

2021-2022 NWT ELECTORAL BOUNDARIES COMMISSION

FINAL REPORT



May 24, 2022

Honourable Frederick Blake, Jr.

Dear Mr Speaker,

The Northwest Territories Electoral Boundaries Commission, 2021 established by resolution of the Assembly on June 3, 2021 is pleased to provide our Final Report, with recommendations, pursuant to s.10 of the *Electoral Boundaries Commission Act*.



Ted Richard,
Chair



Jack Rowe,
Member



Glen Abernethy,
Member



Northwest Territories
ELECTORAL BOUNDARIES
COMMISSION
2021 - 2022

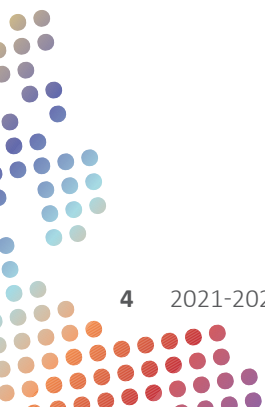
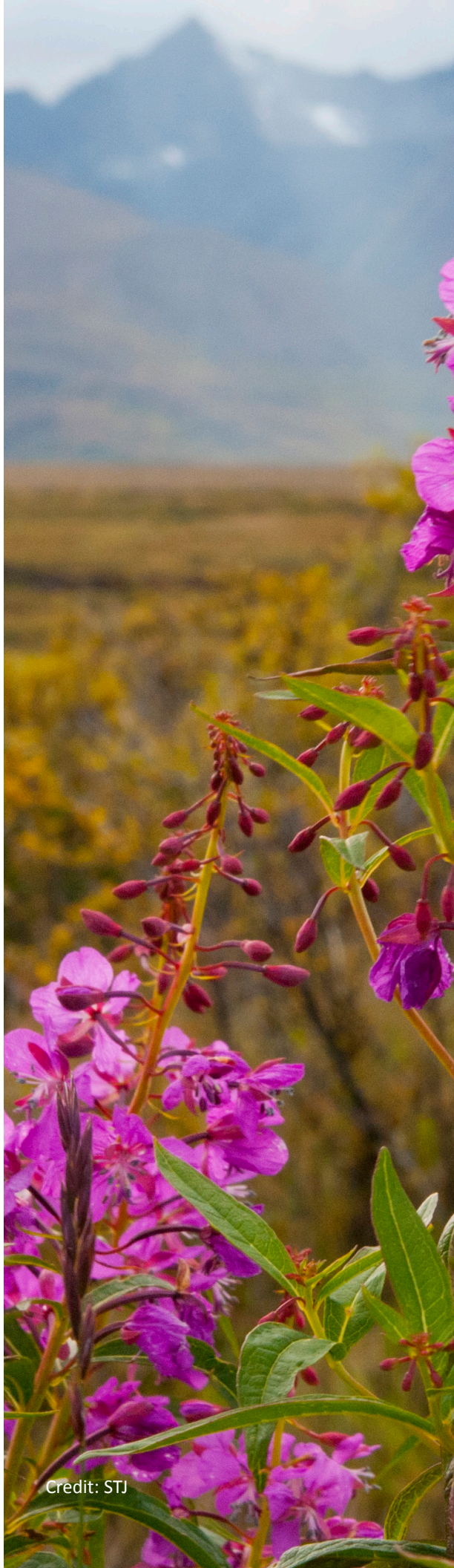
EXECUTIVE SUMMARY

The Electoral Boundaries Commission is an independent commission appointed to conduct a periodic review of the number of electoral districts, or ridings, each with an elected representative in the Legislative Assembly, the geographic location of those electoral districts, and to make recommendations to the Legislative Assembly for necessary changes, if any.

The current Commission was appointed in June 2021, in the midst of the COVID-19 pandemic, a reality which restricted the Commission's ability to hold in-person public hearings in the communities.

In order to obtain public input on this important topic, in December 2021 the Commission published an Interim Report which was widely circulated to community leaders, current Members of the Legislative Assembly, indigenous organizations, the media, and the general public. In the Interim Report, the Commission provided current and historical information regarding the composition of the Legislative Assembly, the principles that govern that composition, and put forth for discussion a few possible options for future composition of the Assembly.

The Commission is of the view that, for the most part, in all of the relevant circumstances, the current number and distribution of seats in the Legislative Assembly does provide for fair and effective representation for all citizens. The Commission is recommending that there be no change in the number of electoral districts in the Northwest Territories, and hence no change in the number of representatives elected to the Legislative Assembly, i.e., 19. The Commission recommends that, for the most part, the current boundaries of electoral districts remain as at present. The Commission recommends that the boundaries between adjacent ridings in each of the communities of Inuvik and Yellowknife be adjusted, to provide for a more balanced distribution of the community's population between and among the electoral districts in that community.





SOMMAIRE

La Commission de délimitation des circonscriptions électorales est une commission indépendante nommée pour effectuer un examen périodique du nombre de circonscriptions électorales comptant chacune un représentant élu à l'Assemblée législative, et de la région géographique de ces circonscriptions électorales, ainsi que pour formuler des recommandations à l'Assemblée législative lorsque des modifications sont nécessaires.

La Commission actuelle a été nommée en juin 2021, au cœur de la pandémie de COVID-19, ce qui a restreint sa capacité à tenir des audiences publiques en personne dans les collectivités.

Afin de recueillir les commentaires du public sur ce sujet important, la Commission a publié, en décembre 2021, un rapport provisoire, qui a été largement distribué aux dirigeants communautaires, aux députés actuels de l'Assemblée législative, aux organismes autochtones, aux médias et au grand public. Dans ce rapport, la Commission présentait des renseignements actuels et historiques en lien avec la composition de l'Assemblée législative et les principes qui la gouvernent et proposait quelques options possibles pour la composition de l'Assemblée à l'avenir.

La Commission est d'avis que, en général, dans toutes les circonstances pertinentes, le nombre actuel de sièges et leur distribution à l'Assemblée législative permettent une représentation juste et efficace de tous les citoyens. La Commission recommande de n'apporter aucun changement au nombre de circonscriptions électorales aux Territoires du Nord-Ouest et, donc, aucun changement au nombre de représentants élus à l'Assemblée législative, c'est-à-dire dix-neuf. La Commission recommande qu'en majeure partie, les limites actuelles des circonscriptions électorales demeurent les mêmes. Elle recommande aussi que les limites entre les circonscriptions adjacentes dans les collectivités d'Inuvik et de Yellowknife soient ajustées, afin de permettre une répartition plus équilibrée de la population au sein des circonscriptions électorales dans ces collectivités.



INTRODUCTION

On June 3, 2021, the NWT Electoral Boundaries Commission 2021-2022 was established by the Legislative Assembly, composed of Ted Richard, as Chairperson, and Glen Abernethy and Jack Rowe as Members.

The law requires the Legislative Assembly to establish an Electoral Boundaries Commission after every second general election. This process, appropriately, provides for a periodic review of the number of seats in the legislature and the distribution of those seats. This process is common in all jurisdictions in Canada. The periodic review is conducted by an independent Commission, i.e., independent of the legislative branch and the executive branch of government. In conducting its review and in making any recommendations to the Legislative Assembly for change, the Commission is required to take into consideration numerous factors which are enumerated in the *Electoral Boundaries Commission Act*. In addition, in Canada there are constitutional constraints regarding any distribution or redistribution of electoral districts, such that “gerrymandering” practices which occur in some other places, no longer exist in Canada.

The Commission’s mandate, then, is to review the area, boundaries, name, and representation of the existing electoral districts, or ridings, and to provide recommendations, if any, to the Legislative Assembly. The Commission was directed to prepare an Interim Report, or discussion paper, with proposed electoral district boundaries for review by the public and for discussion at public hearings. Following public consultation, the Commission is directed to submit a Final Report, complete with recommendations, to the Speaker of the Legislative Assembly, within 12 months. The within report is respectfully submitted pursuant to that direction.

The Commission’s Terms of Reference and excerpts from the *Electoral Boundaries Commission Act* are attached as Appendix A.

REVIEW OF EXISTING ELECTORAL DISTRICTS, AND INTERIM REPORT

Prior to preparing its Interim Report, the Commission reviewed the reports of previous Commissions in 1998, 2006, and 2013, and the Hansard record of debates in the Legislative Assembly in respect to those reports. The Commission gathered current population estimates of the communities and the current electoral districts. The Commission also reviewed the decisions of the Supreme Court of NWT following related Court challenges in 1999 and 2005, together with previous decisions of the Supreme Court of Canada on a citizen's constitutional right to fair and effective representation in a legislative assembly.

In the Interim Report, which was released to the public in early December 2021, the Commission described its mandate and the various factors which the Commission is required to consider in making its recommendations to the Legislative Assembly. The Interim Report provided current population estimates, and noted that population growth in the NWT has been stagnant for some time. It posed the question of how many seats are needed in the NWT Legislative Assembly to fairly and effectively represent the 45,000 residents of this vast, sparsely populated territory, and how that issue has been addressed in previous EBC reports and in debates in the 13th, 15th, and 17th Assemblies.

In the Commission's Interim Report, or discussion paper, specific reference was made to the seminal decision of the Supreme Court of Canada in 1991 when it ruled that the constitutional right to vote is not absolute equality of voting power *per se*, but rather the right to effective representation in the legislature. One of the prime conditions of effective representation is "relative parity" of voting power, and deviations of plus or minus 25% from the average electoral district population has become an accepted variance across electoral districts. And although relative parity of voting power is a prime consideration, there are other factors or considerations. The Interim Report pointed out that the Legislative Assembly in its resolution establishing this Commission in June 2021, issued Guidelines for the Commission, including "relative parity between electoral districts shall be sought, to the extent possible, except where special circumstances warrant exceptional deviation". It was also pointed out that the notion of "special circumstances" that would allow a legislature to deviate from the 25% variance guideline has been incorporated in other Canadian jurisdictions, and several examples were provided to the readers of the Interim Report.

The Interim Report included tables of population estimates, by community and by current electoral districts to provide context for this important discussion. It was noted that approximately 70% of the NWT population is concentrated in four centres, i.e., the capital city of Yellowknife and the towns of Hay River, Fort Smith and Inuvik. And that, under the current distribution of the 19 seats in the legislature, the residents of these four urban centres have 12 members, or MLAs, i.e., almost 70% of the 19 members.

In the Commission's review of the electoral districts within Yellowknife, Hay River, and Inuvik (the multi-member communities), it was noted that there is currently a greater population in some electoral districts than in other electoral districts within the same community. It is acknowledged that this is not surprising, given that there will be different rates of growth within certain areas or neighbourhoods within a community since the previous setting of boundary lines between electoral districts in that community. It is understood that government officials (NWT Bureau of Statistics and the Geomatics division) have the capability to establish a new boundary line between adjacent electoral districts within the community, so as to re-distribute the community's population into (roughly) equal districts.



Turning to the remaining 7 current (non urban) electoral districts, these were reviewed on an individual basis. The Commission stated its observations on each of these electoral districts in the Interim Report. In particular, certain characteristics or circumstances were noted that could be said to “define” the uniqueness of that particular electoral district, e.g., language, land claim settlement agreement, pending land claim or self-government negotiations, community of interests, geographical locations vis-à-vis other communities, historic connections between communities, etc.

In the Interim Report, a discussion paper, the Commission offered the view that, in the case of each of these 7 non-urban ridings, there exists “special circumstances” to justify a stand-alone electoral district, notwithstanding any deviation from the average population of territorial electoral districts.

On a related matter, in the Interim Report, it was indicated that, in the Commission’s view, when considering an average population of electoral districts, and variations from that average, the urban districts ought to be considered as one group, and then strive to establish electoral districts that are close to the average of that group.

After presenting observations of each of the current electoral districts in the Interim Report, the Commission stated that “the current distribution of 19 electoral districts is fair and reasonable, generally speaking. It addresses, for the most part, the “relative parity of voting power” principle, the 25% variance guideline (with exceptions), and additional factors of geography, accessibility, language groups, land claim groups, community of interests, historical connections, existing special circumstances, etc. One can understand the present justification for the various aspects of this current distribution of 19 seats, to provide fair and effective representation for all citizens in our legislature. There are no glaring anomalies.”

The Interim Report addressed the issue of the size of the Legislative Assembly, how many seats are necessary for effective representation for all. Is the status quo of 19 seats sufficient, should there be fewer seats, should there be more seats? The Commission’s view is that there does not exist justification to increase the number of electoral districts in the NWT, nor to increase the number of MLAs in the Legislative Assembly.

With a view to engaging the public in the Commission’s deliberations, the Interim Report put forward for consideration two specific options for redistribution of the existing electoral districts in the NWT, which were termed Option A and Option B. These were not recommendations, but rather options to promote discussion and feedback.

Under Option A, there would continue to be 19 electoral districts, 19 MLAs. This would be similar to the status quo, with some minor changes. The boundaries of the 11 electoral districts in Yellowknife, Hay River, and Inuvik would be adjusted to provide for electoral districts with

roughly equal population within the community. The tiny Dene communities of Smbaa K’e and Jean Marie River would be re-distributed from the Nahendeh electoral district to the Deh Cho electoral district. The tiny hamlet of Enterprise would be re-distributed from the Deh Cho electoral district to the electoral district of Hay River South. Each of the other ridings of Mackenzie Delta, Monfwi, Nunakput, Tu Nedhé-Wiilideh, Sahtu, and Thebacha would remain unchanged.

Under Option B, there would be a reduction in the number of MLAs from 19 to 16. In particular, there would be a decrease of one electoral district in each of the urban centres of Yellowknife, Hay River, and Inuvik. There would be minor changes in the re-distribution of the tiny communities of Smbaa K’e, Jean Marie River and Enterprise, as indicated under Option A. Each of the other ridings of Mackenzie Delta, Monfwi, Nunakput, Tu Nedhé-Wiilideh, Sahtu and Thebacha would remain unchanged.

In the Interim Report the Commission stated the view that each of these two options was fair and reasonable, and that there may indeed be other options that ought to be considered. The Commission emphasized that it was seeking public input on these and other options.

PUBLIC CONSULTATIONS AND INPUT

In November 2021, the Commission sent a letter to a large distribution list which included community governments, Indigenous governments, leadership, introducing and explaining the work of the Commission. The letter also gave advance notice of the Interim Report set to be released and sent to all addressees in early December. The letter advised that the Commission planned on holding public hearings in January 2022, inquired whether the communities wished for the Commission to schedule a public hearing in their community, either in person or virtually.

The Commission's 30-page Interim Report was released on December 3, 2021. Copies were sent to the same wide distribution list mentioned above. In the Interim Report the Commission invited the public to attend community or virtual hearings to be scheduled in January 2022, and/or to send written submissions to the Commission prior to January 31, 2022 (this deadline was later extended to February 28, 2022). The Interim Report was also posted on the Commission's website. Notices of the release of the Interim Report were made via media advisories, social media posts, community television and radio advertisements. Each way of advertising sent the audience to the Commission's website.

In September 2021, when setting the Commission's work schedule for the subsequent months, Commission Members (tentatively) planned on holding public hearings in communities throughout the NWT, in response to requests, during January 2022. This did not happen. On account of the continuation of the COVID-19 pandemic, and the associated travel restrictions and restrictions on public gatherings, in-person public hearings in the communities were not possible. The Commission did not receive any requests to hold public hearings in communities.

Instead, the Commission scheduled three virtual public hearings from February 14 to 18, 2022. These were widely advertised with social media posts, public service announcements, media advisories, on the Commission's website, etc., with the public invited to make oral presentations. These virtual hearings were broadcast on Facebook, Twitter, YouTube and on the Legislative Assembly's website. However, there were only a few oral presentations by members of the public.

As indicated in the Interim Report, on the Commission's website, and in various public notices on social media, the Commission also invited members of the public to send written submissions to the Commission via email or regular post. Although there were over eight hundred visits to the Commission's website, there were only twelve written submissions received, and these were posted on the Commission's website as they were received.

A list of the persons making oral presentations and written submissions is provided at Appendix B.

The Commission has considered the reality of this limited participation by the public in the Commission's task, and possible reasons for the small number of oral presentations and written submissions, notwithstanding the publication of and wide distribution of the Commission's Interim Report. Firstly, the subject-matter of the Commission's mandate (a review of the present number of electoral districts, the present electoral boundaries, and possible changes thereto) is simply not something of interest to many citizens. Previous Electoral Boundaries Commissions have also made this observation.

The timing of our mandate coincided with the continuing COVID-19 pandemic, which resulted in a significant societal disruption in the lives of most citizens – much stress, frustrations, worries, loss of normal routines, etc. Participation in this public discourse on a dry topic was probably not a priority for people. Also, because of the pandemic and the related restrictions on public gatherings, the Commission was not able to hold our planned in-person public hearings in the communities, but rather held virtual hearings via Zoom, a format that is not accessible and/or comfortable for all people.



It is also possible that a significant portion of the general public has no particular concern with the present method of elected representation in the Legislative Assembly, and/or has no particular concern with either Option A or B presented in the Commission’s Interim Report. The Commission acknowledges that this is speculation only.

Within the relatively few submissions and presentations that the Commission **did** receive, it cannot be said that there was any particular consensus on changes that should/should not be made.

One person, a former Member of the Legislative Assembly (MLA), made a strong argument against reducing the number of MLAs from 19 to 16 (Option B). It was expressed that doing so would challenge the capacity of 16 elected MLAs to do the necessary work of the legislature. Another person, while expressing a positive view of Option B, did make that view “conditional” on there being sufficient capacity and support for 16 MLAs “to oversee all the government operations as well as serving the needs of their constituency”. A third person expressed a concern that reducing the number of MLAs from 19 to 16 might result in a reduction in the size of the Executive Council, and that would place an unacceptable workload on the Cabinet members.

There was only one submission favoring a general increase in the number of MLAs, although the City of Yellowknife, and three Yellowknife residents, expressed the view that Yellowknife ought to have an increase from 7 MLAs to 8 MLAs, such that Yellowknife’s proportion of the legislature’s seats more closely represents Yellowknife’s proportion of the total NWT population.

One person suggested that Inuvik should have one electoral district only, but there should be 2 MLAs representing that one electoral district. Another person promoted the notion of multi-member electoral districts in Yellowknife, Hay River, and Inuvik. However, the Commission is of the view that recommending a multi-member riding or ridings is not within the Commission’s mandate, and may not be Charter compliant in any event.

A submission received from the elected council of Enterprise indicated their strong opposition to any proposal moving that community from the Deh Cho electoral district to the Hay River South electoral district, stating that the people of Enterprise have more affinity with other small communities in the Deh Cho riding than with the larger town of Hay River.





DISCUSSION

Following further review of submissions from the public, the Commission has concluded that it ought not recommend a reduction in the number of seats in the Legislative Assembly.

The Commission has also concluded that the current number of MLAs, 19, is sufficient to provide fair and effective representation of the 45,000 residents of the Northwest Territories. There has not been any significant growth in the NWT population. The Commission reiterates the view expressed in the Interim Report that there does not exist justification to increase the number of electoral districts in the NWT, nor the number of MLAs in the Legislative Assembly.

The challenge, of course, is to determine how the electoral districts should be allocated among the 45,000 residents scattered across this vast territory. There are 33 communities, with populations ranging from lows of 36 in Kakisa and 86 in Jean Marie River to a high of 21,000 in the capital city of Yellowknife. Table 1 shows the population estimates of the respective communities as of July 2021, as per NWT Bureau of Statistics. It is unreasonable for each community to have its own representative in the legislature — a group of small communities must, of necessity, share an MLA. It is also not reasonable that the 21,000 residents of Yellowknife have the same number of MLAs as smaller communities such as Fort Smith and Inuvik.

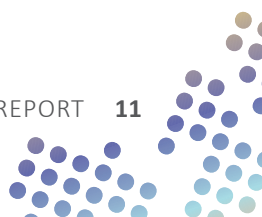


TABLE 1

	2021		2021
Northwest Territories	45,504	Sahtu Region	2,668
		Colville Lake	159
Beaufort Delta Region	6,846	Délıne	627
Aklavik	684	Fort Good Hope	601
Fort McPherson	737	Norman Wells	768
Inuvik	3,303	Tulita	513
Paulatuk	311		
Sachs Harbour	109	South Slave Region	7,427
Tsiighetchic	190	Enterprise	116
Tuktoyaktuk	1,023	Fort Resolution	548
Ulukhaktok	489	Fort Smith	2,579
		Hay River	3,823
Dehcho Region	3,365	Łutselk'e	335
Fort Liard	558		
Fort Providence	753	Tłıchų Region	2,901
Fort Simpson	1,214	Behchokò	1,952
Hay River Dene Reserve	338	Gamètł	280
Jean Marie River	86	Wekweètł	150
Kakisa	36	Whatł	519
Nahanni Butte	101		
Sambaa K'e	98	Yellowknife Region	22,297
Wrigley	122	Dettah	226
		Yellowknife	21,775

However, the goal of providing effective representation in the Legislative Assembly is not merely a mathematical calculation. There are many other factors to take into consideration; these are enumerated in the *Electoral Boundaries Commission Act*, in the Commission's Terms of Reference, and in the Guidelines set forth by the current Legislative Assembly in the resolution establishing the Commission in June 2021 (see Appendix A). These factors, e.g., geography, community of interests, language, culture, historical connections, accessibility to representatives in the legislature, etc., were addressed by the Commission in some detail in the Interim Report wherein the Commission reviewed the existing electoral districts. It is the Commission's determination that there is valid justification for the current distribution of electoral districts throughout the NWT, generally speaking.

In the Interim Report the Commission put forward for discussion the possibility of minor changes to the ridings of Nahendeh, Deh Cho and Hay River South, in particular, a) moving the small communities of Jean Marie River and Sambaa K'e from Nahendeh to Deh Cho, and b) moving the small community of Enterprise from Deh Cho to Hay River South. A review of public input following wide distribution of the Interim Report, and further consideration, satisfies the Commission that these minor changes ought not to be made.

The Commission has carefully considered the submissions made by the City of Yellowknife and by a few individual Yellowknife residents in favor of an additional MLA for Yellowknife. In the main, these submissions focus on the population statistics for Yellowknife and for the entire territory. As discussed earlier in this Report, the Constitutional right to vote is not a right to absolute equality of voting power, but rather the right to effective representation in the legislature. The Commission is of the view that seven independent MLAs can effectively represent the 21,000 residents of the City (a small city in the Canadian context). Also, the Commission notes that the residents of Yellowknife enjoy a close accessibility to their individual MLAs, indeed to the very seat of the legislative branch of government, an advantage not enjoyed by residents of sparsely populated remote and rural ridings.

Outside of the four urban centres, the Commission is satisfied that there exists a legitimate rationale for the current "grouping" of communities which comprise each of these seven electoral districts. Each of these electoral districts are indeed unique, and "special circumstances" exist which justify any deviation from the average population of territorial electoral districts, as detailed in the Interim Report.

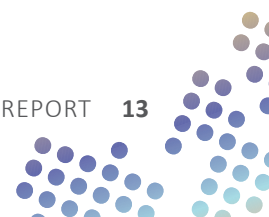


Table 2

POPULATION ESTIMATES OF 19 CURRENT ELECTORAL DISTRICTS

Population of 4 urban centres (12 electoral districts) = 31,505		
Average of 12 urban districts = 2625		
ELECTORAL DISTRICT	POPULATION	VARIANCE FROM URBAN AVERAGE
Yellowknife Frame Lake	2596	-1 %
Yellowknife Great Slave	2904	+ 11 %
Yellowknife Kam Lake	3474	+32%
Yellowknife Range Lake	2847	+ 8%
Yellowknife Centre	3030	+ 15%
Yellowknife North	4079	+ 55%
Yellowknife South	2844	+ 8%
Hay River North	1936	-26%
Hay River South	1887	-28%
Inuvik Boot Lake	1807	-31%
Inuvik Twin Lakes	1496	-43%
Thebacha	2605	- 1%
Nunakput	1932	n/a
MacKenzie Delta	1611	n/a
Sahtu	2668	n/a
Dehcho	1269	n/a
Nahendeh	2238	n/a
Monfwi	3197	n/a
Tu Nedhé-Wiilideh	1410	n/a

Credit: Colin Field

Table 2 shows the estimated population, as at July 2021, of each of the current electoral districts, and, for the 12 electoral districts within Yellowknife, Hay River, Inuvik and Fort Smith, the per cent variance from the average population of those 12 electoral districts (the urban average of 2625). From Table 2 it is seen that within the two urban communities of Yellowknife and Inuvik, some electoral districts have a larger population than other electoral districts in the same community.

The boundaries between electoral districts within these two communities will have to be adjusted, so that each electoral district has (roughly) the same population as other electoral districts within that community.

Table 3

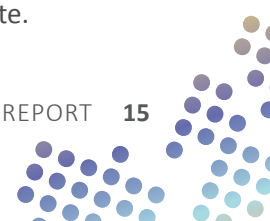
POPULATION ESTIMATES OF 19 PROPOSED ELECTORAL DISTRICTS

Population of 4 Urban Centres (12 electoral districts) = 31,505		
Average of 12 urban districts = 2625		
ELECTORAL DISTRICT	POPULATION	VARIANCE FROM URBAN AVERAGE
Yellowknife Frame Lake	3076	+ 17 %
Yellowknife Great Slave	3098	+ 18 %
Yellowknife Kam Lake	3170	+ 21 %
Yellowknife Range Lake	3102	+ 18 %
Yellowknife Centre	3081	+ 17 %
Yellowknife North	3100	+ 18 %
Yellowknife South	3148	+ 20 %
Hay River North	1936	- 26 %
Hay River South	1887	- 28 %
Inuvik Boot Lake	1656	- 37 %
Inuvik Twin Lakes	1647	- 37 %
Thebacha	2605	- 1 %
Nunakput	1932	n/a
Mackenzie Delta	1611	n/a
Sahtu	2668	n/a
Dehcho	1269	n/a
Nahendeh	2238	n/a
Monfwi	3197	n/a
Tu Nedhé-Wiilideh	1410	n/a

Table 3 shows the projected approximate populations of the electoral districts after adjustments made between electoral districts within Yellowknife and Inuvik, and the other electoral districts for which no changes are recommended. The Table also shows, for each of the 12 urban ridings, the per cent variance from the urban average of 2625. It is the Commission's view that these variances are acceptable, and necessary, in all of the circumstances.

Thus, the Commission recommends to the Legislative Assembly that the existing 19 electoral districts be maintained, subject to necessary adjustments to boundaries between electoral districts within Yellowknife and Inuvik.

Attached as Appendix C are maps showing: a) the distribution of the 19 electoral districts throughout the entire NWT, and b) the proposed boundaries of electoral districts within each of Yellowknife, Hay River, and Inuvik. More detailed, high resolution maps of Yellowknife, Hay River, and Inuvik ridings will be provided on the Commission's website.

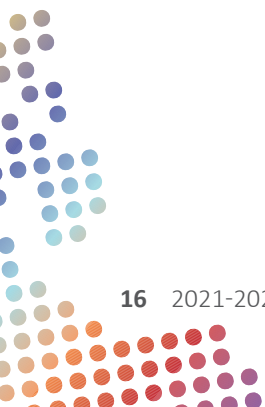
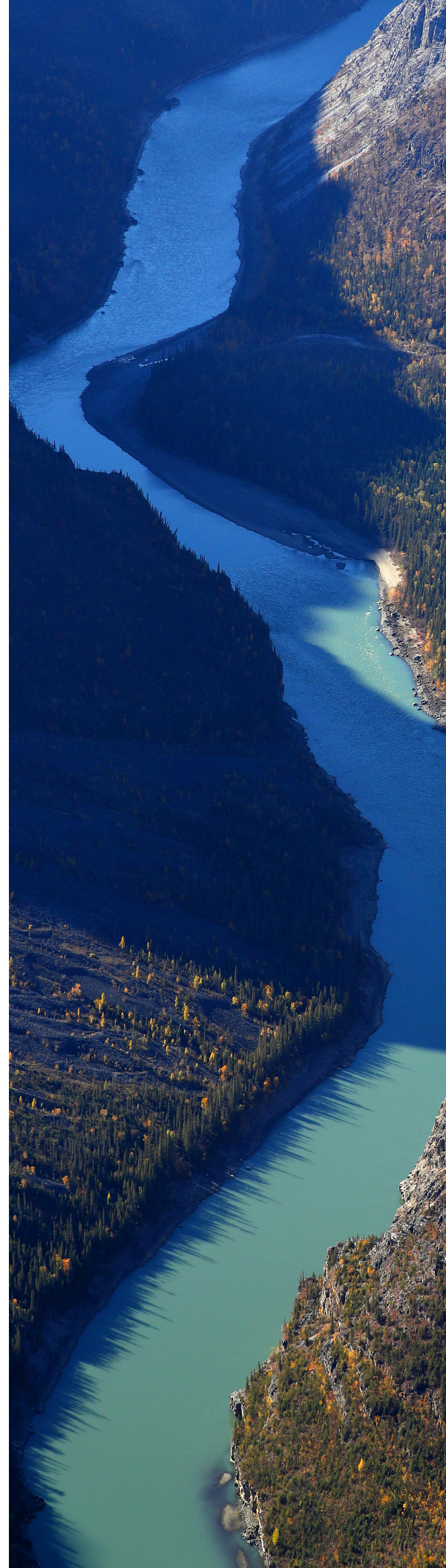


NAMES OF ELECTORAL DISTRICTS

The Commission's mandate includes a review of the names of the existing electoral districts, and to make recommendations, if any, for changes to those names. In our Interim Report, we sought the public's input on possible changes to the names. There was little response on that issue. In the latter stages of our review, there was a specific suggestion made that the name of one of the Yellowknife ridings ought to be changed, without any suggestion for an alternate name.

The Commission has insufficient information at this time to make a specific recommendation for a name change for that one Yellowknife riding.

We do recommend that the Legislative Assembly consider striking an advisory committee with appropriate composition to review **all** existing names, taking into consideration culturally and historically appropriate factors, and to make recommendations, if any, for changes. The Commission notes that it is open to the Legislative Assembly to make name changes at any time, i.e., that issue is not time sensitive, as opposed to the Commission's core mandate on boundaries and number of electoral districts, which is time sensitive, i.e., before the next general election.





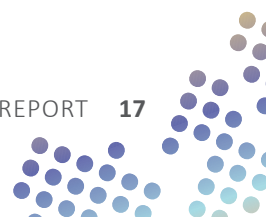
OTHER OBSERVATIONS

1. By section 9(c) of the *Electoral Boundaries Commission Act*, the Commission, in preparing its Final Report, is required to take into consideration “information in the register of electors maintained under the *Elections and Plebiscites Act*”. The Commission requested this information in August 2021, and was advised by the then Chief Electoral Officer that she was unable to do so, pursuant to various Information Sharing Agreements entered into by her office. The Commission notes that the provisions of s. 54-55 of the *Elections and Plebiscites Act* do not explicitly authorize the CEO to give access to the register of electors to just anyone. There appears to be a conflict between the two statutes. The Commission recommends that the Legislative Assembly address this apparent anomaly.

As an aside, the Commission notes that the *Electoral Boundaries Commission Act*, and the Commission’s Terms of Reference, direct the Commission to take into account the number of **residents** in each electoral district, not the number of electors.

2. By section 9(j) of the *Electoral Boundaries Commission Act*, the Commission, in preparing its final Report, is required to take into consideration “the minimum and maximum number of members of the Legislative Assembly authorized by the [federal] *Northwest Territories Act*”. This requirement is also included in paragraph 4(j) of the Commission’s Terms of Reference. However, the Commission notes that there are no longer any minimum or maximum numbers prescribed in that federal statute. The Commission recommends that the Legislative Assembly consider deleting this requirement from the *Electoral Boundaries Commission Act*, and in any future Terms of Reference.

3. The Commission understands that in the South Slavey language, the translation for the Mackenzie River is a single word Dehcho rather than two words Deh Cho. In Schedule A of the *Legislative Assembly and Executive Council Act*, the electoral district is listed as Deh Cho. The Commission recommends that the Legislative Assembly consider correcting the spelling as a single word.



SUMMARY OF RECOMMENDATIONS

1. The Commission recommends to the Legislative Assembly that the existing 19 electoral districts be maintained, subject to necessary adjustments to boundaries between electoral districts within Yellowknife and Inuvik.
2. The Commission recommends that the Legislative Assembly consider striking an advisory committee with appropriate composition to review all existing names of electoral districts, taking into consideration culturally and historically appropriate factors, and to make recommendations, if any, for changes.
3. The Commission recommends that the Legislative Assembly consider amending section 9 (c) of the *Electoral Boundaries Commission Act* and/or sections 54-55 of the *Elections and Plebiscites Act* to clarify any inconsistencies.
4. The Commission recommends that the Legislative Assembly consider deleting from s.9 of the *Electoral Boundaries Commission Act* any reference to the [federal] *Northwest Territories Act*.
5. The Commission recommends that the Legislative Assembly consider correcting the spelling of the Deh Cho electoral district in Schedule A of the *Legislative Assembly and Executive Council Act*.

RESPECTFULLY
SUBMITTED:

Ted Richard, Chair

Glen Abernethy, Member

Jack Rowe, Member



APPENDIX A

APPENDIX A – *Electoral Boundaries Commission Act* (s.2, s.7, s.8, s.9) and Terms of Reference

Section 2

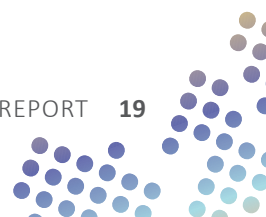
Commission established	<p>2. (1) An Electoral Boundaries Commission must be established, by resolution of the Legislative Assembly,</p> <p>(a) within two years after the day fixed for the return of the writs for the 2003 general election; and</p> <p>(b) within two years after the day fixed for the return of the writs for each second succeeding general election.</p>	<p>2. (1) Par résolution de l'Assemblée législative, une Commission de délimitation des circonscriptions électorales doit être constituée :</p> <p>a) dans un délai de deux ans à compter de la date fixée pour le rapport du bref de l'élection générale de 2003;</p> <p>b) dans un délai de deux ans à compter de la date fixée pour le rapport du bref de chaque élection successive.</p>	Constitution de la Commission
Composition	<p>(2) The Commission shall be composed of a chairperson and two other members appointed by the Commissioner on the recommendation of the Legislative Assembly.</p>	<p>(2) La Commission est composée de trois membres, dont le président, nommés par le commissaire, sur la recommandation de l'Assemblée législative.</p>	Composition
Chairperson	<p>(3) The chairperson must be a judge or retired judge of the Supreme Court or the Court of Appeal.</p>	<p>(3) Le président doit être un juge, ou un juge à la retraite, de la Cour suprême ou de la Cour d'appel.</p>	Président

Section 7

Powers of Commission	<p>7. In performing its duties, the Commission</p> <p>(a) has all the powers of a Board established under the <i>Public Inquiries Act</i>; and</p> <p>(b) may regulate its proceedings and the conduct of its business.</p>	<p>7. Dans l'accomplissement de ses fonctions, la Commission :</p> <p>a) a les attributions d'une commission constituée en vertu de la <i>Loi sur les enquêtes publiques</i>;</p> <p>b) peut adopter des règles visant à régir ses délibérations et la conduite de ses affaires.</p>	Pouvoir de la Commission
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Section 8

Duties of Commission	<p>8. (1) The Commission shall review the area, boundaries, name and representation of the existing electoral districts and shall, on completion of that review, prepare a report containing recommendations respecting the area, boundaries, name and representation of the electoral districts proposed by the Commission.</p>	<p>8. (1) La Commission, après avoir procédé à l'examen du territoire, des limites, du nom et de la représentation des circonscriptions électorales existantes, prépare un rapport contenant ses recommandations concernant le territoire, les limites, le nom et la représentation des circonscriptions électorales qu'elle a proposées.</p>	Fonctions de la Commission
Public hearings	<p>(2) The Commission shall, before completing its report, hold public hearings at the times and places in the Northwest Territories that it considers appropriate to hear representations respecting existing or proposed electoral districts.</p>	<p>(2) Avant de rédiger son rapport, la Commission tient des audiences publiques aux Territoires du Nord-Ouest aux heures, dates et lieux qu'elle estime indiqués pour entendre les observations concernant les circonscriptions électorales existantes ou les circonscriptions électorales proposées.</p>	Audiences publiques
Public information	<p>(3) The Commission may undertake such programs and measures as it considers appropriate to inform the public about the values and principles that underlie the determination of electoral boundaries and about the process that leads to that determination.</p>	<p>(3) La Commission peut, selon ce qu'elle estime indiqué, mettre des programmes sur pied et prendre des mesures pour informer le public en ce qui a trait aux valeurs et aux principes qui guident la détermination des limites électorales et au processus qui mène à leur détermination.</p>	Information du public



Section 9

Relevant considerations

9. The Commission, in preparing its report, shall take into consideration

- (a) demographic factors, including the sparsity, density or rate of growth of the population of any area;
- (b) census data and other information pertaining to population;
- (c) information in the register of electors maintained under the *Elections and Plebiscites Act*;
- (d) geographic factors, including the accessibility, size or shape of any area;
- (e) community boundaries and boundaries established under lands, resources and self-government agreements, including land claim and treaty land entitlement agreements;
- (f) facilities for and patterns of transportation and communication within and between different areas;
- (g) language, culture and any other special community or diversity of interests of the residents of any part of the Northwest Territories;
- (h) special circumstances relating to any existing electoral districts;
- (i) public input obtained under subsection 8(2);
- (j) the minimum and maximum number of members of the Legislative Assembly authorized by the *Northwest Territories Act*;
- (k) any guidelines or criteria proposed for the consideration of the Commission by resolution of the Legislative Assembly; and
- (l) any other similar and relevant factors that the Commission considers appropriate.

S.N.W.T. 2006,c.15,s.355.

9. Lors de la préparation de son rapport, la Commission tient compte de ce qui suit :

- a) les considérations d'ordre démographique, notamment en ce qui touche la densité de population ou le taux de croissance de la population d'une région;
- b) les données de recensement et les autres renseignements relatifs à la population;
- c) les renseignements contenus dans la liste électorale tenue en vertu de la *Loi sur les élections et les référendums*;
- d) les considérations d'ordre géographique, notamment en ce qui touche l'accessibilité, la superficie ou la configuration d'une région;
- e) les limites de la collectivité et les limites établies en vertu d'accords relatifs aux terres, aux ressources ou à l'autonomie gouvernementale, notamment les accords portant sur les revendications territoriales et sur les droits fonciers issus de traités;
- f) les infrastructures et les moyens de transport et de communication à l'intérieur des différentes régions et entre elles;
- g) la langue, la culture et les autres similitudes ou la diversité des intérêts des résidents d'une région des Territoires du Nord-Ouest;
- h) les circonstances particulières relatives à une circonscription électorale existante;
- i) l'avis du public obtenu en application du paragraphe 8(2);
- j) les nombres minimal et maximal de députés à l'Assemblée législative autorisés par la *Loi sur les Territoires du Nord-Ouest*;
- k) les directives ou critères qui lui sont soumis par résolution de l'Assemblée législative;
- l) toute autre considération semblable et pertinente qu'elle estime indiquée.

L.T.N.-O. 2006, ch. 15, art. 355.

Principes de mise en oeuvre

TERMS OF REFERENCE

Pursuant to Section 2.1 of the *Electoral Boundaries Commission Act* (the Act), an Electoral Boundaries Commission must be established, by resolution of the Legislative Assembly, within two years after the day fixed for the return of the writs following a general election.

The previous Electoral Boundaries Commission was struck in 2013 and was tasked with providing three options for the consideration of the Legislative Assembly: 18, 19, and 21 electoral districts. The Assembly chose the 19-seat model.

1. PURPOSE

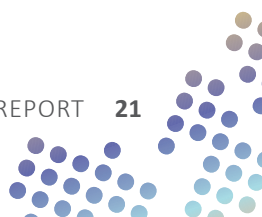
The Commission shall:

- 1) Review the area, boundaries, name and representation of the existing electoral districts and shall, on completion of that review, prepare a report containing recommendations respecting the area, boundaries, name and representation of the electoral districts proposed by the Commission.

2. GUIDELINES

Pursuant to section 9(k) of the *Act*, which enables the Legislative Assembly to establish guidelines or criteria that shall be taken into consideration by the Commission, the following guidelines are set down for the Commission:

- 1) The Commission shall review the existing electoral districts using the most recent and accurate census and other population data available.
- 2) In keeping with Canadian constitutional conventions, relative parity between electoral districts shall be sought, to the extent possible, except where special circumstances warrant exceptional deviation.



- 3) For greater certainty, relative parity means that the percentage variation between the number of persons in a riding and the average mean should be within plus or minus 25 per cent.
- 4) In addition to whatever recommendations the Commission may propose, the Commission shall recommend how the electoral boundaries should be drawn if the Legislative Assembly were to be comprised of a minimum of 19 members.
- 5) The Commission shall prepare an interim report with proposed electoral district boundaries for review by the public and discussion at public hearings.
- 6) The Commission shall establish a website or other publically accessible mechanism(s), in addition to public hearings, to receive submissions on the existing and/or proposed boundaries.
- 7) All submissions to the Commission shall be considered public documents.
- 8) Simultaneous translation of official languages shall be available at public hearings where the use of an official language in a particular community or region is sizable enough to warrant the employ of translation services.
- 9) If the Commission is not in a position to accomplish its mandate within the existing budget allocated, it may return to the Legislative Assembly for additional funds.
- 10) The final report of the Commission, complete with recommendations, shall be submitted in English and French to the Speaker and Clerk of the Legislative Assembly no later than twelve months after the Commission is struck.

3. COMPOSITION

The Commission shall be composed of a chairperson and two other members appointed by the Commissioner on the recommendation of the Legislative Assembly. The Chairperson must be a judge or retired judge of the Supreme Court or the Court of Appeal.

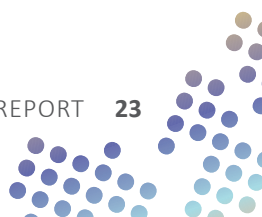
4. CONSIDERATIONS

Pursuant to the Electoral Boundaries Commission Act, in preparing its report, the Commission shall take into consideration

- a) demographic factors, including the sparsity, density or rate of growth of the population of any area;
- b) census data and other information pertaining to population;
- c) information in the register of electors maintained under the *Elections and Plebiscites Act*;
- d) geographic factors, including the accessibility, size or shape of any area;
- e) community boundaries and boundaries established under lands, resources and self-government agreements, including land claim and treaty land entitlement agreements;
- f) facilities for and patterns of transportation and communication within and between different areas;
- g) language, culture and any other special community or diversity of interests of the residents of any part of the Northwest Territories;
- h) special circumstances relating to any existing electoral districts;
- i) public input obtained under subsection 8(2);
- j) the minimum and maximum number of members of the Legislative Assembly authorized by the *Northwest Territories Act*;
- k) any guidelines or criteria proposed for the consideration of the Commission by resolution of the Legislative Assembly;
- l) any other similar and relevant factors that the Commission considers appropriate.

5. REPORT

The final report of the Commission, complete with recommendations, shall be submitted in English and French to the Speaker and the Clerk of the Legislative Assembly no later than twelve months after the Commission is struck.



6. FINANCE AND ADMINISTRATION

The Clerk of the Legislative Assembly in consultation with the Commission, shall identify a Secretary to the Commission. Pursuant to section 6 of the *Act*, the Commission may engage the services of any persons necessary to assist in the exercise of its powers and the performance of its duties under the *Act*.

The Speaker, on the recommendations of the Board of Management, will approve funding for the Commission. The Commission will ensure expenditures do not exceed the allotted funds.

Budget and Expenditures: \$150,000

7. REMUNERATION

A member of the Commission, including the chairperson if he or she is a retired judge, is entitled to remuneration for his or her services at the rates determined by the Board of Management.

8. TERMINATION

A Commission dissolves 60 days after its report is laid before the Legislative Assembly.

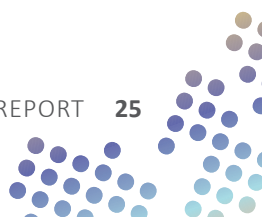
APPENDIX B

Written Submissions

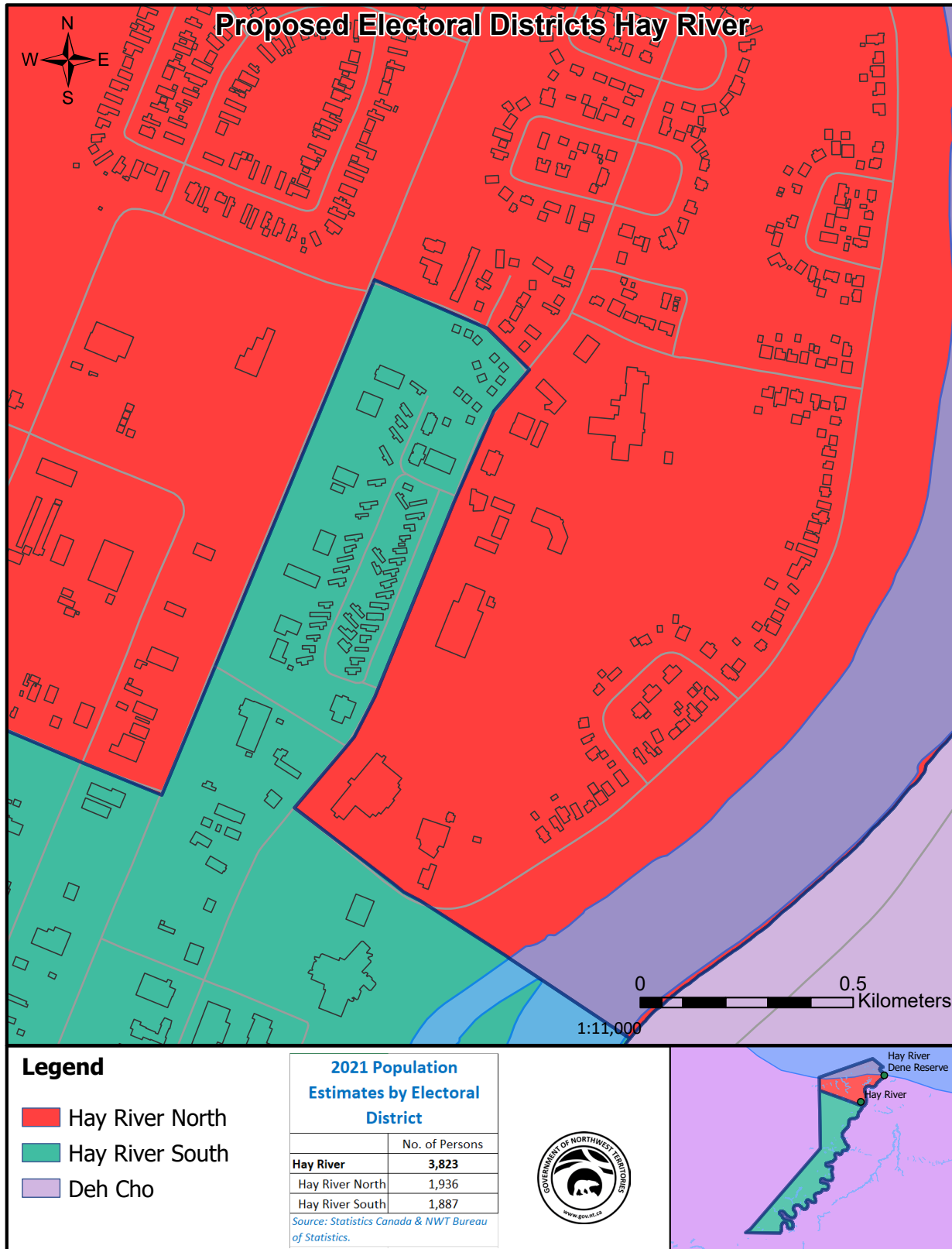
Bill Braden – Yellowknife, NT
David Wasylciw – Yellowknife, NT
Eli Purchase – Yellowknife, NT
Hamlet of Enterprise – Enterprise, NT
John Cournoyea – Inuvik, NT
Karen Hamre – Yellowknife, NT
Kate Reid – Yellowknife, NT
Megan Holsapple – Yellowknife, NT
Peggy Jay – Inuvik, NT
City of Yellowknife – Yellowknife, NT
Gerry Nesbitt – Yellowknife, NT
Town of Inuvik – Inuvik, NT

Oral Submissions

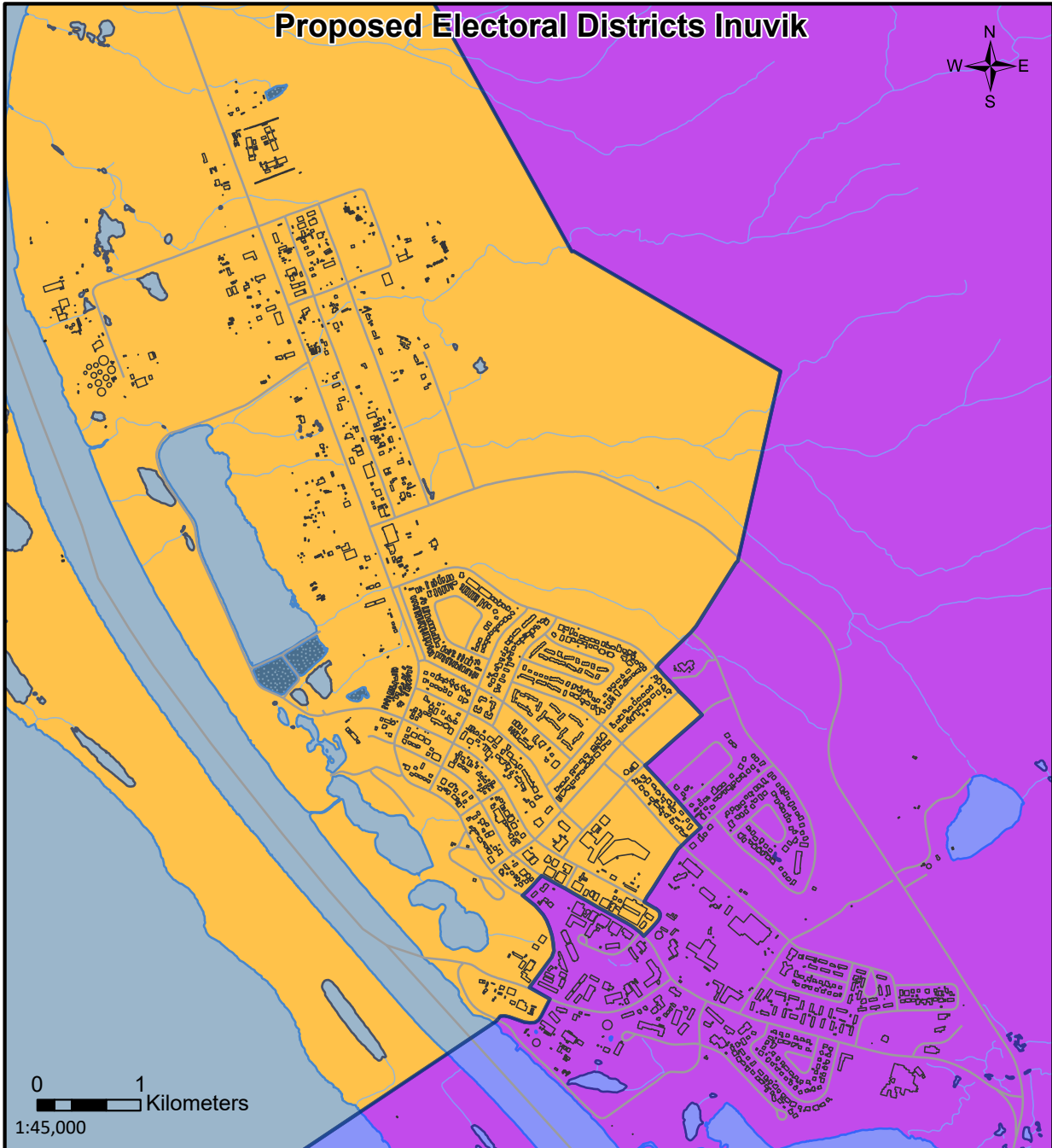
Bill Braden – Yellowknife, NT
Todd Slack – Yellowknife, NT
Grant Hood – Inuvik, NT



APPENDIX C



Proposed Electoral Districts Inuvik



Legend

- Inuvik Boot Lake
- Inuvik Twin Lakes
- Nunakput
- Mackenzie-Delta

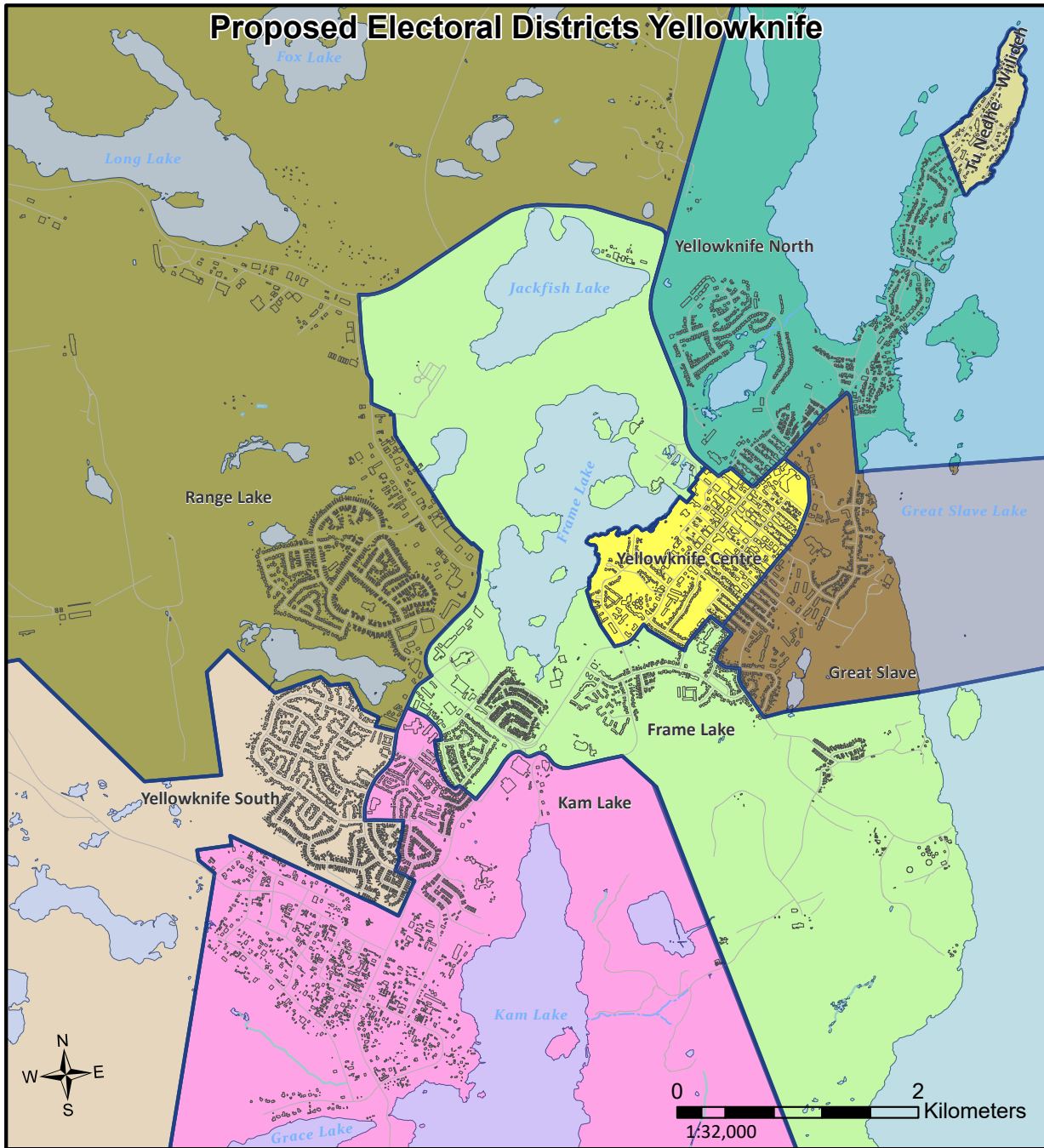
2021 Population Estimates by Electoral District

	No. of Persons
Inuvik	3,303
Boot Lake	1,656
Twin Lakes	1,647

Source: Statistics Canada & NWT Bureau of Statistics.



Proposed Electoral Districts Yellowknife



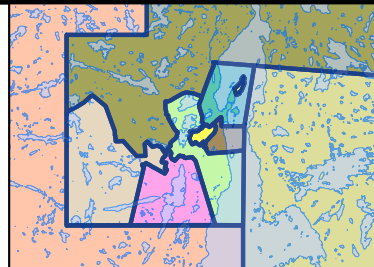
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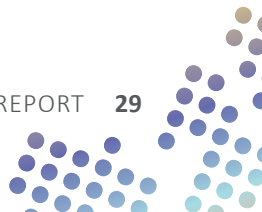
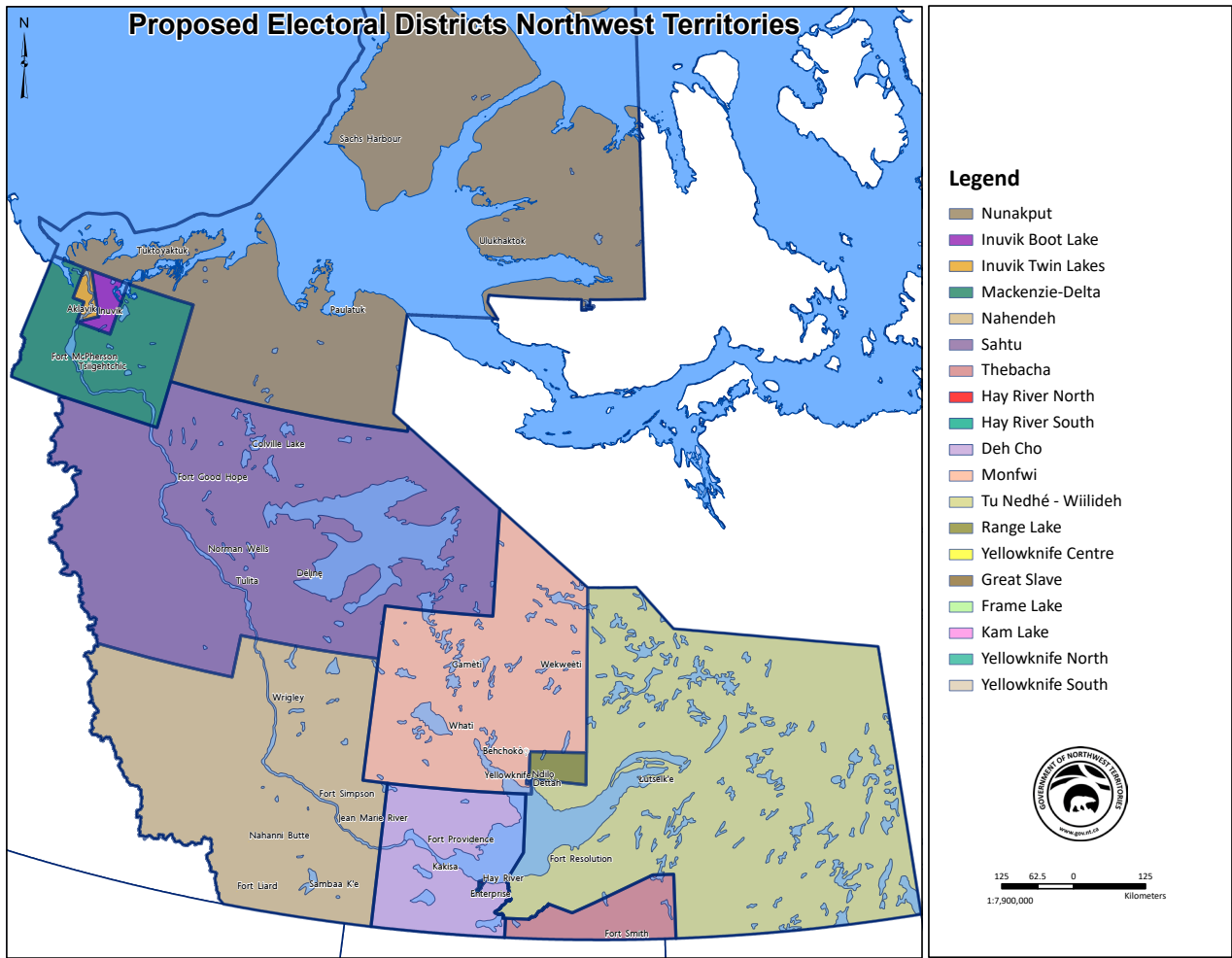
- Monfwi
- Tu Nedhé - Wiilideh
- Range Lake
- Yellowknife Centre
- Great Slave
- Frame Lake
- Kam Lake
- Yellowknife North
- Yellowknife South

2021 Population Estimates by Electoral District

Electoral District	No. of Persons
Yellowknife Area	21,775
Frame Lake	3,076
Great Slave	3,098
Kam Lake	3,170
Range Lake	3,102
Yellowknife Centre	3,081
Yellowknife North	3,100
Yellowknife South	3,148

Source: Statistics Canada & NWT Bureau of Statistics.







Northwest Territories
ELECTORAL BOUNDARIES
C O M M I S S I O N
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