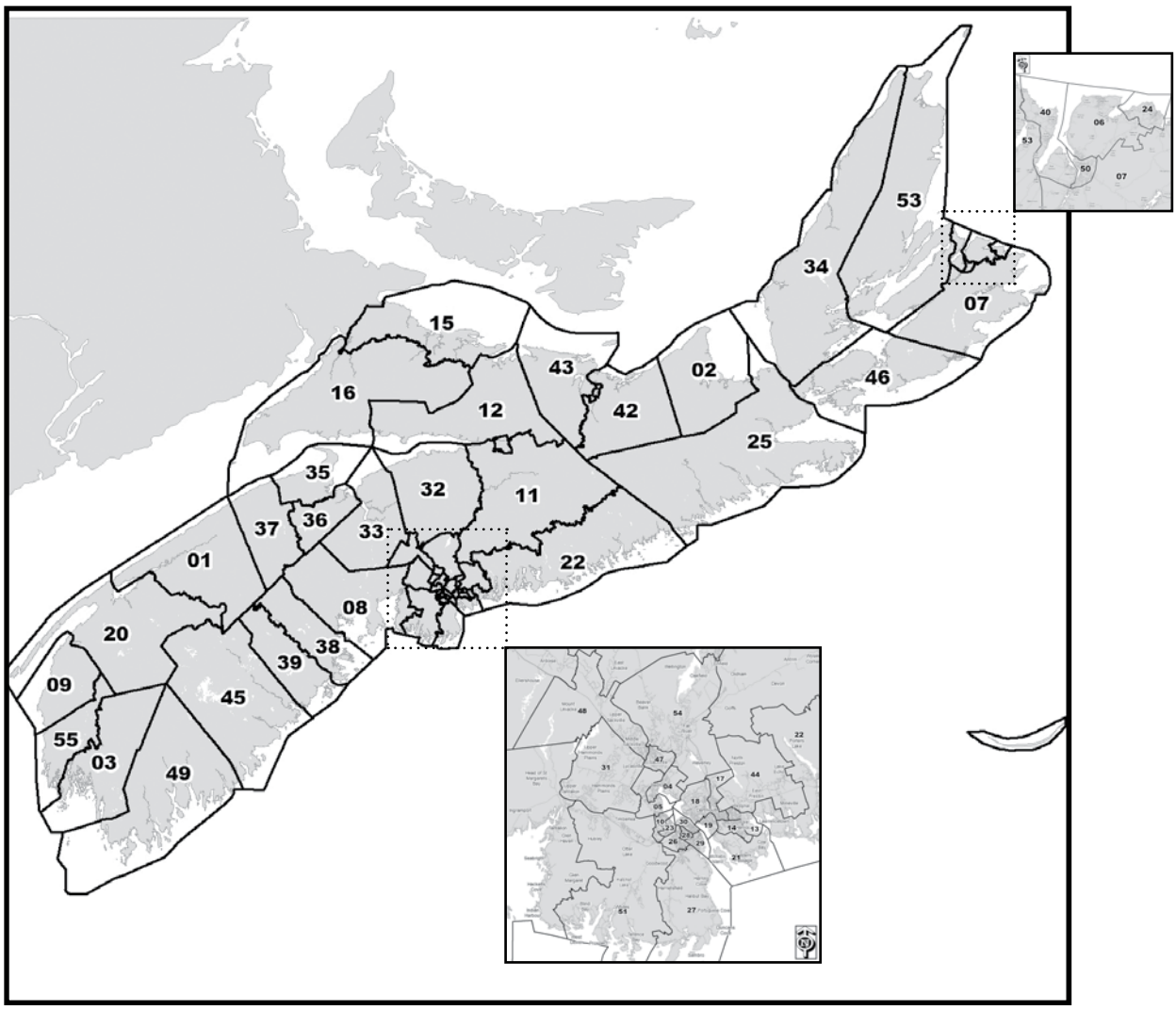
Balancing effective representation with voter parity

Electoral Boundaries Commission / **Final Report**

Dr. J. Colin Dodds, Chair

April 2019

NOVA SCOTIA



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Electoral Boundaries Commission

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The Honourable Mark Furey
Attorney General and Minister of Justice
Department of Justice
1690 Hollis Street, PO Box 7
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April 15, 2019

Dear Minister,

We are pleased to submit the final report of the 2018–19 Nova Scotia Electoral Boundaries Commission. This report contains our recommendations for changes to the province's electoral boundaries for consideration by the Nova Scotia House of Assembly as per our *Terms of reference*.

In addition, the commission wants to bring to your attention a series of other recommendations we feel may enhance the boundary setting process now and in the future.

Sincerely,

Dr. J. Colin Dodds, Chair

Dr. Glenn Graham

Angela Simmonds, Vice Chair

Michael J. Kelloway

Michael J. Baker

Léonard LeFort

Paul Gaudet

Dr. Peter M. Butler

Carlotta Weymouth

Introduction

On March 27, 2018, the House of Assembly passed a resolution to form a Select Committee on Establishing an Electoral Boundaries Commission. Our role is to recommend changes to electoral boundaries and the names of the electoral districts that make up the membership of the House of Assembly. The House of Assembly Act requires that this process take place at least once every ten years.

The last such review was held in 2011–12. The 2018–19 Electoral Boundaries Commission was created as a result of particular circumstances that are discussed in the *Background* section of this report on pages 10–12.

Our commission was created by the select committee, under the chairmanship of the Honourable Geoff MacLellan. This committee appointed nine people to our commission and set out our *Terms of reference*, which can be found on pages 5–6 of this report.

The select committee instructed us to produce draft boundaries and seek guidance on them from Nova Scotians during public consultations. Following the public consultations, we were to release a preliminary or interim report by November 30, 2018. The interim report was to contain recommendations for "electoral boundaries for 51 electoral districts and for at least one different total number of electoral districts" (*Terms of reference* #7). This instruction came from a recommendation in *Representation: Toward More Effective Representation for Acadian and African Nova Scotians: Report and Recommendations*, also known as the Keefe Report (Keefe 2018, 102).

In recommending 51 electoral districts—the current number—to the select committee, the Keefe Report stated that this will "inform a discussion about whether 51 seats will adequately provide effective representation in the future" (Keefe 2018, 7). "The more ridings there are, the more flexibility boundaries commissions will have to craft boundaries in accordance with the principles of effective representation" (Keefe 2018, 7). Indeed, the Keefe Report gave 54 electoral districts as an example.

While the process of redrawing electoral boundaries is similar across Canada, Nova Scotia has its own unique challenges. As we stated in our interim report, *Striking a balance between effective representation and voter parity*, Nova Scotia is more than a political construct and a defined area in which ballots are counted on election day.

Several factors have given rise to core communities of interest within Nova Scotia such as

- geography with dispersed coastal communities
- distinct cultures and communities such as early settler communities whose ancestry goes back to the seventeenth century
- indigenous communities whose ancestry goes back many thousands of years

These communities provide employment, healthcare, shopping, places of worship, schools, and post secondary institutions.

Acknowledgment of these core communities is important because, as the Supreme Court of Canada ruled in the Carter decision in 1991, Canadian citizens have the right, under section 3 of the Canadian Charter of Rights and Freedoms, to effective representation in the legislature, as well as the right to vote and to voter parity (Saskatchewan v Carter, 1991 SCC 158).

In our deliberations and following our *Terms of reference*, we have had to balance effective representation for all Nova Scotians with voter parity. We did so by reviewing these sources:

- reports of previous independent boundary commissions, particularly where the status of previously protected electoral districts is discussed
- a decision by the Nova Scotia Court of Appeal in January 2017
- the Keefe Report, which was a direct result of the 2017 Court of Appeal decision
- a report by political scientist and member of the 2012 electoral boundaries commission, Dr. James Bickerton, which we commissioned
- Elections Nova Scotia data which shows a decrease in the number of electors in rural areas and an increase in urban areas. The Keefe Report refers to these population shifts as “The Gathering Storm” (Keefe 2018, 79).
- information given to us by the general public gathered during our public consultations held before and after the release of our interim report

In this final report, we debated the option of including Chéticamp as an exceptional electoral district. It was the will of the majority of commission members to recommend 55 electoral districts. Those commissioners who disagree with this position have written a *Letter of dissent* that is included in this report on pages 46–53. This fulfills our requirement to present “only one recommendation of electoral boundaries” (*Terms of reference* #8).

We want to thank those Nova Scotians who wrote to us or spoke at our public consultations. While people expressed differing views on specific boundary lines, we have tried to accommodate their suggestions where possible. At the same time, we were mindful of our *Terms of reference* and our commitment to ensure effective representation for ALL Nova Scotians.

Structure and operation

On July 13, 2018, the Select Committee on Establishing an Electoral Boundaries Commission established an independent Nova Scotia Electoral Boundaries Commission tasked with recommending changes to the electoral districts in the province. The committee appointed nine people:

- Dr. Colin Dodds, Chair (Halifax)
- Angela Simmonds, Vice Chair (North Preston)
- Michael J. Baker (Hammonds Plains-Lucasville)
- Paul Gaudet (Saulnierville)
- Dr. Glenn Graham (Antigonish)
- Michael J. Kelloway (Sydney)
- Léonard LeFort (Chéticamp)
- Dr. Peter M. Butler (Halifax)
- Carlotta Weymouth (Dartmouth)

The commission had two full-time office administrators: Callee Robinson, until November 15, 2018, and Julia Kinsman thereafter. Pierre Gareau, in particular, and Andrew Cameron of Elections Nova Scotia provided technical assistance in the areas of mapping and spatial data analysis. We could not have completed our work without their expertise.

We would like to thank five other people in particular:

- Paul Read and Matthew Hemeon of Legislative Television and Broadcasting Services who oversaw the recordings taken at each of our public meetings
- Gabriel Comeau and Fernande Devost both of Echovoix for the simultaneous translation provided at the public meetings in Argyle, Chéticamp, Clare, Richmond (Comeau), and Cornwallis (Devost)
- Catherine Buckie for her contributions to the writing and editing of both the interim and final reports.

As well, we want to thank all those who provided transcription and audio-visual services as well as those who set up the meeting rooms at all of our public meetings.

The commission was physically located at Elections Nova Scotia and, during the course of its work, held 15 business meetings:

- August 23, 24, 27, and 28
- September 26
- October 10, 11, 16, and 22
- January 16, 17, 29, and 30
- February 22
- March 12

With the help of Communications Nova Scotia, we published a website in English and French which includes the following information:

- the dates and locations of public meetings
- resources to help the public understand the commission's work, including previous boundary commission reports, the commission's draft boundary proposals for 2018 along with interactive maps
- information on how to register to speak at a public meeting and how to send written submissions to the commission

We also set up a Facebook page on which we announced upcoming public meetings and published maps and resources.

We agreed that the chair would serve as our official spokesperson and that the vice chair would take on this responsibility if the chair was unable to do so.

Terms of reference

These are the terms of reference provided by the Select Committee on Establishing an Electoral Boundaries Commission. These terms are mandatory, not a matter of guidance.

1 There is a right to effective representation, and elector parity is the prime factor in determining the electoral boundaries.

2 Deviation from elector parity is justified because of geography.

3 Deviation from elector parity may be justified because of historical, cultural, or linguistic settlement patterns and because of political boundaries.

4 Subject to number 5, the estimated number of electors in each electoral district may vary by no more than 25 per cent above or below the estimated average number of electors per electoral district.

5 There may be one or more exceptional electoral districts where, in exceptional circumstances, the estimated number of electors in the electoral district is more than 25 per cent above or below the estimated average number of electors per electoral district.

6 Electoral districts may be non-contiguous.

7 The preliminary report must include electoral boundaries for 51 electoral districts and for at least one different total number of electoral districts.

8 For greater certainty, the final report must include only one recommendation of electoral boundaries.

9 The preliminary report is to be submitted to the premier or his designate on or before November 30, 2018.

10 Subject to number 11, the final report is to be presented to the premier or his designate on or before April 1, 2019.

11 The commission and the premier or his designate may, by agreement, extend the deadline on or before which the final report is to be presented if the commission so requests.

The House of Assembly Act provides that

(a) The terms of reference are binding on the commission.

(b) The commission shall prepare a draft of proposed boundary changes prior to its first public hearings.

(c) The commission shall prepare a preliminary report and hold public hearings prior to preparing the preliminary report.

(d) Following the preparation of the preliminary report, the commission shall hold further public hearings prior to preparing its final report.

Background

Nova Scotia currently uses a single-member plurality electoral system more commonly referred to as “first past the post.” This system depends on fairly distributed electoral districts, also called ridings or constituencies. Each electoral district elects one member of the legislative assembly (MLA).

To ensure electoral districts are created fairly, the Nova Scotia House of Assembly Act states that an independent electoral boundaries commission be established at least every 10 years. The role of the commission is to review the electoral boundaries of Nova Scotia and to recommend changes to those boundaries where necessary.

Key issues: voter parity and effective representation

Electoral boundaries commissions have been consulting the public and making recommendations since 1991. The commissions are guided by two key concepts:

voter parity – This is the notion that every vote carries the same weight. We achieve voter parity by creating electoral districts that contain roughly the same number of voters.

effective representation – We acknowledge that voter parity may limit the voices of minority voters. This allows for the creation of electoral districts that contain fewer voters to allow for those minorities to be represented effectively in the legislative assembly. We have taken into account the Keefe Report’s definitions of descriptive and substantive representation (page 87) as well as the notion that “Rather than a relation of identity or substitution, political representation should be thought of as a process involving a mediated relation of constituents to one another and to a representative” (Young 2002, 127).

We arrive at voter parity by determining what the average number of voters should be in each electoral district. This is arrived at by dividing the total number of voters in Nova Scotia by the number of electoral districts. We then take into account specific features such as geography, political boundaries, and historical, cultural, or linguistic settlement patterns and allow the numbers of voters per district to deviate from the average by plus or minus 25 per cent.

In the case of minority voters, such as Acadians and African Nova Scotians, we are permitted, under the *Terms of reference* (pages 5–6), to create electoral districts in which the estimated number of voters in the district deviates from the provincial average by plus or minus 25 per cent. Such a district is called an exceptional electoral district and is created to ensure effective representation in the House of Assembly for minority voters.

Effective representation in Nova Scotia

Effective representation has been the guiding principle in re-drawing electoral boundaries since 1991 when the Supreme Court of Canada made a landmark ruling now known as the Carter decision. In that decision, Madame Justice Beverley McLachlin wrote that section 3 of the Canadian Charter of Rights and Freedoms, which guarantees Canadian citizens the right to vote, is really a guarantee of effective representation: "Ours is a representative democracy," McLachlin wrote. "Each citizen is entitled to be represented in government" (as quoted in Landes 1992, 7). McLachlin went on to explain that being represented means both "having a voice in the deliberations of government" and having "the right to bring one's grievances and concerns to the attention of one's government representative" (as quoted in Landes 1992, 7).

This decision means that any changes to electoral boundaries made after 1991 could be deemed unconstitutional if they do not uphold the value of effective representation.

Effective representation of minority communities

Given the significance of the Carter decision, an all-party select committee was established in May 1991. One of this committee's tasks was to hold public hearings to guide it in its drafting of the terms of reference for Nova Scotia's first independent electoral boundaries commission. The commission delivered its report in 1992.

The significance of the 1992 terms of reference was the addition of community of interest as a key element of effective representation by focusing on "community history, community interests, and minority representation, including, in particular, representation of Acadian, Black and Mi'kmaq1[1] peoples of Nova Scotia" (Landes 1992, 13) in its terms of reference.

These aspects of the terms of reference were intended to justify the creation of exceptional electoral districts, that is, those that had small populations of marginalized groups. They were also intended to boost the presence of Acadian, African Nova Scotian, and Mi'kmaw candidates for future elections.

The 1991–92 commission concluded that minority-group representation might be encouraged by creating somewhat smaller constituencies—in terms of voters or population—in order to generate more effective representation for these groups. The commission called these constituencies "protected constituencies."

The commission, therefore, decided to create the protected constituency of Preston "to promote more effective representation of the Black community in the Legislature" (Landes 1992, 28). It also decided to maintain the existing electoral districts of

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- The word Mi'kmaq (ending in q) is a noun that means 'the people'.
- Mi'kmaq is the plural form of the singular word Mi'kmaw.
- Because it is plural, the word Mi'kmaq always refers to more than one Mi'kmaw person or to the entire nation.
- Mi'kmaw is also used as an adjective as in "Mi'kmaw person." (novascotia.ca/abor/docs/links/Use-of-Words.pdf)

Clare, Argyle, and Richmond "to promote the effective representation of the Acadian community in the House of Assembly" (Landes 1992, 29).

Finally, in accordance with its terms of reference, and the expressed interest of representatives of the Mi'kmaw community, a two-day conference on Mi'kmaw representation in the House of Assembly was held in Truro in February 1992. Consequently, the government amended the House of Assembly Act and declared its intention to create an additional seat for a representative of the Mi'kmaq. However, that seat was never taken up.

Despite the work done to use community of interest to fine-tune boundary distribution in 1992, it was, to a large extent, eclipsed in 2002 and later in 2012. By then, governments and boundary commissions began to emphasize two things:

- the size of the voter population for parity
- how the movement from rural to urban centres would affect electoral boundaries

In other words, there was a return to the standard criteria for defining electoral boundaries, except that the four protected constituencies were retained until 2012.

This was based in part on the terms of reference given to the 2002 commission which included "minority representation, including, in particular, representation of Acadian and Black peoples of Nova Scotia" as a "primary factor to be considered" (Dodds 2002, 5).

The 2002 commission also based its recommendation to continue the protection of the four electoral districts on the most recent population statistics available at the time. Those statistics showed that both the Acadian and African Nova Scotian communities had larger populations than the average electoral district. They also showed that each group had significant population concentrations in each area. For example, "Within the District of Clare in Digby, 70 percent of the population have French as their mother tongue" and in nearby Argyle "that percentage is 54 percent" (Dodds 2002, 36).

Based on those same population statistics, the 2002 commission found that 66 per cent of Nova Scotia's African Nova Scotian population resided in Halifax County with most living either in the electoral district of Preston or Needham in the north-end of Halifax. Further, the percentage of African Nova Scotians was higher in Preston than in Needham.

Effective representation and voter parity

There were two other significant terms of reference for the 2002 commission:

- The commission was instructed to draw boundaries for 52 electoral districts.
- The commission was to ensure that the voting population of each electoral district deviated by no more than plus or minus 25 per cent from the average, except for extraordinary circumstances.

The electoral districts of Preston, Argyle, Clare, and Richmond were deemed to be extraordinary circumstances and thus allowed to contain less than 25 per cent fewer voters than the average electoral district.

The 2002 commission also looked at each region of Nova Scotia to see if any was either over-represented or under-represented in terms of elected representation. Because of a significant population shift from rural Nova Scotia to the Halifax region, it found that Halifax County was under-represented while Cape Breton was over-represented. It therefore recommended removing one electoral district from Cape Breton (Cape Breton–The Lakes) and adding one electoral district to Halifax County (Waverley–Fall River).

Controversy surrounds the 2012 Electoral Boundaries Commission

As required by the House of Assembly Act, a new independent electoral boundaries commission was appointed in 2011 to recommend the electoral boundaries and names of electoral districts that make up the House of Assembly. The commission was to issue its report in 2012.

There were three key clauses in the terms of reference given to the 2012 commission that resulted in controversy:

- Clause 2(a) of the terms of reference restricted the commission to a maximum of 52 electoral districts.
- Clause 2(c) allowed the commission to deviate from voter parity for reasons of geography—for example, if a district was too large to allow for effective representation for reasons of community history and interests, in particular, the province's Acadian and African Nova Scotian populations.
- Clause 2(d) stated: "Notwithstanding 2(c), no constituency may deviate by a variance greater or less than 25 per cent from the average number of electors per constituency" (MacNeil 2012, 6).

The commission at the time found that sections 2(c) and 2(d) of the terms of reference contradicted each other. They found that they could not promote the effective representation of Acadians and African Nova Scotians and stay within the plus or minus 25 per cent deviation rule:

> Clause 2(d) presented us with a considerable challenge, particularly with respect to the four constituencies (Argyle, Clare, Preston, and Richmond) that had been protected for the past 20 years. Enlarging the number of voters for each to reach 75 per cent of the average number of voters would mean the loss of the established boundaries that were accorded in 1991. (MacNeil 2012, 7)

The commission, in its initial report, recommended maintaining the protected electoral districts of Argyle, Clare, Richmond, and Preston, viewing the terms of reference as guidelines rather than mandatory rules.

The attorney general of the day refused to accept the commission's interim report, arguing that the commission had failed to comply with the terms of reference. The attorney general instructed the commission to write a new interim report that followed the rule of voter parity (Clause 2(d)). This the commission did. Consequently, the final report recommended the elimination of the four formerly protected electoral districts.

The 2012 Electoral Boundaries Commission report is challenged in court

As a result of the 2012 Electoral Boundaries Commission report, the *Fédération acadienne de la Nouvelle-Écosse* (FANE) took legal action against the province. This, in turn, led the province to seek the advice of the Nova Scotia Court of Appeal. In January, 2017, the court ruled that the attorney general's intervention had thwarted the 2012 electoral boundaries commission in the performance of its constitutional mandate, as required by section 3 of the Canadian Charter of Rights and Freedoms. It ruled that the government must let the independent commission carry out its work in an unimpeded fashion. The commission, the court ruled, should submit its report, unaltered, to the House of Assembly in the form of a bill. Finally, the court raised the possibility that the constitutional right of Acadians and African Nova Scotians to effective representation had been unjustifiably limited or denied.

The Keefe Commission

In response to the Court of Appeal's decision, the Nova Scotia Government established the Commission on Effective Electoral Representation of Acadian and African Nova Scotians, also called the Keefe Commission, in April, 2017. The commission was instructed to recommend to government the best ways to achieve effective representation for Acadians and African Nova Scotians in a manner consistent with the Carter decision. It was also instructed to seek the advice of Acadians and African Nova Scotians and to look at a variety of options, including designated seats.

Effective representation for Acadian and African Nova Scotian voters

The commission published its report, *Representation: Toward More Effective Representation for Acadian and African Nova Scotians: Report and Recommendations*, also known as the Keefe Report, in 2018. In it, the commission recognized "the tendency of our electoral system to submerge minority voters" (Keefe 2018, 5). The commission also discussed the benefits of creating "exceptional ridings," the term it used to describe the formerly protected electoral districts of Clare, Argyle, Preston, and Richmond. The ridings are exceptional, the commission reasoned "because they had exceptionally small populations compared to the others" (Keefe 2018, 5).

"Exceptional ridings promote representation by improving the chances of African Nova Scotians seeing someone who looks like them in the legislature, and of Acadians having an MLA they can talk to in their mother tongue" (Keefe 2018, 5).

After looking at a number of options, the commission concluded that there are two ways to improve effective representation for Acadians and African Nova Scotians:

1 Improve the chances of electing Acadians and African Nova Scotians.

2 Strengthen other means of representation. (Keefe 2018, 6).

To improve the chances of electing Acadians and African Nova Scotians, the report made four recommendations directed at the future boundaries commission:

- Maintain the plus or minus 25 per cent rule, except in exceptional circumstances (Recommendation 4, Keefe 2018, 8).
- Allow future boundaries commissions to create electoral districts that exceed the plus or minus 25 per cent rule in exceptional circumstances and not to specify those circumstances (Recommendation 5, Keefe 2018, 8).
- Allow future boundaries commissions to create electoral districts that are non-contiguous—that is, an electoral district may be made up of two or more areas that do not touch each other (Recommendation 6, Keefe 2018, 8).
- Allow future boundaries commissions to create more than 51 electoral districts (Recommendation 7, Keefe 2018, 9).

Effective representation for rural voters

The Keefe Commission also noted the steadily increasing population gap between urban and rural Nova Scotia, with most of the population growth "confined to a one hour radius of Halifax" (Keefe 2018, 79).

The commission stated that if Nova Scotia were to maintain the existing 51 electoral districts, there would be fewer, but geographically larger, rural ridings. This would reduce rural access to MLAs and "combine unrelated communities against their will" (Keefe 2018, 79).

The alternative, the commission noted, is to create more electoral districts. This would give boundaries commissions more flexibility and would support other efforts to promote "effective representation of rural residents in general, and Acadians and African Nova Scotians in particular" (Keefe 2018, 79).

The commission asserted that it did not recommend more electoral districts but that it wanted boundaries commissions to be allowed to "produce two or more maps, one at the current 51 seats and another at a higher number to inform the discussion about whether 51 seats will adequately provide effective representation for Nova Scotians in the future" (Keefe 2018, 7).

"The more ridings there are, the more flexibility boundaries commissions will have to craft boundaries in accordance with the principles of effective representation" (Keefe 2018, 7).

The 2018–19 Nova Scotia Electoral Boundaries Commission

The current commission was created as a result of the recommendations in the Keefe Report. We were tasked with recommending boundary changes that conform to the principles laid down in the Carter decision and in the Nova Scotia Court of Appeal decision of January, 2017.

St. Francis Xavier University Professor James Bickerton, a member of the 2012 commission, has studied the history of electoral boundaries commissions in Nova Scotia and was asked to write a report for this commission. He has outlined a number of options for us.

Effective representation for minority populations

Bickerton argues that we "[had] no reasonable option but to prepare boundary changes that, at minimum, restore some version of the four protected constituencies (or exceptional electoral districts)" (Bickerton 2018, 12). This could be done in one of three ways:

- Restore the electoral districts of Preston, Argyle, Clare, and Richmond to their original boundaries.
- Adjust the boundaries of the four protected constituencies in accordance with population shifts and public consultations.
- Enhance effective representation for Acadians and African Nova Scotians by including "previously excluded individuals or communities" (Bickerton 2018, 12) by, for example, creating non-contiguous electoral districts "that would link together two or more 'islands' of minority populations" (Bickerton 2018, 12).

Effective representation for all Nova Scotians

The Keefe Commission highlighted the growing population gap between rural and urban parts of Nova Scotia—"The Gathering Storm" (Keefe 2018, 79)—and the problems this causes for effective representation for both areas. Several people requested that we reduce the number of electoral districts, which would result in fewer MLAs sitting in the House of Assembly. They pointed to fewer councillors in the Halifax Regional Municipality (HRM) as ordered by the Nova Scotia Utility and Review Board. It was argued that having fewer MLAs in the House would save taxpayers' money.

However, we were swayed by Bickerton's argument that there is a difference between municipal and provincial governance:

> Since the province is the level of government primarily responsible for providing most public and social services, it is crucial that Nova Scotian electors have representation in the legislature … In particular, voters must have the capacity to hold their government accountable for policies, programs, and governance practices, the essence of "effective representation" that the Supreme Court identifies as the right of all Canadian citizens. (Bickerton 2018, 16)

Clearly, this will become more important as places like Halifax and its surrounding urban areas continue to grow while smaller communities see their populations decrease. During the current boundary setting process, we have already seen some anxiety surrounding this issue. Residents in rural districts complained that they receive inadequate public services and blame this on the difficulty they have in getting the attention of their MLAs. This is particularly true in districts where the population is spread over a large area. On the other hand, those living in Halifax and its surrounding urban areas want more influence in making decisions about services that are made available across the province. We may predict increased tensions to arise as rural districts are combined or new districts are created by merging communities. We can already see an emerging fear that rural voices will be ignored as the urban areas grow. We can also predict that social fragmentation in the province could increase as we have less in common regarding values and outlooks on how things should be done.

It is our task, as the 2018–19 Electoral Boundaries Commission, to recommend changes to electoral boundaries and the names of the electoral districts that make up the House of Assembly while also taking into account all of the above information.

Communities of values v. communities of size

When we consider how our *Terms of reference* have guided our work, as with preceding electoral boundary commissions, the goal has been to develop electoral models that balance effective representation with voter parity. Moreover, the work of past boundary commissions has guided us in our consideration of the number of electoral districts that would be needed to achieve effective representation. Unlike some other boundary commissions, the number of electoral districts we may propose has not been restricted. We have, however, been concerned about how to provide effective representation for all Nova Scotians given that questions of geography, the rural-urban gap, population size, and communities of interest have challenged our deliberations.

In our interim report we presented a number of strategies to increase voter parity that is based on geography and population size. However, we learned from listening to the public, that having electoral districts of roughly equal size (plus or minus 25 per cent) is not enough to achieve the nature of representation voters expect. Indeed, they seem to see fair and effective representation less in terms of the entitlement index, but more in line with the ideas that are part of their "community of interest."

The **entitlement index** refers to the voter parity rule, which holds that the estimated number of electors in each electoral district may vary by no more than 25 per cent above or below the estimated average of electors per electoral district.

The term "community of interest" has been used to describe exceptional electoral districts based on race and culture, school and social services districts, or even the effects of the urban-rural gap. This leads us to understand that a focus on "communities of values" may be at least as important to voting behaviour as "communities of size."

This follows contemporary political science models that show that people base their voting decisions on political beliefs connected to their social experiences in value communities as well as those that arise from demographic differences (Nevitte 1996; Adams 1997; Butler 2007). Some political observers have argued that the term "value communities" explains how voters in Canada are more attached to subcultural identities than they are to Canada as a whole and this affects most of their political decision-making. In fact, this is more likely to be true for Canada than many other Western democracies (Dyck 2008). Before we can offer this as a plausible explanation for voter attitudes in Nova Scotia, we need to think more about how effective past attempts at voter parity have been in developing a sense of effective representation among the electorate.

The importance of communities of interest

We may have to look at other forms of boundary differences since voting groups based on ethnicity, race, religion, or social class could be the way that community of interest is expressed. Any of these characteristics may provide the basis for political recognition or, as noted by one observer of electoral reform, subcultures could be "definable entities with basically clear boundaries" (Redkop 2006, 265). In any case, effective representation may also encourage a greater acceptance of asymmetrical districts that do not fall neatly into past definitions of voter parity. Moreover, as we have said, in some cases voter parity and protection of communities of interest may appear to be at cross-purposes with each other. For example, it is far from certain that protection is a reasonable solution in districts where the population is in continuing decline. The potential for greater urban-rural conflict exists on this issue.

So far we have put forward the view that many of Nova Scotia's electors are becoming less willing to accept the geographic redistribution of electoral districts based on an entitlement index (page 14)—which assumes a relative homogeneity of the electorate—as the primary method of establishing fair and effective representation in the House of Assembly. We may, instead, have to look at other ways to define electoral boundaries. While the focus has been on improving inclusion for minority groups through protected electoral districts, there are other interpretations of fairness and entitlement. The Keefe Report has already drawn attention to the implications of urban expansion and the possible merger of rural electoral districts as likely to be of primary concern to future boundary-setting missions. There is a possibility that the need to accommodate more urban seats will lead to unfettered expansion of the House of Assembly unless it is constrained by operating costs. If this turns out to be the case, it is difficult to expect that district mergers will go smoothly. We have already noted that, during our public consultations, the idea of "community of interest" extends well beyond subculture for many people. They told us that they derive their sense of unity from their neighbourhoods, where their schools are located, and even how they spend their time together. The point is that defining group identity is going to be a complex task that, as the pendulum swings more toward inclusiveness, will become more important to those who present any form of electoral boundary redistribution.

Changing electoral districts can seem threatening to some Nova Scotians particularly if it is their community, street, or home that is moved from one district to another. However, during our consultations the point was made on more than one occasion that such changes may not necessarily be overly threatening. One presenter referred to the character of rural Nova Scotia as being "tradition-bound" with an unwillingness to embrace change. Others indicated that a deconstruction of customary habits serves as a source of new solutions to old problems.

Given what we have heard, we cannot overemphasize the importance of consultation as part of the process of refining or creating electoral boundaries. As part of our work, we tried to consult with and hear from people from as many parts of Nova Scotia as possible. During our public consultations, we were sometimes surprised with higher than expected attendance. But, in most places, community interest was modest. In fact, we saw the least amount of interest in Halifax and its surrounding urban areas. What we heard is therefore less of a broad picture of how voters feel about electoral boundaries, and more a reflection of the opinions of some interest groups and those directly affected by boundary changes. We feel these opinions are worth reporting.

Looking ahead

The future promises to be a time when effective representation takes on a different meaning. As we look to tomorrow, it seems likely that the composition of the House of Assembly will change a great deal. There may be more diversity among MLAs because of the addition of exceptional districts that represent the interests of minorities. MLAs may also represent new political agendas that are an outcome of a stronger identification with subcultures than the overall political agenda of the province. Whether communities of interest are based on age, gender, religion, or ethnic group, issues-based politics may be replaced by politics based on identity. Who, then, will control the government agenda in identity-based politics? Further, while exceptional electoral districts may clearly help to improve the presence of smaller communities in political discussions, the trend toward an increased concentration of Nova Scotia's population in Halifax and its urban surroundings means that the voices of those in smaller districts may become so few as to be negligible to majority decision-making. To maintain the standards of parity in the future there will need to be boundary adjustments. However, the adjustments made to improve effective representation based on a community of interest may hinder the likelihood of maintaining the current standards for parity.

Population data

Previous electoral boundaries commissions were instructed, through their terms of reference, to use the most recent census or other population data available during the time of the boundary review. Our *Terms of reference* did not give us such an instruction. We use population data to analyze voter parity, which is a requirement set out in our *Terms of reference* (#1 and #4, page 5), and to help us to draw electoral boundaries.

Where previous electoral boundaries commissions used Canadian census data to calculate elector counts and determine voter parity of electoral districts, we chose to use data from Election Nova Scotia's Register of Electors. This data set includes all electors living in Nova Scotia at any given time. Each elector is connected to their residential civic address. An elector is defined as a Canadian citizen who is 18 years old or older and who has lived in Nova Scotia for at least six months. The register is updated monthly with information from the following sources:

- Elections Canada
- Nova Scotia Department of Education and Early Child Development
- Nova Scotia Department of Health and Wellness
- Service Nova Scotia - Registry of Motor Vehicles
- Service Nova Scotia - Vital Statistics

Electors, themselves, update the registry when they register to vote in provincial by-elections, general elections, and municipal elections.

We decided to use the Register of Electors for elector counts rather than the most recent Canadian census data, for three reasons:

- The data is more recent. The last census took place in 2016, whereas we can extract data from the registry as recently as December 2018.
- The data is more relevant as it draws information from a variety of sources including electors, themselves.
- The data is more geographically accurate and helpful in drawing electoral boundary lines as it provides elector counts by civic address, where census data only provides population counts by generalized areas.

The interim report released in November 2018 used data extracted from the Register of Electors in June 2018. At that time, the total number of electors was 743,500. For the final report, we requested a new extract of the Register of Electors. This occurred at the end of December 2018. The total number of electors then was 732,170.

The difference in the totals is 11,330 fewer electors from June 2018 to December 2018. The reason for the difference is that in the six months between extracts these things happened:

- about 36,000 electors left Nova Scotia
- about 5,100 Nova Scotians died
- about 29,600 new Nova Scotian electors were added to the list

The public consultation process

We held two rounds of public consultations:

From September 4 through September 22, 2018, we met with the public in the following locations:

Argyle	Clare	Richmond
Baddeck	Dartmouth	Sackville
Bedford	Halifax	Shelburne
Chéticamp	Preston	Sydney

Following this first round of public consultations, we produced *Striking a balance between effective representation and voter parity*, our interim report, which was released to the public on November 28, 2018.

Following the interim report, from January 4 through January 29, 2019, we met with the public in the following locations:

Antigonish	Cornwallis	Preston
Bedford	Dartmouth	Sydney
Bridgewater	Halifax	Truro
Chéticamp	Milford	Wolfville

During both rounds of public consultations, we invited the public to attend meetings in person and make submissions to the commission orally, write to the commission, or do both. We encouraged people to register to speak at the public meeting being held in their area but, if time permitted, we allowed those who had not registered to speak.

During the public consultations held in September, we asked the public to comment on our draft boundaries and the following options. These were not in rank order:

1. Restore the electoral districts of Clare, Argyle, Richmond, and Preston as was recommended in the Electoral Boundaries Commission Interim Report of May, 2012.
2. In addition to 1 above, make Chéticamp and its environs part of the restored Richmond electoral district (non-contiguous electoral district).

OR

3. In place of 2, make Chéticamp and environs an extraordinary electoral district.
4. Create additional electoral districts in Bedford and Cole Harbour.
5. Seek input from the public on the creation of a members-at-large group to provide for effective representation and voter parity.

Maps showing the above options and how they would affect both the electoral districts mentioned and neighbouring electoral districts were posted at each public meeting.

We acknowledged that restoring the four electoral districts as proposed meant that adjustments may have to be made to the boundaries of neighbouring electoral districts.

During the public consultations held in January, we asked the public for their input on the options recommended in *Striking a balance between effective representation and voter parity,* our interim report. The options, not in rank order, were as follows:

- Draw electoral boundaries such that there are **51 electoral districts** in Nova Scotia, the current number of electoral districts represented in the Nova Scotia House of Assembly.
- Draw electoral boundaries such that there are **55 electoral districts** in Nova Scotia, which include the four formerly protected electoral districts of Argyle, Clare, Richmond, and Preston.
- Draw electoral boundaries such that there are **55 electoral districts** in Nova Scotia but **56 seats** in the House of Assembly. This would include the dual-member electoral district of Inverness, which would have one MLA to represent the geographic electoral district and one MLA to represent the Acadian constituency.
- Draw electoral boundaries such that there are **56 electoral districts**. This includes the added electoral district of Chéticamp

The above options are described in detail on pages 30 through 45 of our interim report, which has been available in both English and French on our website, nselectoralboundaries.ca, as of November 28, 2018. Hard copies of the report were also made available to people who attended the public consultations.

To further communicate to the public the work we completed on proposed boundaries, we posted the following on our website:

- web-based interactive maps
- downloadable digital boundary files
- downloadable PDF maps of individual electoral districts

The web-based interactive maps allow users to view the electoral boundaries as they currently exist—those proposed by the 2012 Electoral Boundaries Commission—and electoral boundaries for three of the four options listed above (the second and third options are reflected in the same map). By sliding the bar, users can see the differences between the current boundaries and those we proposed. These tools also provide the names of electoral districts and the number of electors (elector count) in the district.

The downloadable digital boundary files can be used within mapping software, such as Google Earth.™

The downloadable PDF maps of individual electoral districts are wall-sized, coloured maps of each proposed electoral district. These can be viewed on a computer, tablet, or smartphone and can also be printed to a 91 cm x 122 cm (3'x4') wall map.

During both rounds of public hearings, we asked for the public's guidance on the possibility of creating non-contiguous electoral districts and members-at-large as a way to improve the effective representation of Acadians and African Nova Scotians.

In addition to holding public meetings, we reached out to the Confederacy of Mainland Mi'kmaq through Executive Director Don Julian to request an opportunity to consult with the organization regarding our *Terms of reference* and our work toward effective representation. We also reached out to the Sipekne'katik First Nation in connection to the Hants East boundary lines.

We concede that our consultation process with the Mi'kmaw nation was not robust. Therefore, we suggest that future electoral boundaries commissions would benefit from guidance provided by select committees *vis-à-vis* Mi'kmaw consultation. See *Recommendation 1* (page 65).

We announced the dates and times of our public meetings in newspapers, on our website, and on Facebook.

Proposed electoral distribution

Recommendation – *The 2018–19 Electoral Boundaries Commission recommends, by majority, drawing electoral boundaries such that there are 55 electoral districts in Nova Scotia, which include the four formerly protected electoral districts of Argyle, Clare, Richmond, and Preston.*

We were instructed, through our *Terms of reference* (pages 5–6), to provide "only one recommendation of electoral boundaries" (#8) in our final report. In recommending 55 electoral districts and their respective boundaries, we were influenced by the following:

- reports of previous independent boundary commissions, particularly where the status of previously protected electoral districts is discussed
- a decision by the Nova Scotia Court of Appeal in January 2017
- the Keefe Report, which was a direct result of the 2017 Court of Appeal decision
- a report by political scientist and member of the 2012 electoral boundaries commission, Dr. James Bickerton, which we commissioned
- Elections Nova Scotia data which shows a decrease in the number of electors in rural areas and an increase in urban areas. The Keefe Report refers to these population shifts as "The Gathering Storm" (Keefe 2018, 79).
- information given to us by the general public gathered during our public consultations held before and after the release of our interim report

As a result of all the factors we took into consideration, a majority of the commission recommends drawing electoral boundaries such that there are **55 electoral districts** as described in *The public consultation process* (pages 19–21)**.** Although it was given serious consideration, a majority of the commission decided against the 56-electoral-district option, which would have included the exceptional electoral district of Chéticamp (see *Appendix F*, pages 86–96 and *Letter of dissent*, pages 46–53)**.**

Important information to help you understand the tables in this section:

- **Electors** are Canadian citizens aged 18 or older who have lived in Nova Scotia for at least six months.
- **Seat entitlement** is based on the number of electors. It is calculated by dividing the total number of electors by the total number of electoral districts. This produces an average. A district with the same number of electors as the average would have a seat entitlement of 1.
- **Voter parity** rules allow an electoral district's seat entitlement to vary between 0.75 and 1.25 except in exceptional circumstances.

Currently, Nova Scotia has 51 electoral districts. **Table 1** shows the number of electors in each electoral district as of December 2018 and each district's seat entitlement.

Table 1: Current (2012) electoral districts (51), with elector counts and seat entitlement, ENS Dec. 2018 data

Current electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
01 Annapolis	16,551	1.15
02 Antigonish	13,875	0.97
03 Argyle-Barrington	12,519	0.87
04 Bedford	21,486	1.50
05 Cape Breton Centre	12,494	0.87
06 Cape Breton-Richmond	10,852	0.76
07 Chester-St. Margaret's	15,285	1.06
08 Clare-Digby	14,367	1.00
09 Clayton Park West	17,096	1.19
10 Colchester-Musquodoboit Valley	13,972	0.97
11 Colchester North	14,247	0.99
12 Cole Harbour-Eastern Passage	14,574	1.02
13 Cole Harbour-Portland Valley	17,422	1.21
14 Cumberland North	12,877	0.90
15 Cumberland South	10,773	0.75
16 Dartmouth East	14,471	1.01
17 Dartmouth North	15,921	1.11
18 Preston-Dartmouth	11,125	0.77
19 Dartmouth South	17,491	1.22
20 Guysborough-Eastern Shore-Tracadie	10,022	0.70
21 Eastern Shore	12,393	0.86
22 Fairview-Clayton Park	16,877	1.18
23 Glace Bay	11,840	0.82

Current electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
24 Halifax Armdale	11,735	0.82
25 Halifax Atlantic	14,986	1.04
26 Halifax Chebucto	15,717	1.09
27 Halifax Citadel-Sable Island	12,950	0.90
28 Halifax Needham	15,599	1.09
29 Hammonds Plains-Lucasville	12,944	0.90
30 Hants East	18,521	1.29
31 Hants West	15,291	1.07
32 Inverness	11,140	0.78
33 Kings North	15,659	1.09
34 Kings South	16,931	1.18
35 Kings West	14,812	1.03
36 Lunenburg	14,154	0.99
37 Lunenburg West	16,053	1.12
38 Northside-Westmount	15,952	1.11
39 Pictou Centre	12,404	0.86
40 Pictou East	11,548	0.80
41 Pictou West	10,874	0.76
42 Queens-Shelburne	13,866	0.97
43 Sackville-Beaver Bank	13,578	0.95
44 Sackville-Cobequid	14,962	1.04
45 Sydney-Whitney Pier	17,224	1.20
46 Sydney River-Mira-Louisbourg	15,071	1.05
47 Timberlea-Prospect	15,600	1.09
48 Truro-Bible Hill-Millbrook-Salmon River	15,706	1.09
49 Victoria-The Lakes	12,193	0.85

Current electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
50 Waverley-Fall River-Beaver Bank	14,572	1.02
51 Yarmouth	13,598	0.95
Total	**732,170**	**51**
Average	**14,356**	**1.00**

NOTE: Based on 51 seats, the acceptable range of electors that fall within the entitlement index (732,170/51 = 14,356) is a minimum of 10,767 to a maximum of 17,945.

Interim report proposal

In our interim report, we proposed 55 electoral districts as one of the options (Dodds 2018, 34-36). **Table 2** shows the electoral districts as they were proposed in our interim report but, this time, the number of electors and the seat entitlements were calculated using more recent Elections Nova Scotia data.

Table 2: 2018 interim report proposed 55 electoral districts, with elector counts and seat entitlements, ENS Dec. 2018 data

Electoral district proposed in 2018 interim report	Dec. 2018 Electors	Dec. 2018 Seat entitlement
01 Annapolis	11,455	0.86
02 Antigonish	13,875	1.04
03 Argyle	6,451	0.48
04 Bedford Basin	13,113	0.99
05 Bedford South	10,993	0.83
06 Cape Breton Centre-Whitney Pier	14,496	1.09
07 Cape Breton East	13,490	1.01
08 Chester-St. Margaret's	15,285	1.15
09 Clare	6,778	0.51
10 Clayton Park West	14,793	1.11

Electoral district proposed in 2018 interim report	Dec. 2018 Electors	Dec. 2018 Seat entitlement
11 Colchester-Musquodoboit Valley	15,542	1.17
12 Colchester North	14,241	1.07
13 Cole Harbour-Dartmouth	15,672	1.18
14 Cole Harbour-Portland Valley	9,889	0.74
15 Cumberland North	12,880	0.97
16 Cumberland South	10,722	0.81
17 Dartmouth East	14,471	1.09
18 Dartmouth North	15,921	1.20
19 Dartmouth South	13,342	1.00
20 Digby-Annapolis	12,685	0.95
21 Eastern Passage	9,965	0.75
22 Eastern Shore	15,720	1.18
23 Fairview-Clayton Park	15,286	1.15
24 Glace Bay-Dominion	13,429	1.01
25 Guysborough-Tracadie	7,661	0.58
26 Halifax Armdale	13,910	1.04
27 Halifax Atlantic	14,986	1.13
28 Halifax Chebucto	13,196	0.99
29 Halifax Citadel-Sable Island	14,887	1.12
30 Halifax Needham	15,599	1.17
31 Hammonds Plains-Lucasville	12,627	0.95
32 Hants East	16,939	1.27
33 Hants West	15,289	1.15
34 Inverness	13,687	1.03
35 Kings North	15,644	1.18
36 Kings South	15,778	1.19

Electoral district proposed in 2018 interim report	Dec. 2018 Electors	Dec. 2018 Seat entitlement
37 Kings West	15,982	1.20
38 Lunenburg	14,195	1.07
39 Lunenburg West	13,172	0.99
40 Northside-Westmount	15,952	1.20
41 Pictou Centre	12,426	0.93
42 Pictou East	11,375	0.85
43 Pictou West	11,029	0.83
44 Preston	10,781	0.81
45 Queens	11,371	0.85
46 Richmond	7,458	0.56
47 Sackville-Beaver Bank	13,578	1.02
48 Sackville-Cobequid	15,298	1.15
49 Shelburne	11,400	0.86
50 Sydney-Membertou	16,061	1.21
51 Timberlea-Prospect	15,600	1.17
52 Truro-Bible Hill-Millbrook-Salmon River	15,722	1.18
53 Victoria-The Lakes	12,193	0.92
54 Waverley-Fall River-Beaver Bank	14,229	1.07
55 Yarmouth	13,601	1.02
Total	**732,170**	**55**
Average	**13,312**	**1.00**

NOTE: Based on 55 seats, the acceptable range of electors that fall within the entitlement index (732,170/55 = 13,312) is a minimum of 9,984 to a maximum of 16,640.

Public consultations lead to changes to electoral districts

As stated above, a majority of our commission recommends 55 electoral districts. These districts include the four formerly protected districts of Argyle, Clare, Richmond, and Preston. These are now referred to as exceptional electoral districts.

As a result of our public consultations held in January, we decided to change some of the electoral districts, particularly the following:

Annapolis
Bedford South
Chester-St. Margaret's
Clayton Park West
Colchester-Musquodoboit Valley
Digby-Annapolis
Halifax Chebucto
Halifax Citadel-Sable Island
Halifax Needham
Hants East
Hants West
Lunenburg West
Queens
Sackville-Beaver Bank
Sackville-Cobequid
Timberlea-Prospect
Waverley-Fall River-Beaver Bank

Table 3 shows the electoral districts as we propose them in this final report. The number of electors and the seat entitlements were calculated using Elections Nova Scotia data from December 2018.

Our justification for the inclusion of the exceptional electoral districts of Argyle, Clare, Richmond, and Preston, as well as a detailed explanation of the changes to each of the above electoral districts, follows the table.

Table 3: Proposed 55 electoral districts, with elector counts and seat entitlements, ENS Dec. 2018 data

Proposed electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
01 Annapolis	14,290	1.07
02 Antigonish	13,875	1.04
03 Argyle	6,451	0.48
04 Bedford Basin	13,113	0.99
05 Bedford South	11,688	0.88
06 Cape Breton Centre-Whitney Pier	14,496	1.09
07 Cape Breton East	13,490	1.01
08 Chester-St. Margaret's	14,561	1.09
09 Clare	6,778	0.51

Proposed electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
10 Clayton Park West	14,098	1.06
11 Colchester-Musquodoboit Valley	13,953	1.05
12 Colchester North	14,241	1.07
13 Cole Harbour	9,889	0.74
14 Cole Harbour-Dartmouth	15,672	1.18
15 Cumberland North	12,880	0.97
16 Cumberland South	10,772	0.81
17 Dartmouth East	14,471	1.09
18 Dartmouth North	15,921	1.20
19 Dartmouth South	13,342	1.00
20 Digby-Annapolis	9,850	0.74
21 Eastern Passage	9,965	0.75
22 Eastern Shore	15,720	1.18
23 Fairview-Clayton Park	15,286	1.15
24 Glace Bay-Dominion	13,429	1.01
25 Guysborough-Tracadie	7,661	0.58
26 Halifax Armdale	13,910	1.04
27 Halifax Atlantic	14,986	1.13
28 Halifax Chebucto	12,390	0.93
29 Halifax Citadel-Sable Island	15,269	1.15
30 Halifax Needham	16,023	1.20
31 Hammonds Plains-Lucasville	12,627	0.95
32 Hants East	16,558	1.24
33 Hants West	15,706	1.18
34 Inverness	13,687	1.03
35 Kings North	15,644	1.18
36 Kings South	15,778	1.19
37 Kings West	15,982	1.20

Proposed electoral district	Dec. 2018 Electors	Dec. 2018 Seat entitlement
38 Lunenburg	14,195	1.07
39 Lunenburg West	16,012	1.20
40 Northside-Westmount	15,952	1.20
41 Pictou Centre	12,426	0.93
42 Pictou East	11,375	0.85
43 Pictou West	11,029	0.83
44 Preston	10,781	0.81
45 Queens	8,531	0.64
46 Richmond	7,458	0.56
47 Sackville-Cobequid	14,956	1.12
48 Sackville-Uniacke	13,157	0.99
49 Shelburne	11,400	0.86
50 Sydney-Membertou	16,061	1.21
51 Timberlea-Prospect	16,324	1.23
52 Truro-Bible Hill-Millbrook-Salmon River	15,722	1.18
53 Victoria-The Lakes	12,193	0.92
54 Waverley-Fall River-Beaver Bank	16,545	1.24
55 Yarmouth	13,601	1.02
Total	**732,170**	**55**
Average	**13,312**	**1.00**

NOTE: Based on 55 seats, the acceptable range of electors that fall within the entitlement index (732,170/55 = 13,312) is a minimum of 9,984 to a maximum of 16,640.

Exceptional electoral districts

The commission proposes seven exceptional electoral districts. However, some commissioners would have proposed the inclusion of Chéticamp and environs as an additional exceptional electoral district and have written a *Letter of dissent* explaining their positions (pages 46–53).

Argyle (03), Clare (09), and Richmond (46)

The electoral districts of Argyle, Clare, and Richmond were maintained in the electoral boundaries commission reports of 1992 and 2002, and in the interim report of 2012. These electoral districts were eliminated in the final report of the 2012 Electoral Boundaries Commission.

We feel justified in restoring these as exceptional electoral districts as our *Terms of reference* (#1, #3, and #5 on page 5) allows for the creation of such districts. In addition, the justification for our recommendation is contained in both the *Background* section of this report (pages 7–16) as well as in *Appendix F*, in which we discuss the accommodation of minority rights (pages 88–96):

> Like the Mi'kmaq people, the Acadian and African Nova Scotian communities have a particular cultural uniqueness and territorial basis in Nova Scotia that supports the argument for retaining a form of 'special status' in the electoral redistribution process. This status follows from the fact that they constitute minority cultural communities that are indigenous to Nova Scotia, and further can be said to have fairly well-defined territorial 'homelands' in this province that have been continuously occupied for hundreds of years. Their distinctiveness derives from their long evolution as ethno-linguistic (Acadian) or racial (African Nova Scotian) minorities within an English-speaking majority of predominantly British heritage, but also, just as importantly, from their unique indigenous cultures that have developed over centuries of relative isolation as coherent communities (due to remote rural locale and/or social exclusion). In short, these minority cultures are both distinctively Nova Scotian and deeply rooted in specific, territorially-based communities within the province. (McNeil 2012, 59–60)

Preston (44)

To ensure that African Nova Scotian communities are not continuously disadvantaged, we need to balance effective representation and voter parity with community interest for African Nova Scotians.

During our public consultations, people complained of land expropriation for the benefit of nearby white communities, which results in less economic growth for Preston. They also spoke of the historical discrimination and racism that continues to affect their community. They see having appropriate and legitimate representation in the House of Assembly as a small step toward addressing their concerns. They argued that the existing boundaries of their current electoral district, Preston-Dartmouth, make it difficult for an African Nova Scotian to be elected.

When we asked about the creation of a members-at-large group to provide for effective representation and voter parity, residents were concerned that an at-large MLA may not be able to satisfy constituents from one end of the province to another. However, one person did raise the idea of having two additional at-large seats in the House of Assembly designated for African Nova Scotians.

People living in Preston want to be acknowledged and respected for their many contributions to Canadian society, be they political, social, cultural, or spiritual. We acknowledge the issues raised by the Preston community. However, we have no authority to address their concerns regarding land expropriation, education, or the disenfranchisement of African Nova Scotians. What we can do, and are proposing, is create the exceptional electoral district of Preston. This district would reflect the significant African Nova Scotian heritage and cultural, spiritual, and historical settlement as a distinct people in this area and of this province.

We listened to African Nova Scotians from Preston and the surrounding area and have, therefore, changed the district's boundaries to include as many African Nova Scotians living in the area as possible. We hope that this will increase the possibility of an African Nova Scotian being elected to the House of Assembly.

The new electoral district of Preston now includes the communities of Lake Echo, Mineville, East Preston, North Preston, and Westphal.

The part of the community of Cole Harbour that was contained in the former electoral district of Preston-Dartmouth was moved to the new district of Cole Harbour. The part of the community of Porters Lake that was contained in the former district of Preston-Dartmouth was moved to the new Eastern Shore district. Other parts of the former Preston-Dartmouth electoral district were moved to the electoral district of Colchester-Musquodoboit Valley.

Guysborough-Tracadie (25)

In the final report of the 2012 Electoral Boundaries Commission, Guysborough-Eastern Shore-Tracadie was the largest geographic electoral district in Nova Scotia. In our interim report, we proposed removing the part of the Eastern Shore that had been added in 2012 to bring it in line with voter parity rules. As Guysborough-Tracadie, it becomes a more manageable electoral district geographically, albeit with a seat entitlement of 0.58. Still, this is justifiable under *Terms of reference* #2— geography. See our discussion in *Appendix F*, in which we discuss effective representation based on geography (page 84).

Queens (45)

In our interim report we proposed including part of Lunenburg West in the Queens electoral district. After hearing from concerned citizens, we decided to restore this section back to Lunenburg West. This returns Queens to its original county boundaries with a seat entitlement of 0.64. Our justification for including Queens as an exceptional electoral district is based on one of the permissible conditions listed in *Terms of reference* #3—political boundaries.

Digby-Annapolis (20)

In our interim report, our proposal for the Digby-Annapolis electoral district included Annapolis Royal and its environs. Presenters at our public consultations made a strong case for including Annapolis Royal in the electoral district of Annapolis. We agreed, but we also looked at combining the two electoral districts. As this was not feasible, and as Clare's exceptional status was restored, we therefore recommend that the electoral district of Digby-Annapolis, with a seat entitlement of 0.74, be considered an exceptional electoral district under *Terms of reference* #5.

Public consultations lead to changes in electoral boundaries

In our interim report, we provided maps of electoral districts for 55 electoral districts (Dodds 2018, 57–65). After listening to the concerns of Nova Scotians during the second round of public consultations, we have made several changes to these electoral districts. These are outlined below:

Queens (45) and Lunenburg West (39)

We moved a section of the northeastern boundary of the electoral district of Queens into the adjacent district of Lunenburg West so that the electoral district boundary aligns more closely with the county line. This change affects about 2,900 registered electors in the following communities:

Broad Cove	Crousetown	Laconia	Petite Riviere
Camperdown	East Port Medway	Lapland	Upper Chelsea
Chelsea	Green Bay	Middlewood	Voglers Cove
Cherry Hill	Hebb's Cross	Molega Lake	Waterloo
Conquerall Mills	Italy Cross	New Elm	

Annapolis (01) and Digby-Annapolis (20)

We moved a section of the northeast boundary of the electoral district of Digby-Annapolis into the adjacent district of Annapolis. This change affects about 2,850 registered electors. It moves the following communities from Digby-Annapolis into Annapolis:

Annapolis Royal	part of Graywood	Litchfield	Port Wade
Delaps Cove	Hillsburn	Moschelle	Round Hill
Granville Beach	Karsdale	Parkers Cove	Victoria Beach
Granville Centre	Lake La Rose	Perotte	Wrights Lake
Granville Ferry	part of Lequille	Port Royal	

Chester-St. Margaret's (08) and Timberlea-Prospect (51)

We moved the communities of Bayside, Blind Bay, East Dover, and West Dover from the electoral district of Chester-St. Margaret's to that of Timberlea-Prospect. This change affects about 740 registered electors.

Hants East (32) and Hants West (33)

We moved the community of Lakelands from the electoral district of Hants East into that of Hants West. This change affects about 420 registered electors.

Hants East (32) and Sackville-Beaver Bank (former electoral district 47)

We moved the communities of Mount Uniacke and South Uniacke from the electoral district of Hants East into that of Sackville-Beaver Bank. This change affects about 1,550 registered electors.

Sackville-Beaver Bank (former electoral district 47) and Waverley-Fall River-Beaver Bank (54)

We moved the section of the community of Beaver Bank that fell within the electoral district of Sackville-Beaver Bank to the adjacent electoral district of Waverley-Fall River-Beaver Bank. This change affects about 1,990 registered electors. Along with the addition of the communities of Mount Uniacke and South Uniacke to the electoral district of Sackville-Beaver Bank, this change meant that the name of the electoral district needed to change. It is now called Sackville-Uniacke instead of Sackville-Beaver Bank.

Sackville-Cobequid (47) and Waverley-Fall River-Beaver Bank (54)

We moved the community of Lakeview from the electoral district of Sackville-Cobequid to the adjacent district of Waverley-Fall River-Beaver Bank. This change affects about 360 registered electors.

Colchester-Musquodoboit Valley (11) and Hants East (32)

We moved the communities of Milford and Shubenacadie from the electoral district of Colchester-Musquodoboit Valley to the adjacent district of Hants East. This change affects about 1,900 registered electors.

Bedford South (05) and Clayton Park West (10)

We moved the neighbourhood of Birch Cove from the electoral district of Clayton Park West to the adjacent and newly-created district of Bedford South. This change affects about 710 registered electors.

Halifax Needham (30) and Halifax Chebucto (28)

We used Windsor St. as a dividing line to move a section along the southwest boundary of the electoral district of Halifax Needham to the adjacent district of Halifax Chebucto. Using that same dividing line, we moved a section along the north boundary of Halifax Chebucto to Halifax Needham. These changes affect about 3,000 registered electors.

Halifax Needham (30) and Halifax Citadel-Sable Island (29)

We used Cogswell St. as a dividing line to move a section of the electoral district of Halifax Needham to the adjacent district of Halifax Citadel-Sable Island. This change affects about 350 registered electors.

Electoral districts by region

As in previous electoral boundary commission reports, the following two tables show electoral districts and the number of electors in each by region to allow for regional comparison. These are the same regions as those shown in the *Maps* section of this report on pages 55–64. **Table 4** shows the number of electors in each electoral district as they currently exist using Elections Nova Scotia data from December 2018. **Table 5** shows the number of electors in each of the 55 electoral districts proposed by a majority of this commission. It, too, uses Elections Nova Scotia data from December 2018. These two tables, taken together, show a decline in the voting population in most regions but an increase in HRM and Southwest Nova.

Table 4: Current 51 electoral districts and elector counts by region, ENS Dec. 2018 data

Total number of electors in Nova Scotia **732,170**
Average number of electors in Nova Scotia. **14,356**

Annapolis Valley

01 Annapolis	16,551
31 Hants West	15,291
33 Kings North	15,659
34 Kings South	16,931
35 Kings West	14,812
Total	**79,244**
Average	**15,849**

Cape Breton

05 Cape Breton Centre	12,494
06 Cape Breton-Richmond	10,852
23 Glace Bay	11,840
32 Inverness	11,140
38 Northside-Westmount	15,952
45 Sydney-Whitney Pier	17,224
46 Sydney River-Mira-Louisbourg	15,071
49 Victoria-The Lakes	12,193
Total	**106,766**
Average	**13,346**

Central Nova

02 Antigonish	13,875
20 Guysborough-Eastern Shore-Tracadie	10,022
39 Pictou Centre	12,404
40 Pictou East	11,548
41 Pictou West	10,874
Total	**58,723**
Average	**11,745**

Fundy Northeast

10 Colchester-Musquodoboit Valley	13,972
11 Colchester North	14,247
14 Cumberland North	12,877
15 Cumberland South	10,773
30 Hants East	18,521
48 Truro-Bible Hill-Millbrook-Salmon River	15,706
Total	**86,096**
Average	**14,349**

Halifax Regional Municipality

04 Bedford	21,486
09 Clayton Park West	17,096
12 Cole Harbour-Eastern Passage	14,574
13 Cole Harbour-Portland Valley	17,422
16 Dartmouth East	14,471
17 Dartmouth North	15,921
18 Preston-Dartmouth	11,125

19 Dartmouth South	17,491
21 Eastern Shore	12,393
22 Fairview-Clayton Park	16,877
24 Halifax Armdale	11,735
25 Halifax Atlantic	14,986
26 Halifax Chebucto	15,717
27 Halifax Citadel-Sable Island	12,950
28 Halifax Needham	15,599
29 Hammonds Plains-Lucasville	12,944
43 Sackville-Beaver Bank	13,578
44 Sackville-Cobequid	14,962
47 Timberlea-Prospect	15,600
50 Waverley-Fall River-Beaver Bank	14,572
Total	**301,499**
Average	**15,075**

South Shore

07 Chester-St. Margaret's	15,285
36 Lunenburg	14,154
37 Lunenburg West	16,053
Total	**45,492**
Average	**15,164**

Southwest Nova Scotia

03 Argyle-Barrington	12,519
08 Clare-Digby	14,367
42 Queens-Shelburne	13,866
51 Yarmouth	13,598
Total	**54,350**
Average	**13,588**

Table 5: Proposed 55 electoral districts and elector counts by region, ENS Dec. 2018 data

Total number of electors in Nova Scotia **732,170**
Average number of electors in Nova Scotia. **14,356**

Annapolis Valley

01 Annapolis	14,290
33 Hants West	15,706
35 Kings North	15,644
36 Kings South	15,778
37 Kings West	15,982
Total	**77,400**
Average	**15,480**

Cape Breton

06 Cape Breton Centre-Whitney Pier	14,496
07 Cape Breton East	13,490
24 Glace Bay-Dominion	13,429
34 Inverness	13,687
40 Northside-Westmount	15,952
46 Richmond	7,458
50 Sydney-Membertou	16,061
53 Victoria-The Lakes	12,193
Total	**106,766**
Average	**13,346**

Central Nova

02 Antigonish	13,875
25 Guysborough-Tracadie	7,661
41 Pictou Centre	12,426
42 Pictou East	11,375
43 Pictou West	11,029
Total	**56,366**
Average	**11,273**

Fundy Northeast

11 Colchester-Musquodoboit Valley	13,953
12 Colchester North	14,241
15 Cumberland North	12,880
16 Cumberland South	10,772
32 Hants East	16,558
52 Truro-Bible Hill-Millbrook-Salmon River	15,722
Total	**84,126**
Average	**14,021**

Halifax Regional Municipality

04 Bedford Basin	13,113
05 Bedford South	11,688
10 Clayton Park West	14,098
13 Cole Harbour	9,889
14 Cole Harbour-Dartmouth	15,672
17 Dartmouth East	14,471
18 Dartmouth North	15,921
19 Dartmouth South	13,342
21 Eastern Passage	9,965
22 Eastern Shore	15,720
23 Fairview-Clayton Park	15,286
26 Halifax Armdale	13,910
27 Halifax Atlantic	14,986
28 Halifax Chebucto	12,390
29 Halifax Citadel-Sable Island	15,269
30 Halifax Needham	16,023
31 Hammonds Plains-Lucasville	12,627
44 Preston	10,781
47 Sackville-Cobequid	14,956
48 Sackville-Uniacke	13,157
51 Timberlea-Prospect	16,324
54 Waverley-Fall River-Beaver Bank	16,545
Total	**306,133**
Average	**13,915**

South Shore

08 Chester-St. Margaret's	14,561
38 Lunenburg	14,195
39 Lunenburg West	16,012
Total	**44,768**
Average	**14,923**

Southwest Nova Scotia

03 Argyle	6,451
09 Clare	6,778
20 Digby-Annapolis	9,850
45 Queens	8,531
49 Shelburne	11,400
55 Yarmouth	13,601
Total	**56,611**
Average	**9,435**

Comparing current electoral districts with those proposed in this report

Tables 6 and 7 illustrate the urban-rural divide in Nova Scotia. **Table 6** shows that using our current electoral districts (51), more than 41 per cent of electors live in HRM. Even when exceptional electoral districts are added, mainly in rural areas as we propose in this report (55), the percentage of electors in HRM still increases slightly. This table also shows that HRM has far more electoral districts than any other region in the province.

Table 7 provides side-by-side comparisons of seat entitlement for the current 51 electoral districts and our proposal for 55 electoral districts and illustrates the imbalances among the regions. Central Nova and Southwest Nova are overrepresented. Cape Breton has exactly the representation it should with a seat entitlement of one. And the other regions of the province are underrepresented. Even with two additional electoral districts for HRM, its seat entitlement remains at 1.05. And the Annapolis Valley and the South Shore, at 1.16 and 1.12 respectively, have an even greater imbalance.

Notwithstanding these imbalances, it has been a principle of this and previous boundaries commissions that seat entitlement must be balanced with effective representation.

Table 6: Current and proposed electoral districts by region, ENS Dec. 2018 data

Region	Counties	% of electors by region (current)	% of electors by region (proposed)	Electoral districts by region (current)	Electoral districts by region (proposed)	% of electoral districts by region (current)	% of electoral districts by region (proposed)
Annapolis Valley	Annapolis Hants (West) Kings	10.82	10.57	5	5	9.80	9.09
Cape Breton	Cape Breton Inverness Richmond Victoria	14.58	14.58	8	8	15.69	14.55
Central Nova	Antigonish Guysborough Pictou	8.02	7.70	5	5	9.80	9.09
Fundy Northeast	Colchester Cumberland Hants (East)	11.76	11.49	6	6	11.76	10.91
Halifax Regional Municipality	Halifax	41.18	41.81	20	22	39.22	40.00

Region	Counties	% of electors by region (current)	% of electors by region (proposed)	Electoral districts by region (current)	Electoral districts by region (proposed)	% of electoral districts by region (current)	% of electoral districts by region (proposed)
South Shore	Lunenburg	6.21	6.11	3	3	5.88	5.45
Southwest Nova Scotia	Digby Queens Shelburne Yarmouth	7.42	7.73	4	6	7.84	10.91
Total		**100**	**100**	**51**	**55**	**100**	**100**

NOTE: The total number of electors in each region from **Table 4** were used to calculate the percentages listed in the first column of the above table. The total number of electors in each region from **Table 5** were used to calculate the percentages in the second column of the above table.

Table 7: Current and proposed average seat entitlement by region, ENS Dec. 2018 data

Region	Electoral districts by region (current)	Electoral districts by region (proposed)	Average number of electors by region (current)	Average number of electors by region (proposed)	Seat entitlement by region (current)	Seat entitlement by region (proposed)
Annapolis Valley	5	5	15,849	15,480	1.10	1.16
Cape Breton	8	8	13,346	13,346	0.93	1.00
Central Nova	5	5	11,745	11,273	0.82	0.85
Fundy Northeast	6	6	14,349	14,021	1.00	1.05
Halifax Regional Municipality	20	22	15,075	13,915	1.05	1.05
South Shore	3	3	15,164	14,923	1.06	1.12
Southwest Nova Scotia	4	6	13,588	9,435	0.95	0.71
Total	**51**	**55**	**14,356**	**13,312**	**1.00**	**1.00**

Voter turnout and electoral districts

In our interim report, on page 16, we refer to comments made by Acadians during our first round of public consultations to the effect that the elimination of the exceptional electoral districts of Argyle, Clare, and Richmond led to "the significant drop in voter turnout in the 2017 provincial election" (Dodds 2018, 16).

Table 8 shows voter turnout by electoral district for both the 2013 and 2017 elections. Columns 1 through 6 show the following:

1 the number of electors on the final voter list for the **2013** provincial general election

2 the number of electors who voted in the **2013** provincial general election

3 the percentage of electors who voted in the **2013** provincial general election

4 the number of electors on the final voter list for the **2017** provincial general election

5 the number of electors who voted in the **2017** provincial general election

6 the percentage of electors who voted in the **2017** provincial general election

The table shows that of the 51 electoral districts, only three showed a voter turnout that either increased or stayed the same over the two elections.

Table 8: Voter turnout, general provincial elections 2013 & 2017

Electoral district	2013			2017		
	1	2	3	4	5	6
01 Annapolis	15,919	10,209	64.1%	16,888	9,941	58.9%
02 Antigonish	14,041	9,155	65.2%	14,455	8,973	62.1%
03 Argyle-Barrington	12,223	7,254	59.4%	12,508	6,224	49.8%
04 Bedford	18,008	10,086	56.0%	21,574	11,110	51.5%
05 Cape Breton Centre	13,062	7,639	58.5%	13,178	7,865	59.7%
06 Cape Breton-Richmond	10,980	7,794	71.0%	11,233	7,701	68.6%
07 Chester-St. Margaret's	14,876	9,544	64.2%	15,447	8,809	57.0%
08 Clare-Digby	14,148	9,462	66.9%	14,486	8,124	56.1%
09 Clayton Park West	16,835	8,797	52.3%	17,712	8,793	49.6%
10 Colchester-Musquodoboit Valley	13,658	7,872	57.6%	14,225	7,280	51.2%
11 Colchester North	13,961	8,249	59.1%	14,476	7,900	54.6%
12 Cole Harbour-Eastern Passage	14,139	7,586	53.7%	15,107	7,399	49.0%
13 Cole Harbour-Portland Valley	17,337	9,827	56.7%	18,097	9,764	54.0%

Electoral district	2013			2017		
	1	2	3	4	5	6
14 Cumberland North	12,737	7,467	58.6%	13,259	7,067	53.3%
15 Cumberland South	10,987	7,222	65.7%	11,066	6,902	62.4%
16 Dartmouth East	14,507	8,637	59.5%	14,901	8,093	54.3%
17 Dartmouth North	15,040	6,764	45.0%	16,587	7,074	42.7%
18 Preston-Dartmouth	10,918	5,776	52.9%	11,404	5,050	44.3%
19 Dartmouth South	15,940	8,844	55.5%	17,720	9,007	50.8%
20 Guysborough-Eastern Shore-Tracadie	10,355	7,270	70.2%	10,292	6,018	58.5%
21 Eastern Shore	11,988	7,181	59.9%	12,526	6,723	53.7%
22 Fairview-Clayton Park	16,023	7,290	45.5%	17,566	7,365	41.9%
23 Glace Bay	12,537	6,968	55.6%	12,510	7,183	57.4%
24 Halifax Armdale	11,638	6,542	56.2%	12,467	6,667	53.5%
25 Halifax Atlantic	14,338	7,728	53.9%	15,250	7,629	50.0%
26 Halifax Chebucto	16,121	8,827	54.8%	17,588	9,124	51.9%
27 Halifax Citadel-Sable Island	13,357	6,275	47.0%	14,968	5,889	39.2%
28 Halifax Needham	15,432	7,782	50.4%	16,558	7,599	45.9%
29 Hammonds Plains-Lucasville	11,459	6,537	57.1%	12,905	7,366	57.1%
30 Hants East	18,086	9,589	53.0%	18,782	9,026	48.1%
31 Hants West	14,996	8,854	59.0%	15,573	8,400	53.9%
32 Inverness	11,159	7,812	70.0%	11,489	7,608	66.2%
33 Kings North	15,368	8,982	58.5%	16,006	8,353	52.2%
34 Kings South	17,118	9,948	58.1%	17,542	9,168	52.3%
35 Kings West	14,674	7,952	54.2%	15,312	8,006	52.3%
36 Lunenburg	13,658	8,490	62.2%	14,333	7,951	55.5%
37 Lunenburg West	15,736	9,166	58.3%	16,227	8,196	50.5%
38 Northside-Westmount	16,261	9,570	58.9%	16,679	9,444	56.6%
39 Pictou Centre	13,040	7,999	61.3%	13,003	7,254	55.8%
40 Pictou East	11,768	7,784	66.2%	11,976	7,174	59.9%
41 Pictou West	10,971	7,609	69.4%	11,225	6,968	62.1%

Electoral district	2013			2017		
	1	2	3	4	5	6
42 Queens-Shelburne	13,868	8,318	60.0%	14,099	7,430	52.7%
43 Sackville-Beaver Bank	12,640	6,446	51.0%	13,866	6,721	48.5%
44 Sackville-Cobequid	14,853	7,817	52.6%	15,457	7,876	51.0%
45 Sydney-Whitney Pier	17,906	10,360	57.9%	18,061	9,504	52.6%
46 Sydney River-Mira-Louisbourg	15,190	9,623	63.4%	15,572	9,462	60.8%
47 Timberlea-Prospect	15,014	8,594	57.2%	16,047	8,598	53.6%
48 Truro-Bible Hill-Millbrook-Salmon River	15,557	8,383	53.9%	16,350	7,919	48.4%
49 Victoria-The Lakes	12,082	8,137	67.4%	12,610	7,380	58.5%
50 Waverley-Fall River-Beaver Bank	14,133	8,382	59.3%	15,089	8,370	55.5%
51 Yarmouth	13,435	8,692	64.7%	13,862	7,918	57.1%
Total	**720,077**	**419,091**	**58.2%**	**756,113**	**403,365**	**53.4%**

Table Source: Statement of Votes & Statistics Volume I, 40th Provincial General Election May 30, 2017, published by the Chief Electoral Officer, September 2017, page1–10 to 1–11.

Letter of dissent

As members of the 2018–19 Electoral Boundaries Commission, we the undersigned, submit this letter of dissent because we oppose the majority of commission members' decision to not include Chéticamp among the exceptional electoral districts. This includes, by extension, their decision not to recommend a seat in the House of Assembly for the residents of Chéticamp and environs.

While you may find some of this information in *Striking a balance between effective representation and voter parity*, the interim report of the 2018–19 Electoral Boundaries Commission, and this final report, we want to go over it here to provide context for and to emphasize our dissenting opinion.

In the wake of the Nova Scotia Court of Appeal ruling of January 2017, the Keefe Report explored ways to address effective representation for African Nova Scotians and Acadians across the province. Among others, it recommended three things:

- that the next electoral boundaries commission not be required to reinstate the exceptional electoral districts as they existed in 2002
- that the next boundaries commission not be restricted to recommending a specific number of electoral districts
- that boundaries commissions be granted discretion and autonomy to create an electoral map that achieves effective representation for Nova Scotians

The report stated that allowing for more electoral districts would make it easier for electoral boundaries commissions to create an electoral map that provides more effective representation:

> It may be there are other geographic areas of the province where opportunities exist to improve the representation of Acadians or African Nova Scotians . . . The more ridings there are, the more flexibility boundaries commissions will have to craft boundaries in accordance with the principles of effective representation. (Keefe 2018, 7)

In our opinion, the flexibility provided us through our *Terms of reference* (pages 5–6) allowed this commission to see the merit in increasing the number of electoral districts, particularly from the perspective of providing effective representation. This empowered the commission to submit an electoral map that provides effective representation for the vast majority of Nova Scotians. We are pleased with that result. However, we have dissenting opinions regarding the majority of the commission's rejection of the third and fourth elector distribution options proposed in our interim report (Dodds 2018, 30). The third option proposed creating a dual-member electoral

district for Inverness—55 electoral districts with 56 MLAs. The fourth option proposed creating an exceptional electoral district in the northern Inverness area in addition to reinstating versions of the four formerly protected constituencies for a total of 56 electoral districts. The options were presented to address a long-standing question: How can the province provide more effective representation to the unique minority Acadian enclave of Chéticamp and surrounding communities, concentrated as it is in the northern portion of the electoral district of Inverness? One may conclude that this question was not only important to the commission, but also to the elected provincial representatives on the all-party select committee who chose a well-qualified Acadian from Chéticamp to be one of two Acadian representatives on this commission. Nevertheless, while Acadian representation was strong on the commission, and while the dissenters accepted and presented convincing arguments for adopting either the third or fourth option, we are disappointed that, as a collective, we were still unable to secure more effective representation for Chéticamp and its surrounding communities.

Despite the high quality of representation generally provided by current and past Inverness MLAs, insights from commission members and presenters at the well-attended public consultations in Chéticamp highlighted that Acadians from that area had not enjoyed effective representation on par with other Nova Scotians. This has been the case both in the *longue durée* and since "protected constituencies" were established in 1992. Reasons were clearly outlined in consultations, as well as in the commission's interim report:

- Only two Acadians have been elected in iterations of the Inverness electoral district since Confederation.
- French-speaking Acadians have not been able to speak with their elected representatives in French.
- Geographically, Inverness is an unwieldy constituency that stretches more than 200 kilometres from its northernmost to its southernmost points making it comparatively more difficult for residents to meet with their MLA.
- Chéticamp Acadians were excluded in the creation of exceptional electoral districts, which for 20 years provided descriptive representation and symbolic recognition for Acadians of the other protected constituencies.
- Chéticamp Acadians experienced marginalization through deportation and, in the last century, land expropriation at the hands of the federal government to create Cape Breton Highlands National Park.
- In an increasingly globalized world, the Chéticamp area is facing assimilative pressures (Dodds 2018, 24–26).

So, after deliberating and exploring many sources of information, this commission's interim report included approaches and strategies for addressing effective representation for African Nova Scotians and Acadians, including addressing the missing piece in the Acadian representation puzzle—the significant Acadian anchor community of Chéticamp and environs.

One way to solve this puzzle emerged from Dr. James Bickerton's report (2018, 13), which recommends returning to a version of the dual-member electoral district that had been used in the past for the district of Inverness. In the variation we presented in the interim report, self-identifying Acadian voters throughout the electoral district could choose to cast one of two ballots:

- the same ballot used by the general electorate to elect an MLA to represent the geographic electoral district

OR

- a ballot containing the names of self-identifying Acadians fluent in French used to elect an Acadian MLA

Commissioners Graham and Kelloway supported this innovative approach for much of the commission's duration. The dual-member method would almost guarantee effective Acadian representation in Chéticamp, representation to which this community has been denied historically. It has further been denied them in every boundary review since 1992 when exceptional districts were first created to promote effective representation for three other Acadian regions (see *Appendix F*, pages 93–96, for more on dual-member districts). In the event that the commission rejected the dual-member option, Commissioners Graham and Kelloway then supported the option of creating a new exceptional electoral district for Acadians in Chéticamp and its surrounding communities to provide them with more effective representation. This smaller electoral district would surround the concentrated Acadian population in Chéticamp and environs, increasing their chances of electing an Acadian MLA. Like the other exceptional electoral districts, and as noted in our interim report, the new electoral district would be a tangible institutional arrangement and symbol of recognition "designed to enhance constitutionally protected effective representation" (page 90). While the electoral district would have a very low entitlement index (page 14), we felt that it qualified under *Terms of reference* #5 (page 5). After our second consultation held in Chéticamp, it was evident that the Acadian community preferred creating an exceptional electoral district in northern Inverness. This galvanized support for that option from four of the nine commissioners—LeFort, who supported the exceptional electoral district from the outset, Gaudet, Graham, and Kelloway.

Since the Carter decision, Nova Scotia has been a model for how boundaries commissions can incorporate substantive and descriptive representation (pages 87) while balancing effective representation against voter parity, particularly in cases involving ethno-cultural and racial minorities. This is, of course, setting aside the 2012 controversy that yielded the current 51-seat House of Assembly, as well as the current commission's ultimate rejection of the Chéticamp and environs options. Some Nova Scotians may challenge our position. It has been argued that the commission's proposals to address effective representation in Chéticamp and environs yielded an unacceptable deviation from voter parity. We respectfully disagree. Chéticamp and its surrounding communities present an extraordinary case—a linguistic, cultural, historical, and geographical community of interest needing more effective

representation at a crucial time. We refer to Justice McLachlin's statements about voter parity and effective representation in the Carter decision:

> 49 It is my conclusion that the purpose of the right to vote enshrined in s. 3 of the *Charter* is not equality of voting power *per se*, but the right to "effective representation" ...
>
> 51 But parity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation ...
>
> 52 Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation cannot be achieved without taking into account countervailing factors (NSCA 2017, 36 citing Saskatchewan v Carter, 1991 SCC).

In our mandatory *Terms of reference*, #1 states: "There is a right to effective representation, and elector parity is the prime factor in determining the electoral boundaries" (page 5). Yet, the Carter ruling has stipulated that for effective representation to be attained, it may require weighing countervailing factors against parity. In our view, as soon as we begin balancing countervailing factors we believe necessary to enhance effective representation against the prime consideration of voter parity, the "primacy of prime" is weakened, if not neutralized. The Nova Scotia Court of Appeal judgment refers to Justice McLachlin's interpretation in the Carter decision:

> 61 ... The "practical living fact", to borrow Frankfurter J.'s phrase, is that effective representation and good government in this country compel those charged with setting electoral boundaries sometimes to take into account factors other than voter parity, such as geography and community interests. ... ; to insist on voter parity might deprive citizens with distinct interests of an effective voice in the legislative process as well as of effective assistance from their representatives in their "ombudsman" role. This is only one of a number of factors which may necessitate deviation from the "one person – one vote" rule in the interests of effective representation. (NSCA 2017, 37–38 NSCA 2017, 36 citing Saskatchewan v Carter, 1991 SCC)

In the Carter ruling, Justice McLachlin's insights underline the delicate balancing act that boundaries commissions must undertake:

> 55 … I adhere to the proposition asserted in Dixon, supra, at p. 414, that "only those deviations 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 within the territory governed." (Saskatchewan v Carter, 1991 SCC 158)

We feel that the parity deviation for Chéticamp and environs contributes to better government for the populace as a whole. It provides Acadians—in a nested area of a wider economically challenged region of the province—who have largely felt left out of the political process, with an opportunity to experience more effective representation, representation that could be considered comparable to that of the rest of the governed populace. From a geographical perspective, an exceptional electoral district would have provided voters with fairer comparative access to their MLA. The electoral district of Inverness spans approximately 240 kilometres from its southernmost to its northernmost points. This electoral district easily compares to that of the Eastern Shore-Guysborough-Tracadie electoral district, which the current commission deemed worthy of adjusting because of its geographical expanse even though this increased its deviation from voter parity. According to *Terms of reference* #2 (page 5), geography alone would seem to make Inverness a reasonable candidate for boundary adjustment. In addition, we question any notion that urban and other Nova Scotian voters may experience ill effects regarding their political representation because of Chéticamp's significant parity deviation. The answer is up for debate. For instance, political scientists Paul Thomas, Peter Loewen, and Michael MacKenzie have observed in their study, *Fair Isn't Always Equal: Constituency Population and the Quality of Representation in Canada*, that "remarkably there has been no study of whether population inequalities actually affect Canadian citizens' representational experiences." (Thomas, Loewen, and MacKenzie 2013, 273). However, the authors do note that "taken together, our findings help us understand whether breaches of rep-by-pop affects the quality of individual representational experiences. Ultimately, our results suggest that voters may not need to be equally represented in order to be—or to feel—effectively represented" (Thomas, Loewen, and MacKenzie 2013, 274). They reiterate in their concluding remarks the following:

> The principal implication of this analysis is that reducing inequalities in constituency population may be a worthy objective in itself, but radical changes to electoral district boundaries should not be made at the expense of other principled considerations, such as the representation of communities of interest. Nor can changes made to improve equality be justified solely on the assumption that voters in constituencies with larger populations are not well represented. There is little evidence to suggest that the representational experiences of individuals can be improved by moving closer to the principle of rep-by-pop. (Thomas, Loewen, and MacKenzie 2013, 290)

Additionally, from a constitutional standpoint, it has been argued that exceptional treatment of Acadians is justified because they are an official language community recognized under sections 16–23 of the Charter of Rights and Freedoms (Keefe 2018, 105). We also view the options presented for Chéticamp and environs as beneficial measures that could be initiated by the province to support a disadvantaged group as they are for the previously instituted exceptional electoral districts. In light of the unique historical circumstances, linguistic pressures, and marginalization experienced

by Acadians as an official language community, we believe such remedial initiatives would negate any charges of reverse discrimination that could arise. Indeed, the proposals for Chéticamp and environs, as well as the other exceptional electoral districts, could be situated within the purview of section 15(2) of the Canadian Charter of Rights and Freedoms (Butler 2013; Butler, 2013 7–8 citing Alberta (Aboriginal Affairs and Northern Development) v. Cunningham, 2011).

During some public consultations, we heard arguments for and against increasing the number of electoral districts. We encountered the usual narrative that often falsely conflates the number of MLAs with government as a whole. The proponents of this narrative believe we can achieve smaller and more efficient government by reducing the number of MLAs. We disagree and instead follow the more nuanced rationale provided in Dr. Bickerton's report, some of which was outlined in our interim report:

> While for various reasons smaller municipal councils might be consistent with the goal of good governance, these considerations are very different for the provincial legislature. Since the province is the level of government primarily responsible for providing most public and social services, it is crucial that Nova Scotian electors have representation in the legislature that is adequate to the needs of the parliamentary form of democracy. In particular, voters must have the capacity to hold their government accountable for its policies, programs, and governance practices, the essence of "effective representation" that the Supreme Court identifies as the right of all Canadian citizens. (Bickerton 2018, 16)

Additionally, increasing the number of electoral districts, and thus MLAs, by only **one** from the majority of the commission's proposal of 55 electoral districts (page 22), we want to emphasize the expert position that "relative to the overall cost of government, the financial burden of maintaining a legislator is very small" (Bickerton 2018, 16). In fact, we feel that most Nova Scotians would be surprised at how little it costs to cover the salary and expenses of one additional MLA (along with the additional MLAs proposed by the commission) when seen in the context of the province's overall budget. We are convinced that any suggested savings from **not** including Chéticamp and environs as an exceptional electoral district cannot be justified when compared to the opportunity for more effective representation in the House of Assembly that such a district would provide.

It is undeniable that Nova Scotia is a province with regional and urban-rural divides (Carbert 2016, 42; Ivany 2014, 10). Some of these are, in part, exacerbated by politics and political institutions. For instance, our interim report states: "an indirect result of the way boundaries are redrawn actually contributes to further rural decline" (Dodds 2018, 14). In other words, institutional designs, such as representation-by-population, have unintended effects. We accept that viewpoint, one that is rooted in new institutionalist analysis and used by many Canadian political scientists when explaining political phenomena. While we acknowledge that there are wider forces and multiple variables contributing to rural decline in Nova Scotia and beyond, we believe it is naive to think that a strict adherence to representation-by-population and voter parity is not one of them. Simply stated, as more MLAs become concentrated

in a continuously growing number of urban electoral districts, rural districts grow geographically larger. This may disrupt communities of interest or cause them to disappear. As a result, political decisions regarding services and programs may become more urban-focused and geared toward continued centralization. This could lead to a snowball effect that pulls power away from important rural and cultural communities throughout the province (Savoie 2006, 18–49).

We concede that demographic trends point to urbanization. But we also suggest that policies and distribution of resources and services are often filtered through an urban lens. Such an outlook presents rural areas as relics of the past with very little hope for the future. In contrast, we have seen small, rural Nova Scotian communities try to offset globalization and urbanization-related challenges by promoting culture, language, technology, and tourism in an effort to revitalize their communities and regenerate their economies. These communities have often been successful. We are not alone in recognizing this. It has been recognized by academics, business owners, community organizations, economic development officers, and rural MLAs. Rural Nova Scotia has not given up in the new economy. Communities are trying to readjust and some are resurfacing through innovation and entrepreneurship (Graham 2019, Johnson 2007). We feel that if substantive and descriptive representation is institutionalized in the form of an MLA, it can increase voters' opportunities to affect economic and social policies and decision-making at the centre of government. We regret that Acadians in Chéticamp and its surrounding communities have again been denied the opportunity to be represented by an MLA who speaks their language, lives their culture, and shares a deep connection with their history and aspirations.

As a final point on the Chéticamp and environs decision, we would like to highlight the composition of the 2018–19 Electoral Boundaries Commission. While five of nine of our commissioner colleagues live in Halifax and its surrounding urban areas, 59 per cent of Nova Scotia's electors live outside HRM. It was an absolute pleasure to work with such a collegial and knowledgeable group of commissioners; however, we would be remiss if we did not suggest that the majority's decision regarding Chéticamp and environs was, in part, a reflection of the aforementioned urban-rural divide and differing visions of what the future could hold for rural Nova Scotia. Indeed, the rejection of a more effective representation option for Acadians in the Chéticamp area highlights the urban-rural schism that continues to be evident in Nova Scotia and other provinces (Wesley 2016). We want to stress that an opportunity has been lost to provide an innovative, viable, and just solution for a marginalized, outlying, Acadian "anchor" community facing economic, social, cultural, and assimilative pressures.

In conclusion, it is our opinion that this commission has, overall, found a balance between effective representation and voter parity for Nova Scotians. However, with regard to Chéticamp and environs, we feel we did not get it right. What does the future hold? Will the Acadians of Chéticamp and its surrounding communities receive more effective representation in the future? If so, how? Perhaps Nova Scotia will continue to look for and incorporate innovative approaches within the current system. Or, perhaps

we may join other jurisdictions in their exploration of more proportional electoral systems. Such systems have been found to provide more robust representation for women and minorities (Pilon, 2000). For now, it is our opinion that the Acadians of Chéticamp and environs are yet again left with the *status quo* of insufficient representation.

Sincerely,

Paul Gaudet

Dr. Glenn Graham

Mike Kelloway

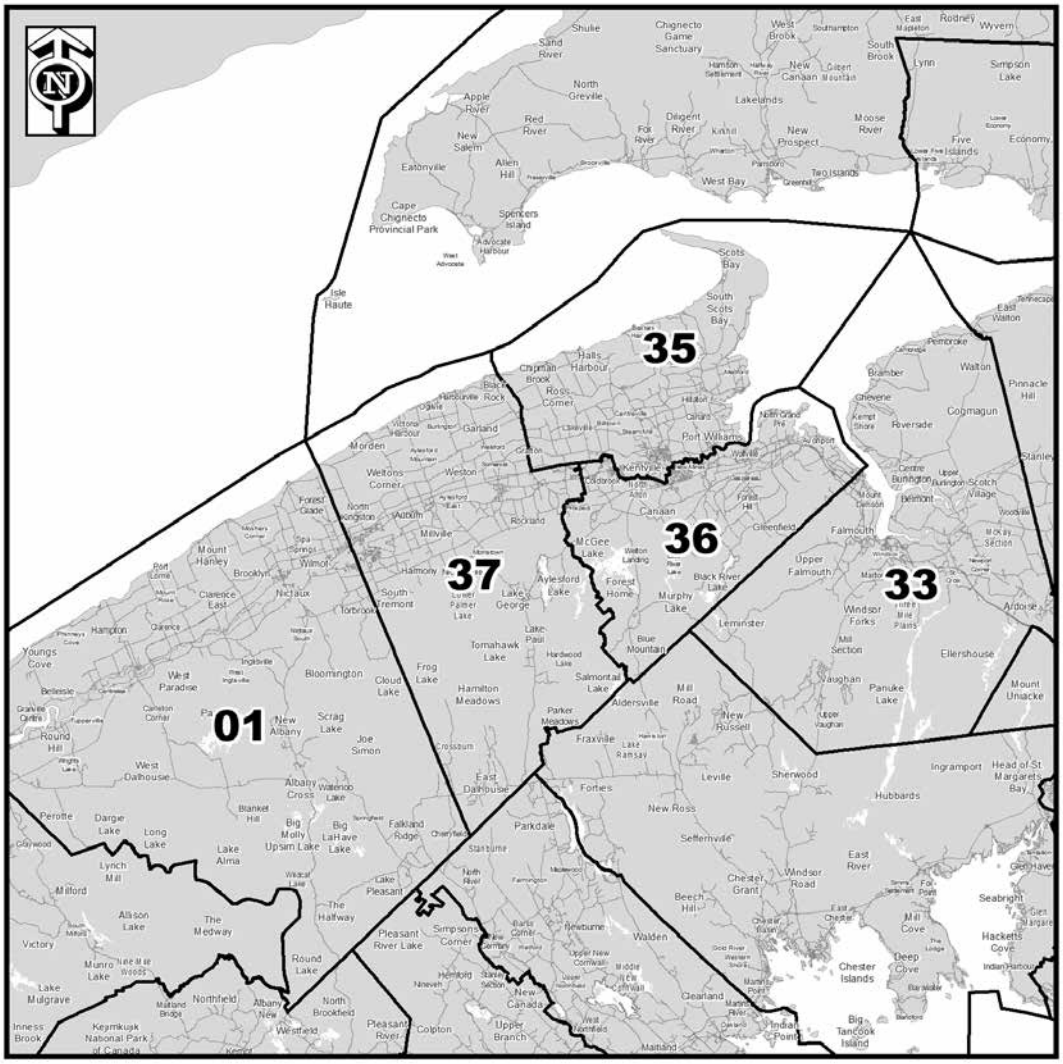
Léonard LeFort

Maps of proposed electoral districts

This section contains the maps of the 55 proposed electoral districts described in the chapter titled *Proposed electoral distribution*. The regions are the same as those used in tables 4 through 7.

Annapolis Valley

1

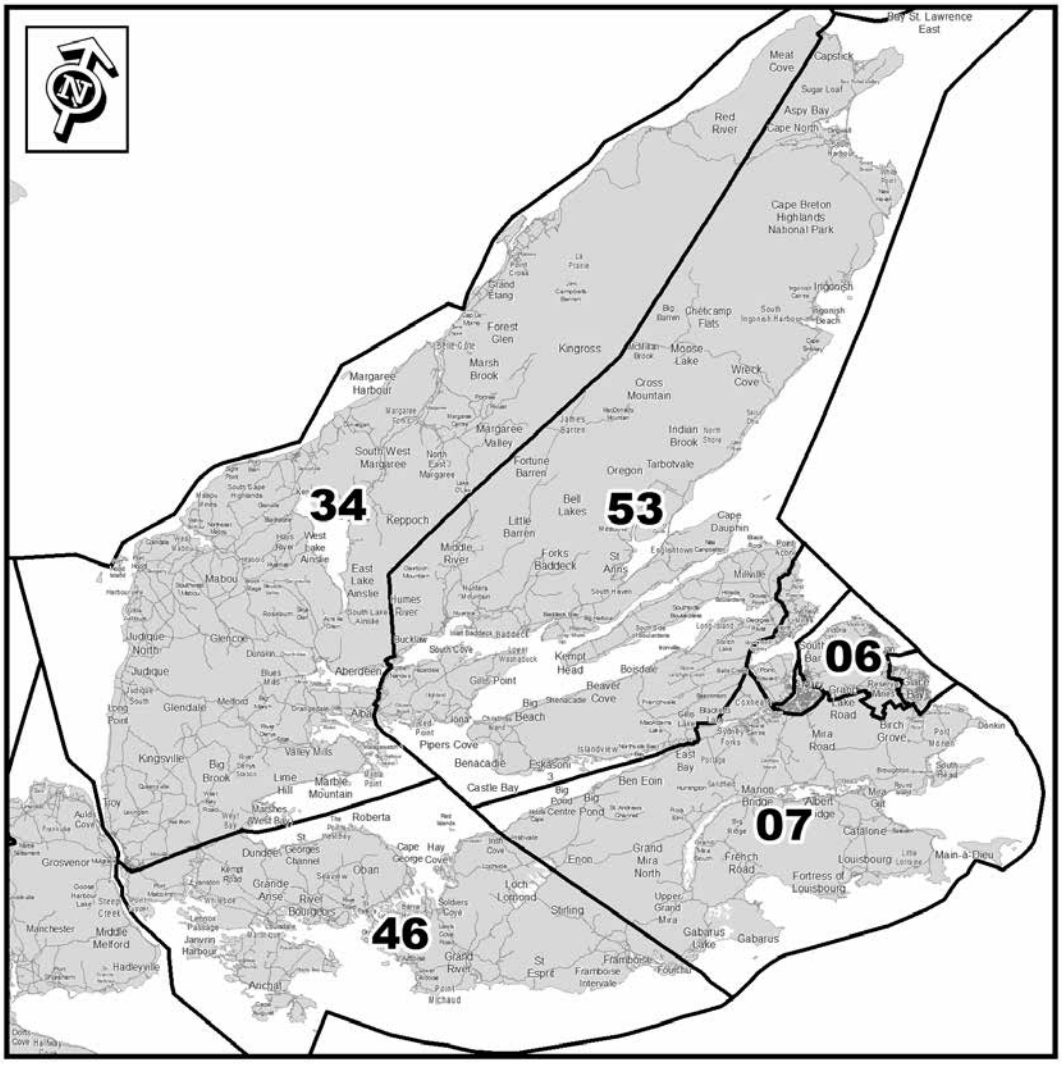


Electoral districts

01	Annapolis
33	Hants West
35	Kings North
36	Kings South
37	Kings West

Cape Breton

2

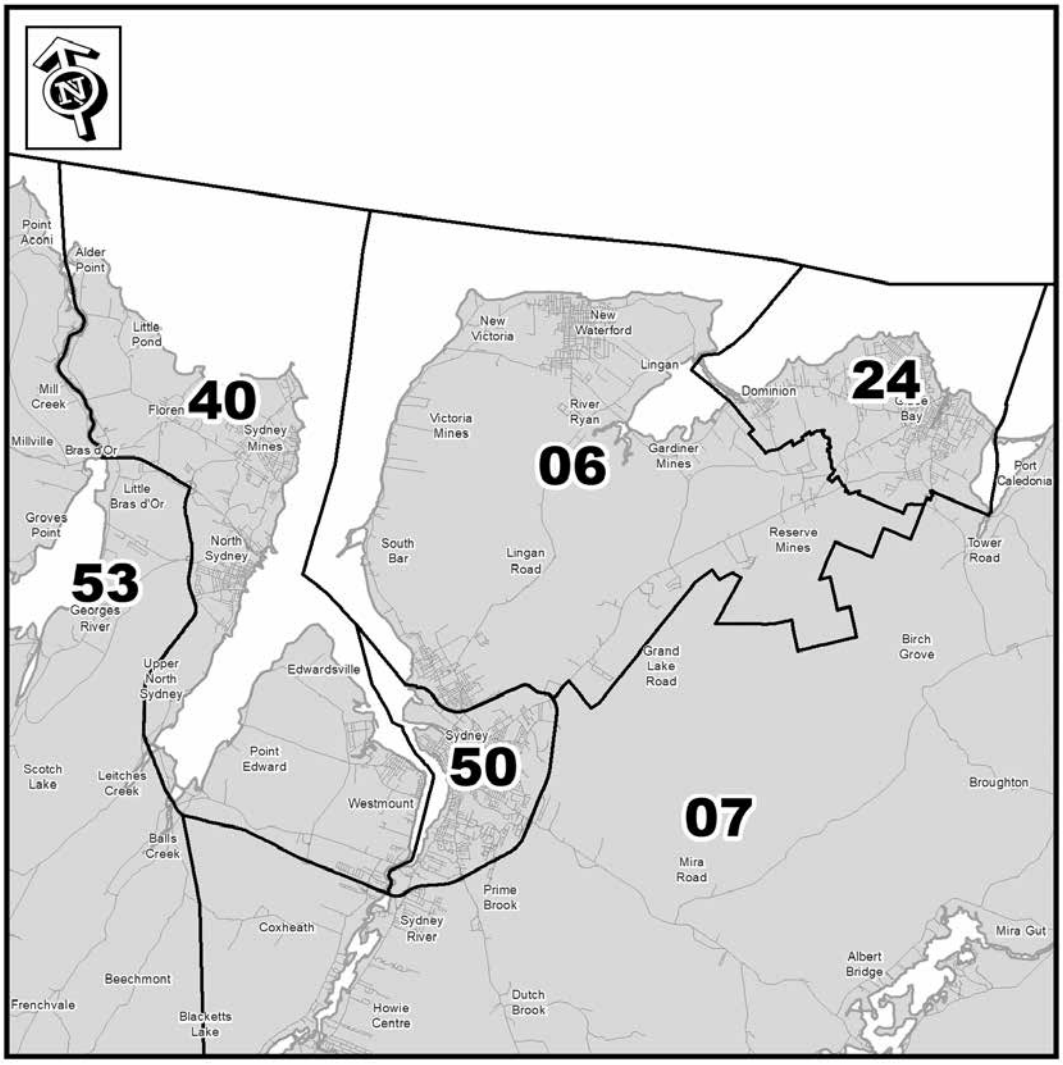


Electoral districts

06	Cape Breton Centre-Whitney Pier
07	Cape Breton East
34	Inverness
46	Richmond
53	Victoria-The Lakes

Cape Breton Regional Municipality

3

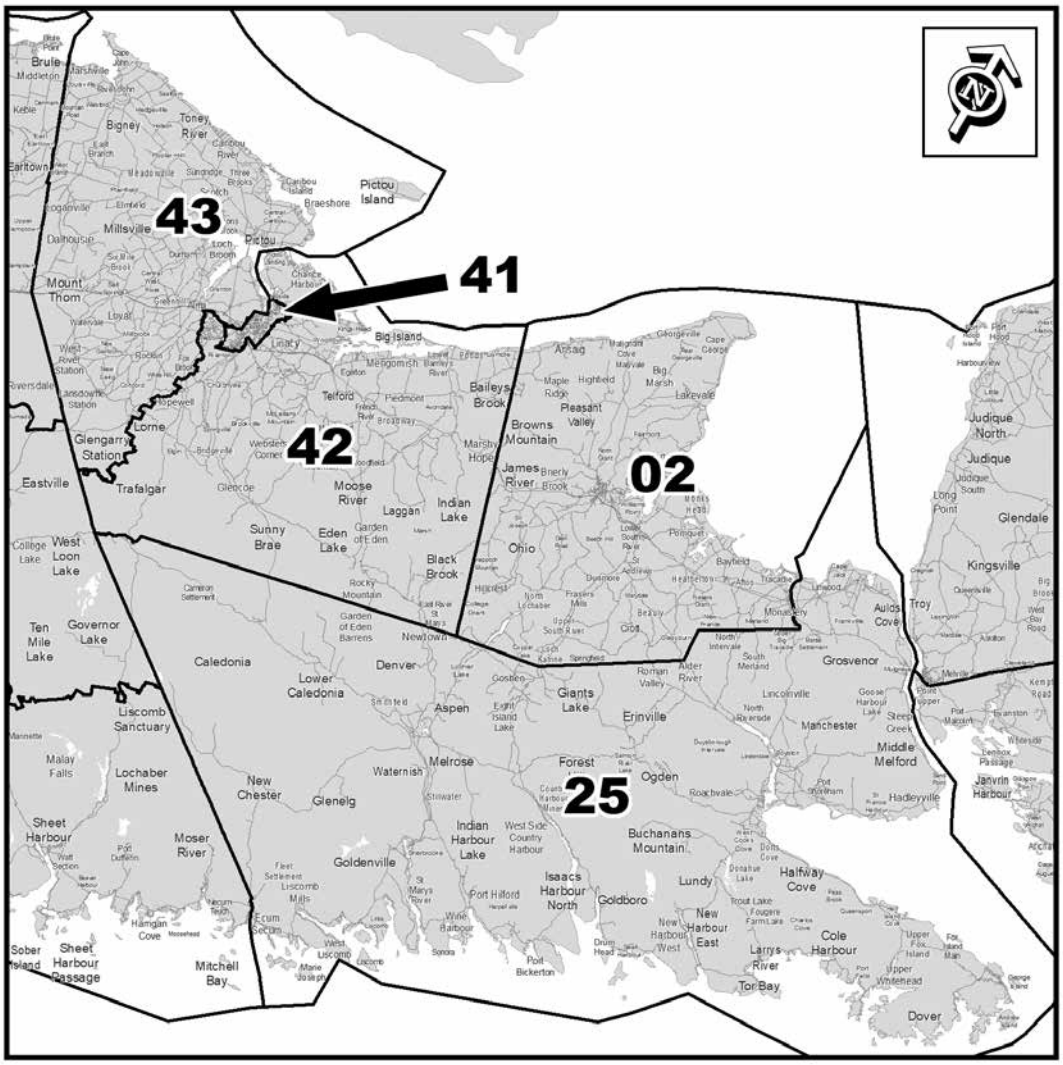


Electoral districts

06	Cape Breton Centre-Whitney Pier
07	Cape Breton East
24	Glace Bay-Dominion
40	Northside-Westmount
50	Sydney-Membertou
53	Victoria-The Lakes

Central Nova

4

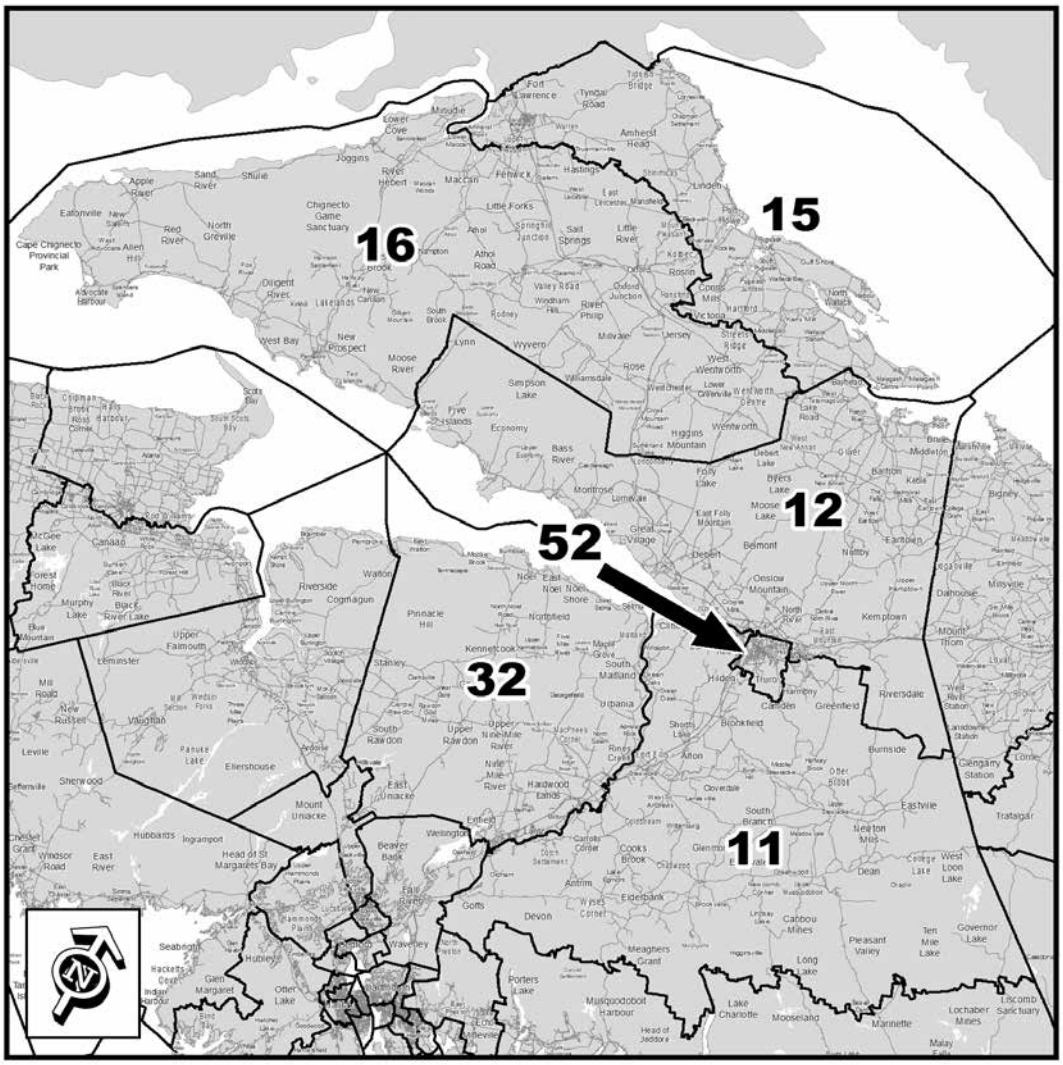


Electoral districts

02	Antigonish
25	Guysborough-Tracadie
41	Pictou Centre
42	Pictou East
43	Pictou West

Fundy Northeast

5

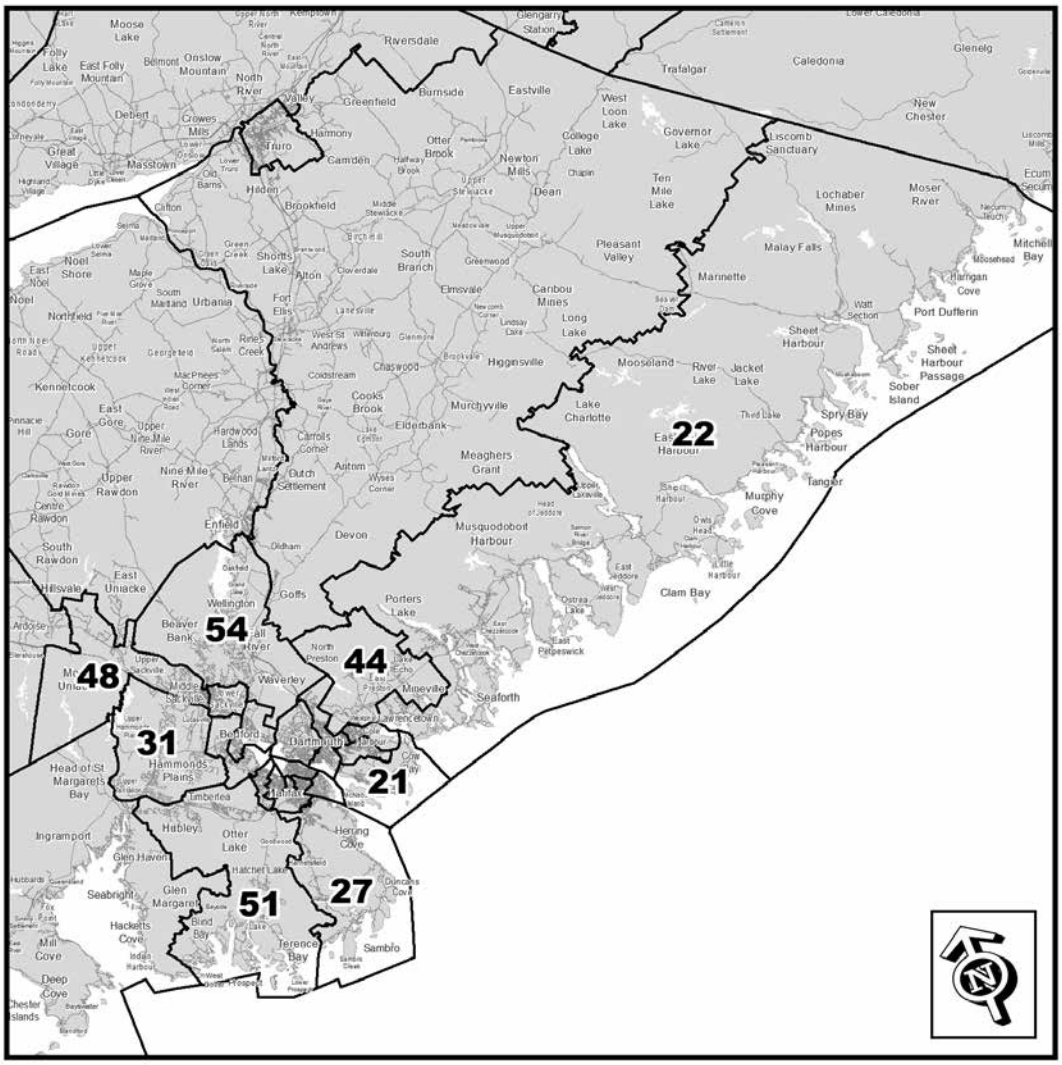


Electoral districts

11	Colchester-Musquodoboit Valley
12	Colchester North
15	Cumberland North
16	Cumberland South
32	Hants East
52	Truro-Bible Hill-Millbrook-Salmon River

Halifax Regional Municipality

6

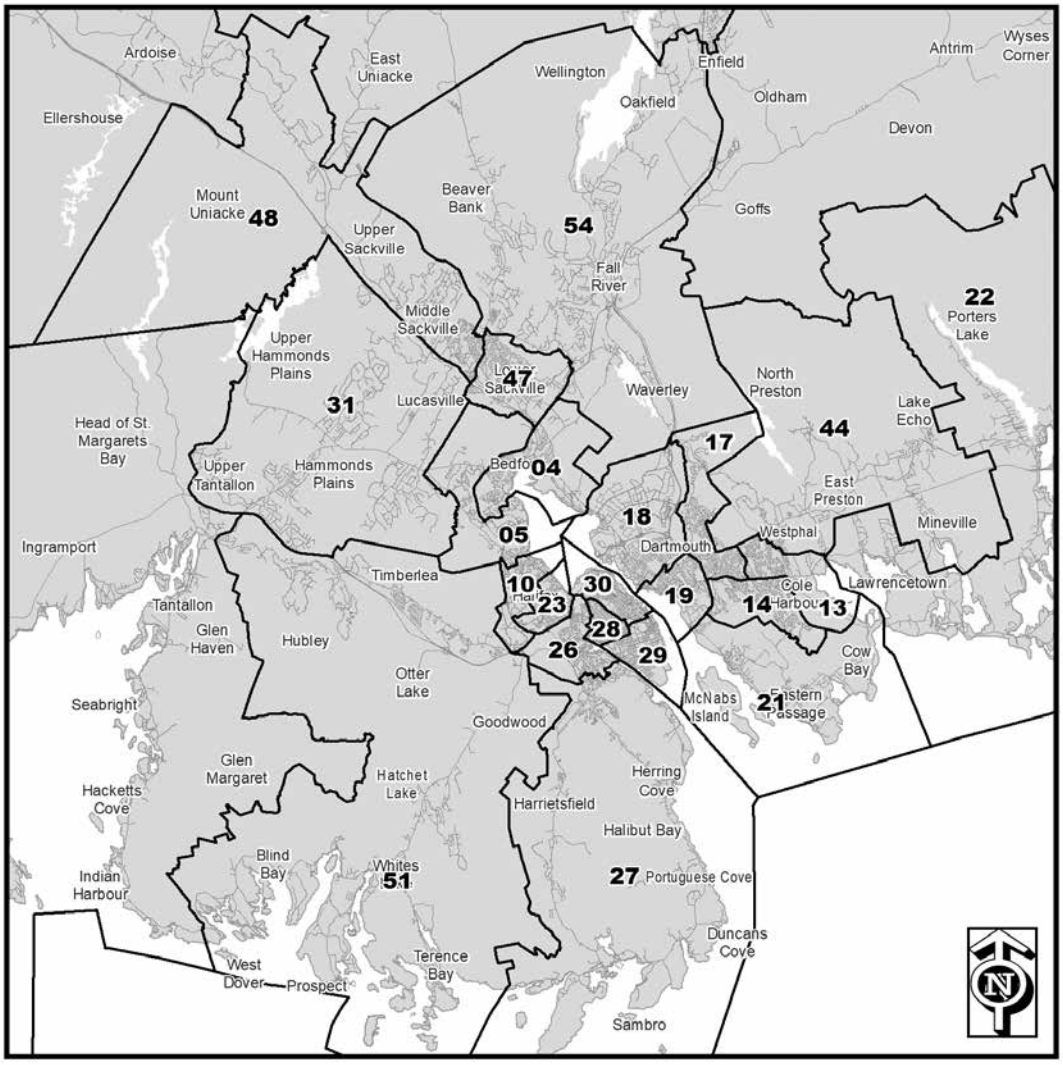


Electoral districts

21	Eastern Passage
22	Eastern Shore
27	Halifax Atlantic
31	Hammonds Plains-Lucasville
44	Preston
48	Sackville-Uniacke
51	Timberlea-Prospect
54	Waverley-Fall River-Beaver Bank

Halifax Regional Municipality (Metro)

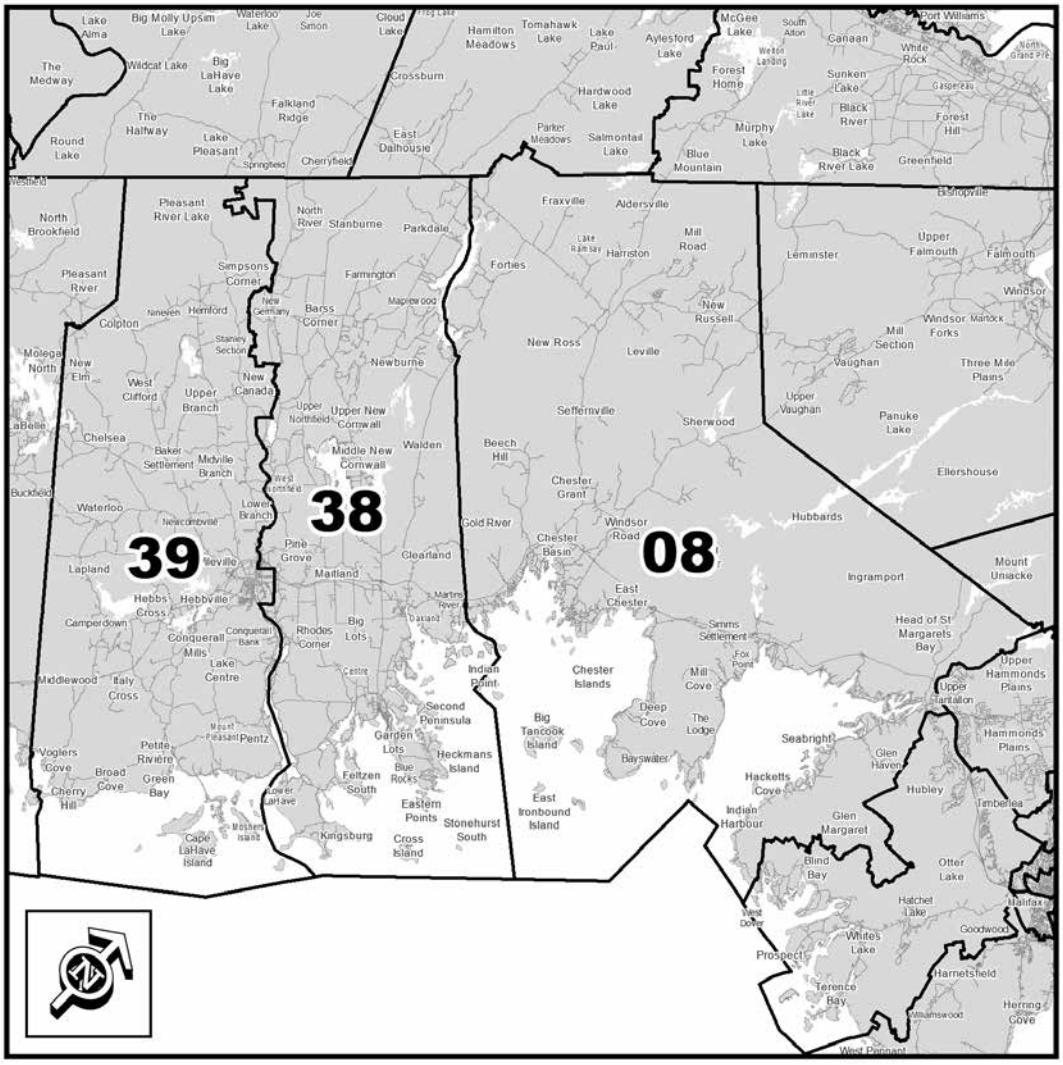
7



Electoral districts

04	Bedford Basin
05	Bedford South
10	Clayton Park West
13	Cole Harbour-Dartmouth
14	Cole Harbour
17	Dartmouth East
18	Dartmouth North
19	Dartmouth South
21	Eastern Passage
22	Eastern Shore
23	Fairview-Clayton Park
26	Halifax Armdale
27	Halifax Atlantic
28	Halifax Chebucto
29	Halifax Citadel-Sable Island
30	Halifax-Needham
31	Hammonds Plains-Lucasville
44	Preston
47	Sackville-Cobequid
48	Sackville-Uniacke
51	Timberlea-Prospect
54	Waverley-Fall River-Beaver Bank

South Shore

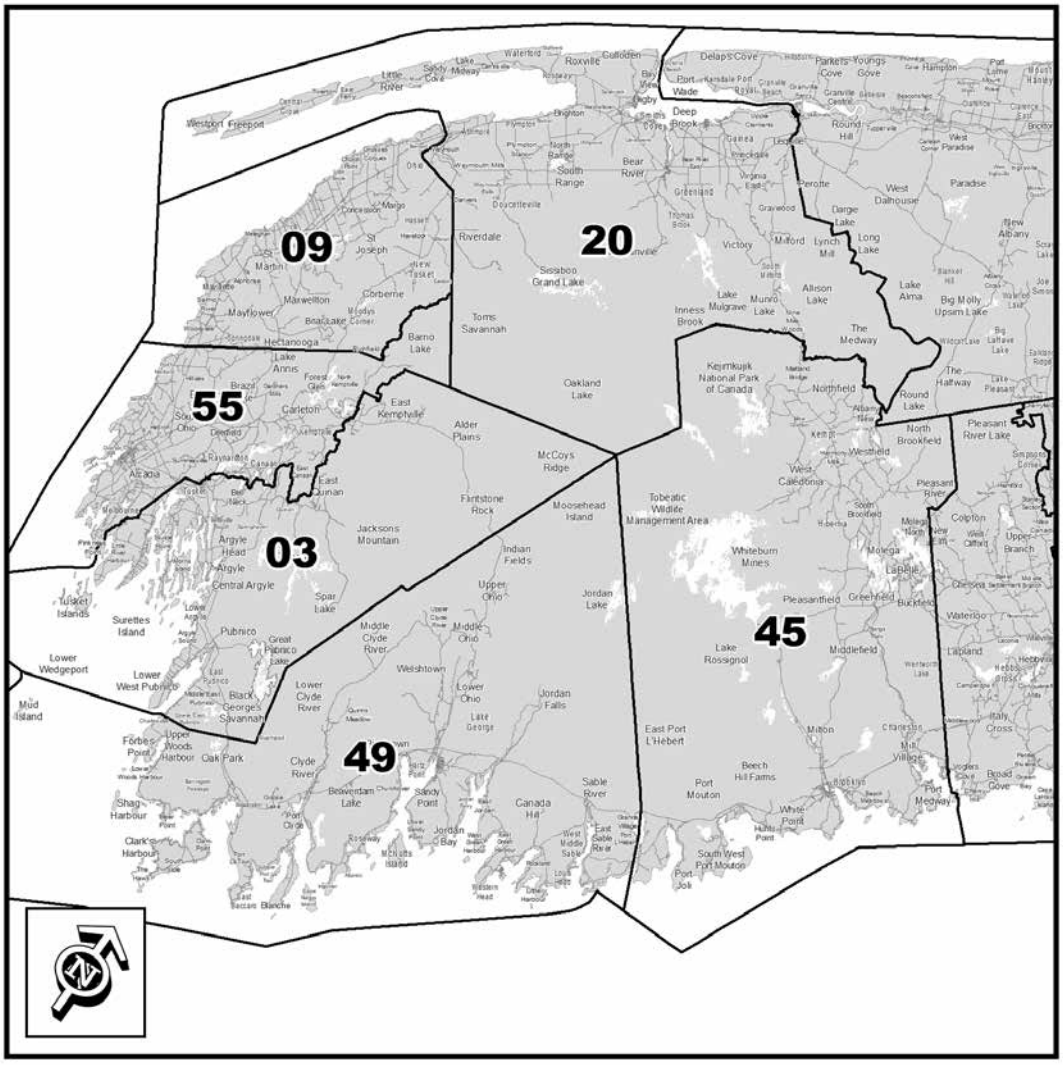


Electoral districts

08	Chester-St. Margaret's
38	Lunenburg
39	Lunenburg West

Southwest Nova Scotia

9



Electoral districts

03	Argyle
09	Clare
20	Digby-Annapolis
45	Queens
49	Shelburne
55	Yarmouth

Recommendations

The recommendations listed below are numbered for ease of reference only. The numbers do NOT indicate priority ranking.

Recommendation 1: *We suggest that future select committees consult with the Mi'kmaw nation prior to the formation of electoral boundaries commissions to guide consultations with the Mi'kmaq prior to and during the electoral boundaries review process.*

Recommendation 2: *We suggest that political parties prioritize working with minorities, particularly in the exceptional electoral districts, to encourage the selection of political candidates that more closely reflect the language, race, and culture of those living within the district.*

Recommendation 3: *We recommend that the Government of Nova Scotia use digital boundaries instead of metes and bounds to communicate future electoral boundaries.*

A digital boundary is a set of data points and lines that can be used within a geographical information system (GIS) to allow the user to **see** the boundary rather than **read** a description of it. When used with the appropriate software, digital boundaries can be visualized using a map on a computer, tablet, or smartphone.

Digital boundaries are easier to understand than metes and bounds

To understand metes and bounds, one must first be able to read and understand English at a university graduate level. Then, one must go through the following steps:

1. Find the relevant section in the House of Assembly Act.
2. Interpret the boundaries as described in the metes and bounds.
3. Follow the described boundary on a paper or digital map.

These steps take time and can only be followed at a desk.

Because digital boundaries are displayed visually, language is not a barrier to understanding. Appropriate tools let users focus in on a particular area of interest whether they are sitting at a desk or out and about using a smartphone or tablet.

Digital boundaries save time and money

In 2012, it took about a month for legislative legal experts, supported by the staff of Elections Nova Scotia, to draft the metes and bounds after the boundaries commission had finalized the boundaries. This represents significant additional time and resources. The additional time required may delay the introduction of the bill that would bring new electoral district boundaries into effect.

Digital boundaries, on the other hand, need no additional resources. They are created during the review process carried out as part of the boundary commission's mandate.

Digital boundaries will bring Nova Scotia into the 21st century

Already, four jurisdictions in Canada use either digital boundaries or maps instead of metes and bounds: British Columbia, Alberta, New Brunswick, and Nunavut. This shows that Canadians are moving away from metes and bounds and towards digital boundaries or maps to communicate electoral boundaries.

Recommendation 4: *We recommend that the House of Assembly consider the use of comprehensive public opinion research on electors' reactions and expectations.*

During our public consultations, and referenced in the *Background* section (page 16) of this report, we found that the voting public shows little interest in electoral boundaries unless boundary adjustments affect them directly. Therefore, the opinions we heard tended to reflect those of interest groups or groups with a particular message. We, therefore, suggest scientific public opinion research be done using survey designs that assess the impacts, reactions, and expectations to controversial changes among informed participants. We also recommend that Nova Scotians be surveyed as to their opinions regarding the following:

- voter parity
- the elimination of electoral districts
- the creation of exceptional electoral districts
- the number of electoral districts needed to offer the most effective representation for Nova Scotians

Public opinion research need not be limited to surveys. It is possible for a research firm to conduct focus group sessions or citizens' assemblies in which participants are equipped with the necessary historical, contextual, and legal background.

It is likely that the next electoral boundaries commission will be faced with a further erosion of the rural voter base. The select committee appointed at that time may wish to consider drafting more radical terms of reference. As a commission, we respectfully would advise that if this is the case, we may feel safer recommending important political change only after a comprehensive scientific research program has been carried out.

Recommendation 5: *We recommend that future select committees continue to ensure that there is noticeable descriptive representation (page 87) on future boundaries commissions. We further recommend that select committees ensure that the representation of urban and rural Nova Scotians reflects the distinct character and needs of each of these communities.*

Recommendation 6: *We suggest that future boundaries commissions consider maintaining exceptional electoral district status for Preston whether its voting population falls within or outside the entitlement index (page 14).*

This would acknowledge the significance to our province's history and cultural life of those African Nova Scotians living in and near their cultural "homeland." The exceptional electoral district of Preston would be a symbol of recognition, as well as a tangible institutional arrangement designed to enhance constitutionally protected effective representation.

Recommendation 7: *Given that the populations of Acadians and African Nova Scotians are widely dispersed across Nova Scotia, we recommend that the House of Assembly consider adopting Recommendations 8 to 29 of the Keefe Report (Keefe 2018, 9–11). This would provide more opportunities for enhancing effective representation.*

Recommendation 8: *Although it is outside our mandate, we respectfully recommend that future governments consider consulting the public and elections experts about whether a proportional system would achieve more effective representation than our current single-member plurality (first past the post) system.*

Appendix A
Public meetings schedule

September 4 through September 22, 2018

Sackville	Tuesday, September 4, 6–8 pm Location: Acadia Hall, 650 Sackville Dr.
Bedford	Wednesday, September 5, 6–8 pm Location: BMO Centre, 61 Gary Martin Dr.
Halifax	Thursday, September 6, 6–8 pm Location: Future Inns, 30 Fairfax Dr.
Shelburne	Friday, September 7, 6–8 pm Location: Osprey Arts Centre, 107 Water St.
Tusket	Saturday, September 8, 10 am–12 pm Location: *Salle Père-Maurice-LeBlanc* in *Centre communautaire de Par-en-Bas*, 4258 Route 308
Clare	Saturday, September 8, 7–9 pm Location: Clare Veterans Centre, 9938 Hwy. 1, Saulnierville
Preston	Wednesday, September 12, 6–8 pm Location: Black Cultural Centre for Nova Scotia, 10 Cherry Brook Rd.
Dartmouth	Thursday, September 13, 6–8 pm Location: Cole Harbour Place, 51 Forest Hills Pkwy.
Richmond	Friday, September 14, 6–8 pm Location: Louisdale & District Fire Hall, RR#1 Hwy. 4, Louisdale
Chéticamp	Saturday, September 15, 6–8 pm Location: Royal Canadian Legion Br. 32, 15438 Cabot Trail Rd.
Baddeck	Saturday, September 22, 10 am–12 pm Location: Inverary Resort, 368 Shore Rd.
Sydney	Saturday, September 22, 7–9 pm Location: Cambridge Suites Hotel, 380 Esplanade

January 4 through January 29, 2019

Antigonish	Friday, January 4, 7–9 pm Location: Claymore Inn & Suites, 137 Church St.
Truro	Saturday, January 5, 2–4 pm Location: Best Western Glengarry Hotel, 150 Willow St.
Sydney	Friday, January 11, 7–9 pm Cambridge Suites Hotel, 380 Esplanade
Chéticamp	Saturday, January 12, 2–4 pm Location: *Le Club des Retraités*, 15108 Cabot Trail Rd.
Bedford	Monday, January 14, 7–9 pm Location: BMO Centre, 61 Gary Martin Dr.
Preston	Tuesday, January 15, 7–9 pm Location: Black Cultural Centre for Nova Scotia, 10 Cherry Brook Rd.
Halifax	Wednesday, January 16, 7–9 pm Location: Halifax Mariott Harbourfront Hotel, 1919 Upper Water St.
Dartmouth	Thursday, January 17, 7–9 pm Location: Cole Harbour Place, 51 Forest Hills Pkwy.
Cornwallis	Friday, January 18, 7–9 pm Location: Annapolis Basin Conference Centre, 761 Broadway Ave.
Wolfville	Saturday, January 19, 2–4 pm Location: Old Orchard Inn, 153 Greenwich Rd. S.
Bridgewater	Saturday, January 26, 2–4 pm Location: Days Inn by Wyndham Bridgewater Conference Center, 50 North St.
Milford	Tuesday, January 29, 7–9 pm Location: Milford Recreation Association, 2288 Hwy. 2

Appendix B
Presenters (in order of presentation)

September 4 through September 22, 2018

Sackville, Tuesday, September 4

Bill Horne, MLA, Waverley-Fall River-Beaver Bank
Bill Turpin
Alex Holmes
Charles Gaudet
Hon. Kelly Regan, Minister of Community Services, MLA, Bedford
Patrick Sullivan, President and CEO, Halifax Chamber of Commerce

Bedford, Wednesday, September 5

Mary Ann McGrath
Patrick Sullivan, President and CEO, Halifax Chamber of Commerce
Brad Johns, MLA, Sackville-Beaver Bank
Darrell Johnston
Carol Darling

Halifax, Thursday, September 6

Charlene Boyce, Co-President, Nova Scotia Green Party
Linda Mosher
Stephen Chafe, Leader, Independent Citizens Coalition of Nova Scotia
John Grant
Irvine Carvery
Mary Ann McGrath

Shelburne, Friday, September 7

Karen Mattatall
Adelard “Ed” Cayer
John Davis
Robert Redding
Penny Smith, Warden, Municipality of the District of Shelburne
Jim Smith
Roy O’Donnell
Timothy Gillespie
Roger Taylor, Councillor, Municipality of the District of Shelburne
Jackie Grace
Kathy Jones

Tusket, Saturday, September 8

Suzanne Saulnier, Executive Director, *Centre provincial de ressources préscolaire*
Norbert LeBlanc, Interim President, *Fédération acadienne de la Nouvelle-Écosse* (FANE)
Marie-Claude Rioux, Executive Director, FANE
Danny Muise, Deputy Warden, Municipality of Argyle
Alain Muise, CAO, Municipality of Argyle
Hon. Chris d'Entremont, MLA, Argyle-Barrington
Brent Surette, *Conseil acadien de Par-en-Bas*
Réal Boudreau
Clyde Devillier
Père Maurice LeBlanc
Janelle d'Entremont

Clare, Saturday, September 8

Evelyn LeBlanc-Joyce, *La société acadienne de Clare*
Natalie Robichaud
Gordon Wilson, MLA, Clare-Digby
Jean LeBlanc
Marie-Claude Rioux, Executive Director, FANE
Tim Boudreau
Ronnie LeBlanc, Warden, Municipality of Clare
Stéphane Cyr, CAO, Municipality of Clare
André LeBlanc, Vice President, *Équipe d'alphabétisation Nouvelle-Écosse*
Glenda Doucet-Boudreau, President, *Association Madeleine LeBlanc*
Elaine Thimot

Preston, Wednesday, September 12

Irvine Carvery
David Hendsbee, Councillor, Halifax Regional Municipality
Connor Smithersmapp
Brian Mintus
Dolly Glasgow-Williams
Charles Taylor
Alma Johnston-Tynes
Pam Thomas
Ernest Simmonds
Justine Colley-Leger
Bev Doman

Dartmouth, Thursday, September 13

Barry Alexander
Lucien Comeau
Martin Tuberge
Ross Haynes, Senior Fellow, Atlantic Institute for Market Studies
Pete Smith
Jeff Meanie
Daniel Thériault, *Fédération culturelle de la Nouvelle-Écosse* (FéCANE)

Richmond, Friday, September 14

Norbert LeBlanc, Interim President, FANE
Marie-Claude Rioux, Executive Director, FANE
Richard Cotton
Yvon Samson, President, *Société la Picasse, Centre communautaire culturel de Petit-de-Grat*
Cetus David
Paul Gagnon, Executive Director, *Société acadienne Sainte-Croix*

Chéticamp, Saturday, September 15

Norbert LeBlanc, Interim President, FANE
Marie-Claude Rioux, Executive Director, FANE
Paul Daniel Gallant, Representative, Community Committee of Chéticamp-Le Moine
Napoléon Chiasson, President, *Société Saint-Pierre*
Joline Larade
Alfred Poirier, Deputy Warden, Municipality of the County of Inverness
Réjean Aucoin

Baddeck, Saturday, September 22

Stephen MacAskill

Sydney, Saturday, September 22

Giselle LeBlanc-Lavoie
Shane Russell
Clermont Charland, President, *Centre communautaire Étoile de l'Acadie*
John Shaw
Laurie MacCuish
Tim Menk

January 4 through January 29, 2019

Antigonish, Friday, January 4

Ryan Smyth
Joe MacDonald
Neil Black
Dr. John Hamilton

Truro, Saturday, January 5

Hon. Margaret Miller, MLA, Hants East
John A. MacDonald
Kody Blois, President, East Hants Sport Heritage Society and Come Home East Hants Association
Pam MacInnis, Deputy Warden, Municipality of East Hants
Stephen King, Councillor, Municipality of East Hants
Shannon McWilliam
Jean Miller
William Coney, Student Representative, Dalhousie Faculty of Agriculture
Larry Harrison, MLA, Colchester-Musquodoboit Valley
Jérôme Breau

Sydney, Friday, January 11

Clermont Charland, Vice President, *Fédération acadienne de Nouvelle-Écosse* (FANE)
Ronald Labelle
Kenzie MacNeil
Laurie MacCuish
Barbara Corbett
Lauren MacNeil
Parker Donham

Chéticamp, Saturday, January 12

Norbert LeBlanc, President, FANE
Marie-Claude Rioux, Executive Director, FANE
Giselle Thibault, Communications Officer, FANE
Réjean Aucoin
Carmel Lavigne, *Société Saint-Pierre*
Lisette Bourgeois
Marcelle Mackenzie
Philippe Haché
Paul Gallant
Jillian Baker
Alfred Poirier, Deputy Warden, Municipality of the County of Inverness

Bedford, Monday, January 14

Mary Ann McGrath
Patrick Sullivan, President and CEO, Halifax Chamber of Commerce
Tracy Stuart
Sandra Watson, President, Milford Recreation Association
Kerri Robson
Hope Edmond
Lois Miller
Phyllis MacKay
Alan MacLeod, Jr.
James Simon
Kody Blois
Wayne Shellnutt
David Barrett
Aris Lavranos
Ailyn Clow
Caden Flynn
Samuel Samson
Eldon Hebb, Councillor, Municipality of East Hants
Louise Mark
Bill Horne, MLA, Waverley-Fall River-Beaver Bank
Keith MacLean
Pam Webber
Shana Paradis

Preston, Tuesday, January 15

Spencer Colley
Bobby Taylor
Jerry Taylor
Dwayne A. Provo
Irvine Carvery
Bev Doman
John Withrow
Dolly Glasgow-Williams
Alan Ruffman
Justine Colley-Leger
Bernadette Hamilton-Reid

Halifax, Wednesday, January 16

Ashley Morton
Matthew Duffy
Alex Holmes
Melinda Daye
Lisa Roberts, MLA, Halifax Needham
Rob Batherson
Claudia Chender, MLA, Dartmouth South

Dartmouth, Thursday, January 17

Michael Marshall
Bev Doman
Barbara Adams, MLA, Cole Harbour-Eastern Passage
David Hendsbee, Councillor, Halifax Regional Municipality
Ronald Cooper
Lianne Comeau
Vishal Bhardwaj

Cornwallis, Friday, January 18

Adele MacDonald, Executive Director, Annapolis Investments in Rural Opportunity (AIRO)
Byron Mersereau
Evelyn LeBlanc-Joyce, *La société acadienne de Clare*
Bill MacDonald, Mayor, Town of Annapolis Royal
Don Droy
Alan Melanson
Roy Stubbs
Christian Thibaudeau
Matthew Dubois
Floyd Benjamin
David Cvet
Susanna Haley

Wolfville, Saturday, January 19

Alan Harvey

Bridgewater, Saturday, January 16

Stacey Godsoe, Chair, Greater Petite Area Community Association
Roy O'Donnell
Hon. Mark Furey, Attorney General and Minister of Justice, MLA, Lunenburg West
Carolyn Bolivar-Getson, Mayor, Municipality of the District of Lunenburg
Courtney Wentzell
Don Sedgwick
Lee Nauss
Dominick Williams

Milford, Tuesday, January 29

Sandra Watson
Pam MacInnis
Kody Blois
Michael Perry
Leonard Giffen
David Nevin
Eleanor Roulston
John A. MacDonald
Lawrin Armstrong
Hon. Margaret Miller, MLA, Hants East
Virginia Peter-Paul
Willie Courtney
Stephen King, Councillor, Municipality of East Hants
Peter Giffen
Colleen Smith
Norval Mitchell
Keith Rhyno

Appendix C
Written submissions
(in alphabetical order)

Submissions received July 30—October 18, 2018

Lucien Comeau
George Cottreau, *Regroupement des aînés de la Nouvelle-Écosse* (RANE)
Fédération acadienne de la Nouvelle-Écosse (FANE) (2)
Fédération des parents acadiens de la Nouvelle-Écosse (FPANE)
Wayne Fiander
Paul Gagnon, *Société acadienne Sainte-Croix/La Picasse*, *centre communautaire culturel*
Kenneth Gaudet, *Conseil scolaire acadien provincial* (CSAP)
Ross Haynes, Atlantic Institute for Market Studies (AIMS)
Karen Mattatall
Senator Thomas J. McInnis
David Nantes
Paul Strome

Submissions received November 26—February 28, 2019

John Abbass
Suzanne Balcom, Halifax Chamber of Commerce
Kody Blois
Carolyn Bolivar-Getson, Mayor, Municipality of the District of Lunenburg
Lisette Bourgeois
Blair Brown, Halifax Chamber of Commerce
Damian Byrn, Halifax Chamber of Commerce
Griffyn G. Chezenko
Justine Colley-Leger
Angela Connolly
Kathryn and Russell Cook
Lori Patterson Daly
Patrick Daly, Halifax Chamber of Commerce
Caroll Darling
Robert Darling
Matthew Duffy

Fédération acadienne de la Nouvelle-Écosse (FANE) (2)
Peter Fillmore
Goldie Godfrey
Dan Graham
Philippe Haché
Leitha Haysom
Brad Johns, MLA, Sackville-Beaver Bank
Darrell Johnston
Premsai Karampudi
Tisha Parker Kemp
John Leefe
Fiona Lewis
John A. MacDonald (3)
Phyllis MacKay, Secretary-Treasurer, Lakeview Homeowners' Association
Kenneth MacKenzie, Vice Chair, Gaelic Council of Nova Scotia
Lorne Mackinnon
Martin MacKinnon
Christopher Marshall, Halifax Chamber of Commerce
Reverend Beth Mattison
Ryan McCarthy
Mary Ann McGrath
Rob Moffatt
John Moore, Past Commodore and Government Liaison Officer, Maskwa Aquatic Club (2)
Jayme Newcombe
Jane Nicholson, Founder and CEO, Annapolis Investments in Rural Opportunity (2)
Roy O'Donnell
Carol Patterson
Alfred Poirier, Deputy Warden, Municipality of the County of Inverness
Dwayne A. Provo
John Rahey
Hon. Kelly Regan, Minister of Community Services, MLA Bedford
Marie-Claude Rioux, Executive Director, FANE
Randy Roach, Chief, Highlands Métis Nation Association
Terry Robbins
Genevieve and Jason Royal
Alan Ruffman, Geomarine Associates Ltd.

Norm Schepp
Doug Symonds
Charles Taylor, East Preston Ratepayers Association
Ann Tennapel
Christian Thibaudeau
Mark Timmons
Marni Tuttle
Sandra Watson, President, Milford Recreation Association
Gordon Whittaker, Halifax Chamber of Commerce
Brittany Woodworth-Macpherson (2)

Appendix D
Summary of written submissions

The following is a summary of comments we received through written submissions. Members of the public and interested groups submitted comments via email, letters sent by mail, and through our Facebook page. The comments listed here were received between July 30, 2018 and February 28, 2019 and thus, before the release of this final report. Full Hansard transcripts of what was said at the public meetings will be available on our website: nselectoralboundaries.ca.

The comments appear in point form under six headings.

At-large representation

- Add two additional seats in the House of Assembly for African Nova Scotian members-at-large (See *Administrative districts, members-at-large, and reserved seats*, pages 92–93).
- Do not add seats to the House of Assembly for which MLAs would represent particular constituencies "at large."

Communication

- Improve communication by putting up posters and mailing information about the Electoral Boundaries Commission's public meetings to every address.
- Hold an Electoral Boundaries Commission public meeting in Chéticamp.
- Move the Bedford public meeting to East Hants.
- Hold a public meeting at the Milford Recreation Hall.
- Hold a public meeting in either the South Shore region or in Southwest Nova.

Effective representation

- Ensure effective representation for Acadians.
- Improve consultation with indigenous peoples.
- Institute a moratorium on all outside intervention, including those that affect government and land, unless written consent is received from the indigenous community.
- Increase the number of consultations with African Nova Scotian communities.
- Increase diversity among commission members.

Exceptional electoral districts

- Reinstate the previously protected electoral districts of Clare, Argyle, and Richmond.
- Make Chéticamp a new exceptional electoral district.
- Recognize the marginalization of the Gaels as well as African Nova Scotians and Acadians, particularly in Chéticamp.
- Direct political parties to put forth African Nova Scotian candidates in the electoral district of Preston.
- Do not restore or create exceptional electoral districts or seats in the House of Assembly based on race, colour, ethnicity, clan, or indigenous identity.
- Do not create or restore protected electoral districts for "special interest groups."

Individual electoral districts

- Keep the community of Lakeview within the electoral district of Waverley-Fall River-Beaver Bank instead of moving it into the Sackville-Cobequid electoral district as residents of Lakeview identify as LWF (Lakeview, Windsor Junction, Fall River).
- Keep Shubenacadie and Milford in East Hants.
- Move the communities of Bayside, Blind Bay, Big Lake, McGraths Cove, East Dover and West Dover into the electoral district of Timberlea-Prospect.
- Redraw electoral boundaries in Cow Bay-Eastern Passage to avoid "backyard boundary lines."
- Redraw electoral boundary lines in Shelburne as proposed.
- Do not proceed with the proposed boundary changes affecting Queens and Lunenburg West.
- Do not remove Annapolis Royal from the current electoral district of Annapolis.

Number of seats in the House of Assembly

- Increase the number of electoral districts in the Halifax region and reconfigure remaining districts so that the total number of districts remains at 51.
- Limit the number of seats in the House of Assembly to 40.
- Maintain the current number of seats in the House of Assembly.

Appendix E

Composition of the Provincial Electoral Boundaries Commission

To promote fairness and impartiality, the Select Committee on Establishing an Electoral Boundaries Commission agreed that the commission may not appoint anyone who currently fills one or more of the following roles or has done so in the past:

- member of the House of Assembly (MLA)
- member of the House of Commons (MP)
- member of the Senate
- Chief Electoral Officer

The committee agreed that the commission must broadly represent the population of Nova Scotia and, therefore, must include at least one person who represents the Acadian community and at least one person who represents the African Nova Scotian community.

The committee further agreed to appoint members to the commission based on their experience, skill, and commitment to ensure that, to the greatest degree possible, Nova Scotia's electoral boundaries result in effective representation for all its citizens.

Based on this understanding, the following individuals were appointed to the Electoral Boundaries Commission:

- Dr. Colin Dodds, Chair (Halifax)
- Angela Simmonds, Vice Chair (North Preston)
- Michael J. Baker (Hammonds Plains-Lucasville)
- Paul Gaudet (Saulnierville)
- Dr. Glenn Graham (Antigonish)
- Michael J. Kelloway (Sydney)
- Léonard LeFort (Chéticamp)
- Dr. Peter M. Butler (Halifax)
- Carlotta Weymouth (Dartmouth)

Appendix F[1]

Approaches and strategies to more effective representation

Effective representation in a Nova Scotian context

As stated in the *Background* section of this report (page 7), voter parity has become a basic aspect of political equality. However, as is also noted in the *Background* section (page 8), the Carter decision heavily influenced the way electoral boundaries are adjusted in Canada. Consequently, any changes to electoral boundaries in Nova Scotia and across Canada would have to conform to the Carter ruling or risk being challenged and potentially struck down as unconstitutional.

Since 1991, leaving aside the 2012 controversy (page 10), Nova Scotia's electoral boundaries commissions have worked with terms of reference that adhere to the Carter decision, reflecting the need to balance voter parity against other factors. To reiterate, our *Terms of reference* (pages 5–6) emphasize voter parity as the prime factor for establishing electoral boundaries but permit deviation for the following justifications:

- geography
- historical, cultural, or linguistic settlement patterns, and political boundaries such as municipal boundaries, Statistics Canada community boundaries, or traditional county boundaries

Our task was, therefore, a challenging and subjective one. In adhering to the *Terms of reference* we did our best to foresee and consider possible knock-on effects that may affect adjacent electoral districts when boundaries are adjusted. Knock-on effects could be judged to be beneficial or detrimental. Such effects may include disruptions to boundaries surrounding communities of interest, traditional county or municipal boundaries, or the entitlement index.

The entitlement index refers to the voter parity rule, which holds that the estimated number of electors in each electoral district may vary by no more than 25 per cent above or below the estimated average of electors per electoral district.

Keeping all this in mind, we looked more closely at the 2018 *Terms of reference* and effective representation in the Nova Scotian context.

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1 This section originally appeared on pages 13–27 of the interim report. It has since been modified.

Geography

In a province with many coastal communities and some expansive, sparsely populated territory, the notion of deviating from voter parity on the basis of geographical considerations can elicit conflicting urban-rural viewpoints. There is a global trend toward increasing urbanization, which Canada and Nova Scotia have not escaped. As rural electoral districts lose their populations to urban centres, the task of maintaining geographically manageable rural constituencies that fall within the entitlement index becomes more difficult. In attempting to maintain voter parity, the number of rural electoral districts in a jurisdiction often decreases as the boundaries are redrawn. The reconfigured electoral districts then risk becoming unwieldy. This may result in increased travel distances and related expenses for affected MLAs and their constituents. In turn, as metropolitan centres increase in population, they gain more electoral districts. One could argue that an indirect result of the way boundaries are redrawn actually contributes to further rural decline. In contrast, urban voters argue that their vote is diluted when preferential treatment is given to rural areas beyond meeting relative voter parity.

We have considered both points of view and feel that the allowance for geographical considerations in the Carter decision and *Terms of reference* #2 (page 5) are justified.

Historical, cultural, or linguistic settlement patterns and political boundaries

In the Nova Scotia context, we interpret "historical, cultural or linguistic settlement patterns" and "political boundaries" in the *Terms of reference*, as following the spirit of the Carter decision in which the court balances voter parity with "community history, community interests and minority representation" (Saskatchewan v Carter, 1991 SCC 158). Of note, Justice McLachlin stated in the majority opinion that "the list is not closed" (Saskatchewan v Carter, 1991 SCC 158). Political scientist John Courtney reveals how voter parity and other considerations are both important and intertwined in his description of communities of interest and how they are consistent with achieving effective representation:

> Community of interest is based on the recognition and acceptance of the idea that a geographically concentrated group shares a certain attribute in common. That attribute might be defined according to location, as with a neighborhood or a set of municipal boundaries; as the product of a common pursuit, such as an economic interest; or as the presence of a common trait, such as a social, racial, religious, or linguistic characteristic. Drawing constituency boundaries according to a district's communit(ies) of interest is seen as a way of ensuring communication between citizens and their representative and of enhancing the representational process generally. (Courtney 2002, 9–10)

Courtney also emphasizes that "the concept of effective representation is neither definitive nor exclusionary" (Courtney 2001, 223), which reiterates the subjective balancing act that electoral boundaries commissions must undertake. Successive

electoral boundaries commissions in Nova Scotia have worked with the premise of ensuring effective representation for the Mi'kmaq, Acadians, and African Nova Scotians. This is reasonable as a number of Nova Scotia's indigenous communities have lived here for thousands of years. It is also reasonable for early-settling ethno-cultural communities who have lived in the province for centuries. Together, they are recognized as distinct pillars central to the character and history of Nova Scotia.

Nova Scotia has been home to Black Loyalists, Maroons, slaves, and Black Refugees since the seventeenth century. Over the centuries, individuals and families from all over the world joined the descendants of these first African Nova Scotians as part of the African diaspora. African Nova Scotian communities have been segregated from flourishing white neighborhoods (United Nations General Assembly 2017). As we heard in the public consultations, they have continuously faced oppression, racism, poverty, and lack of opportunity. This has prevented individuals and communities from being included in a just and equal society.

While today there are fewer documented instances of overt racism, African Nova Scotians and their communities contend that they continue to face systemic racism and a continued lack of empathy and accountability. While laws and policies often appear to be fair on their face, and are frequently described as colour-blind and neutral, this is not how African Nova Scotian communities perceive them. It is, therefore, no surprise that speakers at our public meetings told us of their lack of trust in government and in its authority.

Like the Acadian communities, African Nova Scotian communities are more than geographic areas where an African Nova Scotian MLA or municipal councillor may be elected. The first African Nova Scotians have been here for more than 300 years. They have developed unique cultural traditions, artistic expressions, and spiritual and religious practices. It is not just about geography—it is about lived experiences, community interest, and reconciliation.

It is important to balance effective representation and voter parity with community interest for people of African descent and, in particular, African Nova Scotians to ensure that African Nova Scotian communities are not continuously disadvantaged.

Similarly, pressure to assimilate has been placed on Nova Scotian Acadians and the often less mentioned, though more populous, Gaelic heritage community. Nova Scotian Gaels experienced dire language loss over the last two centuries, mainly due to discriminatory provincial education policies. Through settlement patterns, the Gaelic community has enjoyed effective representation by electing MLAs who are sensitive to and identify with their cultural, social, and economic interests as well as their efforts to revitalize their language and culture. This is particularly evident in the constituency areas of Antigonish, Victoria, and Inverness. However, this has not, in the long term, been the case for the Acadian population.

Acadians can trace their roots to 1604—long before this province was called Nova Scotia. They harnessed the seas and developed a dyke system. They were expelled from the colony and their lands expropriated from 1755 to 1760. Although they

were subsequently allowed to return, they were dispersed across the province. These experiences, although in the past, have shaped the personal, community, and provincial identity of Acadians. Acadians are a proud, resilient people and a symbol, geographically and politically, of a strong historical and cultural presence in Nova Scotia. But, as Caroline-Isabelle Caron, of Queen's University pointed out in the Spring 2008–9 edition of *Port Acadie*, the Acadians of Nova Scotia are a triple minority:

- They are French-speaking Catholics in an ocean of English speakers who fill most of the North American continent.
- They are a small pocket of French speakers in a Canada dominated by the *Québécois*.
- They are a minority in *L'Acadie* given the large Acadian population in New Brunswick.

One could argue that the term "Acadian ridings" that came from the 1992 Electoral Boundaries Commission denotes more than a geographic representation and an *enclos* where ballots are counted on Election Day. The protected status gave more than the fulfillment of Charter principles, but a structural construct and societal commitment to the protection and development of a distinct part of Nova Scotia.

A review of the transcripts of the public meetings of the 2012 Electoral Boundaries Commission reveals the voices of Acadians arguing that the removal of their electoral districts would lead to a slow and painful extinction through assimilation of the Acadian identity and language and a loss of a voice in the House of Assembly. This was echoed in the public meetings we held at which presenters pointed to the significant drop in voter turnout in the 2017 provincial election. **Table 8** on pages 43–45 does confirm a drop in voter turnout in 2017 compared to 2013. However, it also shows a general drop in voter turnout across the province at that time.

When discussing non-contiguous electoral districts, presenters pointed to the need to recognize and respect the particular aspects of the different Acadian communities.

We have taken these concerns seriously. That is why we recognized the importance of exploring and balancing the concept and options of effective representation for Acadians throughout the province—particularly those in Chéticamp and its surrounding area—as well as revisiting the restoration of the exceptional electoral districts. Unlike previous boundaries commissions, we held two public consultations in Chéticamp and heard the merits of adding it and its environs as an exceptional electoral district, which would result in a total of 56 electoral districts. Of course, these considerations have had to fall within the parameters of practical application and fairness to other voters. In such cases, we must balance deviation from voter parity with countervailing factors and ask whether the deviation runs the risk of diluting the vote of others to the point that they receive inadequate representation. This was noted

in the Carter decision. It is important, therefore, to recall the following from Justice McLachlin:

> 55 … I adhere to the proposition asserted in Dixon, supra, at p. 414, that "only those deviations 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 within the territory governed." (Saskatchewan v Carter, 1991 SCC 158)

The Keefe Report highlights two kinds of representation—substantive and descriptive. Substantive representation occurs when an MLA champions your causes, values, and views. Descriptive representation means you and your MLA share a common characteristic or a mutual recognition in the form of a shared identity, such as race or language. Addressing these types of representation has been an important part of the work of electoral boundaries commissions in Nova Scotia. How effective representation is realized is an exercise in interpretation.

Previous electoral boundaries commissions, the Keefe Report, and we at the current commission have all paid close attention to descriptive representation because minority groups are vital to the cultural, social, and economic fabric of the province. As such, they have a right to effective representation, however it may be achieved. The above commissions have noted that effective representation for minority groups can be pursued through a variety of avenues. One approach could be to analyze the benefits and failings of Nova Scotia's electoral system altogether and to discuss whether there are viable alternatives such as proportional representation (see *Recommendation* 7, page 67).

As electoral systems expert Dennis Pilon notes, proportional representation "tends to lead to better representation of women and minorities than plurality or majority systems" (Pilon 2000, 20). It is, however, outside our mandate to review other types of electoral systems as other Canadian provinces have done. Our duty is to draw fair and non-partisan electoral boundaries within our current and historic first-past-the-post electoral system and to explore a range of approaches that could enhance effective representation in specific situations and contexts.

Governance

When we think of elections, constituencies, policies, and so on, we often think of government. However, societal and governmental goals need not be attained and directed by government alone. In many Western democracies, a system of governance has evolved through which a number of public, private, and civil society organizations consult with government to influence and implement policy. Results vary. For instance, various influential organizations not only take part in, but may emerge from, such processes. These institutions and organizations may become key players in advancing the needs and protections of various groups, including those dedicated to fostering and protecting languages and cultures of minority groups. We

see this in Nova Scotia where the Department of Communities, Culture and Heritage includes offices that act as liaisons between the provincial government and its early-settling ethno-cultural minority groups. These offices include Acadian Affairs and Francophonie, African Nova Scotian Affairs (ANSA), and Gaelic Affairs. Aboriginal Affairs is a separate and independent agency. These offices and agencies work with community organizations, facilitating provincially-funded programming for these communities and working with stakeholder groups to implement initiatives like the French Language Services Act and ANSA Community Voices programming. Some governance institutions, often allocated by governments, can provide more cultural and political autonomy for minority groups. As the Keefe Report illustrates "[a] Nova Scotian example is the *Conseil scolaire acadien provincial* (CSAP), established in 1996, to provide Acadian self-governance in the key area of primary and secondary education" (Keefe 2018, 61).

While the presence of vibrant institutions can enhance representative views for minorities, the Keefe Report notes that it is important to have minority community members in upper-level and managerial positions in structures such as the public service, agencies, boards, advisory organizations, and the judicial system (Recommendations 17–19, Keefe 2018, 9–10). The Keefe Report also highlights other modes of improving minority representation at the municipal government level (Recommendations 22–24, Keefe 2018, 10). Existing and potential municipal boundaries may encase historic and linguistic communities of interest, as is the case with the municipalities of Argyle, Clare, and Richmond. Although not required by law, each of these municipalities offers services in French to varying degrees. These arrangements echo the cultural distinctness of these communities.

While the above governance processes and institutions aim to raise public awareness about and nurture minority communities, they do not address effective representation with regard to representative parliamentary government within the provincial order of government in Canada's federal system. In other words, such governance arrangements do not directly equate to increasing the chances of electing an MLA who will represent a minority community's interests in the legislature, whether on the government backbenches, in opposition, or in cabinet.

Maintaining exceptional electoral districts

Canada is recognized worldwide for its accommodation of diversity and minority rights within its democratic institutions. The Supreme Court of Canada has stated that minority rights are a cornerstone of the country's constitutional order. As shown in the *Governance* section page 87), Nova Scotia has pursued a number of initiatives to enhance its accommodation of minority rights, such as creating "protected constituencies" now called exceptional electoral districts. A key undertaking was the establishment of protected, or exceptional, electoral districts. The Keefe Report noted that in 1992 exceptional ridings—exceptional in that they had exceptionally small populations by comparison to others—were "tailored to 'communities of interest' in order to improve the chances of electing Acadians and African Nova Scotians" (Keefe

2018, 5) in areas of the province that have significant minority group concentrations with unique social and cultural histories.

In its historical review of electoral boundaries processes in Nova Scotia, the Nova Scotia Court of Appeal decision highlights that "there are no specifically-designated Acadian seats, nor is there a specifically designated Black seat" (NSCA 2017, 12). However, the creation of the exceptional electoral districts of Preston, Clare, Argyle, and Richmond was, in effect, a corrective measure used by government to support a disadvantaged group and would arguably fall under the purview of section 15(2) of the Charter. Simply stated, sometimes different treatment is necessary to provide a historically marginalized minority some form of equity with that of the majority. We adopt the justification for exceptional electoral districts presented by the 2012 Electoral Boundaries Commission in its May, 2012 Interim Report:

> Like the Mi'kmaq people, the Acadian and African Nova Scotian communities have a particular cultural uniqueness and territorial basis in Nova Scotia that supports the argument for retaining a form of 'special status' in the electoral redistribution process. This status follows from the fact that they constitute minority cultural communities that are indigenous to Nova Scotia, and further can be said to have fairly well-defined territorial 'homelands' in this province that have been continuously occupied for hundreds of years. Their distinctiveness derives from their long evolution as ethno-linguistic (Acadian) or racial (African Nova Scotian) minorities within an English-speaking majority of predominantly British heritage, but also, just as importantly, from their unique indigenous cultures that have developed over centuries of relative isolation as coherent communities (due to remote rural locale and/or social exclusion). In short, these minority cultures are both distinctively Nova Scotian and deeply rooted in specific, territorially-based communities within the province. (McNeil 2012, 59–60)

While Acadians and African Nova Scotians reside throughout the province, this does not diminish the significance of historical anchor communities with notable concentrated populations, particularly those within the exceptional districts. These enclaves are not only cultural centres but distinctive "homeland" locales promoting living cultures based on centuries of generational transmission. Minority languages and cultures, often located on peripheries, face increasing challenges due to globalization. Their very existence may be at stake. We feel that it is important to use this opportunity to continue to foster and protect these communities so that they can continue to develop and survive. It must be noted that we agree with those who spoke at our public meetings and at those of previous electoral commissions: Those MLAs who represent exceptional electoral districts are expected to take on the dual role of representing and protecting the interests and identities of Acadians and African Nova Scotians in their own electoral districts as well as those belonging to these cultural communities wherever they live in the province. Additionally, they often play a role in advancing the interests of their communities on the national and international stage.

We have drawn boundaries for these electoral districts in a non-partisan and fair manner to encase a concentrated minority. In the cases of Argyle, Clare, and

Richmond, we have deviated from voter parity to favour minorities in the electoral process by increasing the weight of their vote in smaller electoral districts. Notably, we have enlarged the Preston electoral district geographically to include more African Nova Scotians, such as those living in Westphal. We feel this provides a more accurate representation of the African Nova Scotian community in this area of the province. While an unintended result of the new boundaries was a return to voter parity for the electoral district, for symbolic reasons and those depicted in the report and below, we suggest that Preston remain exceptional and we suggest future boundaries commissions consider maintaining this distinction (see *Recommendation 6*, page 67). In establishing these exceptional electoral districts, we acknowledge the significance of these minority groups to our province's history and cultural life. These electoral districts are symbols of recognition, as well as tangible institutional arrangements that are designed to enhance constitutionally protected effective representation. We concur with various speakers from the public meetings. In the past, the exceptional electoral districts have been a way for these culturally rich minority groups to influence the legislative process. The electoral districts also maintain and foster the cultural vibrancy of these communities. These electoral districts were an affirmation, by the majority, of the significance of these distinct minority communities to Nova Scotia's cultural, social, and economic experience. If these electoral districts were abolished or substantially changed without consultation, Acadians and African Nova Scotians would perceive such actions as a betrayal by the province and a possible infringement on their right to effective representation.

The Bickerton Report emphasizes a number of important considerations that apply to maintaining exceptional electoral districts. Here, Dr. Bickerton is speaking specifically about Acadians:

> In its deliberations, the 2012 Electoral Boundaries Commission recognized that there are a number of legal, constitutional and political factors relevant to the question of protected constituencies. French is one of Canada's official languages, given effect by the Official Languages Act (1969), amongst other laws and programs. Further, constitutional protection for minority language rights is entrenched in Sections 16-23 of the Charter of Rights and Freedoms. Provincially, the French Language Services Act and the creation of the Acadian school board are measures taken to preserve and promote the linguistic rights of French-speaking Nova Scotians. The protection offered to the three Acadian constituencies was an additional measure taken to recognize and protect the indigenous Acadian communities from whence the vast majority of Nova Scotia's French-speaking population derives. The Constitution also explicitly acknowledges – in section 15(2) protecting the constitutionality of affirmative action programs – that equality for minorities needs to be understood as something other than 'sameness' of treatment; different treatment is sometimes necessary to achieve a form of equality that equates more closely with fairness for minorities, especially those that historically have been discriminated against. (Bickerton 2018, 7)

We agree with this reasoning. Thus, in the wake of the Nova Scotia Court of Appeal decision and recommendations of the Keefe Report, which addressed the 2012 elimination of the exceptional electoral districts, we have provided a map that reinstates the pre-2012 exceptional electoral districts with minor changes based on public input and population shifts. We arrived at this conclusion after entertaining the following during public consultations and our deliberations:

- Restore the electoral districts to their precise pre-2012 status.
- Make minor changes to the exceptional district boundaries based on public input and population shifts.
- Recommend major electoral boundary changes to one or more electoral districts.
- Bring forward for public input the possibility of creating a fifth exceptional electoral district to address the concentrated Acadian population in Chéticamp and its environs in northern Inverness.

The fourth option was highlighted on a map of the draft boundaries as electoral district #99 during the public meetings. It was referred to on page 67 of the interim report as electoral district #09 and, on page 41, as possibly having dual-member status.

Non-contiguous electoral districts

A non-contiguous electoral district is one that combines two or more unattached pieces of territory—most likely encompassing a notable community of interest—to form one electoral district. There are two obvious potential non-contiguous electoral districts that could have emerged from the boundaries process:

- an electoral district that joins part of the exceptional electoral district of Richmond, particularly Isle Madame and its environs, with the Acadian community of Chéticamp and its environs in Inverness County
- an electoral district that joins all or parts of the exceptional electoral districts of Clare and Argyle

At our public meetings we heard a small number of favourable opinions regarding this suggested method for enhancing effective representation. This applied to both these Acadian areas, as well as the African Nova Scotian population in Metro Halifax. However, both the public and we, as the commission, more strongly support restoring the traditional exceptional electoral districts, as closely as possible to their previous configurations. This speaks to geographic challenges associated with non-contiguity, particularly with regard to Richmond-Chéticamp, and the cultural distinctiveness of these enclaves and the centuries-long historical territorial attachments and localisms that these communities continue to hold. For the above reasons, both the public's response and our own to the non-contiguous option were lukewarm at best. We concluded that non-contiguous electoral districts were not acceptable options for addressing effective representation at this time.

Administrative districts, members-at-large, and reserved seats

During our public meetings, we sought public input on administrative districts, otherwise known as at-large, or reserved seats. One such seat was made available to the Mi'kmaq in 1992 but, to date, they have chosen not to exercise this option. Such districts would ensure African Nova Scotian and Acadian representation in the legislature by reserving designated seats for them. MLAs occupying those seats would be elected by voters on separate voter lists. African Nova Scotians and Acadians would be given the choice to either vote for a representative of an electoral district or to vote for an African Nova Scotian or Acadian candidate contesting one of the at-large seats. Party candidates would be chosen in the same nomination processes as usual. If brought into play, the number of seats could vary: African Nova Scotians and Acadians could be granted one or more seats each. We seriously considered at least four scenarios:

- Replace the exceptional electoral districts with one administrative seat each for Acadians and African Nova Scotians. The elected representatives would then become the voice for all African Nova Scotians, Acadians, and francophones across the province.
- Supplement the exceptional electoral districts with one or more administrative seats. The elected representative would then become the voice for all African Nova Scotians and Acadians and francophones across the province who do not live within one of the exceptional electoral districts.
- Create one or two non-contiguous territorially based electoral districts—for example, one in South West Nova and one in Cape Breton—and one administrative seat for the rest of the province.
- Create three regional administrative districts—one each for Cape Breton, mainland Nova Scotia, and South West Nova. This approach would likely mean that the Acadian population would be assigned more seats than the African Nova Scotian population because of proportionality. Overall, this approach would likely require two to four compiled voter lists to which members of these communities would voluntarily register. This scenario was brought to us during a public meeting.

We have reached the same conclusion as previous commissions with regard to administrative districts and do not recommend this option for effective representation at this time. Bickerton said it best when he reiterated the views of the 2012 Electoral Boundaries Commission:

> The compilation of several alternative voter lists, the voluntary nature of voter subscription to these lists, and the need to ensure no overlap between each of these lists would present a considerable administrative burden and challenge. Second, the voluntary nature of the lists and the voter option to instead remain on constituency voter lists would likely mean very small electorates for these seats relative to the average number of electors in constituencies, even compared to

> the number of electors in the four currently protected ridings. As well, removing some or most minority voters from their territorial constituencies would virtually guarantee that those constituencies would return a non-minority representative, who would be elected by a reduced (perhaps significantly so) number of electors. Indeed, it is possible that both certain territorial constituencies and the at-large ridings would have fewer than the required minimum number of electors … The non-exclusivity of legislative representation that would inevitably result from … at-large seats would mean that some voters would enjoy a form of double representation in the legislature, since voters for these seats also would continue to reside in one of the non-designated constituencies represented by an elected MLA.
>
> Finally, there was a general concern on the part of Commissioners that departing from the parliamentary tradition of territorially based representation might have certain unforeseen consequences for the effective functioning of the legislature. Under some circumstances, it could raise questions about the legitimacy of the designated seat-holders to speak on behalf of the communities they claimed to represent. It could stimulate demands from other groups not so favoured, that they too should have their specific group interest and identity represented in the legislature. Representative democracy as practised in Nova Scotia has been based on the principle that elected members of the legislative assembly have the mandate and responsibility to represent all their constituents, without bias or prejudice based on political, cultural, racial, or other differentiating characteristics. (Bickerton 2018, 17–18)

It is debatable to what degree, or how probable it would be, that other groups would raise concerns about favoured treatment for Acadians and African Nova Scotians if this, or other, alternative approaches were adopted. There has been no significant backlash that we know of against favoured treatment received in the form of the previous long-established exceptional electoral districts.

Dual-member electoral districts

In dual-member electoral districts, electors cast two votes and send two representatives from one electoral district to their legislature. This system has been used in New Zealand to assure Maori minority representation in the legislature. It was brought in during the 1990s along with proportional representation as part of that country's electoral reforms. Prince Edward Island used dual-member electoral districts from 1893 to 1994. Nova Scotia also used dual-member electoral districts—the last of which, Inverness and Yarmouth, were eliminated in time for the 1978 provincial election. In an earlier era, such districts allowed a single electoral district to enjoy both Protestant and Catholic representation in the legislature. More recently, dual-member electoral districts were proposed for the new territory of Nunavut in 1997. It was intended to give electoral equality to women, as noted by political scientist Lisa Young:

> In an effort to remedy this persistent representational deficit, the Nunavut Implementation Commission (NIC) … proposed a dual-member constituency

> electoral system with gender equality. Under the proposed system, each electoral district would be represented by one male and one female MLA. Voters would cast two ballots: one for their preferred male candidate and the other for their preferred female candidate. In this variation on a dual-member plurality electoral system, the male and female candidates who received the largest number of votes would each be elected. (Young 1997, 307)

While this proposal was defeated in a referendum, it still shows that dual-member electoral districts are an option that should be taken seriously, as we can see through its continued use in New Zealand. A variation of the approach could be applied to addressing representational deficits for minority cultural groups in Nova Scotia. Dual-member electoral districts could be considered a compromise between the exceptional electoral district and members-at-large strategies. The institutional design of dual-member electoral districts may address a number of variables pertaining to effective representation that are outlined in the Carter and Nova Scotia Court of Appeal decisions, our *Terms of reference*, previous Nova Scotia electoral boundary commission reports, and the Keefe Report. These include culture, geography, communities of interest, and, in a more elastic sense, voter parity.

Considering the current political culture in Canada, and the fact that we use a single-member plurality (first past the post) system to elect our representatives, it seems unlikely that voters would appreciate one group of electors being given the right to cast two votes in an election. Canadian citizens are accustomed to transparency, equality, and fairness and are, therefore, used to participating in a one-person, one-vote electoral system. With that in mind, voters from other electoral districts could see a two-vote dual-member method as a form of double representation.

During the public consultations, citizens from the Chéticamp area expressed frustration over what they saw as an effective representation deficit:

- Only two Acadians were elected in the Inverness electoral district since 1867.
- French-speaking Acadians have not been able to speak with their elected representatives in French.
- It is difficult for MLAs and constituents to meet with each other in an unwieldy electoral district such as Inverness, which is more than 200 kilometres long from its southernmost to its northernmost points.
- Chéticamp was not included among the exceptional electoral districts, which allowed for 20 years of symbolic recognition and descriptive local representation for Acadians of the other protected constituencies.
- Acadians, particularly those in and around Chéticamp, have experienced marginalization in the form of deportation, peripherality, and, in the last century, land expropriation at the hands of the federal government to create Cape Breton Highlands National Park.
- The Chéticamp community faces threats to its survival through assimilation.

This is highlighted in the *Letter of dissent* on pages 46–53.

Seeking ways to address representation concerns for Chéticamp and its surroundings in northern Inverness, we considered and proposed a single-vote variation of the dual-member electoral district for the second round of public consultations. This dual-member district proposal was as follows: self-identifying Acadian voters from the entire electoral district could choose to cast one of two ballots:

- the same ballot used by the general electorate to elect an MLA to represent the geographic electoral district

OR

- a ballot containing the names of self-identifying Acadians fluent in French used to elect an Acadian MLA

Party and independent candidates would still be chosen and registered using the current nomination processes. We have discussed whether directives or legislative measures should be taken to require political parties to nominate fluent French speakers to run for the Acadian MLA position. We have not yet reached a conclusion and will leave this to be considered by the House of Assembly.

The following are some other effects of creating a dual-member electoral district for this specific case:

- It may draw less criticism than would an exceptional electoral district from communities that may prefer to remain in the Inverness electoral district or, depending on its configuration, the Victoria–The Lakes electoral district.
- It would offset possible knock-on effects from implementing an exceptional electoral district, which could emerge for Victoria–The Lakes' northern communities with regard to parity and disruption of traditional political boundaries and communities of interest.
- It would eliminate the minor administrative burden of redrawing new boundaries and possibly reorganizing polls. However, at the same time, it would increase that same burden because of the need to compile additional voter lists and to provide additional ballots.

In addition to the above points, a dual-member district in Chéticamp could increase the voting pool for the Acadian MLA and partially offset voter parity concerns if most Acadian voters across the electoral district chose to vote using the Acadian ballot. Elections Nova Scotia statistics show us that this arrangement would not dilute the vote for the usual constituency MLA to the point that it would deviate from parity. However, the number of electors would deviate from parity significantly, particularly if a high number of Acadian voters chose to cast their vote on the geographical MLA ballot.

The question is: could this significant deviation from parity "be justified on the ground that [it] contribute[s] to better government of the populace as a whole" (Saskatchewan v Carter, 1991 SCC 158)?

In the above scenario, the possibility of electing an Acadian MLA is not just increased; it is virtually guaranteed as long as the usual candidate nomination processes are undertaken. Other voters and groups of interest could question the legitimacy and fairness of guaranteeing the election of a minority MLA from such a small pool of electors. The justification for this was explored throughout the interim report.

Designated or at-large representation in a dual-member electoral district: Dual-member plus

Another innovative effective representation option—which we briefly deliberated but did not bring to the public—involves combining dual-member electoral districts with at-large representation. This method could provide effective representation for a widely dispersed at-risk minority that has also maintained a notable cultural presence in a specific locale such as the Acadians of Chéticamp and its surrounding communities. While holding a majority presence within that locale, the group in question remains a minority in the wider context of its provincial population, as well as its electoral district. This method fits the reality that smaller communities, individuals, and families may no longer live in peripheral locales but in other, often urban, areas and may also want descriptive representation that can effectively speak to cultural matters.

The approach could be considered a way to fill in the final piece of a complex effective representation puzzle for Nova Scotian Acadians. Acadians in Inverness could choose to vote for an Acadian member from their geographic electoral district of Inverness, as is the case with dual-member electoral districts. Because the number of electors would be notably lower than the provincial average for electoral districts, the Acadian MLA from Inverness could be assigned the additional responsibility of being the main at-large MLA for Acadians living throughout the province but outside the exceptional electoral districts. For example, this MLA could represent Acadians in Pomquet, Port Hawkesbury, Sydney, and HRM. Voters and candidates would be compiled through self-identification. A voluntary list of voters from outside the electoral district would have to be compiled and those voters would vote in a system similar to that established for the Acadian school board (CSAP). The number of electors for this particular MLA could thus be increased while Acadians living in unrepresented areas could now have the option of voting for an Acadian who could represent their identity and interests in the legislature (descriptive representation, page 87). We found this hybrid method to be problematic. Although it would most likely increase the number of electors for the Acadian representative, bringing the voting contingent for that MLA closer to parity, the approach presents other difficulties:

- An extra list of voters would need to be compiled from across the province, outside of the exceptional electoral districts.
- Acadian voters from across the province would face geographical barriers such as the need to travel long distances to meet with their MLA.
- There is the possibility that a rural MLA may not hold other interests in common with Acadians in other locales, particularly in urban areas.

Appendix G
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