
The Electoral Boundary Case in Saskatchewan

by John Britton, MLA

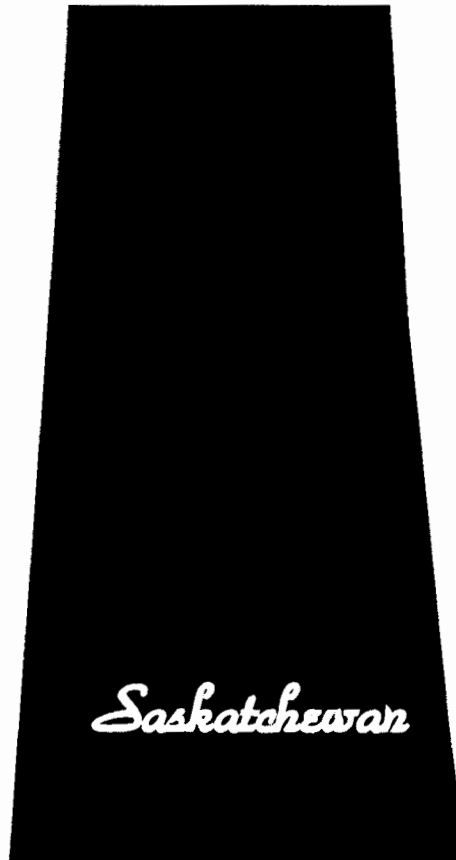
Saskatchewan has just been through a legal test of its electoral boundaries. The legal decision resulting from the court proceedings has upheld what I consider to be a very important principle of parliamentary democracy.

In 1988 the Saskatchewan Legislature ordered an Electoral Boundaries Commission to redraw our existing boundaries in preparation for the next election. Redrawing the boundaries at this time was required by law. The result was a new set of boundaries which allowed a variance of about plus or minus 25 per cent from the average number of voters in a constituency.

This variance was allowed in order to compensate for areas or sparse population. Saskatchewan is a very large province geographically, but sparsely populated with only about 1 million residents. There are two major cities each with

about 175,000 people, a handful of smaller cities, and hundreds of small towns and villages. The 25 per cent variance became a matter of contention with some lobby groups in the province, and our new *Boundaries Act* quickly became a controversial issue. In order to resolve the matter, the provincial government referred the boundaries to the Saskatchewan Court of Appeal.

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This court ruled that a variance of 25 per cent violated the right to vote as guaranteed by the *Canadian Charter of Rights and Freedoms*. According to the Saskatchewan Court, our electoral boundaries were unconstitutional. Since the deadline for a provincial election was fast approaching, this ruling put us in a bit of a difficult situation. We immediately appealed the decision to the Supreme Court of Canada, and asked that they rule as quickly as possible. The case generated a great deal of interest throughout Canada.

The Federal Government, five provinces, and both Canadian territories sought intervenor status in the case. This is not surprising because the variance guidelines used by Saskatchewan were much the same as those used by these other electoral jurisdictions. If the Supreme

Court had upheld the lower court's ruling, most electoral maps in the country would have had to be re-written. What's more, there would have been legal grounds to challenge the legitimacy of many provincial, and even the Federal Government.

However, the Supreme Court reversed the Saskatchewan Court's decision and decided our boundaries did not violate the Charter. Their main argument in support of this decision is that fair democratic representation depends not only on equal votes, but also on equal quality of representation.

Canada is a huge and diverse country, with pockets of dense population separated by miles and miles of sparsely populated country. Add to this population distribution the fact that we have almost every geographic formation known to man – mountains, rivers,

great lakes, coastlines, great sweeping prairies, forests and so on. These factors together demand that provinces, territories, and the Federal Government carefully consider the quality of representation each citizen enjoys.

To show you what I mean by equal quality of representation, let me give you a couple of examples from federal ridings in my own province. First, there is the riding of Prince Albert-Churchill River. This northern Saskatchewan riding takes up roughly half the land mass of the province. Within it, there is only one community of significant size, the city of Prince Albert. On the very southern edge of the riding with a population of about 35,000. The remaining population is scattered throughout the riding in small communities and on farms. Many of these communities are very isolated, accessible only by plane.

Now, I ask you to compare the quality of representation enjoyed by people who live in Uranium City, a small town that can only be reached by airplane at the very northern edge of our province, with the representation enjoyed by people living in Prince Albert. Obviously the residents of Prince Albert have more ready access to their Member of Parliament. The concerns of Prince Albert people will have more weight than those of Uranium City residents. Prince Albert is where the votes are. To win the seat, a candidate must win Prince Albert. Candidates must concentrate their efforts on Prince Albert, at the expense of voters living in Uranium City and other small communities in northern Saskatchewan.

Now compare this with the quality of representation enjoyed by voters in the riding of Regina-Wascana. This is primarily an urban riding, which stretches into the country to include a small number of farms on the

southern side of our capital city. All constituents in this riding live within a few miles of each other. All have equal access to their elected representative. Their concerns and their votes carry equal weight. The Regina representative can cover the entire constituency in one day – much of it on foot – whereas the Member for Prince Albert-Churchill River must take several days and use an expensive airplane to cover his riding.

The examples I have given clearly show that even within Canada's present electoral boundaries there are large differences in the quality of representation voters enjoy. Think of how much greater these differences – this unfairness – would be if we blindly adhered to the principle of one person one vote. The Supreme Court decision regarding Saskatchewan's boundaries was necessary, correct and just.

One person one vote is a noble ideal, but it loses its appeal when applied to the realities of every day democracy.

One person one vote must be tempered with consideration of demographic realities.

For democracy to work – for it to be effective – it must strive to provide quality representation for all. Without that, democratic freedoms and especially the right to vote lose their meaning for a large number of people within the democracy. To allow these rights and freedoms to lose their value and meaning for the people is to strike a blow at the very foundation of parliamentary democracy.●