

1990 BILL 57

Second Session, 22nd Legislature, 39 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 57

ELECTORAL BOUNDARIES COMMISSION ACT

HON. MR. ROSTAD

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 57

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ELECTORAL BOUNDARIES COMMISSION ACT

(Assented to , 1990)

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

Definition **1** In this Act, "Commission" means an Electoral Boundaries Commission appointed pursuant to section 2.

PART 1

ELECTORAL BOUNDARIES COMMISSIONS

Electoral Boundaries Commission **2(1)** From time to time as required by this Act, an Electoral Boundaries Commission shall be established consisting of

(a) a chairman appointed by the Lieutenant Governor in Council who is

(i) a judge of the Court of Queen's Bench, the Court of Appeal or the Provincial Court, or

(ii) a retired judge of any of those courts or of the former district courts or Supreme Court of Alberta,

(b) one person, who is not a member of the Legislative Assembly or an employee of the Government, 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,

(c) 2 persons, who are not members of the Legislative Assembly or employees of the Government, appointed by the Speaker of the Legislative Assembly on the nomination of the President of the Executive Council, and

(d) the Chief Electoral Officer.

(2) Two of the members of the Commission must be resident in a city and 2 of the members must be resident outside a city at the time of their appointment.

Function **3** The function of a Commission is to make proposals to the Legislative Assembly as to the area, boundaries and names of the electoral divisions of Alberta in accordance with the rules set out in Part 2.

Remuneration **4(1)** Members of a Commission may be paid the remuneration prescribed by the Lieutenant Governor in Council for their services on the Commission.

(2) The members of a Commission may be paid their reasonable travelling and living expenses while away from their ordinary place

of residence in the course of their duties as members at the rates the Lieutenant Governor in Council prescribes.

Time of
appointment

5(1) A new Commission shall be appointed during the first session of the Legislature following every 2nd general election after the appointment of the last Commission.

(2) Notwithstanding subsection (1), if less than 8 years has elapsed since the appointment of the last Commission, a new Commission shall be appointed

(a) no sooner than 8 years, and

(b) no later than 10 years

after the appointment of the last Commission.

Report to
Speaker

6(1) The Commission shall, after considering any representations to it and within 9 months of the date on which the Commission is appointed, submit to the Speaker of the Legislative Assembly a report, which shall set out the area, boundaries and names of the proposed electoral divisions.

(2) On receipt of the report, the Speaker shall make the report public and publish the Commission's proposals in The Alberta Gazette as soon as possible.

(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).

Hearings

7(1) The Commission

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

(b) shall after its report has been made public,

hold public hearings at the places and times 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, place and purpose of any public hearings held by it.

Amendment of
report

8(1) The Commission may, after considering any further representations made to it and within 6 months of the date it submitted its report, submit to the Speaker any amendments to its report it considers advisable.

(2) On receipt of the report, the Speaker shall make the amendments public and publish them in The Alberta 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).

Report to
Assembly

9 After the Commission has complied with sections 6 to 8, the report of the Commission, together with any amendments to it, shall,

(a) if the Legislative Assembly is sitting when the report is submitted, be laid before the Assembly immediately, or

(b) if the Legislative Assembly is not then sitting, be laid before the Assembly within 7 days after the beginning of the next ensuing sitting.

New electoral
divisions

10(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 Alberta in accordance with the resolution.

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

Report by Chief
Electoral
Officer

11 After the results of each census under the *Statistics Act* (Canada) become available, the Chief Electoral Officer shall submit a report to the Speaker indicating those electoral divisions that no longer comply with section 17 and the extent of the non-compliance.

PART 2

REDISTRIBUTION RULES

Definitions

12 In this Part,

(a) “multi-municipality electoral division” means a multi-municipality electoral division referred to in section 15;

(b) “municipality” includes, for the purposes of this Part, a Metis settlement and an Indian reserve;

(c) “single municipality electoral division” means an electoral division that consists only of part of or the whole of one municipality;

(d) "population" means the population of Alberta as determined by the most recent census available under the *Statistics Act* (Canada) at the time a Commission is appointed.

Electoral
divisions

13(1) The Commission shall divide Alberta into 83 proposed single municipality electoral divisions and multi-municipality electoral divisions in accordance with this Part.

(2) In addition to the proposed single municipality electoral divisions required by section 14, all the municipalities named in section 14 may contain part or parts of one or more proposed multi-municipality electoral divisions under section 15.

Single
municipality
electoral
divisions

14 There shall be 43 proposed single municipality electoral divisions as follows:

- (a) 19 electoral divisions entirely within The City of Calgary;
- (b) 17 electoral divisions entirely within The City of Edmonton;
- (c) 2 electoral divisions entirely within The City of Lethbridge;
- (d) one electoral division entirely within The City of Medicine Hat;
- (e) one electoral division entirely within The City of Red Deer;
- (f) one electoral division entirely within The City of St. Albert;
- (g) one electoral division entirely within The City of Fort McMurray;
- (h) one electoral division entirely within The County of Strathcona that includes the hamlet of Sherwood Park.

Multi-
municipality
electoral
divisions

15 There shall be 40 proposed multi-municipality electoral divisions as follows:

- (a) one electoral division consisting of
 - (i) the part of The City of Red Deer not included in a single municipality electoral division under section 14, and
 - (ii) all or part of one or more other municipalities;
- (b) one electoral division consisting of
 - (i) the part of The City of Medicine Hat not included in a single municipality electoral division under section 14, and

- (ii) all or part of one or more other municipalities;
- (c) one electoral division consisting of
 - (i) the part of The City of St. Albert not included in a single municipality electoral division under section 14, and
 - (ii) all or part of one or more other municipalities;
- (d) 2 electoral divisions, each consisting of
 - (i) part of The City of Grande Prairie, and
 - (ii) all or part of one or more other municipalities,
 with all of that City being included in those 2 electoral divisions;
- (e) 35 electoral divisions consisting of
 - (i) more than one municipality,
 - (ii) one or more municipalities plus parts of one or more other municipalities, or
 - (iii) parts of more than one municipality.

Relevant considerations

16 In determining the area to be included in and in fixing the boundaries of the proposed electoral divisions, the Commission, subject to section 17, may take into consideration any factors it considers appropriate, but shall take into consideration

- (a) sparsity and density of population,
- (b) common community interests and community organizations, including those of Indian reserves and Metis settlements,
- (c) the number of municipalities and other local authorities,
- (d) geographical features, including existing road systems, and
- (e) the desirability of understandable and clear boundaries.

Population of electoral divisions

17(1) The population of a proposed electoral division must not be more than 25% above nor more than 25% below the average population of all the proposed electoral divisions.

(2) Notwithstanding subsection (1), in the case of no more than 5% of the proposed electoral divisions, if the Commission is of the

opinion that at least 4 of the following criteria exist in a proposed electoral division, the electoral division may have a population that is as much as 50% below the average population of all the electoral divisions:

- (a) the area of the proposed electoral division exceeds 20 000 square kilometres;
 - (b) the total surveyed area of the proposed electoral division exceeds 15 000 square kilometres;
 - (c) the total length of primary and secondary highways within the proposed electoral division exceeds 1000 kilometres;
 - (d) the distance from the Legislature Building in Edmonton to the nearest boundary of the proposed electoral division by the most direct highway route is more than 150 kilometres;
 - (e) there is no town in the proposed electoral division that has a population exceeding 4000 people;
 - (f) due to economic factors there has been a significant loss of population in the proposed electoral division between the 2 most recent censuses available under the *Statistics Act* (Canada);
 - (g) to impose a higher population requirement would significantly and negatively affect the community of interests of the inhabitants of the proposed electoral division.
- (3) For the purpose of subsection (2)(e), The Municipality of Crowsnest Pass is not a town.

PART 3

TRANSITIONAL

Transitional

18(1) *The Commission to be appointed during the first session of the 22nd Legislature of the Province shall be appointed during the 2nd session of the 22nd Legislature of the Province.*

(2) The Commission appointed under subsection (1) shall submit its report under section 6 nine months after this Act comes into force.

(3) Administrative support for the Commission appointed under subsection (1) shall be provided by the Senior Administrator of the Select Special Committee on Electoral Boundaries established by the Legislative Assembly on August 15, 1989, and if his services become unavailable for any reason the Speaker may appoint a replacement.

Repeal

19 *The Electoral Boundaries Commission Act, RSA 1980 cE-4, is repealed.*