

A photograph of a fishing boat on a calm body of water. The boat is white with a dark hull and has several masts and antennas. The water is dark and reflects the boat. In the background, there is a dense forest of evergreen trees on a hillside, partially shrouded in mist. The sky is overcast and grey.

Part 3 – The History of Setting
Electoral Boundaries
for British Columbia’s
Legislative Assembly



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A. Introduction

We are the eighth independent electoral boundaries commission in British Columbia’s modern history. In this section we will summarize the work of the previous seven commissions. We have learned much from our predecessors, and looking back puts our own work into an important historical context.⁴

Immediately prior to the work of the first independent commission in 1966, the province had 42 electoral districts electing 52 MLAs⁵ – there were 34 one-member ridings, six two-member ridings and two three-member

ridings. As discussed later in this report (Part 7 – Regional Groupings), we have divided the province into 12 regions, relying heavily on the work of the seven previous electoral boundaries commissions. Using our regional group-

ings, the pre-1966 electoral districts would be distributed as follows:

⁴ In Part 9 of this report (“Proposed Single Member Plurality Boundaries”), our proposed electoral districts are discussed on a regional basis and we will provide a more detailed description of the evolution of each region’s electoral districts since 1966.

⁵ In 1955 the Legislative Assembly increased the number of MLAs from 48 to 52: *Constitution Amendment Act*, SBC 1955, c. 11, s. 3.

The North

Atlin
 Prince Rupert
 Skeena
 Omineca
 Fort George
 South Peace River
 North Peace River

Cariboo-Thompson

Cariboo
 Kamloops
 Lillooet
 Yale

Columbia-Kootenay

Columbia
 Cranbrook
 Fernie
 Grand Forks–Greenwood
 Kaslo-Slocan
 Nelson-Creston
 Revelstoke
 Rossland-Trail

Okanagan

Salmon Arm
 North Okanagan
 South Okanagan
 Similkameen

Fraser Valley

Dewdney
 Chilliwack

Tri-Cities

(included in Dewdney)

Surrey

(included in Delta)

Richmond-Delta

Delta (2)

Burnaby–New Westminster

Burnaby (2)
 New Westminster

Vancouver

Vancouver-Burrard (2)
 Vancouver-Centre (2)
 Vancouver East (2)
 Vancouver–Point Grey (3)

North Shore

North Vancouver (2)

Vancouver Island–South Coast

Mackenzie (Powell River–
 Sechelt area)
 Comox
 Alberni
 Nanaimo and the Islands
 Cowichan-Newcastle
 Victoria (3)
 Oak Bay
 Saanich
 Esquimalt

The electoral districts of British Columbia in 1965 reflected a population distribution that was very different from the number of electoral districts in place when we began our work. The Kootenays were thriving, with eight electoral districts (subsequently reduced to four). There was very little population in the Fraser Valley east of Burnaby and New Westminster – one electoral district (Dewdney) served the entire area north of the Fraser River (now five electoral districts) and two electoral districts (Delta and Chilliwack) served the entire area south of the river (now 18 electoral districts). The fledgling communities of Richmond, Delta, Surrey and Langley were all contained within one electoral district (Delta), where now 14 districts exist.

B. The Angus Commission (1966)⁶

In August 1965 there was no *Electoral Boundaries Commission Act*, so the three-member commission (Henry F. Angus, Frederick H. Hurley and Kenneth L. Morton) was appointed by order-in-council under the *Public Inquiries Act*. The order-in-council directed the commission to secure:

[P]roper and effective representation of the people of all parts of the province in the Legislative Assembly and that in for-

⁶ Report of the Commission of Inquiry into Redefinition of Electoral Districts, January 1966 [KM83.4, B75].

mulating the recommendations to be contained in their report the commissioners

1. take into account where feasible historical and regional claims for representation;
2. make their recommendations on the basis
 - (a) that no electoral district comprise fewer than 7,500 registered voters having regard to present population and apparent population trends to the year 1975, and
 - (b) that the Legislative Assembly comprise not fewer than 48 nor more than 52 members; and,
3. give consideration to the provision of multiple member ridings of two members each in the metropolitan areas of Victoria and Vancouver.

The commission recommended retaining the same number of MLAs (52) and abolishing all multi-member electoral districts. It proposed that representation in northern and rural areas be reduced, because of relatively low population, by:

- reducing the North from seven electoral districts to five;
- reducing the Cariboo and Southern Interior from four electoral districts to three; and,
- reducing the Kootenays from eight electoral districts to four.

Finally, it recommended an increase in representation for Vancouver and the Lower Mainland from 19 to 27 electoral districts, because of increases in population.

The Legislative Assembly adopted several of these recommendations, especially those calling for increased representation in the more densely populated Lower Mainland. It agreed that Vancouver should be increased from nine to 12 MLAs, but opted for six two-member ridings rather than 12 single-member ridings. However, it refused to eliminate several rural electoral districts⁷, such as Skeena, Atlin and Revelstoke-Slocan. Overall, the number of MLAs increased from 52 to 55.

*C. The Norris Commission (1975)*⁸

This three-member commission, consisting of the Hon. T.G. Norris, Fred Bowers and Lawrence J. Wallace, was appointed under the *Public Inquiries Act* in July 1975. The same test of “proper and effective representation” was set, and the commissioners were required to:

- take into account where feasible and necessary, historical and regional claims for representation;
- make recommendations for between 55 and 62 MLAs; and,
- give consideration to the provision of two-member ridings in areas of dense population.

In drawing the boundaries, the commission established an electoral

quotient, and permitted deviations up to plus or minus 40 percent. It treated its proposed new district of Atlin-Northland as a special case. It tried to conform to municipal and regional district boundaries wherever possible, and decided on two-member ridings on a district-by-district basis.

The commission’s principal recommendations included the following:

- increasing the number of MLAs from 55 to 62;
- preserving seven electoral districts in the North;
- adding one electoral district in the Cariboo/Southern Interior;
- eliminating one electoral district in the Kootenays;
- adding six electoral districts to the Lower Mainland (mostly in the Fraser Valley); and,
- adding one electoral district to Vancouver Island.

The Legislature did not adopt any of the commission’s recommendations.

*D. The Eckardt Commission (1978)*⁹

Judge Lawrence S. Eckardt was given a sweeping mandate, by order-in-council, to consider alternative methods of voting, voter eligibility requirements, raising and spending of funds by political parties and candidates, income tax

⁷ *Constitution Act Amendment Act, 1966*, SBC 1966, c. 11, Schedule C.

⁸ *Report of the Commission of Inquiry into Redefinition of Electoral Districts under the Public Inquiries Act British Columbia*, November 7, 1975 [BCZR 1975 E6B].

⁹ *Interim Report on the Redefinition of Electoral Districts for the Province of British Columbia*, Royal Commission on Electoral Reform, 1978, June 1978

deductions for political contributions and designation of political parties for the purpose of status in the Legislative Assembly. With respect to redistribution, he was instructed to make inquiry into and concerning the need for legislative amendment:

[To] secure, by whatever redefinition of electoral districts is required, proper and effective representation of the people of all parts of the province in the Legislative Assembly and that in formulating the recommendations to be contained in the report the commissioner take into account where feasible historical and regional claims for representation.

In drawing boundaries, Judge Eckardt considered the following factors: population, geographical limitations, communications and transportation, distance from government agencies, social, economic and cultural ties, regional and historical claims, resource management and watershed patterns, and future population and economic growth. He found that there was an even split in opinion between preserving and abolishing dual-member ridings, and ultimately recommended that dual-member ridings be retained.¹⁰

He recommended that:

- the number of MLAs be

increased by two, from 55 to 57;

- the dual-member ridings in Vancouver be reduced from six to five, that Surrey become a dual-member electoral district and that Victoria retain its dual-member status; and
- representation in the North be increased by one, and in the Kootenays be decreased by one.

Judge Eckardt's redistribution resulted in significant deviations from the electoral quotient, ranging from minus 88 percent for Atlin to plus 85 percent for Richmond.

The Legislative Assembly adopted Judge Eckardt's recommendations, with one electoral district name change.¹¹

*E. The Warren Commission (1982)*¹²

Derril T. Warren was appointed by order-in-council on June 23, 1982 to consider legislative amendments in order to secure equitable and effective representation of the people of all parts of the province. He was required to:

- consider all matters which may provide equitable and effective representation in the Legislative



¹⁰ *Royal Commission on Electoral Reform, 1978, Final Report, Volume I, pp. 79–81.*

¹¹ *Constitution Amendment Act, 1978, SBC 1978, c. 14, Schedule C.* The Legislative Assembly changed the name of Judge Eckardt's proposed Boundary-Similkameen district to Similkameen.

¹² *Public Inquiry under the Inquiry Act into Electoral Representation in the Province of British Columbia, September 1982.*

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Assembly, based upon, but not limited to, Population Counts 1981 Census of Canada, the geography of the province, and the distribution of population into communities which include urban, suburban, rural and remote; and,

- make his recommendations on the basis that the Legislative Assembly comprise no fewer than 57 nor more than 71 members.

In addition, he was authorized to:

- consider additional representation for existing electoral districts, based upon, but not limited to, population, geographical and historical factors;
- consider the subdivision of any multiple member electoral district that warrants representation by more than two members; and,
- make such further recommendations as he may deem appropriate, based upon, but not limited to, population, geographic and historical factors.

Mr. Warren concluded, based on his interpretation of his terms of reference, and on the fact that he was a sole commissioner, that he would not (with one exception) review and relocate existing

electoral district boundary lines. He offered his own interpretation of the expression “equitable and effective representation,” concluding that:

- “equitable representation” denotes the concept of comparative fairness among electoral districts – the people of each region are given a voice of comparable strength in the Legislative Assembly; and,
- “effective representation” denotes the concept of access by the constituent to the member, and the member to the constituent – maintaining personal contact between the two is imperative if the representative is to stand for or act for the constituent.

Mr. Warren developed a novel method for calculating the number of MLAs that an electoral district should have, based on population and geographical area. Applying that formula, he recommended that, on an interim basis:

- Surrey be increased from two MLAs to three MLAs; and,
- a second MLA be added to six electoral districts: North Peace River, Cariboo, Kamloops, Okanagan South, Delta and Richmond.

He also recommended a change to the boundary between two Vancouver elec-

toral districts. An earlier commission had used Arbutus Street as the dividing line between its proposed Vancouver–Point Grey and Vancouver–Little Mountain electoral districts, but had extended its proposed Vancouver–Little Mountain electoral district west of Arbutus in one area (bounded by 33rd Avenue, Macdonald Street and 23rd Avenue). This oddly shaped protuberance had become known colloquially as “Gracie’s finger,” amid accusations of gerrymandering. Mr. Warren characterized such allegations as “inconclusive and unsubstantiated charges,” but recommended the return of the disputed area to Vancouver–Point Grey for historical reasons, to equalize the population between the two electoral districts, and to end the bitter partisan attacks.

Finally, Mr. Warren recommended the establishment of a permanent electoral commission, to address the lack of credibility of a “government-appointed” commission such as his, and to provide for regular and demonstrably impartial boundary reviews.

The Legislative Assembly did not adopt Mr. Warren’s recommendations respecting the addition of an MLA to seven existing electoral districts,

or adjusting the boundary between Vancouver–Little Mountain and Vancouver–Point Grey. However, the Legislative Assembly did act on his recommendation to establish an electoral boundaries commission, which warrants a brief discussion.

In May 1984 the Legislative Assembly passed enabling legislation, providing for the appointment of an independent and permanent electoral commission.¹³ The three-person commission would consist of the chief electoral officer, the Clerk of the Legislative Assembly and a provincial court judge. It was not the task of the commission to redraw electoral boundaries generally; rather, it was instructed to recommend whether:

- a one-member electoral district should be changed into a two-member electoral district; and,
- a two-member electoral district should be divided into three new one-member electoral districts, in which case the commission should recommend boundaries so that each electoral district had approximately equal population.

The commission should recommend one of these changes if the electoral district’s population exceeded that district’s “electoral district base” by

at least 60 percent. The *Act* set out a complicated mathematical formula for calculating each electoral district base:

- On the Mainland, electoral districts were categorized into metropolitan, suburban, urban-rural, interior-coastal and remote districts, and the average Vancouver district population was multiplied by a specified percentage, ranging from 200 percent for densely populated areas to 85 percent for sparsely populated areas.
- On Vancouver Island, electoral districts were categorized into metropolitan, urban-rural and interior-coastal districts, and the average Victoria and Oak Bay–Gordon Head district population was multiplied by a specified percentage, ranging from 200 percent for densely populated areas to 85 percent for sparsely populated areas.

This legislation was subsequently the subject of the court challenge in *Dixon v. British Columbia (A.G.)*,¹⁴ which we will discuss in the next section of this report.

*F. The McAdam Commission (1984)*¹⁵

In June 1984 the provincial government appointed a three-person electoral commission consisting of Provincial Court Judge D. Kennedy McAdam (Chair), with Harry Goldberg (Chief Electoral Officer) and Ian Horne (Clerk of the Legislative Assembly). Applying the 1984 legislative amendments, the commission recommended that:

- eleven one-member electoral districts be increased to two members each:
 - Boundary-Similkameen
 - Cariboo
 - Central Fraser Valley
 - Delta
 - Dewdney
 - Kamloops
 - Langley
 - Nanaimo
 - Okanagan South
 - Richmond
 - Saanich and the Islands, and
- the two-member riding of Surrey be divided into three separate electoral districts, to be known as:
 - Surrey–Guildford–Whalley
 - Surrey–Newton, and
 - Surrey–White Rock–Cloverdale.

¹³ *Constitution Amendment Act, 1984*, SBC 1984, c. 12.

¹⁴ (1989), 59 D.L.R. (4th) 247 (B.C.S.C.). The formula set out in the *Act* favoured non-urban voters. The scheme produced deviations ranging from minus 86.8 percent to plus 63.2 percent, and 19 of the 69 electoral districts had deviations exceeding plus or minus 25 percent. In *Dixon*, Chief Justice McLachlin struck down the legislation, as violating the right to vote under s. 3 of the *Charter of Rights and Freedoms*.

¹⁵ *First Report of the British Columbia Electoral Commission*, September 1984.

In 1985 the Legislative Assembly increased the number of MLAs from 57 to 69,¹⁶ by adopting Judge McAdam’s recommendations that:

- the two-member Surrey riding be replaced with three separate single-member ridings; and,
- the 11 single-member ridings identified by Judge McAdam be converted into dual-member electoral districts.

*G. The Fisher Commission (1988)*¹⁷

In April 1987 the Honourable Judge Thomas K. Fisher was appointed under the *Inquiry Act*, with a limited mandate to eliminate the 17 two-member electoral districts:

- to inquire into the composition of those electoral districts that now return two members to the Legislative Assembly and into the composition of the electoral districts that are contiguous to those electoral districts that now return two members; and,
- to recommend the establishment of new electoral districts, each returning one member to the Legislative Assembly, to replace those that now return two members to the Legislative Assembly.

In recommending the establishment of the new one-member districts and adjustments to the boundaries of contiguous electoral districts, Judge Fisher was instructed to have regard to:

- the principle of the electoral quota, that is to say, the quotient obtained by dividing the population of the province, as ascertained by the most recent population figures published by Statistics Canada, pursuant to the *Statistics Act* (Canada), by the total number of members of the Legislative Assembly;
- historical and regional claims for representation;
- special geographic considerations including the sparsity or density of population of various regions, the accessibility to such regions or the size or shape thereof;
- special community interests of the inhabitants of particular regions; and,
- the need for a balance of community interests.

In August 1987, the commissioner advised the government of an ambiguity in his terms of reference – whether his mandate extended to all boundaries of contiguous districts, or only the boundaries of such districts that were contiguous with the 17 two-member districts. He recommended that he be

authorized to consider all electoral districts in the province.

In September 1987, Judge Fisher’s terms of reference were expanded. The factors that he was to consider, set out in his original order-in-council, were affirmed, but he was now mandated to recommend:

- the appropriate number of electoral districts each returning one member for the Legislative Assembly; and,
- the establishment, including boundaries, of electoral districts.

Judge Fisher ultimately recommended that the number of MLAs be increased from 69 to 75. He also decided that, in drawing boundaries, he would not deviate more than plus or minus 25 percent from strict population equality, noting that a 25 percent tolerance level was the standard established federally and in Alberta, Manitoba, Ontario, Quebec and Newfoundland. He concluded that 75 MLAs and a 25 percent deviation were required in order to provide “fair and effective representation” to the people of British Columbia. This expression was not used in Judge Fisher’s terms of reference, but had been used in the orders-in-council establishing earlier commissions. He also recommended that legislation be enacted to provide for the establishment of a

¹⁶ *Constitution Amendment Act, 1985*, SBC 1985, c. 3.

¹⁷ *Preliminary Report of Proposed Boundaries for British Columbia Electoral Districts*, May 1988, and *Report of the Royal Commission on Electoral Boundaries for British Columbia*, December 1988.

new, independent, non-partisan statutory electoral boundaries commission.

In the Lower Mainland and on Vancouver Island, Judge Fisher proposed the addition of six new electoral districts because of increases in population in Burnaby, North Vancouver, Surrey (two), Richmond and Parksville. He maintained the number of MLAs in northern and rural BC. He also proposed converting the existing 17 two-member ridings into single-member ridings.

The Legislative Assembly adopted the 75 electoral districts recommended by Judge Fisher.¹⁸

The Legislative Assembly also acted on Judge Fisher's recommendation for new legislation. It repealed the permanent electoral commission legislation enacted in 1984, and enacted a new *Electoral Boundaries Commission Act*,¹⁹ which remains substantially unchanged today. In determining boundaries, future commissions were to be governed by the following principles, set out in section 9(1):



Judge Thomas Fisher

- a) That the principle of representation by population be achieved, recognizing the imperatives imposed by geographical and demographic realities, the legacy of our history and the need to balance the community interests of the people of the British Columbia;
- b) To achieve that principle, the commission be permitted to deviate from a common statistical provincial electoral quota by no more than 25 percent, plus or minus; and,
- c) The commission be permitted to exceed the 25 percent deviation principle where it considers that very special circumstances exist.²⁰

¹⁸ *Electoral Districts Act*, SBC 1990, c. 39, Schedule 2.

¹⁹ SBC 1989, c. 65.

²⁰ In 1996 the *Electoral Boundaries Commission Act* was amended (SBC 1996, c. 18), giving the next commission the authority to make proposals for an increase in the number of electoral districts, up to a maximum of 81. In making such a proposal, the commission was instructed to take into account the following:

- (a) geographic and demographic considerations, including the sparsity, density or rate of growth of the population of any part of British Columbia and the accessibility, size or physical configuration of any part of British Columbia; and,
- (b) the availability of means of communication and transportation between various parts of British Columbia.

In the *Electoral Boundaries Commission Amendment Act*, 2005, SBC 2005, C. 30, the *Act* was amended to give the current commission the authority to make proposals for an increase in the number of electoral districts, up to 85.

H. The Wood Commission (1999)²¹

The Wood Commission (Josiah Wood, Q.C., Rev. Katherine Hough and Robert Patterson, chief electoral officer) was the first commission to be appointed under the new *Electoral Boundaries Commission Act*. It was authorized to propose an increase in electoral districts, from the existing 75 up to and not more than 81.

There had been a 29 percent increase in B.C.'s population over the preceding 10 years, primarily in the Okanagan, Fraser Valley and the east coast of Vancouver Island. When the commission applied 1996 census data to the existing 75 electoral districts, it discovered that 26 were now outside the plus or minus 25 percent deviation referred to in the legislation (nine were greater than plus 25 percent and 17 were greater than minus 25 percent). About 84 percent of the provincial population lived on only 14 percent of the land.

In addition to the legislative criteria, the commission developed nine subsidiary principles that it considered relevant to the effective representation

of British Columbians (downgraded to “goals” in the final report²²):

1. preserve regional representation as far as possible – the commission wanted to ensure that its recommendations did not lead to the loss of an elected representative for any region of the province;
2. take historic and geographic regions into account as much as possible;
3. try to minimize change to electoral boundaries wherever possible;
4. try to keep the deviations from the electoral quota of electoral districts within a region to a similar range;
5. make use, wherever possible, of existing jurisdictional boundaries;
6. recommend, wherever possible, electoral boundaries which align with municipal boundaries;
7. propose, wherever possible, electoral districts with populations which are likely to remain within the statutory limit of a 25 percent deviation from the electoral quota until the next boundary review;
8. correct anomalies created by the present boundaries, wherever possible; and,
9. consider the impact of the proposed electoral boundaries on the affiliations of First Nations in the

province – to propose boundaries which avoid dividing the populated reserves of any given Band between more than one electoral district.

The commission proposed an increase of four electoral districts, in Surrey (two), the Burnaby-Coquitlam area and the Abbotsford-Chilliwack area. It recognized that there were disparities in population among adjacent electoral districts in the Okanagan and on Vancouver Island, but decided that it was preferable to address those concerns by adjusting the boundaries of existing electoral districts, rather than adding new electoral districts in those areas. Indeed, it calculated that, if a fifth or sixth new electoral district were added, the addition(s) would occur in high-growth areas in the Lower Mainland and/or Fraser Valley, not the Okanagan or Vancouver Island. The commission's redistribution resulted in six of 79 electoral districts exceeding minus 25 percent deviation (five in the North and one in the East Kootenays), which the commission justified on the basis of “very special circumstances.” Only one electoral district had a positive deviation of greater than 20 percent (North Island, at plus

²¹ *Electoral Boundaries Commission – Report to the Legislative Assembly of British Columbia*, December 3, 1998, and *Electoral Boundaries Commission – Amendments to the December 3, 1998 Report to the Legislative Assembly of British Columbia*, June 3, 1999.

²² The commission stated, at p. 16 of its final report: “It therefore bears emphasizing that the factors set out in our Statement of Principles represent goals we had in mind at the outset of our task, but which we quickly found often had to give way to our overriding obligation, both statutory and constitutional, to give effect to the principle of representation by population.”



The Wood Commission and Counsel (Josiah Wood second from right)

21 percent). The final report concluded with this warning (from page 62):

[We] feel constrained to note that, in the absence of some statutory solution similar to that in place in Saskatchewan, by which the electoral representation of rural British Columbia can be guaranteed at its present level, the next commission may well find it impossible, under the current legislative framework, to avoid recommending a reduction in the number of electoral districts in the rural areas of the province.

In 1999 the Legislative Assembly adopted the Wood Commission's proposed 79 electoral districts, without change.²³

²³ *Electoral Districts Act*, SBC 1999, c. 31.

