

1995 BILL 20

Third Session, 23rd Legislature, 44 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 20

ELECTORAL BOUNDARIES COMMISSION
AMENDMENT ACT, 1995

THE MINISTER OF JUSTICE AND ATTORNEY GENERAL

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 20

1995

ELECTORAL BOUNDARIES COMMISSION AMENDMENT ACT, 1995

(Assented to _____, 1995)

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

Amends SA
1990 cE-4.01

1 The Electoral Boundaries Commission Act is amended by this Act.

2 Section 2 is repealed and the following is substituted:

Electoral
Boundaries
Commission

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

- (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

Explanatory Notes

1 Amends chapter E-4.01 of the Statutes of Alberta, 1990.

2 Section 2 presently reads:

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.

- (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.
- (2) The Chief Electoral Officer is to provide advice, information and assistance to the Commission.
- (3) With respect to the persons appointed under subsection (1)(b), one must be resident in a city and the other resident outside a city at the time of their appointment.
- (4) With respect to the persons appointed under subsection (1)(c), one must be resident in a city and the other resident outside a city at the time of their appointment.
- (5) Persons appointed under subsection (1) must be Canadian citizens, residents of Alberta and at least 18 years of age.

3 Section 3 is amended by adding “to review the existing electoral boundaries established under the *Electoral Divisions Act* and” after “is”.

4 Section 5 is repealed and the following is substituted:

Time of
appointment

5(1) A Commission is to be appointed on or before July 1, 1995.

(2) Subsequent Commissions are to be appointed during the first session of the Legislature following every 2nd general election after the appointment of the last Commission.

(3) Notwithstanding subsection (2), if less than 8 years has elapsed since the appointment of the last Commission, the Commission is to be appointed

(a) no sooner than 8 years, and

(b) no later than 10 years

after the appointment of the last Commission.

5 Section 6(1) is amended

(a) by striking out “9” and substituting “7”;

(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.

3 Section 3 presently reads:

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.

4 Section 5 presently reads:

5(1) In this section, "decennial census" means a decennial census of population referred to in section 19(3) of the Statistics Act (Canada).

(2) Commencing with the next decennial census, there is to be a new Commission after each decennial census.

(3) A new Commission is to be appointed as soon as possible after the population count for the electoral divisions, as ascertained by the decennial census, is available.

5 Section 6(1) presently reads:

6(1) The Commission shall, after considering any representations to it and within 9 months of the date on which the Commission is

(b) by adding “and reasons for the proposed boundaries of the proposed electoral divisions” after “divisions”.

6 Section 8 is amended

(a) in subsection (1)

(i) by striking out “6” and substituting “5”;

(ii) by striking out “any amendments to its report it considers advisable” and substituting “a final report”;

(b) by repealing subsection (2) and substituting the following:

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

7 The following is added after section 8:

Commission
report

8.1 If there is more than one report submitted under section 6 or 8, the report of a majority of the members of the Commission is the report of the Commission, but if there is no majority, the report of the chair is the report of the Commission.

8 Section 9 is amended

(a) by striking out “the report of” and substituting “the final report of”;

(b) by striking out “, together with any amendments to it,”.

9 Section 12 is repealed and the following is substituted:

Population

12(1) In this Part, “population” means, subject to subsection (2), the population of Alberta as provided in the most recent decennial census of population referred to in section 19(3) of the *Statistics Act* (Canada) from which the population of all proposed electoral divisions is available, plus the population on Indian reserves that were not included in the census, as provided by the Department of Indian and Northern Affairs (Canada).

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.

6 Section 8 presently reads:

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).

7 Commission report.

8 Section 9 presently reads:

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.

9 Section 12 presently reads:

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;

(2) If, in the opinion of the Commission, there is some other province-wide census that is more recent than the decennial census of population referred to in section 19(3) of the *Statistics Act* (Canada), from which the population of all proposed electoral divisions is available, the population of Alberta for the purposes of this Part is to be determined

(a) by that province-wide census of population, and

(b) with respect to the population on Indian reserves that are not included in the census, by the Department of Indian and Northern Affairs (Canada).

10 *Section 13 is repealed and the following is substituted:*

Electoral
divisions

13 The Commission is to divide Alberta into 83 proposed electoral divisions.

11 *Sections 14 and 15 are repealed.*

- (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 provided in the most recent decennial census of population available under the Statistics Act (Canada), plus the population on Indian reserves that were not included in the census, as provided by the Department of Indian and Northern Affairs (Canada).

10 Section 13 presently reads:

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.

11 Sections 14 and 15 presently read:

14 There are to be 44 proposed single municipality electoral divisions as follows:

- (a) 20 electoral divisions entirely within The City of Calgary;
- (b) 18 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 St. Albert;
- (f) one electoral division entirely within The City of Fort McMurray;
- (g) one electoral division entirely within The County of Strathcona that includes the hamlet of Sherwood Park as set out in an order of the Minister of Municipal Affairs numbered M.O. 700/84.

12 Section 16(a) is repealed and the following is substituted:

- (a) the requirement for effective representation as guaranteed by the *Canadian Charter of Rights and Freedoms*,**

15 There are to be 39 proposed multi-municipality electoral divisions as follows:

- (a) 2 electoral divisions consisting of
 - (i) part of The City of Red Deer, and*
 - (ii) all or part of one or more other municipalities,*with all of that City being included in those 2 electoral divisions;*
- (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) 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;*
- (d) 34 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.**

12 Section 16 presently reads:

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) the Canadian Charter of Rights and Freedoms,*
- (b) sparsity and density of population,*
- (c) common community interests and community organizations, including those of Indian reserves and Metis settlements,*
- (c.1) wherever possible, the existing community boundaries within the cities of Edmonton and Calgary,*
- (c.2) wherever possible, the existing municipal boundaries,*

13 Sections 18 and 19 are repealed.

14 The Election Act is amended in section 14.1(1)(b) by striking out “, including any amendments to the report,”.

- (d) the number of municipalities and other local authorities,*
- (e) geographical features, including existing road systems,
and*
- (f) the desirability of understandable and clear boundaries.*

13 Sections 18 and 19 presently read:

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 on or before December 31, 1991.

19(1) The Speaker shall appoint a person who is to be responsible for providing the administrative support for the Commission appointed under section 18(1).

(2) The Speaker shall take into account the unanimous recommendation of the Select Special Committee on Electoral Boundaries that the administrative support be provided by the Senior Administrator of the Select Special Committee.

14 Amends chapter E-2 of the Revised Statutes of Alberta 1980.