

## BOUNDARY COMMISSION PRESENTATION

Cardigan

September 8, 2004

If you have any questions about my written presentation I will try and answer them after a very brief oral presentation.

I want to reiterate two (2) points in my written report: (1) the +/- 25% rule and; (2) the importance of redistribution as it relates to effective representation. As well, I will speculate on what the Legislature should and/or can do with the Report of the Commission.

1. I think the deviation quotient of 25% found in all provincial legislation except for Newfoundland can create confusion about which principles guide the work of independent electoral commissions.

As a consequence of multiple court decisions (most recently *Figuroa v. Canada*) the 25% option has been rendered obsolete by the twin principles of ABSOLUTE VOTER EQUALITY and RELATIVE PARITY OF VOTING POWER. The continued presence of the 25% principle in Section 17(2) of the Electoral Boundaries Act is thus both misleading and a distraction from the above principles. It does not, in my judgement, prevent the PEI Legislature from adopting this Commission's recommendations concerning the existing and projected populations of each of our 27 electoral districts.

2. I also want to comment briefly on the principle of EFFECTIVE REPRESENTATION.

With an island population of less than 140,000 people there is simply no other province in Canada where the principle of RELATIVE PARITY OF VOTING POWER is so important as a practical matter.

The concept or principle of EFFECTIVE REPRESENTATION best captures, I think, one of (if not the) key principles of periodic electoral redistribution. This principle, simply put, is one of FAIRNESS. Regardless of which of the 27 districts a citizen happens to live in he/she is entitled to the same opportunity to bring his/her problem, concern or suggestion to their MLA.

Islanders are deprived of EFFECTIVE REPRESENTATION (or fairness) when RELATIVE PARITY OF VOTING POWER gives way to the comfort of history.

3. What should or can the PEI Legislature do with the Commission's Report.

\* Without question the Legislature should adopt your recommended maps, variances, and amendments so they can be implemented before the next provincial election.

- \* From a statutory perspective the Legislature, as you report, is not obligated to accept, debate or adopt Commission recommendations. If this happens I believe, as your report on page 17, that such inaction would leave the Electoral Boundaries Act vulnerable to a successful Charter application.

A successful application would result in, I think, either an order to implement this Commissions recommendations or an order to reduce the variance from the provincial quotient to 5% or less.

- \* Can the Legislature amend your report and create electoral districts with variances exceeding 10%. Probably, but at great risk. The Commission has made a strong case for a 10% variance based on **RELATIVE PARITY OF VOTING POWER**. I believe, as in above, if the Legislature changes the maps and variances violating your recommended 10% principle it would again leave the Electoral Boundaries Act vulnerable to a successful Charter application .

Thank You for Your Time  
Richard Price  
Cardigan