	Keep New Denmark within the Grand Falls boundary.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2023)*

The Rejected Objections

The commission, just like its previous counterpart, dismissed public objections that either lacked consensus or violated the electoral quotient. About 13% of the objections were rejected due to lack of agreement among community members on certain issues, while almost 58% were

turned down for exceeding the acceptable variance from the electoral quotient of +/-15% (EBCNB 2023, 13-15). Interestingly, this electoral quotient was the largest in the province in the 21st century, having been increased after the previous redistribution exercise (EBCNB 2023, 3-4). The commissioners explained that this was done to achieve better (more effective) representation (EBCNB 2023, 4-5). Despite the higher electoral quotient, the commission's approach to public objections remained consistent with past EBCs.

NB Provincial EBCs and their Approach to Objections

This data indicates that over the past thirty years, New Brunswick's EBCs have maintained a consistent approach to public consultation and influence over electoral redistricting. When examining the first factor of public hearings and their locations, there is evidence of continuity in both the number and locations of preliminary hearings. Each EBC held either 12 or 13 preliminary hearings, always ensuring that hearings took place in five specific areas of the province: *Bathurst, Fredericton, Grand Falls, Miramichi, and Moncton*. Interestingly, these areas have vastly different populations, ranging from 171,608 in Moncton to 5,313 in Grand Falls, demonstrating the commissioners' efforts to reach both urban and rural areas (Statistics Canada 2021). However, the number of consultations during the second set of public hearings varied, with 7 in the first EBC, 23 in the second, and 8 in the final EBC. It is uncertain whether the second round of public hearings represents continuity or change due to the abnormal increase of public hearings in the province's second EBC. Nevertheless, we can observe that continuity characterizes both the preliminary number of locations and the five specific locations that commissioners continuously visit.

In New Brunswick, there has been a consistent pattern in the types of objections accepted by the EBCs over the last thirty years. Specifically, objections were allowed if they did not

violate the electoral quotient and if they proposed new district names based on a specific geographical feature. However, the success rate of objections varied greatly, ranging from 25% in the first and third EBCs to 38% in the second. EBCs also rejected objections that either violated the electoral quotient or lacked community consensus. However, there was inconsistency in the percentage of rejected objections, with 50% rejected in the first EBC, 55% in the second, and only 13% in the final EBC. In short, continuity in the acceptance and rejection of objections has characterized the EBCs' decision-making over the past three decades.

Nova Scotia Electoral Boundaries Commission 2002-03

The Number of Hearings & Locations

In 2002-03, Nova Scotia's EBC was mandated to conduct two rounds of public hearings. The first was held after the release of their initial report, and the second after their final report (EBCNS 2003, 15-16). To make the consultation process easier, the EBC created a website with an information package containing the commission's mandate and the latest elector data (EBCNS 2003, 15-16). Additionally, they provided ten questions for the public to give feedback on. These questions, shown in *Table 7.10*, were used to guide the public objection process.

Table 7.10: Public Hearing Guidelines – NS EBC 2002-03

The current number of seats in the Nova Scotia House of Assembly is 52, plus one possible seat for the aboriginal community. Should the number of seats in the provincial legislature remain at its current number; should the number of seats be increased; or should the number of seats be decreased?
If the number of seats in the House of Assembly remains at 52 plus 1 and as Halifax County (Halifax Regional Municipality) may be entitled to additional seats because of its increased population, what areas of the province might have their current level of representation reduced?
If Halifax County gained additional seats, where in Halifax County might those seats be added?
Should the present constituencies in Clare, Argyle, and Richmond be retained as they currently exist?
Should the present constituency of Preston be retained as it currently exists?
Should the current constituency of Victoria be retained as it currently exists?
Should the Commission seek to create constituencies that fall close to the minimum and maximum populations allowed by the \pm factor of 25 percent?
Should the Commission seek to achieve population equality between constituencies?
Should a difference be made in the population size of rural and urban constituencies?
If it is not possible to achieve relative parity of voting power between constituencies using county boundaries, should the Commission, if necessary, cross county boundary lines in recommending revised constituency boundaries?

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2002)*

In February and March 2002, the first round of public consultations took place, consisting of 14 hearings held over 12 days (EBCNS 2003, 16-17). The commission made sure to conduct hearings throughout the province, including both urban and rural areas, to gather feedback on concerns from various communities (EBCNS 2003, 17). Despite this, only one dedicated hearing was held in a protected riding, the district of Preston (EBCNS 2003, 16-18). The commission also conducted hearings in the Halifax Regional Municipality (HRM) to obtain feedback on the possibility of creating additional ridings in the area. *Table 7.11* displays the location of each hearing.

Table 7.11: Preliminary Public Hearing Guidelines – NS EBC 2002-03

Date	Location	Date	Location
February 22nd	Dartmouth	March 9th	Stellarton
February 23rd	Cole Harbour	March 15th	Port Hawkesbury
February 23rd	Preston	March 16th	Sydney
March 1st	Lunenburg	March 17th	Baddeck
March 2nd	Timberlea	March 22nd	Church Point
March 2nd	Sackville	March 28th	Wolfville
March 8th	Amherst	April 5th	Yarmouth
March 6th	Edmundston		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2002)*

The EBC took into account the feedback from the initial public hearings and created an updated map. They followed their mandate and held another round of public hearings in May 2002, covering 11 communities throughout the province (EBCNS 2003, 17). *Table 7.12* shows the locations of these hearings. It's worth mentioning that the commission went back to the HRM area and included the city of Halifax as well as the original HRM communities of Dartmouth and Preston.

Table 7.12: Secondary Public Hearing Locations – NS EBC 2002-03

Date	Location	Date	Location
May 25 th	Liverpool	May 31 st	Fall River
May 25 th	Chester	June 1 st	Baddeck
May 27 th	Sherbrooke	June 2 nd	Sydney
May 28 th	Dartmouth	June 3 rd	Port Hawkesbury
May 29 th	Preston	June 5 th	Amherst
May 30 th	Halifax		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2002)*

The Accepted Objections

The commissioners accepted nine objections, which made up around 28 percent of the total objections, after both rounds of public hearings (EBCNS 2003, 16-18). One successful category of objections involved moving the boundary lines to protect historic communities of interest (EBCNS 2003, 16). If community members agreed that a boundary change would create a community of interest, the commissioners tended to implement the suggestion, as shown in *Table 7.13*. The table indicates that a large number of residents from the districts of Argyle, Clare, Preston, Queens, and beyond called for the commission to maintain these exceptional ridings (EBCNS 2003, 17-18). Exceptional ridings can exceed the electoral quotient if doing so protects a community of interest. The remaining five objections' boundary changes did not violate the province's +/-25 percent variance from the electoral quotient.

Table 7.13: Accepted Public Hearing Recommendations – NS EBC 2002-03

Type	Objection
Community of Interest	The district of Argyle should remain an exceptional riding.
Community of Interest	The district of Clare should remain an exceptional riding.
Community of Interest	The district of Queens should remain an exceptional riding.
Community of Interest	The district of Richmond should remain an exceptional riding.
Community of Interest	The district of Preston should remain an exceptional riding.

Type	Objection
Community of Interest	Maintain the boundaries of the three Pictou County Ridings.
Community of Interest	The Stone Mount subdivision has experienced rapid growth and should be put into one district, instead of being placed in two.
Community of Interest	Reconnect the Town of Port Hawkesbury and the larger county of Inverness.
Electoral Quotient	Add an additional district in the HRM area.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2002)*

The Rejected Objections

The majority of objections were dismissed by the commissioners, accounting for approximately 72 percent of all objections (EBCNS 2003, 17-18). Two reasons were given for the dismissals: either the suggestions went beyond the acceptable variance from the electoral quotient of +/-25 percent and did not justify an exceptional district, or there was insufficient agreement among those involved. The first reason was responsible for 80 percent of all rejected objections (EBCNS 2003, 17). The remaining 20 percent were rejected because they were deemed to be isolated cases that lacked sufficient support from others. In summary, the objections that were dismissed were either outside the acceptable range or lacked widespread consensus.

Nova Scotia Electoral Boundaries Commission 2012-13

The Number of Hearings & Locations

The 2012-13 EBC in Nova Scotia was similar to the previous one as it held two rounds of hearings across the province. The commission's goal was to listen to concerns about proposed changes to the electoral map, explain its mandate, and receive feedback on key issues. Unlike the previous EBC, this one sought public feedback before preparing its interim report (EBCNS 2012, 24). The first round of public hearings took place in 13 different communities province-wide, where 130 individuals made presentations (EBCNS 2012, 24-26). *Table 7.14* shows the dates

and locations for the hearings, which were held in both rural and urban areas of the province in March and April 2012 (EBCNS 2012, 24). Notably, around 39 percent of the hearings were held in the Halifax Regional Municipality (HRM) and approximately 23 percent in a protected district (EBCNS 2012, 24-26). The EBC also held two hearings in Halifax, which was a departure from the previous practice of one hearing per location.

Table 7.14: Preliminary Public Hearing Locations – NS EBC 2012-13

Date	Location	Date	Location
March 15th	Lower Sackville	April 2nd	Halifax
March 16th	Dartmouth	April 13th	Louisdale
March 17th	Halifax	April 14th	Sydney
March 17th	Cherry Brook	April 14th	Baddeck
March 24th	Middleton	April 19th	Tusket
March 31st	Amherst	April 20th	Church Point
March 31st	Stellarton	April 21st	Bridgewater

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2012)*

The commission held a series of public hearings and subsequently released an interim report. In August 2012, they conducted nine more hearings, as listed in *Table 7.15*, across both urban and rural areas of the province. This process allowed concerned citizens to share their feedback. Interestingly, about 22 percent of the hearings occurred in the HRM and in the protected ridings (EBCNS 2012, 26). Additionally, the commission revisited five communities from the first set of public consultations, namely Bridgewater, Church Point, Dartmouth, Halifax, and Sydney (EBCNS 2012, 25-26).

Table 7.15: Secondary Public Hearing Locations – NS EBC 2012-13

Date	Location	Date	Location
August 7th	Port Hawkesbury	August 14th	Bridgewater
August 8th	Westville	August 14th	Church Point
August 9th	Sydney	August 15th	Dartmouth
August 13th	Halifax	August 16th	Annapolis Royal
August 13th	Yarmouth		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2012)*

The Accepted Objections

Out of all the objections presented, the commissioners accepted 28, which accounts for approximately 29% of the total objections (EBCNS 2012, 26). The successful objections can be classified into two categories. The first category includes objections that aimed to protect the historical communities of interest, whereas the second category includes objections that were related to re-naming. Similar to the previous commission, the boundaries of the ridings were redrawn if it was agreed by the community members that it would preserve their identity. The commissioners also accepted re-naming objections if the proposed name reflected the new geographical elements of the ridings. *Table 7.16* provides a list of successful objections, which have been divided into two types. The majority of successful objections, around 89%, belonged to the category of communities of interest, while the new re-naming category accounted for 11% of the successful objections (EBCNS 2012, 26).

Table 7.16: Accepted Public Recommendations – NS EBC 2012-13

Type	Objection
Community of Interest	Expand Victoria-The Lakes to include more rural population from Cape Breton North or West; ex. Mill Creek-Point Aconi area.
Community of Interest	Address the under-population of Guysborough by taking polls from Antigonish
Community of Interest	Separate Clayton Park from Timberlea.
Community of Interest	Consider merging Birch Cove area into a new or expanded constituency such as Clayton Park; move polls 1–14 and 46–48 out of Bedford
Community of Interest	Treat Rockingham, Cresthaven, Grosvenor Park, Kearney Lake, and Wedgewood neighbourhoods in HRM as communities of interests.
Community of Interest	Extend the boundaries of Cole Harbour–Eastern Passage into Dartmouth South so as to absorb South Woodside.
Community of Interest	The Stone Mount subdivision has experienced rapid growth and should be put into one district, instead of being placed in two.
Community of Interest	Extend Dartmouth East northward to take in streets off the Waverley Road that are now oriented to Dartmouth (up to highway overpass).
Community of Interest	Move the community of Williamswood from the constituency of Timberlea-Prospect to the constituency of Halifax Atlantic.
Community of Interest	Maintain Yarmouth as a constituency of and to itself

Type	Objection
Community of Interest	The entire community of Beaver Bank, including Kinsac, should be included with Sackville (Middle and Upper), under the name Sackville-Beaver Bank
Community of Interest	Leave Annapolis Royal and other affected communities in the electoral district of Annapolis
Community of Interest	Community of Whitney Pier should not be awkwardly and artificially divided
Community of Interest	Return east side of St Margaret's Bay to the electoral district of Chester-St Margaret's
Community of Interest	Do not split the electoral district along Main Street; maintain the Main Street Dartmouth business district community intact
Community of Interest	Do not bisect the Montebello neighbourhoods
Community of Interest	Eliminating the electoral district of Pictou East is not in the best interests of the people of the constituency
Community of Interest	Leave Westville in the electoral district of Pictou East
Community of Interest	Splicing the electoral district of Yarmouth in half is not the answer
Community of Interest	The Bayers Lake Business Park should be in the proposed electoral district of Clayton Park West
Community of Interest	Add the small residential block of Hamshaw and Saskatoon Drive to the proposed electoral district of Clayton Park West
Community of Interest	Willett Street (on the west side Dunbrack Street) fits well with the proposed electoral district of Fairview-Clayton Park
Community of Interest	Restore the eastern boundary line of the proposed electoral district of Fairview-Clayton Park to the current CN rail line
Community of Interest	Keep three seats in Pictou County; i.e , status quo
Community of Interest	Expand current electoral district of Guysborough-Sheet Harbour westward until it meets the 80 to 85% seat entitlement
Re-naming	By including South Woodside and Imperoyal in the district of Cole Harbour-Eastern Passage it should be renamed Dartmouth South
Re-naming	By expanding the district of Eastern Shore, it should be called Guysborough- Eastern Shore
Re-naming	By including Lucasville in the Hammonds Plains district, the commission should include "Lucasville" in the constituency name.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2012)*

The Rejected Objections

Most public objections were dismissed, which accounted for around 70 percent of all objections. The reasons for the rejections were similar to the previous commission - either the objections did not meet the variance limits on the electoral quotient or there was a lack of agreement on the issue (EBCNS 2012, 26). Although the variance limit on the electoral quotient remained unchanged at +/-25 percent, the government removed the provision protecting the four exceptional districts (EBCNS 2012, 6-8). This led to 49 objections being dismissed as they

violated the variance limits on the electoral quotient, which made up almost half of all dismissed objections (EBCNS 2012, 26-27). The remaining objections were not accepted due to a lack of agreement within the community regarding the proposed changes, which accounted for the other 50 percent of objections that were rejected.

Nova Scotia Electoral Boundaries Commission 2018-19

The Number of Hearings & Locations

Nova Scotia's EBC conducted two sets of public hearings across the province to gather feedback on the proposed electoral map. The first round of hearings took place in 12 different communities, where nearly 200 individuals presented their views (EBCNS 2019, 27-28). This EBC continued to hold consultations before preparing its interim report and provided additional sessions after its release. *Table 7.17* displays the dates and locations of each session during the first round of public hearings. This commission visited both rural and urban areas of the province in September 2018, holding around 41 percent of the hearings in HRM and approximately 33 percent in a previously protected district (EBCNS 2019, 27). The EBC aimed to gather feedback on the reinstatement of Argyle, Clare, and Richmond as protected districts to ensure effective representation of Acadians, and to determine if an additional protected district was desirable for the province's African Nova Scotian community of Preston (EBCNS 2019, 28-30).

Table 7.17: Preliminary Public Hearing Locations – NS EBC 2018-19

Date	Location	Date	Location
September 4th	Sackville	September 12th	Preston
September 5th	Bedford	September 13th	Dartmouth
September 6th	Halifax	September 14th	Richmond
September 7th	Shelburne	September 15th	Chéticamp
September 8th	Argyle	September 22nd	Baddeck
September 8th	Clare	September 22nd	Sydney

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2019)*

The commission released an interim report after completing its first round of public hearings. The report included the reinstatement of three protected ridings and the creation of an additional district for Preston (EBCNS 2019, 31-32). Another round of 12 public hearings was conducted in January 2013, with approximately 41 percent of the hearings held in the HRM as illustrated in *Table 7.18*. One hearing was held in Preston to determine whether the new protected district was in the best interests of African Nova Scotians. A total of five communities, Bedford, Chéticamp, Halifax, Preston, and Sydney, were revisited from the initial round of consultations (EBCNS 2019, 28-30).

Table 7.18: Secondary Public Hearing Locations – NS EBC 2018-19

Date	Location	Date	Location
January 4th	Antigonish	January 16th	Halifax
January 5th	Truro	January 17th	Dartmouth
January 11th	Sydney	January 18th	Cornwallis
January 12th	Chéticamp	January 19th	Wolfville
January 14th	Bedford	January 20th	Bridgewater
January 15th	Preston	January 29th	Milford

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2019)*

The Accepted Objections

Out of the total objections received, the commissioners accepted 15, which is approximately half. The successful objections were mainly related to communities of interest, as was the case with Nova Scotia's first EBC of the twenty-first century. If the community members had a consensus that the proposed changes to the boundaries would protect their identity, the commissioners tended to accept the recommendations. However, there were no successful objections regarding re-naming any districts in the province (EBCNS 2019, 28-30). It is essential to note that there was overwhelming public support for the creation of four protected ridings, three for the Acadians (Argyle, Clare, Richmond), and one for the African Nova Scotians

(Preston) (EBCNS 2019, 32). *Table 7.19* provides a list of successful objections along with their communities of interest.

Table 7.19: Accepted Public Recommendations– NS EBC 2018-19

Type	Objection
Community of Interest	Restore the electoral district of Clare.
Community of Interest	Restore the electoral district of Argyle.
Community of Interest	Restore the electoral district of Richmond.
Community of Interest	Create a new electoral district of African Nova Scotians in the Preston area.
Community of Interest	Remove the part of the Eastern Shore that had been added in 2012 to bring it in line with voter parity rules.
Community of Interest	Restore the original boundary lines for Queens County.
Community of Interest	Include Annapolis Royal in the electoral district of Annapolis.
Community of Interest	Move the communities of Bayside, Blind Bay, East Dover, and West Dover from the electoral district of Chester-St. Margaret's to that of Timberlea-Prospect.
Community of Interest	Move the community of Lakelands from the electoral district of Hants East into that of Hants West.
Community of Interest	Move the communities of Mount Uniacke and South Uniacke from the electoral district of Hants East into that of Sackville-Beaver Bank.
Community of Interest	Move the communities of Milford and Shubenacadie from the electoral district of Colchester-Musquodoboit Valley to the adjacent district of Hants East.
Community of Interest	Move the neighbourhood of Birch Cove from the electoral district of Clayton Park West to the adjacent and newly-created district of Bedford South.
Community of Interest	Use Windsor Street as the dividing line to move southwest boundary of the electoral district of Halifax Needham to the adjacent district of Halifax Chebucto.
Community of Interest	Use Cogswell Street as a dividing line to move a section of the electoral district of Halifax Needham to the adjacent district of Halifax Citadel-Sable Island.
Community of Interest	Put McGraths Cove back into Timberlea-Prospect

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2019)*

The Rejected Objections

The EBC rejected the other half of the public objections. Like the previous two commissions, this EBC rejected submissions because they violated the acceptable variance limit on the electoral quotient or needed more consensus surrounding the issue. The allowable variance on the electoral quotient remained unchanged at +/-25 percent, but the exceptional districts provision was reinstated (EBCNS 2019, 32-33). This provision allowed commissioners

to design districts that did not meet the electoral quotient to allow for the effective representation of specific groups, such as the Acadians and African Nova Scotians. Approximately 67 percent of the rejected submissions were due to the electoral quotient, and the remaining 33 percent were attributed to a lack of consensus from community members (EBCNS 2019, 28).

NS Provincial EBCs and their Approach to Objections

By analyzing the data, we can see that Nova Scotia's Electoral Boundaries Commissions have maintained a consistent approach to electoral redistricting over the past thirty years. The number and locations of public consultations have remained relatively unchanged, with each EBC conducting either 12 or 14 initial hearings followed by 9 to 12 additional hearings. The total number of hearings ranged from 23 to 25 for each EBC, indicating continuity. Moreover, the EBCs always visited Baddeck, Dartmouth, Halifax, Sackville, and Sydney at least once during both sets of public hearings, demonstrating their commitment to visiting both urban and rural areas of the province. This factor confirms that continuity characterizes the number of locations and the five locations continuously visited by the commissioners.

There is also evidence of continuity in the types of objections that commissioners accepted in Nova Scotia. Commissioners tended to accept objections if they did not violate the variance limit on the electoral quotient and if community members had a consensus to enact the proposed suggestion. However, there needed to be more consistency in the percentage of successful objections ranging from 28 percent in the first EBC to 29 percent in the second and a steep increase to 50 percent in the third. Similarly, objections were rejected by EBCs because they violated the variance limit on the electoral quotient or there needed to be a consensus amongst community members over the proposed objection. Once again, there was no consistency in the percentage of rejected objections ranging from a high of 72 percent in the first to 29

percent in the second and 50 percent in the third. Analyzing this data suggests that continuity also characterizes the reasons why commissioners accepted and rejected objections over the past three decades in Nova Scotia.

Prince Edward Island Electoral Boundaries Commission 2003-04

The Number of Hearings & Locations

The first electoral boundaries commission in Prince Edward Island of the twenty-first century was required to hold public hearings before releasing their interim and final reports (EBCPEI 2004, 2-3). These consultations were held to get feedback from citizens about the proposed electoral map. The first round of hearings took place in 13 locations across the province between February and March 2003 (EBCPEI 2004, 3). However, attendance was relatively low compared to other regions, with only around fifty people attending in total (EBCPEI 2004, 3-4). *Table 7.20* shows the dates and locations of each session during the first round of public consultations, which were held in both rural and urban areas of the province. It's important to note that aside from Charlottetown, most communities in PEI are rural.

Table 7.20: Preliminary Public Hearing Locations – PEI EBC 2003-04

Date	Location	Date	Location
February 9th	Rosebank	March 3rd	Kensington
February 11th	Southern Kings	March 4th	Rollo Bay
February 12th	Startford	March 8th	Crapaud
February 16th	Willington	March 9th	Charlottetown
February 23rd	Summerside	March 22nd	Morell
February 25th	Pooles Corner	March 23rd	Cornwall
March 1st	Ellerslie		

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2004)*

The commission released an interim report after completing its initial round of public hearings. They then conducted four additional hearings in September 2003, as shown in *Table 7.21*. Instead of holding hearings in Charlottetown, the commissioners chose to hold the

consultations in four sparsely populated rural areas of the province. These locations ranged in population from 254 in Cardigan to 876 in O'Leary, while Charlottetown has a population of about 38,800 people (Statistics Canada 2021).

Table 7.21: Secondary Public Hearing Locations – PEI EBC 2003-04

Date	Location	Date	Location
September 7th	North Rustico	September 9th	O'Leary
September 8th	Cardigan	September 13th	Mount Carmel

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2004)*

The Accepted Objections

The commissioners approved 5 objections, which is around 40% of the total objections (EBCPEI 2004, 3-4). The successful objections related to maintaining historic communities of interest or fulfilling the mandate. Similar to other EBCs in the Maritimes, the commission adjusted riding boundaries based on community members' consensus to preserve their identity. This commission was unique because it considered objections that altered its mandate, such as including estimated population growth in the electoral quotient and drawing less populated rural areas by exceeding the electoral quotient in urban areas (EBCPEI 2004, 3-4). *Table 7.22* provides a categorized list of successful objections, with communities of interest accounting for 40% and the mandate revision category accounting for 60% of the total.

Table 7.22: Accepted Public Hearing Recommendations – PEI EBC 2003-04

Type	Objection
Mandate Related	Account for electors who were added after election day who currently appear on the roll.
Mandate Related	Account for future population growth in Stratford.
Mandate Related	Account for future population growth in Cornwall.
Community of Interest	Maximize the number of francophones in the riding Evangeline-Miscouche to maximize francophone representation.

Type	Objection
Community of Interest	Do not separate West Point Knutsford from the community of O'Leary.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2004)*

The Rejected Objections

The electoral boundaries commission rejected most of the public objections. The reasons for rejection were primarily due to either extreme violation of the variance limit on the electoral quotient or a lack of consensus among the community members. The commission's mandate suggested an electoral quotient of +/-25 percent, but it was not strictly enforced. This means that the commissioners could depart from the electoral quotient if they deemed it necessary for effective representation (EBCPEI 2004, 3-6). However, there were two suggestions put forward by multiple individuals, proposing the addition of another district in the Summerside area. If this suggestion were accepted, it would create districts ranging from around -35 percent to +35 percent across the Island, which was considered as not desirable (EBCPEI 2004, 30-32). Additionally, some individuals submitted isolated objections that did not reflect the community's opinions, contributing to the lack of consensus around the issue (EBCPEI 2004, 30-32). In total, about 40 percent of the rejected submissions were due to the electoral quotient, and the remaining 60 percent were due to a lack of consensus among community members.

Prince Edward Island Electoral Boundaries Commission 2016-17

The Number of Hearings & Locations

In 2016-17, Prince Edward Island's Electoral Boundaries Commission (EBC) conducted public hearings over a period of three months from February to April. The commission had to extend the duration of the public hearing process from 60 days to 90 days due to multiple blizzards that required rescheduling of hearings (EBCPEI 2017, 13). After releasing a

preliminary map, the commissioners visited 12 communities across the province to gather feedback and heard from over 50 citizens concerned about proposed changes to the province's existing boundaries (EBCPEI 2017, 13-14). The dates and locations of each session during the first round of public consultations are provided in *Table 7.23*. The commission attempted to capture a wide range of viewpoints from as many citizens as possible, visiting Morell and Montague communities twice due to low attendance during their initial sessions caused by weather conditions.

Table 7.23: Preliminary Public Hearing Locations – PEI EBC 2016-17

Date	Location	Date	Location
February 16th	Morell	March 15th	Stratford
February 22nd	Souris	March 16th	North Milton
February 28th	Kensington	March 28th	Montague
March 2nd	Charlottetown	March 29th	Ellerslie
March 7th	Wellington	March 30th	Elmsdale
March 8th	Montague	April 4th	East Wiltshire
March 14th	Crapaud	April 5th	Morell

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2017)*

The Accepted Objections

Out of all the objections presented, the commissioners approved three, which accounted for approximately 28% of the total objections. All objections raised were centered on preserving historic communities of interest (EBCPEI 2017, 13). The majority of presenters suggested that the Evangeline-Miscouche district should have an Acadian majority population, which the commissioners agreed with and adjusted the riding boundaries to ensure Acadian representation without breaking the variance limit on the electoral quotient of +/-25% (EBCPEI 2017, 14-16). Additionally, it was suggested that rural ridings should be placed towards the negative end of the electoral quotient to account for the complexities of representing a rural area (EBCPEI 2017, 15-16). *Table 7.24* lists all the approved objections and their respective communities of interest.

Table 7.24: Accepted Public Recommendations – PEI EBC 2016-17

Type	Objection
Community of Interest	Identify and keep urban and rural communities as a communities of interest that requires more or less variance from the electoral quotient.
Community of Interest	Strong public presentations urging the commission to maintain Evangeline - Miscouche as an Acadian District
Community of Interest	To the extent possible and reasonable the public would like to have their electoral district boundaries match-up with other types of boundaries that affected them such as municipalities.
Community of Interest	Maximize the number of francophones in the riding Evangeline-Miscouche to maximize francophone representation.

Source: *Compiled from the Final Report of the Electoral Boundaries and Representation Commission (2017)*

The Rejected Objections

Out of all the objections, only 28 percent were accepted by the Electoral Boundaries Commission. The remaining 72 percent were rejected because they did not follow the electoral quotient or because there was no agreement among community members (EBCPEI 2017, 14-16). The variance limit on the quotient remained at +/-25 percent, but it was not strictly enforced. The commissioners decided not to change the limit, but they could if necessary (EBCPEI 2017, 3-5). Some people suggested adding more rural districts, but the commissioners thought it would not be fair (EBCPEI 2017, 14). If more rural districts were added without adjusting the number of urban districts, the province's electoral quotient would be significantly affected. Some objections did not represent the views of the community, which showed a lack of agreement (EBCPEI 2017, 16). Overall, 72 percent of the rejections were due to the electoral quotient and 38 percent were due to a lack of consensus.

PEI Provincial EBCs and their Approach to Objections

From analyzing this data, we can observe several instances of continuity concerning Prince Edward Island's commissioners' approach to electoral redistricting over the past thirty years. By analyzing the first factor of the number of public hearings and their locations, there is a degree of continuity in the number and locations of public consultations. While the second EBC

did not conduct a second round of public hearings, their number of hearings remained relatively consistent. The number of hearings in the two EBCs ranged from 17 in the first and 14 in the second, for a total difference of 3 hearings. Each EBC visited Charlottetown, Ellerslie, Kensington, Morell, Startford, and Willington at least once during the two hearings. The population difference between these areas ranges from 269 in Morell to 38,809 in Charlottetown, demonstrating the commissioners' continuous commitment to visiting urban and rural areas of the province. Considering this factor, we can observe that continuity characterizes the number of locations, and the six locations commissioners continuously visit.

There is also evidence of continuity in the types of objections that commissioners accepted in Prince Edward Island. Commissioners tended to accept objections if they did not significantly violate the province's +/-25 percent variance limit on the electoral quotient and if community members had a consensus to enact the proposed suggestion. Like the other commissions in the Maritimes, the percentage of successful objections ranged from 40 percent in the first commission, dropping to 28 percent in the second. The two commissions rejected submissions because they violated the electoral quotient or lacked consensus among community members. There was no consistency in the percentage of rejected objections, ranging from 72 percent in the second commission to 60 percent in the first EBC. Despite the lack of consistency in the number of objections, this data suggests that continuity also characterizes why commissioners accepted and rejected objections over the past three decades in Prince Edward Island.

Public Influence in the Maritimes

We can observe from this chapter that public influence over the commissioners' redistribution decisions represents an area of continuity in the Maritimes over the past three

decades. We can observe two trends by applying my first factor of the number of hearings and their location to each EBC in the Maritimes. *Table 7.25* illustrates that the number of preliminary hearings across the region remains relatively consistent, ranging from 12 to 15, demonstrating continuity. However, the number of secondary hearings is inconsistent within a province or region, ranging from 23 to 4. The second trend from this factor is that commissioners across the region tended to revisit urban areas and at least one rural area from the previous EBCs. PEI is the outlier because much of the province is rural, with only two urban centers of Charlottetown and Stratford. Nonetheless, PEI’s EBCs tried their best to revisit these areas, reinforcing the trend that the Maritimes’ EBCs tended to revisit urban areas. *Table 7.26* lists each commission and the urban and rural areas they revisited, indicating another area of continuity in public influence.

Table 7.25: Summary of Public Hearing Locations

Commission	Number of Preliminary Hearings	Number of Secondary Hearings	Total Number
NB EBC 1	12	7	19
NB EBC 2	13	23	36
NB EBC 3	12	8	20
NS EBC 1	15	11	26
NS EBC 2	14	9	23
NS EBC 3	12	12	24
PEI EBC 1	13	4	17
PEI EBC 2	14	N/A	14

Table 7.26: Analysis of Public Hearing Locations

Commission Region	Number of Urban Revisits	Number of Rural Revisits	Total Revisits	Urban % Revisited
NB	4	1	5	80%
NS	4	1	5	80%
PEI*	2	4	6	34%

Despite the lack of consistency in the percentages of accepted and rejected objections, there was consistency in the types. Each EBC across the region tended to accept public objections if they did not violate the electoral quotient and if proposals suggested new district

names representing a specific geographical feature. Once again, PEI was an outlier because they permitted objections to their mandate and could adjust it accordingly, unlike the other two provinces. Similarly, each EBC rejected objections if community members lacked consensus or if they significantly violated variance limits on the electoral quotient. In other words, the reasons for accepting and rejecting objections represent another area of continuity concerning public influence over EBC's decisions in the Maritimes over the last three decades.

Conclusion

In conclusion, this chapter aimed to determine how public influence has impacted electoral redistribution decisions in the Maritime provinces over the past three decades. More specifically, I wanted to examine whether public influence over the commissioners' decisions reflects an area of continuity or change. Since EBCs in the Maritimes were in their infancy in the lead-up to the twenty-first century, it is critical to consider the role of public influence on the redistribution process. I determined that continuity characterizes these decisions by applying my public influence indicator. More specifically, continuity is present in the number of preliminary hearings across the region, and the locations commissioners tended to revisit, and the types of accepted and rejected objections.

Chapter Eight

Conclusion

In my thesis, I aimed to conduct a comprehensive study on the electoral redistricting process in the Maritime region over the last thirty years. This research is important because it addresses a significant research void because scholars have not analyzed redistricting in the Maritimes since Courtney's (2001) foundational work. Studies in this era tended to focus on the factors that led the Maritimes' transition from partisan-sponsored redistricting exercises towards independent Electoral Boundaries Commissions (Carty 1985, 278-279; Johnson 1994, 225-227; Hyson 1995, 291; Courtney 2001, 151-155). However, nearly thirty years have passed since the Maritimes adopted EBCs, and little has been written about the lasting implications of these reforms on the region (Hyson 1995; Hyson 2007; Eagles 2007; Lewis 2018; Bickerton & Graham 2020). By recognizing this void, I wanted to know whether continuity or change characterizes commissioners' electoral redistribution decisions and the process over the past thirty years.

This study began by distinguishing between Canada's First and Second Waves of the Electoral Boundaries Revolution. It showed that the Maritimes were late adopters of reforms found in other provinces across the country concerning the creation of independent electoral boundaries commissions and conducting exercises at regular intervals. More specifically, the Maritime provinces adopted an ad hoc EBC structure in the first wave of the revolution. Commissioners in these EBCs were typically government members from the legislature and would conduct redistribution exercises irregularly. However, as studies demonstrated in the second wave of the revolution, the political pressure on governments to discontinue this practice

became decisive (Johnson 1994, 225-227; Courtney 2001, 151-155; Courtney 2004b, 494-496; Poffenroth 2005, 54-56).

In 1991, in the wake of the Supreme Court's Carter decision, each provincial government in the Maritime region promised to limit their control over the redistricting process and implement reforms to the EBC membership structures. New Brunswick and Prince Edward Island created legislation to ensure that commissioners' appointments would be consistent with their party's standing in the house. Nova Scotia implemented similar legislation to appoint commissioners based on merit rather than partisanship. Each government's legislation included provisions to conduct redistricting at fixed intervals, and conduct public hearings across the province, further limiting the government's control over the process. These public hearings forced commissioners to gather feedback from constituents regarding the proposed electoral map. Nova Scotia held 16 hearings, New Brunswick held 17, and Prince Edward Island held 14. While the commissioners had the power to either accept or reject proposals from the public, it is well-documented in their reports that most submissions were rejected due to violations of variance limits on the electoral quotient or district alignment with communities of interest.

To measure continuity or change in the Maritime region over the past thirty years, I selected three areas and developed a corresponding indicator for each one. In chapter four, I introduced my first indicator, partisan influence. To start, I determined whether commissioners have partisan affiliations by determining whether they donated to a political campaign, ran as a candidate, or worked for the party's central office. I determined who was responsible for setting each commission's mandate to determine whether they had the final say or the partisan legislature. If the legislature had the final authority over the mapmaking process, it could demonstrate partisan influence. I also illustrated partisanship by analyzing whether there was

tension between elected officials and commissioners and, if there was, which actor was successful.

This data demonstrates that partisan influence represents an area of change for the Maritimes. In all three provinces, elected officials have progressively relinquished their power over redistricting in three key areas. First, the total number of commissioners with partisan connections over the last thirty years ranged from Prince Edward Island at 63% (5 out of 8 commissioners), then Nova Scotia (10 out of 23) at 43%, and New Brunswick (8 out of 19) at 42%. This development demonstrated a significant departure from previous commissions because commissioners were no longer drawn exclusively from the legislature in New Brunswick and Prince Edward Island. I also discovered that successful objections from elected officials had declined steadily over this timeframe, indicating another area of change in partisan influence. The number of successful objections ranges from six in Nova Scotia, five in New Brunswick, and an undisclosed number in Prince Edward Island. PEI is unique because it only had an official objection process in the last commission, with no elected officials opting to submit objections. Finally, each province's legislature has amended or developed additional legislation to minimize partisan influence over the commissioners' mandates and set a fixed schedule for redistricting.

In chapter five, I introduced my second indicator, the role of legal influence on commissioners' decisions over the past thirty years. I started by determining if the provinces had court challenges concerning the commissioners' decisions regarding their final electoral maps. If there were challenges, I wanted to know the specific issues in the cases and, ultimately, if they were successful. After developing the legal background, I determined if the province's government-appointed independent commissions to analyze aspects of electoral boundaries

commissions' decisions. If there were independent commissions, I analyzed their recommendations and if they influenced the commissioners' redistribution decisions.

The data implies that legal influence continued to play a role in the aftermath of the Carter and MacKinnon rulings. The two most significant rulings in the last thirty years were the Supreme Court's decision in *Raïche et al. v. Canada (2004)* and the Nova Scotia Court of Appeal's decision in *Reference re the Final Report of the Electoral Boundaries Commission (2017)*. Despite the two events occurring over a decade apart, both rulings' focal point was interpreting the Charter's effective representation requirement. Both cases reaffirmed that vote parity must be a secondary consideration when designing electoral boundaries. Instead, commissioners must consider factors beyond voter parity that guarantee effective representation, such as upholding historic communities of interest. Both rulings also resulted in the government of the day appointing independent commissions to study the effects of the rulings on the existing electoral boundaries and develop solutions.

Aside from *de jure* legal influence through official court rulings, several francophone individuals and groups threatened to challenge New Brunswick's 2012-13 redistricting exercise. These groups believed that the province's EBC violated effective representation because they decided to move several francophone communities into predominantly anglophone electoral districts. Ultimately, this matter was resolved through the groups' negotiations with the provincial government, resulting in an increase in the provincial electoral quotient. This increase permitted the provincial government to achieve effective representation because commissioners gained more significant variance when designing districts. Continuity is present in the *de jure* and *de facto* legal influence through its continuous emphasis on effective representation. Effective representation was one event that triggered the Second Wave of the Electoral

Boundaries Revolution through the Supreme Court's ruling in the Carter decision. This data shows that this emphasis on effective representation has continued in the twenty-first century, demonstrating continuity.

In the last chapter of the thesis, I introduced my final indicator: public influence. In essence, I wanted to know, like the other two indicators, whether public influence over commissioners' redistricting decisions reflects an area of continuity or change over the past thirty years. To measure this indicator, I started by identifying the number and locations of public hearings, looking for changes in the number and location of these hearings over time. After analyzing this information, I determined whether there were common themes of objections adopted by the commissioners in each jurisdiction. Finally, I assessed each provincial EBC to determine whether these three factors have changed or remained consistent over the past thirty years.

From this chapter, I determined that public influence over the commissioners' redistribution decisions represents an area of continuity in the Maritimes over the past three decades. By analyzing the location and number of hearings, I found two trends worth highlighting. First, the number of preliminary hearings remained relatively consistent across the region ranging from 12 to 15, despite a fluctuating number of total hearings. I also found that commissioners across the region tended to revisit urban areas and at least one rural area from the preliminary public hearings. Considering the second factor, I found a lack of consistency in the percentage of accepted and rejected objections but consistency in the types. EBCs across the region tended to accept public objections if they did not violate the electoral quotient and if proposals suggested new district names representing a specific geographical feature. Similarly, EBCs rejected objections if community members lacked consensus or if they significantly

violated the electoral quotient. We can observe continuity in public influence in the Maritime region over the past thirty years concerning the preliminary objections, the revisited locations, and the types of accepted and rejected objections.

In answering my research question concerning whether continuity or change characterizes electoral redistribution decisions in the Maritime provinces over the past thirty years, it depends on the indicator. We can observe evidence of continuity in legal influence over commissioners' decisions over the last three decades, mainly through the effective representation provision. When an individual or group launches a court challenge, they appear to cite the Carter decisions' effective representation requirement, representing continuity. Similarly, the nature of public influence over the commissioners' redistribution decisions has also remained relatively consistent. Commissioners are likely to revisit the province's urban areas multiple times and accept or reject objections from the public based (primarily) on the province's electoral quotient.

The research showed that partisan influence over the commissioners' decisions was the only area representing significant change. It is no longer the case that commissioners are selected from the legislature or demonstrate partisan connections such as donating or running as a candidate in a previous election. In the cases where individuals donated and subsequently served as commissioners, they could not exert partisan influence on the commission. Several reasons explain why they failed to influence the EBC, from their partisan connections not aligning with the government of the day or they formed less than 25% of the total commissioners serving on the EBC. Another difference is that legislatures have rarely amended the commissioners' final electoral map for partisan gain. Unlike redistricting exercises of the twentieth century, I noticed that legislatures are reluctant to intervene in the commissioners' affairs, fearing legal consequences, as demonstrated in the fallout of Nova Scotia's 2012-13 redistricting exercise.

Through my thesis, I have approached the subject of redistricting differently. Instead of analyzing the factors that led to widescale institutional changes, I looked at the dynamics of these changes over time. More specifically, I wanted to know the legacy of the Carter decision on the Maritimes over the past thirty years. I looked for evidence of continuity and change concerning the commissioners' decisions across political, legal, and public influences. I discovered evidence of both continuity and change, which is like the redistricting process itself. In one instance, several districts could remain the same; in another, they can change or vice versa. I conclude by stating that my research suggests the window opened during the Second Wave of the Electoral Boundaries Revolution has closed. We have not witnessed any large-scale institutional changes in the twenty-first century that would suggest otherwise. Partisan influence over the commissioners has drastically declined, public influence has remained the same, and legal influence continues to enforce the concept of effective representation, even when this violates variance limits designed to ensure voter parity. Therefore, it is unlikely there will be any further significant changes to redistricting processes in the Maritime provinces unless some new development sparks another wave of reform in the electoral boundaries revolution.

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