The 2008 Manitoba Electoral Divisions Boundaries Commission: Efficacy and Equality

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I. INTRODUCTION

Although Canadians are constitutionally guaranteed the right to vote, few other factors governing this fundamental right are specified in the Constitution. The Supreme Court of Canada and the British Columbia Supreme Court have provided clarity and background to the specific question of how electoral districts are to be structured in order to abide by the Constitution.

This paper seeks to examine how the 2008 Manitoba Electoral Divisions Boundaries Commission determined that provincial electoral boundaries of Manitoba should be redrawn, and if the boundaries fall within the spirit of the jurisprudence guiding this endeavor. As a means of comparison, the Alberta Electoral Boundaries Commission will be contrasted against its Manitoban counterpart, to examine how all redistribution processes are not created equally and ultimately how the Manitoba process successfully follows the principles of law, transparency, and equity to achieve a well-balanced redistribution of Manitoba’s provincial constituencies.

II. THE LAW

While section 3 of the Charter guarantees every citizen the right to vote, the Charter is not explicit on how that vote should be structured, nor does it dictate

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1 Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Constitution].

2 Canadian Charter of Rights and Freedoms, s 3, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 [Charter]. Section 3, falling under the heading of “Democratic Rights”, guarantees “Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership status therein.”
how much weight should be given to that vote. Our contemporary notion of
democracy would lead us to believe that each vote is worth the same as every
other vote; that no individual in a democracy wields more power in choosing
their elected official than any other. To some extent, this is the truth. Generally,
everyone within an electoral boundary\(^3\) has equal voting power when it comes
time to choose an elected representative. The disparity that does exist in
Canada, however, is that not all electoral districts are created equally. In the
province of Manitoba, for example, the northern riding of Flin Flon has a
population of 15,250, while the western riding of Riding Mountain has a
population of 21,245.\(^4\) Despite this population disparity, the respective Member
of the Legislative Assembly elected from each of these two constituencies has an
equal voice and an equal vote in the decisions proposed in the Assembly.
Accordingly, it appears that a citizen from Flin Flon has greater influence over
the legislative process in Manitoba than a citizen from Riding Mountain. This
raises a question as to whether this difference is consistent with Charter values.

This was the exact question put to the British Columbia Supreme Court in
the case of Dixon v British Columbia (AG).\(^5\) At issue in this case was the
constitutionality of a section of the British Columbia Constitution Act\(^6\)
establishing the electoral boundaries of the province.\(^7\) As the effect of the
 provision appeared to give greater weight to non-urban votes and the population
distribution of the constituencies varied widely,\(^8\) the plaintiff argued that the
 provision violated section 3 of the Charter.

In determining whether these wide variances in population per district were
constitutional, the British Columbia Supreme Court directly questioned the

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\(^3\) Commonly referred to as a riding, ward, or constituency.

\(^4\) "2006 Census Population and Deviations from Quotient-1998 Boundaries", online: 2008

\(^5\) Dixon v British Columbia (AG) (No 2), 1989 BCSC 247, 35 BCLR (2d) 273 [Dixon].

\(^6\) RSBC 1996, c 66. The impugned provisions were section 19 and Schedule 1. These provisions
were repealed in 1999.

\(^7\) British Columbia was divided into two main segments, Mainland and Vancouver Island. The
surface area of each division was then subcategorized into "metropolitan", "suburban", "urban-
rural", "interior-coastal", and "remote" regions. Each of these categories was assigned a
particular population quota, expressed as a fraction of the average population per member in
the Vancouver and Victoria ridings.

\(^8\) It was argued that the effect of this quota gave greater weight to non-urban votes than to urban
votes. In addition, the population distribution of the constituencies varied widely: at the
extreme, one district was 86.8% below average while another was 63.2% above. Nine ridings
were more than 25% below average while 10 were more than 25% above average. In addition,
20 ridings were more than 10% below average, while 25 were more than 10% above average.
See Dixon, supra note 5 at 6.
meaning of “right to vote” contained in section 3 of the Charter. Specifically, does this phrase comprehend equality of voting power and, if so, is the equality of voting power absolute or relative? If it is not absolute, what limits are there on deviation from parity of voting power?

The court held that the right to vote and participate in a democratic election of one’s government is one of the most fundamental of the Charter rights. Without it, they stated, all other rights would be in jeopardy. The court then went on to list numerous rights and values that they felt informed section 3 of the Charter. Two rights pertinent to this discussion are “the right to cast one’s vote in an electoral system which has not been “gerrymandered”—that is, deliberately engineered so as to favour one political party over another”, and “that equality of voting power is fundamental to the Canadian concept of democracy”.

While the court recognized that “equality of voting power” is an essential tenet of Canadian democracy, it was also conceded that true voter parity is an impossible goal. In Reference Re Prov Electoral Boundaries (Sask), McLachlin J. (as she then was) stated:

[A]bsolute parity is impossible. It is impossible to draw boundary lines which guarantee exactly the same number of voters in each district. Voters die, voters move. Even with the aid of frequent censuses, voter parity is impossible.

In recognizing that absolute parity is impossible, how then should electoral boundaries be drawn, while still embodying the spirit of section 3 of the Charter? It appears that this problem even plagued our forefathers. Sir John A. Macdonald, Canada’s first Prime Minister, was quoted in the Dixon decision saying that in determining electoral boundaries:

...the principle of population was considered to a very great extent, other considerations were also held to have weight; so that different interests, classes, and localities should be fairly represented.

In this statement, it seems that in determining electoral boundaries, equity amongst voters is as serious a consideration as equality.

Nonetheless, in Dixon the court stated the dominant feature in determining electoral boundaries should be population. McLachlin C.J., B.C.S.C., as she then was, went on to say:

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9 Dixon, ibid at 10.
10 Ibid at 13.
11 Ibid at 16.
13 Ibid at 53.
14 Population by Electoral Division, supra note 4 at 29.
Because equality of voting power is so important, it is appropriate to set limits beyond which it cannot be eroded by giving preference to other factors and considerations, such as the 25% limit applied in Canada to federal electoral districts…\textsuperscript{15}

Beyond this, the court was willing to concede that other criteria should be considered in drawing electoral boundaries beyond population. While the court avoided an exhaustive list of all factors to consider, it did state that as a guiding proposition:

Only those deviations [from a set limit] should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors with the territory governed. Geographic considerations affecting the servicing of a riding and regional interests meriting representation may fall in this category and hence be justifiable.\textsuperscript{16}

The court then stated these special considerations would be left up to the legislature of each province to determine, thereby leaving the door open for a court to determine if any substantial deviation from an average population quotient is justifiable.\textsuperscript{17}

\textbf{III. ABOUT THE COMMISSION}

In Manitoba, \textit{The Electoral Divisions Act}\textsuperscript{18} governs the process of determining electoral boundaries. The \textit{Act} stipulates the amount of boundaries to be drawn,\textsuperscript{19} as well as the method by which electoral boundaries should be drawn and many of the considerations and processes that must also go into the redistribution.\textsuperscript{20} Section 8(2) of the \textit{Act} also stipulates the membership of the Commission, which is to be comprised of:

(a) the Chief Justice of Manitoba;

(b) the President of each of the following institutions: the University of Manitoba, Brandon University and the University College of the North; and

(c) the Chief Electoral Officer.\textsuperscript{21}

\textsuperscript{15} \textit{Ibid} at 30.

\textsuperscript{16} \textit{Ibid} at 31.

\textsuperscript{17} \textit{Ibid}.

\textsuperscript{18} RSM 1987, c E40, CCSM c E40 [\textit{Act}]. Will also be referred to as “\textit{Act}” or the “Manitoba Act”.

\textsuperscript{19} \textit{Ibid}, s 7(1). Section 7(1) requires Manitoba to be divided into 57 electoral districts.

\textsuperscript{20} \textit{Ibid}, ss 11–12. Section 11 lists numerous factors to be considered by the Commission, including the governing factors for consideration by the Commission and population variance. Section 12 requires the Commission to hold public hearings before making a final determination of the area and boundary of the electoral district. The public must be provided with notice of these hearings.

\textsuperscript{21} As a result of this section of the \textit{Act}, the membership of the 2008 Manitoba Electoral Division Boundaries Commission was comprised of: the Honourable Richard J. Scott, Chief Justice of
In comparison, consider what the Alberta legislation stipulates regarding the composition of their Commission:

(a) a chair appointed by the Lieutenant Governor in Council, who must be one of the following:
   (i) the Ethics Commissioner;
   (ii) the Auditor General;
   (iii) the president of a post-secondary educational institution in Alberta;
   (iv) a judge or retired judge of any court in Alberta;
   (v) a person whose stature and qualifications are, in the opinion of the Lieutenant Governor in Council, similar to those of the persons referred to in subclauses (i) to (iv),
(b) 2 persons, who are not members of the Legislative Assembly, appointed by the Speaker of the Legislative Assembly on the nomination of the Leader of Her Majesty’s loyal opposition in consultation with the leaders of the other opposition parties represented in the Legislative Assembly, and
(c) 2 persons, who are not members of the Legislative Assembly, appointed by the Speaker of the Legislative Assembly on the nomination of the President of the Executive Council.22

The Manitoba Act attempts to avoid political interference by clearly enumerating the membership of the Commission according to employment. This is in contrast to the Alberta Act, which delegates the determination of the membership of the Commission to the sitting Members of the Legislative Assembly. As a result, the composition process under the Alberta Act creates greater chance of political interference in the membership of the Commission.

Interestingly, section 2(1)(b) of Alberta Act allows the Leader of the Opposition to nominate two members “in consultation” with the leaders of the other opposition parties. In August 2009, this provision led to some controversy following the announcement of the members of the Alberta Commission. The leader of the provincial New Democratic Party was unsatisfied that his suggestions for membership were not visible in the composition of the Commission.23 The Speaker of the Assembly ultimately decided that the

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22 *Electoral Boundaries Commission Act*, RSA 2000, c E-3, s 2(1) [Alberta Act].

23 Alberta NDP Leader Brian Mason sent a letter to the Speaker requesting a rescission of the appointments of Keith Archer and Allison Jeffs on the grounds of inadequate consultation. Archer and Jeffs were the two “highly partisan” members of the Alberta Electoral Boundaries Commission nominated by the Liberal party. The Commission was responsible for the recommendation of a restructured version of Alberta’s political map to accommodate the creation of four new electoral districts. The panel was comprised of five members, with the remaining three members appointed by the Conservative government, who did not have an
legislation did not compel the Leader of the Opposition to nominate the suggestions of other opposition parties, merely to consult with them.24

The Manitoba legislation is arguably more desirable and less partisan. By removing political interference and installing clearly defined, highly regarded members of the community, the Manitoba Commission avoids conflict and gives the organization a sense of legitimacy.

IV. CHOOSING ELECTORS PER DIVISION

The methodology for choosing the population quotient to determine the goal population for each electoral division is defined in section 9(1) of the Manitoba Act.25 In the 1998 boundaries released by the Commission, the population quotient was determined to be approximately 19,547.26 Using the 2006 census data, the 2008 Commission determined that based on the total population of Manitoba at the time,27 a population quotient of 20,147 should be used.28 Though the Commission was bound by the redrawing process stipulated in the Act, it is interesting that the provincial government chose not to add a fifty-eighth constituency. Given the net increase in population between the 1996 and 2006 censuses was approximately 34,000, this more than justified the creation of an additional electoral district, given this number was well over the population quotients for both 1998 and 2008.

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24 Ibid.

25 Act, supra note 18, at 9(1)–(3). Section 9(1) of the Act states that the total population of the province should be divided by fifty-seven, the total number of constituencies that currently exist in Manitoba as per s. 7(1) of the Act. Section 9(3) of the Act also requires the Commission to use the most recent census data to determine the total population of Manitoba.


27 In accordance with the Act, supra note 18, the population quotient was derived using the the 1996 census data of the Manitoba population, 1,148,401, divided by 57, the total number of electoral districts in the province.

28 Final Report, supra note 26 at 8.
The current electoral division redistribution process in Alberta should be examined as a useful tool for contrast. Using the 2001 census data,\textsuperscript{29} the Commission determined that a population quotient of 35,951 should be assigned based on the 83 electoral divisions in the province. Perhaps in reaction to the 2006 census numbers, which saw Alberta reach a new population of 3,290,350,\textsuperscript{30} the Alberta government recently amended the Electoral Boundaries Commission Act to provide for four additional constituencies, bringing the total number of electoral districts to 87.\textsuperscript{31} Based on the new number of divisions, the Alberta Commission established a population quotient of 37,820 as the new baseline.

While the 34,000 increase in the population Manitoba over the last decade is comparatively meager to the 300,000 population increase experienced by Alberta in half the time, it still begs the question of what is an appropriate population quotient. This information is needed to provide effective representation and keep constituencies at a size where they contain at least a somewhat cohesive sense of community, geography, and peoples.\textsuperscript{32} Since the addition of new MLAs carries costs to the system including salary, benefits, expenses, and retirement compensations, any creation of new electoral divisions should be approached with the best interests of the electorate in mind. Given that Alberta experienced a large increase, the addition of four constituencies is perhaps warranted in the interest of providing effective representation to the electorate. The small population increase in Manitoba may not justify such a measure.

V. ACCEPTABLE POPULATION VARIANCES

In both Dixon and the Saskatchewan Reference decisions, remote populations were afforded special consideration.\textsuperscript{33} This consideration was given owing to the relatively low population density in these areas, a phenomenon particularly evident in the northern parts of Canadian provinces. For example, consider the newly formed constituency in Manitoba of Kewatinook, currently named Rupertsland.\textsuperscript{34} This constituency is the largest in the province with respect to

\textsuperscript{29} Statistics Canada, 2001 Census of Population. At the time of the 2001 census, the population of Alberta was 2,983,933.


\textsuperscript{31} Alberta Act, supra note 22, s 13.

\textsuperscript{32} These factors were contemplated by both Dixon and the Saskatchewan Reference.

\textsuperscript{33} Dixon, supra note 5 at 31; see also Saskatchewan Reference, supra note 12 at para 5.

\textsuperscript{34} The constituency of Rupertsland was renamed ‘Kewatinook’, Cree for “from the north”. This change was intended to reflect the large Aboriginal population in the constituency.
surface area, stretching from the southernmost tip of Atikaki Provincial Park northern border of Manitoba. The Honourable Eric Robinson, Minister of Aboriginal and Northern Affairs and NDP MLA for Rupert's Land, has the most geographically challenging constituency to service. However, the population variance of this district is 22.77% below the provincial average. Given these circumstances, it is arguable that Minister Robinson already has significant difficulty connecting with all of his constituents. If the boundaries of this constituency were to be redrawn in order to include a sufficient population closer to the provincial average, this would create additional difficulties in representing the area.

Section 11 of the Manitoba Electoral Divisions Act stipulates the factors the Commission may consider when addressing electoral boundaries. With particular regard to variations on population basis, section 11(2) of the Act includes the following factors for consideration in determining the boundaries of an electoral division:

(a) special geographic conditions, including sparsity, density, and relative rate of growth, of population of a region of the province, the accessibility of a region of the province, and the size or shape of a region of the province; and

(b) any special diversity or community of interest of the inhabitants of a region of the province;

and shall, subject to subsection (3), allow a variation in the population requirement of any electoral division where, in its opinion, those considerations, or any of them, render a variation desirable.

Though varying greatly from the provincial average, it is clear that the constituency of Kewatinook is exactly the situation contemplated by the legislation. The area covers a great deal of northern Manitoba, which is largely impassible during the winter months, making travel within the various communities in the constituency a challenge. As well, this constituency is home to several First Nations communities, showing that consideration towards keeping these communities together for the sake of promoting regional and community interests is a priority.

Subsection 11(3) of the Act, then, allows for such variations in a prescriptive way:

Where the commission is of the opinion that a population variation is desirable for any reason set out in subsection (2), it may vary the population of any electoral division but no such variation shall,


36 Final Report, supra note 26 at 19.
(a) where the electoral division is situation wholly south of the 53° parallel, be greater than 10% more or 10% less than the quotient obtained under section 9; and

(b) where the electoral division is situated wholly or partially north of the 53° parallel, be greater than 25% more or 25% less than the quotient.

This subsection of the Act is compelling. It is also consistent with the judicial precedents established in Dixon and Saskatchewan Reference as it balances the desire to have reasonable population variances amongst remote communities, while still maintaining the presupposition that the dominant force behind any redistribution of electoral boundaries should be voter parity.

VI. PREDICTING THE FUTURE

Compared to other Canadian provinces, Manitoba has not experienced the same explosive growth over the last ten years.\(^{37}\) This slow and steady growth arguably aids the Manitoba Electoral Divisions Boundaries Commission. With a more predictable population increase, it will be simpler to ascertain boundaries that will maintain a population level closer to the proposed provincial average established as a target for each constituency.

Drawing electoral boundaries that will last for a decade is not without difficulty. First, the most recent census data the Commission has access to is usually from the census taken two years prior to the formation of the Commission.\(^{38}\) The Commission is then asked to use this two year-old data to create electoral boundaries that are both within the legislated population variance at the time of the redrawing\(^{39}\) and also likely to remain close to the legislated average for the next ten years. This requires the Commission to examine past growth rates and current movement in order to establish a suitable estimation. As will be discussed below, this process is far from a perfect science and requires significant concessions and compromise.

Interestingly, the Electoral Divisions Act gives the members of the Commission the option to disregard the census data as reported. Section 9(2) of the Act states:

> If the commission is satisfied that persons in the province or in a specific electoral division or on an Indian reserve have not been counted or fully counted in a census referred to in

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\(^{37}\) Alberta has experienced much more significant growth than Manitoba in a shorter time frame. Ontario, British Columbia, and Québec also experienced markedly greater population growth; supra note 30.

\(^{38}\) Act, supra note 18, s 9(3). Section 9(3) of the Act calls for the use of the most recent census data, which in the case of the 2008 Commission will be the data from the 2006 census.

\(^{39}\) For the large majority of constituencies, a +/- 10% change in population variance is generally permitted.
subsection (3), the commission may use an estimate of population prepared by Statistics Canada, the Manitoba Bureau of Statistics or another source satisfactory to the commission.

This section is unclear as to what evidence will be needed to show that a population or person has not been “fully counted.” However, it also appears to allow the Commission to exercise some discretion in disregarding census figures when drawing boundaries, albeit only in situations where they seek to marginally increase the population of a proposed division. It should be noted that the 2008 Commission chose not to use this discretion. Despite the fact that Statistics Canada estimated that the potential undercount from the province was 3.2%,\(^{40}\) the Commission report stated that:

The Commission consulted Statistics Canada and the Manitoba Bureau of Statistics regarding distributing the undercount to the various divisions in the province. Neither organization could authoritatively distribute the undercount. Accordingly, the commission assessed various other sources of the data, the nature of the data and the applicability of the data to some or all of the electoral divisions of the province... and decided not to use an estimate of population to adjust for the undercount. ... The Commission made this decision because it concluded that the estimated undercount could not be reliably and fairly distributed... \(^{41}\)

In an effort to maintain transparency and political neutrality, the Commission should be commended for not exercising its discretion to depart from the census data by using an estimated figure. While choosing not to exercise their discretion may not account for suspected population growth in particular areas, it does provide an equitable basis on which to draw the boundaries.

VII. THE CONSULTATIONS

Section 12(1) of the Electoral Divisions Act states:

Before making any final determination of the area and boundaries of the several electoral divisions, the commission shall appoint such times and places as it may deem necessary and suitable as the times when, and places where, it will hear representations from any person as to the area and boundaries of any electoral division... .

This section of the Act contemplates that perhaps one of the most effective tools in determining whether proposed boundaries contain similar community interests and other relevant factors to the process is though listening to the voters themselves. Indeed, it would be impossible for the Commission to appreciate the interests of the various and diverse communities and the range of concerns simply on the basis of the knowledge and personal experience of the

\(^{40}\) Final Report, supra note 26 at 9.

\(^{41}\) Ibid.
members of the Commission. Regardless of the fact that consultation is mandated by legislation, speaking with those affected by changes in electoral boundaries is vital to the redistribution process. This step maintains the equity and transparency in the process, in addition to providing the Commission with information and perspectives they may not have already considered.

Hearings were held in Winnipeg, Steinbach, Flin Flon, The Pas, Thompson, Dauphin, Brandon, Beausejour, and Winkler in September 2008. Concerns and recommendations presented to the Commission were diverse and ranged from simple requests to complex analyses of communities and neighbourhoods. The presentations to the Commission can largely be grouped into a number of distinct areas of concern: (1) the name of constituencies; (2) keeping similar neighbourhoods together for the sake of “community integrity”; and (3) concerns regarding the balance between rural and urban constituencies.

The majority of the submissions to the Commission were related to keeping neighbourhoods and communities with similar interests and characteristics together. For example, Ms. Bonnie Mitchell, Progressive Conservative MLA for River East, asked the Commission to maintain the current boundaries of her constituency for the sake of maintaining what she labeled as “community integrity.” In an early draft of the proposed boundaries, Ms. Mitchell stated that the River East constituency would cut across three city council wards, four school divisions and two federal ridings, making it difficult to ascertain any sense of continuity in the provincial division. Interestingly, Ms. Mitchell’s submission may have made an impact on the Commission, as the final boundaries for the River East constituency closely reflected those of the 1998 iteration, as the changes were not as severe as those contained in the draft of the proposed boundaries.

In the vein of protecting community interests, another concern voiced in several submissions was the protection of the distinct francophone communities in the province. Ms. Lorraine Sigurdson, President of the Manitoba New Democratic Party, asked the Commission to maintain the current boundaries of the Winnipeg constituency of St. Boniface. Similarly, Liberal Senator Maria Chaput lamented the disappearing emphasis on francophone communities in Manitoba, and felt that any attempt to diffuse the French minority in Manitoba was nothing short of a “divide and conquer” strategy. Mr. Ron Tardiff, a resident of the RM of Tache, was also concerned about the representation of Manitoba’s francophone community. Under a draft proposed by the Commission, the new boundaries in the southeast of the province would see the

42 Final Report, supra note 26 at 17.
43 The submissions made to the Commission were not made publicly available. Copies of these submissions can only be obtained by direct request from Elections Manitoba. As is discussed later in this paper, this is a major shortcoming of the boundary redistribution process.
communities of Ste. Anne and Lorette separated into two different constituencies. In the opinion of Mr. Tardiff, both communities should remain in the Tache constituency to maintain and protect the culture, language, and interests of the Manitoba francophone community.

Another important concern raised multiple times in the public consultations was the proposed and eventual removal of the Minnedosa constituency. Mr. Darryl Jackson, Mayor of Souris, Manitoba, stated that his community had changed divisions in the last four boundary redistributions. He felt it was difficult to have effective, constant representation in the Manitoba Legislative Assembly when his community could not reliably depend on the stability of their current constituency membership. With perhaps the most to lose, the current MLA for Minnedosa, Ms. Leanne Rowat, voiced disappointment with the results of the Commission. In Ms. Rowat’s opinion, the boundary change affects more than the names on the ballots. Ms. Rowat stated:

[The voters] have to trust you with it, and I think that when you continue to move communities around, and if you take away a whole constituency...in a sense you take away that one voice that they trusted that will bring the issues forward.”

In response to the concerns expressed about the loss of representation in this area, the Commission addressed this matter in their report:

The Commission received numerous submissions asking that the regional distribution of electoral seats in southern Manitoba remain unchanged. While the Commission understood the concerns that were raised, the decline in population in southwestern Manitoba coupled with the increasing population distribution elsewhere in the province meant that keeping the same number of seats in the southwestern half of the province was not possible. The total number of seats assigned to southern Manitoba remained unchanged from the proposed map, and the new configuration reflects the increased population growth in the southeastern parts of the province.

VIII. FINAL RESULTS OF THE ELECTORAL DIVISIONS BOUNDARIES COMMISSION

As a result of the relatively small increase of population in Manitoba, few significant changes resulted from the work of the 2008 Electoral Boundaries Commission. The revised boundaries maintained the same rural-urban split that existed in the previous divisions, with 26 seats outside of the capital. This figure includes the 2 seats in Brandon. The remaining 31 seats were allocated within Winnipeg.

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44 “Irrked Manitoba MLA says review pushes boundaries too far” (26 June 2008), online: CBC News <http://www.cbc.ca/news>.
45 Final Report, supra note 26 at 12.
46 Ibid at 18–19.
A. Winnipeg Constituencies

In Winnipeg, significant changes were made to the former constituency of Inkster. The constituency was appropriated by the surrounding constituencies of The Maples and Tyndall Park, formerly named Wellington. Mr. Kevin Lamoureux, Liberal MLA for Inkster, was particularly disheartened by the results, hinting at some sort of political interference with the process. Although he commended the independent nature of the Commission, Mr. Lamoureux was quoted as saying, “it’s almost like the Premier was given the pen to redraw the boundaries.”

Other changes to the north of Winnipeg saw the remaining parts of Wellington become the new constituency of Logan. As well, the constituency of Lord Roberts was divided into the revised boundaries of Fort Rouge and Fort Garry-Riverview. Perhaps the biggest change in the capital was the addition of the Fort Richmond constituency in the south end of the city, as well as the general reduction in the size of the divisions in the south side of Winnipeg. At the commencement of the 2008 Commission, the Fort Whyte, Southdale, and Seine River constituencies were 47.07%, 22.35%, and 14.63% respectively over the average population quotient. Shifting a seat towards the south was a prudent move on the part of the Commission, particularly if the trend in population growth continues in the south end of the city. It will be arguably easier to shift any neighbourhoods that experience high levels of growth if there are more constituencies. To deal specifically with Waverley West, the fastest growing neighbourhood in Winnipeg that is located in the south end of the city, the Commission made specific efforts to note in their report that they had:

...allocated the area now known as [Waverley] West between the two electoral divisions of St. Norbert and Fort Whyte, endeavoring to lessen the impact such intense growth would cause in only one division.

B. Constituencies Outside Winnipeg

Rural Manitoba saw a seat move from the southwestern half of the province to the southeastern region. As a result of the loss of the constituency of Minnedosa, the southwestern portion of the province went from the six rural seats surrounding Brandon to five seats. The previous constituencies of Carman and Pembina located in the southeastern portion of the province merged to form the new Midland constituency. A new division named Morden-Winkler formed to

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48 Population by Electoral Division, supra note 4.
49 Final Report, supra note 26 at 14.
reflect the growing population of its two namesake communities.\textsuperscript{50} Other notable changes included most of the old area of Emerson being folded into an expanded La Verendrye, and the formation of a new constituency of St. Paul in the northeast outskirts of Winnipeg to service the communities bordering the north side of the city.\textsuperscript{51} With respect to the northern portion of the province, the boundary changes were almost negligible, with the Thompson constituency growing slightly in size and the aforementioned name change for the Kewatinook constituency.

\textbf{IX. Conclusion}

In order to gauge the success of the Commission, it is necessary to consider the influence and efficacy of the legislation that guides it. In consideration of the Dixon and Saskatchewan Reference decisions, the Manitoba Electoral Divisions Act is to be lauded for its balance between attempting to maintain numerical parity amongst the divisions, while also providing mechanisms to consider other factors that must be considered in the redistribution process. For example, the $+/- 10\%$ population variance for ridings below the 53\textsuperscript{rd} parallel is a fair deviation for Manitoba’s current census data. In the future, however, this strict deviation that applies to both rural and urban areas may need to be adjusted if the trend of increased urbanization in Canada continues. Under the current deviation, larger centers like Winnipeg or Brandon will continue to gain more seats through redistribution, while rural areas may see fewer representatives assigned to them. The struggle will then be to effectively voice the unique concerns and needs of rural Manitobans with fewer Members of the Legislative Assembly to bring those matters forward.

As previously mentioned, the organization and membership of the committee is also a shining point in the legislation. By omitting any formal political influence, and instead installing well regarded, well educated members, the Commission gains a sense of legitimacy and transparency that is essential to abide by the factors McLachlin J., as she then was, set out in her decisions.\textsuperscript{52}

With respect to the final results of the redistribution, the Commission is to be commended in placating most stakeholders concerns, with the exception of Mr. Lamoureux, and attempting to create boundaries that suit the needs of Manitobans in what is arguably an imperfect process. In the city of Winnipeg, the Commission was wise to attempt to rebalance the population shift toward the south end of the city by adding a new seat in that area; however, the

\textsuperscript{50} Final Electoral Boundaries, supra note 35.

\textsuperscript{51} Ibid.

\textsuperscript{52} Dixon, supra note 5; Saskatchewan Reference, supra note 12.
Commission was arguably shortsighted on the extent to which they reshaped the south end. Though the redistributions brought the constituencies with the largest growth into the acceptable population deviance, it may have been prudent to attempt to bring down the population variance as close to the -10% allowed by the legislation in order to plan for future growth, particularly when the growth that these areas experienced in the ten short years since the last redistribution is considered.

The Commission's work in the northern and rural areas of the province was fairly well done. Few changes were made to the northern half of the province, given the little population variance that occurred between the two censuses. Still, when one examines the riding of Kewatinook, the sheer size and lack of mobility between the communities begs a future question of whether the acceptable population deviance for the north should be higher than 25%. With advances in technology and video conferencing, it may become easier to provide representation to these remote communities. It is also worth noting other significant advances in representation to northern Manitoba in the 2008 electoral boundary division process. As mentioned before, the constituency formerly known as 'Rupertsland' is now renamed 'Kewatinook', Cree for "from the north". The Commission should be commended on making this symbolic change, as this constituency contains a significant Aboriginal population and the new name better reflects the membership of the community. In addition, an amendment to The Electoral Divisions Act now provides for more effective representation for rural and northern communities, by including the presidents of both Brandon University and the University College of the North as members of the Commission.

Though there were concerns from the southwestern side of the province about ultimately losing a seat to the southeastern rural area, it is still important to consider that the balance between rural and urban seats was maintained following the redistribution. While these two rural areas may have different specific concerns, the seats still represent an important segment of the population with a general rural perspective.

Another possible improvement that could be made to the consultation process is having the submissions to the Commission captured in some form of public record. In Alberta, submissions made to their Commission become a part of Hansard. As a result, these submissions are easily searchable and accessible through the Internet. The point of holding consultations is to increase the participation and transparency by which the Commission completes their task. Allowing submissions to be publicly documented should be another step towards achieving that goal.

Ultimately, the Commission is to be commended for providing a redistribution framework where equality and efficacy work closely together. Considering that only four of the fifty-seven constituencies in Manitoba are
more than 5% outside of the average population quotient under the redistribution, it is clear that the Commission took the jurisprudence demanding that voter parity be paramount in any redistribution to heart, while successfully integrating community and geographical concerns in their final decisions.