

1969 Bill 108

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 108

**An Act to Facilitate the Redistribution of Seats in the
Legislative Assembly**

HON. MR. COLBORNE

First Reading

Second Reading

Third Reading

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1969

An Act to Facilitate the Redistribution of Seats in
the Legislative Assembly

(Assented to _____, 1969)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as *The Electoral Boundaries Commission Act*.

2. In this Act,

- (a) "Commission" means an Electoral Boundary Commission appointed pursuant to section 3;
- (b) "existing electoral division" means an electoral division described in Schedule 1 of *The Legislative Assembly Act*;
- (c) "urban electoral division" means an electoral division that comprises the whole or part of an urban municipality;
- (d) "urban municipality" means a city or town named in section 13;
- (e) "voter population" means the number of electors as determined from the lists of electors used in the preceding general election.

PART 1

ELECTORAL BOUNDARY COMMISSIONS

3. The Lieutenant Governor in Council shall, from time to time as required by this Act, appoint an Electoral Boundary Commission consisting of

- (a) a judge or retired judge of the Supreme Court or a district court, to be chosen by the Lieutenant Governor in Council,
- (b) one person (not a member of the Assembly or an employee of the Government) nominated by the

Explanatory Notes

1. Short title.

2. Definitions.

3. Establishment of Commission.

Speaker of the Assembly after consultation with the President of the Executive Council and the Leader of Her Majesty's loyal opposition,

- (c) two members of the Assembly nominated by the Leader of Her Majesty's loyal opposition, to be chosen one from the Leader of the opposition's party and, where possible, one from the next largest opposition party in the Assembly,
 - (d) two members of the Assembly chosen from the Government party by the Lieutenant Governor in Council, and
 - (e) the Clerk of the Executive Council,
- one of whom shall be appointed chairman.

4. The function of a Commission is to make proposals to the Assembly as to the area, boundaries and names of the electoral divisions of the Province in accordance with the rules set out in Part 2.

5. (1) A member of a Commission who is not a member of the Assembly or employee of the Government may be paid such remuneration for his services on the Commission as the Lieutenant Governor prescribes.

(2) The members of a Commission shall be paid their reasonable travelling and living expenses while absent from their ordinary place of residence and in the course of their duties as members at such rates as the Lieutenant Governor in Council prescribes.

(3) A person is not disqualified as a member of the Assembly by reason only of accepting payment pursuant to subsection (2).

6. (1) The first Commission shall be appointed as soon as possible after the coming into force of this Act and thereafter a new Commission shall be appointed during the first Session of the Legislature following every second general election following the appointment of the last Commission.

(2) Notwithstanding subsection (1), where less than eight years has elapsed since the appointment of the last Commission, a new Commission shall not be appointed until those eight years have elapsed.

7. (1) The Commission shall, after considering any representations to it and not later than December 1 in the year in which it is appointed, submit to the Speaker of the Assembly a report which shall delineate the boundaries of the proposed electoral divisions.

4. Function of Commission.

5. Membership.

6. Appointment of Commission.

7. Commission's report to Speaker of Assembly.

(2) Upon receipt of the report the Speaker shall forthwith cause it to be made public and the Commission's proposals to be published in the *Gazette*.

(3) If the office of Speaker is vacant the report shall be submitted to the Clerk of the Legislative Assembly who shall comply with subsection (2).

8. (1) The Commission shall

(a) before its report is submitted to the Speaker, and

(b) after its report has been made public,

hold hearings at such places and times as it considers appropriate to enable representations to be made by any person as to the area and boundaries of any proposed electoral division.

(2) The Commission shall give reasonable public notice of the time and place and purpose of any public hearings held by it.

9. (1) The Commission may, after considering any further representations made to it and not later than February 15 following submission of its report, submit to the Speaker such amendments to its report as it considers advisable.

(2) The amendments shall be made public and published in the same manner as the report.

(3) If the office of Speaker is vacant the report shall be submitted to the Clerk of the Legislative Assembly who shall comply with subsection (2).

10. The report of the Commission, together with any amendments thereto, shall,

(a) if the Assembly is in Session on February 15, be forthwith laid before the Assembly, or

(b) if the Assembly is not then in Session, be laid before the Assembly within seven days after the commencement of the next ensuing session.

11. (1) If the Assembly, by resolution, approves or approves with alterations the proposals of the Commission, the Government shall, at the same Session, introduce a Bill to establish new electoral divisions for the Province in accordance with the resolution.

(2) The Bill shall be stated to come into force upon Proclamation and, if enacted, shall be proclaimed in force before the holding of the next general election.

8. Hearings.

9. Amendment of Commission's report.

10. Report to Assembly.

11. Establishing new electoral divisions.

PART 2

REDISTRIBUTION RULES

12. The Commission shall divide the Province into 75 proposed electoral divisions, which shall be of two kinds, namely,

- (a) urban electoral divisions, and
- (b) rural electoral divisions.

13. (1) The Commission shall establish one or more proposed urban electoral divisions in each of the following urban municipalities only:

| | |
|----------------|--------------|
| Calgary | Lethbridge |
| Camrose | Medicine Hat |
| Drumheller | Red Deer |
| Edmonton | St. Albert |
| Grande Prairie | Wetaskiwin. |

(2) The number of proposed urban electoral divisions shall be determined by dividing the total voter population of the existing urban electoral divisions by a figure 25 per cent above the average voter population of all the existing electoral divisions, both urban and rural.

(3) The voter population of the community of Sherwood Park shall be included as part of the total voter population of the existing urban electoral divisions for the purposes of subsection (2).

14. Except as hereinafter provided,

- (a) the boundaries of a proposed urban electoral division shall not extend beyond the municipal boundaries of the urban municipality which it comprises, and
- (b) the boundaries of each proposed urban electoral division shall be established so that all proposed urban electoral divisions are as nearly as possible equal in voter population.

15. When an increase in population appears likely in any area, the Commission may, for the purposes of establishing boundaries, take into account the projected voter population growth.

12. Electoral divisions.

13. Electoral divisions in urban municipalities.

14. Boundaries.

15. Boundaries when increase in population.

16. When the voter population of an urban municipality is more than 25 per cent below the average voter population of the existing urban electoral divisions, the Commission may extend the boundaries of the proposed electoral division beyond the boundaries of the urban municipality in order to bring the voter population of the proposed urban electoral division up to a figure no greater than the average voter population of the existing urban electoral divisions.

17. (1) When the voter population of an urban municipality is more than 25 per cent above the average voter population of the existing urban electoral divisions, the Commission

- (a) shall divide the area of the urban municipality into two or more proposed urban electoral divisions each having a voter population approximately equal and not more than 25 per cent above the average voter population of the existing urban electoral divisions, and
- (b) may extend the boundaries of any such proposed urban electoral divisions beyond the boundaries of the urban municipality in order to bring the voter population of the proposed urban electoral division up to a figure no greater than the average voter population of the existing urban electoral divisions.

(2) Subsection (1), clause (b) does not apply to the cities of Calgary and Edmonton, except that the community of Sherwood Park and any necessary intervening land shall be included in a proposed urban electoral division in the City of Edmonton.

18. In proceeding under section 17 or 18, the Commission shall not extend the boundaries of a proposed urban electoral division beyond the boundaries of the urban municipality in a manner that results in the voter population in the area beyond the urban boundary exceeding the voter population within the urban boundary, but, for the purpose of applying this subsection, if the area beyond the urban boundary includes any town or village, the voter population of the town or village shall be calculated as part of the voter population within the urban boundary and not as part of the voter population beyond the urban boundary.

19. The areas of the Province that are not included in proposed urban electoral divisions shall be included in proposed rural electoral divisions, the number of which shall be determined by subtracting the number of proposed urban electoral divisions from the total number of proposed electoral divisions to be established.

16. Extension of boundaries.

17. Extension of boundaries.

18. Restriction on extension of boundaries.

19. Proposed rural electoral divisions.

20. (1) As far as is practicable, the Commission shall establish the boundaries of the proposed rural electoral divisions so that all proposed rural electoral divisions are as nearly as possible equal in voter population, but in dealing with the more sparsely populated areas of the Province the Commission shall endeavour to avoid establishing proposed rural electoral divisions that are larger than the existing electoral divisions in those areas.

(2) No part of an urban municipality shall be included within the boundaries of a proposed rural electoral division.

21. The Commission, in determining the area to be included in and in fixing the boundaries of all proposed electoral divisions, shall take into consideration

- (a) the community or diversity of interests of the population,
- (b) the means of communication between the various parts thereof,
- (c) the physical features thereof,
- (d) the sparsity or density of population, and
- (e) all other similar or relevant factors.

22. This Act comes into force on the day upon which it is assented to.

20. Sparsely populated areas.

21. Determining boundaries.