Electoral Boundaries Commission

Nunavut Elections Act

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1. What is a Boundaries Commission?

A Boundaries Commission is a 3person agency, independent of government. One person is the presiding member, or leader. Under the *Nunavut Elections Act*, the Boundaries Commission proposes the boundaries and names of Nunavut's constituencies.

2. Who can and cannot be a member of a Boundaries Commission?

The presiding member is a judge or retired judge of the Nunavut Court of Justice or Nunavut Court of Appeal. The two other members must be eligible to vote.

Elected members of federal, territorial, provincial, or municipal governments cannot be members of the Commission.

3. Why do we need a Boundaries Commission?

The Boundaries Commission defines Nunavut's constituencies.
The Commission reviews Nunavut's electoral boundaries and makes decisions on whether any changes are needed based on input from the public. The Commission makes sure that each constituency fairly represents people.

To fairly represent people, each constituency must have roughly the same number of people. The Commission also considers things such as geography and Inuit Qaujimajaqtuqangit. It reviews the boundaries because over time the number of people or other things can change in a constituency.

4. When do we set up a Boundaries Commission?

The Nunavut Legislative Assembly will set up a Boundaries Commission at least every 10 years.

But a Boundaries Commission must also be set up any time the difference between a constituency's population and the electoral quotient is more than 30% of the electoral quotient. The electoral quotient is the number of voters on the final voters list divided by the number of constituencies.

Here is an example in 6 steps:

1) Final voters list: 13,000 people and 19 constituencies.

2) Electoral quotient: 13,000 ÷ 19 = 684.

3) 30% of electoral quotient: 684 X 30% = 205.

4) Constituency 'N' has 550 people.

5) 684 (electoral quotient) – 550 (constituency population)=134.

6) The difference (134) is less than 30% of the electoral quotient (205). Therefore, no Boundaries Commission is needed to consider changes to the boundaries of constituency N.

The Chief Electoral Officer (CEO) calculates this quotient for each constituency after each general election and reports to the Legislative Assembly. The report tells the Speaker if the Legislative Assembly needs to appoint a Boundaries Commission.

5. How long does each Boundaries Commission last?

Each Boundaries Commission starts when the members are appointed. It ends when the Commission tables its report in the Legislative Assembly.

Each Commission can last up to 250 days – about 8 months. The Legislative Assembly can extend the time for 6 months if Nunavut has a general election before the Commission finishes its report.

6. Who appoints the members of the Boundaries Commission?

The Commissioner appoints the members of the Boundaries Commission. The Legislative Assembly recommends people for the Commissioner to appoint.

If the Boundaries Commission has a vacant position, the Commissioner fills it as soon as possible. The Management and Services Board of the Legislative Assembly recommends who to appoint if the Legislative Assembly isn't sitting. The Boundaries Commission still has the power to do its work if it has a vacant position.

The Commission itself may appoint one of the two other members as a deputy presiding member. The deputy presiding member acts as leader when the presiding member isn't there for some reason.

7. Do members of the Boundaries Commission get paid?

The Management and Services Board decides if members of the Commission get paid, and how much. The Board also pays members' living and travel expenses when they work for the Commission away from home.

8. How does the Boundaries Commission do its work?

The Boundaries Commission has the powers of a Board of Inquiry under Part I of the *Public Inquiries Act*. The *Nunavut Elections Act* has a list of factors the Commission must consider to change the boundaries and names of Nunavut's constituencies. The Commission holds public hearings.

The quorum for the Commission is the presiding member and one other member. The presiding member has a second, deciding vote if there is a tie.

The Commission may have staff. The Clerk of the Legislative Assembly hires the staff and decides their pay and terms of employment. The Chief Electoral Officer provides maps, mapping services, and information the Commission needs.

The Commission may set its own rules, including how it runs public hearings.

The Management and Services Board may make regulations to set up a Tariff of Fees. The fees may include any goods and services provided to set up constituency boundaries.

The Consolidated Revenue Fund pays for the Boundaries Commission, including public hearings. This includes any fees for goods and services provided by the Chief Electoral Officer.

9. What are the rules for public hearings?

The Boundaries Commission may hold a public hearing in any community they think is suitable. The Commission sets the rules for how to run public hearings.

The Commission must give public notice at least 30 days before the hearing. The public notice must be in the Nunavut Gazette and at least one local newspaper.

The notice must:

- Invite the public to participate;
- Give the date, time, and place of the hearing;
- Tell people how to make a written submission;
- Show the deadline for written submissions;
- Give contact information for the Boundaries Commission, including a toll free phone number; and
- Indicate that any person, including MLAs, may make a written or oral presentation.

10. What are the rules for the Boundaries Commission's report to the Legislative Assembly?

The Boundaries Commission's report is based on the information they receive. The report proposes and describes:

- The number of constituencies and their boundaries;
- The number of people in each constituency;
- The reasons for any new boundaries; and
- The name of each constituency and the reasons for any changes.

The Commission sends copies of its report to the Chief Electoral Officer, the Speaker and the Clerk of the Legislative Assembly. The Clerk sends a copy to each MLA. The public can get a copy of the report from the Clerk's office. The Speaker lays the report before the Legislative Assembly. The MLAs consider the report as soon as they can.

11. Can each community in Nunavut be one constituency with its own MLA?

The number of constituencies and seats in the Legislative Assembly is not based on the number of communities in Nunavut. Each constituency must have roughly the same number of people living in it. The Canadian Constitution guarantees the right of all citizens to enjoy an equitable level of representation in their legislature.

Although it would be impossible for every MLA to represent exactly the same number of constituents, the differences between the number of constituents represented by MLAs cannot be too large. If every community in Nunavut were represented by at least one MLA, the Legislative Assembly would be extremely large. If Nunavut's smallest community (Grise Fiord, which has a population of approximately 150) was represented by one MLA, it would be necessary for Nunavut's largest community (Iqaluit, which has a population of over 6,000 people) to have roughly 40 MLAs, in order to ensure that the residents of the two communities are treated equally.

12. How does the Boundaries Commission's report affect the law?

The Chief Electoral Officer prepares a draft Act with the new constituencies based on the Commission’s report. The draft Act includes the number of constituencies, their boundaries and their names.

The Speaker introduces the Act in the Legislative Assembly as soon as possible after receiving it. The Legislative Assembly may accept the Act as drafted or it may amend it. Any new constituencies Act must wait 6 months before the new boundaries take effect.

The Act comes into force the day after the Legislative Assembly dissolves for an election.

The Chief Electoral Officer prepares the following maps:

- Map of Nunavut, with names and boundaries of all constituencies;
- Map of each constituency, with names and boundaries; and
- Map of each municipality that has more than one constituency, with names and boundaries of constituencies.

13. How does a change in constituency boundaries affect the *Nunavut Elections Act* and Elections Nunavut?

If a returning officer works in a constituency whose boundaries changed, their job may officially end. The Chief Electoral Officer (CEO) can reappoint the returning officer to a new constituency.

If the CEO thinks the new boundaries are almost the same as the old ones, the returning officer's job may not officially end. The CEO must do this within 30 days of when the Legislative Assembly enacts the Act.

The new boundaries take effect no earlier than 6 months after the Act is passed.