

YUKON  
ELECTORAL DISTRICT BOUNDARIES  
COMMISSION  
FINAL REPORT

JANUARY 2002

January 29, 2002

Hon. Dennis Schneider  
Speaker of the Legislative Assembly  
Yukon Legislative Assembly  
2071 Second Avenue  
Whitehorse, Yukon

Dear Mr. Speaker:

*Yukon Electoral District Boundaries Commission*

We are pleased to enclose our Final Report pursuant to section 417 of the *Elections Act*, S.Y. 1999, chapter 13, as amended by *An Act to Amend the Elections Act*, S.Y. 2000, chapter 9.

Yours truly,

The Honourable Harry Maddison  
Commission Chair

Patricia Cuning  
Commissioner

Lois Moorcroft  
Commissioner

Doug Phillips  
Commissioner

Patrick L. Michael  
Commissioner

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## **PART I: INTRODUCTION**

This Electoral District Boundaries Commission was established to review the current Yukon electoral districts and make proposals for the boundaries, number, and names of the electoral districts of the Yukon. Since the last electoral boundaries review in 1991, there have been changes in the demographics of the Yukon.

The Commission is required by the *Elections Act*<sup>1</sup> to provide an interim report and a final report. This is the final report required by section 417 of the *Elections Act*. It is submitted to the Speaker of the Legislative Assembly for tabling and consideration by the members of the Assembly. Following the tabling of this report, the government is required by section 418 of the *Elections Act* to introduce legislation to establish the Yukon electoral districts.

### **Electoral District Boundaries Commission**

The Electoral District Boundaries Commission was appointed pursuant to section 408(1) of the *Elections Act*, which sets out the process by which appointments to the Commission are made.

The Honourable Harry Maddison was appointed chair of the Commission. He was also chair of the 1984, 1977 and 1974 Yukon electoral district boundaries reviews. Judge Maddison served as a federal judge from March 1969 to August 1999. He was a judge of the Yukon Supreme Court, the Northwest Territories Supreme Court, and the Courts of Appeal of the Yukon, the Northwest Territories and Nunavut.

Patricia Cuning, Lois Moorcroft and Doug Phillips are members of the Commission, chosen by the leaders of each of the registered political parties represented in the Legislative Assembly at the time of their appointments.

Patricia Cunning has a Bachelor of Arts degree with Honours from Queen's University. She has several years work experience in government, policy and planning. Ms. Cunning has a long involvement in community organizations and politics. She is a former policy chair of the Yukon Liberal Party and currently serves as vice-president.

Lois Moorcroft was elected as a Member of the Legislative Assembly for the electoral district of Mount Lorne from 1992 to 2000. From 1996 to 2000, she held the Cabinet portfolios of Education, Justice and the Women's Directorate. Ms. Moorcroft has a Bachelor of Arts in History and Canadian Studies from Trent University. She currently serves as the Yukon Federal Council representative for the New Democratic Party.

Doug Phillips was the Yukon Party MLA for the electoral district of Riverdale North from 1985 to 2000. He was appointed to Cabinet in November 1992 and at various times held the Cabinet portfolios of Education, Tourism, Justice, Public Service Commission and the Women's Directorate.

Patrick Michael is the chief electoral officer for the Yukon Territory and serves as a member of the Commission pursuant to section 408(1)(c) of the *Elections Act*.

### **Mandate of the Commission**

The mandate of the Commission is set out in section 409 of the *Elections Act*.

... to review the existing electoral districts established under the *Electoral District Boundaries Act* and to make proposals to the Legislative Assembly as to the boundaries, number and names of the electoral districts of the Yukon.

The Commission has carried out its mandate independent of government.

Section 419 of the *Elections Act* sets out the relevant matters the Commission must consider in the preparation of this final report:

- (a) the density and rate of growth of the population of any area;
- (b) the accessibility, size and physical characteristics of any area;
- (c) the facilities and patterns of transportation and communication within and between different areas;
- (d) available census data and other demographic information;
- (e) the number of electors in the electoral districts appearing on the most recent official lists of electors;
- (f) any special circumstances relating to the existing electoral districts;
- (g) the boundaries of municipalities and First Nations governments;
- (h) public input obtained under section 416 [public hearings];
- (i) any other reasons or information relied on by the Commission.

### **Approach**

In putting forward these final proposals the Commission has attempted to make changes to the existing electoral boundaries only where necessary to achieve effective representation and reasonable voter parity. Adjustments in one electoral district inevitably have an impact upon neighbouring electoral districts. Where changes were made, we attempted to minimize the extent of those changes. The Commission has strived for a result which is balanced and fair.

### **Process**

The Commission was appointed on March 14, 2001 and, pursuant to the requirements of the *Elections Act*, submitted its interim report to the Speaker of the Legislative Assembly on August 29, 2001.

The Commission implemented a public information plan to explain the Commission's function and to seek public input. The particulars of that plan are attached as Appendix B. Written submissions were received and will be included in the public records of the Commission. A list of those who made written submissions is attached as Appendix C.

Pursuant to section 416 of the *Elections Act*, the Commission held public hearings before completing this final report. The schedule of those public meetings is attached as Appendix D. A list of those who made submissions at the public meetings is attached as Appendix E.

Section 417 of the *Elections Act* requires the submission of this final report to the Speaker within five months of the date of submission of the interim report.



## PART II: CONSIDERATIONS

### **The *Canadian Charter of Rights and Freedoms***

Section 3 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) states:

Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

### **Legal Precedent**

The Commission reviewed the relevant cases. The first Canadian court case to consider the constitutionality of electoral boundaries was *Dixon v. Attorney General of British Columbia*<sup>2</sup>, decided by the Supreme Court of British Columbia in 1989. *Dixon* concluded that the “right to vote” in section 3 of the *Charter* gives rise to constitutional limits on the unequal distribution of population between electoral districts. While the Court decided that section 3 of the *Charter* did not require absolute equality of voting power<sup>3</sup> it did find that “relative equality of voting power is fundamental to the right to vote.”<sup>4</sup>

The *Dixon* case also concluded that deviations from “absolute parity” should be permitted, but only those “which can be justified on the ground that they contribute to better government of the populous as a whole, giving due weight to regional issues within the populous and geographic factors within the territory governed.”<sup>5</sup>

While *Dixon* approved of setting limits on the extent to which the province of British Columbia could deviate from equality of voting power, it stated, “In determining the amount of deviation permissible, deference must be accorded to the legislature.”<sup>6</sup> The maximum deviation of plus or minus 25 percent recommended by the 1987 British Columbia Electoral Boundaries Commission (which had not yet been acted upon) was noted by the Court to be tolerable “given the vast and sparsely populated regions to be found in British Columbia.”<sup>7</sup> However, as the subsequent British Columbia Electoral Boundaries Commission remarked in its 1998 report “...nothing in the *Dixon* decision precludes an argument that, in appropriate circumstances, a deviation greater than plus

or minus 25 percent may be justified.”<sup>8</sup> As that report noted, the only general proposition laid down in *Dixon* is that deviations from voter parity must be justified.

A percentage deviation occurs when the number of electors in an electoral district is compared with the electoral quotient.<sup>9</sup> The electoral quotient is the average number of electors per electoral district. This is commonly obtained by dividing the number of electors in all electoral districts by the number of electoral districts.<sup>10</sup>

In 1991, the Supreme Court of Canada dealt with the issue of electoral boundaries in *Reference Re: Prov. Electoral Boundaries (Sask.)*<sup>11</sup> (the “*Saskatchewan Reference*”). This case remains the leading Canadian authority on the constitutionality of electoral boundaries. It established that “... the right to vote enshrined in s. 3 of the *Charter* is not equality of voting power *per se*, but the right to “effective representation”...”<sup>12</sup> The majority decision stated:

Each citizen is entitled to be *represented* in Government. Representation comprehends the idea of having a voice in the deliberations of government as well as the idea of the right to bring one’s grievances and concerns to the attention of one’s government representative; as noted in *Dixon* ... elected representatives function in two roles – legislative and what has been termed the “ombudsman role.”

What are the conditions of effective representation? The first is relative parity of voting power. ...

But parity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation. ...

Notwithstanding the fact that the value of a citizen’s vote should not be unduly diluted, it is a practical fact that effective representation cannot often be achieved without taking into account countervailing factors.

First, absolute parity is impossible...

Secondly, such relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective

representation. Factors like geography, community history, community interests and minority representation may need to be taken into account ...

It emerges therefore that deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced. I adhere to the proposition in *Dixon* ... that "only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed."<sup>13</sup>

The pre-eminence given by the Supreme Court of Canada to effective representation over voter parity is also evident from the following passages. First, where the majority said that the goal of enshrining the right to vote in our written constitution:

... was to recognize the right affirmed in this country since the time of our first Prime Minister, Sir John A. Macdonald, to effective representation in a system which gives due weight to voter parity but admits other considerations where necessary.<sup>14</sup>

And later, where the majority stated:

In the final analysis, the value and principles animating a free and democratic society are arguably best served by a definition that places effective representation at the heart of the right to vote.<sup>15</sup>

In the *Saskatchewan Reference* the electoral boundaries were created by the *Representation Act, 1989* (Saskatchewan).<sup>16</sup> That *Act* was based upon the *Electoral Boundaries Commission Act* (Saskatchewan)<sup>17</sup>, which specified certain permissible maximum deviations from the average number of voters in each constituency. The permitted deviations were up to 25 percent for the 64 southern Saskatchewan ridings and as high as 50 percent for the two northern ridings. The Supreme Court of Canada considered both of these maximum deviations constitutionally acceptable. In particular, no issue was taken either before the Saskatchewan Court of Appeal or the Supreme

Court of Canada with the special treatment for the northern ridings, given the sparse population and the difficulty of communication in the area.<sup>18</sup>

The majority of the *Supreme Court of Canada* in the *Saskatchewan Reference* also spoke of the need for courts to give deference to the legislature in setting permissible deviations:

It is important at the outset to remind ourselves of the proper role of courts in determining whether a legislative solution to a complex problem runs afoul of the *Charter*. This court has repeatedly affirmed that the courts must be cautious in interfering unduly in decisions that involve the balancing of conflicting policy considerations. ... These considerations led me to suggest in *Dixon*, ... that “the courts ought not to interfere with the legislature’s electoral map under s. 3 of the Charter unless it appears that reasonable persons applying the appropriate principles ... could not have set the electoral boundaries as they exist”.<sup>19</sup>

Since the *Saskatchewan Reference*, the Alberta Court of Appeal has rendered two decisions on electoral boundaries. The first was in 1991, entitled *Reference re: Electoral Boundaries Commission Act* (the “1991 Alberta Reference”).<sup>20</sup> The second was in 1994, entitled *Reference re: Electoral Divisions Statutes Amendment Act, 1993* (the “1994 Alberta Reference”).<sup>21</sup>

The *1991 Alberta Reference* examined a 50 percent deviation limit for up to five percent of the electoral districts in the province which satisfied specific statutory criteria (the details of which were attached as an appendix to the case) focusing on their relative remoteness and sparse population. The Alberta Court of Appeal unanimously accepted that as reasonable and stated:

We think we can take notice that Alberta contains sparsely populated areas that are also a long distance both from other populated areas and the legislature itself.<sup>22</sup>

The 25 percent deviation permitted in the remaining ridings was found to be acceptable, where necessary.<sup>23</sup> The Court also addressed the matter of deference to the legislature in setting electoral boundaries and said:

We must therefore ask ourselves whether a boundary rule or decision is clearly wrong. In other words, we should not interfere unless a rule or decision is demonstrably unjustified, palpably wrong, or manifestly unreasonable.<sup>24</sup>

In the *1994 Alberta Reference*, another panel of the Alberta Court of Appeal examined specific statutory boundaries. The unanimous Court made the following statement emphasizing the need to justify deviations:

It is one thing to say that effective representation of a specific community requires an electoral division of a below-average population. That approach invites specific reasons, and specific facts. The Constitution of Canada is sufficiently flexible to permit disparity to serve geographical and demographic reality.

It is quite another to say that any electoral division, for no specific reason, may be smaller than average. In the 1991 Reference, we affirmed the first, not the second. We affirm again that there is no permissible variation if there is no justification. And the onus to establish justification lies with those who suggest the variation.<sup>25</sup>

The case of *MacKinnon v. Prince Edward Island*<sup>26</sup> was decided by the Prince Edward Island Supreme Court in 1993, in the interval between the two Alberta reference cases. The Court found the *Election Act* (P.E.I.) contravened section 3 of the *Charter* as it legislated unacceptable disparities between the numbers of voters in a district and the provincial average, ranging between 115 percent over the average and 63 percent under the average. Twelve districts were in excess of 40 percent above or below the provincial average. The Court referred to the *Saskatchewan Reference* and commented that the case:

...does not resolve the question of how far electoral districts can be moved away from strict equality before *Charter* problems are encountered...[the majority] did not comment specifically on the outer limits of variation that could be constitutionally sustained ...<sup>27</sup>

However, the Prince Edward Island Supreme Court ruled that the deviations at issue before it were “far out of proportion to any legitimate regional concerns” and therefore contrary to the *Charter*.<sup>28</sup>

In 1998, the case of *Charlottetown (City) v. Prince Edward Island* came before the Prince Edward Island Court of Appeal.<sup>29</sup> At issue was new legislation creating 27 electoral districts which provided for an electoral population variance of plus or minus 25 percent. The Court of Appeal held that there was “considerable acceptance in Canada” for this level of deviation and that it did not violate section 3 of the *Charter*.<sup>30</sup> The Court once again emphasized that in determining the amount of variance permissible, “... the legislative process must be allowed to operate without undue judicial interference.”<sup>31</sup> An application for leave to appeal *Charlottetown* to the Supreme Court of Canada was dismissed without reasons.<sup>32</sup>

The most recent case on the constitutionality of electoral districts, *Friends of Democracy v. Northwest Territories (Attorney General) (“Friends of Democracy”)*,<sup>33</sup> arose from the creation of the new northern territory of Nunavut on April 1, 1999. The Northwest Territories, which previously had 24 electoral districts, was to be divided into two parts: Nunavut in the east (previously with 10 seats) and the remaining Northwest Territories in the west (previously with 14 seats). An electoral boundaries commission for the remaining Northwest Territories was formed in 1998 in anticipation of this event. It recommended two additional seats for the voters in Yellowknife, for a total of 16 seats in the remaining Northwest Territories. The Northwest Territories Legislative Assembly rejected that recommendation and enacted amendments to the *Legislative Assembly and Executive Council Act* (N.W.T.),<sup>34</sup> providing for only 14 seats. That legislation was challenged in the Supreme Court of the Northwest Territories by individual voters claiming a violation of their right to vote under section 3 of the *Charter*.

The Court held that the amendments violated section 3 of the *Charter*. It also specifically addressed the over-representation of the non-urban electoral districts and stated:

... the right to vote guaranteed by section 3 of the *Charter* is more than merely the right to be registered as a voter and to cast a ballot on election day. In times past, there were residents of the Northwest Territories who were denied all right to vote in elections to the House of Commons and in elections to the legislature of the Northwest Territories. These denials of right have long since been corrected by legislation. Canadians, through Parliament and their provincial and territorial legislatures, have chosen to tolerate a measure of over-representation from thinly populated and relatively remote regions in preference to any such complete denial of legislative representation from those regions.<sup>35</sup>

However, the over-representation of the more remote regions of the Northwest Territories was not the issue in that case. Rather the question before the Northwest Territories Supreme Court was “whether the under-representation of voters at Yellowknife, in elections to the Legislative Assembly, is in violation of section 3 of the *Charter*.”<sup>36</sup> This distinction was further elaborated by the Court as follows:

Considering the factors of geography, community history and interests, language differences, difficulties in communication with remote communities and minority representation, not to mention the normal difficulties and expenses of travel between the seat of government at Yellowknife and the various communities outside Yellowknife, I am satisfied that there probably is justification within the ambit of section 3 of the *Charter* for the present over-representation of the electoral districts whose percentage variations in population are below the average. On the other hand, I am unable to find similar justification for the gross under-representation of those other districts where the variations are markedly (25% or more) above the average. This gross under-representation must constitute a clear violation of section 3 of the *Charter* in the absence of due justification.<sup>37</sup>

The challenged legislation in *Friends of Democracy* did not specify a maximum permissible deviation. The Court did not explain why it accepted 25 percent as the threshold, other than to comment on the lack of justification in those instances where 25 percent was exceeded in the urban electoral districts.<sup>38</sup>

The case also commented on effective representation within the City of Yellowknife:

Much was made by counsel for the Respondent and interveners of the apparently dominant position of Yellowknife within the Northwest Territories, being as it is the seat of government for these Territories and the pre-eminent territorial centre of private commercial and public government business ...

There is no real room for doubt as to the much greater access to their elected representatives in the Legislative Assembly by voters at Yellowknife than elsewhere in the Northwest Territories. Nor is there any question but that access to officials in the government at many levels is generally less of a problem at Yellowknife than elsewhere in these Territories. The “ombudsman role” of elected representatives for districts at Yellowknife is consequently likely to be more effective and less onerous than for representatives of outlying districts across the Territories.<sup>39</sup>

The Commission noted two further court cases. The Supreme Court of Canada, in August 1998, in its unanimous decision in *Reference re: Secession of Quebec*,<sup>40</sup> affirmed the majority decision of the Court in the *Saskatchewan Reference* by adopting the following words of that case:

“[T]he Canadian tradition ... [is] one of evolutionary democracy moving in uneven steps toward the goal of universal suffrage and more effective representation”.

In November 1999, the Newfoundland Supreme Court commented on the *Saskatchewan Reference*, in the case of *Baker v. Burin School Board*<sup>41</sup> as follows:

... the case focuses on the purpose of [section 3 of the *Charter*] as being designed to ensure “effective representation” while at the same time recognizing that equality of voting may not always be achieved where factors such as geography, community history, community interests, and minority representation require consideration to ensure that legislative assemblies effectively represent their constituents.

This Commission is bound to follow the principles in the Supreme Court of Canada *Saskatchewan Reference* decision. While the Commission is not bound to follow the decisions it reviewed from other courts, we have been guided where those authorities



appeared persuasive. The Commission paid particular attention to the circumstances influencing those decisions which involved northern and sparsely populated electoral districts.

### **Demographic Information**

Section 419(a) of the *Elections Act* mandates that the Commission take into account “the density and rate of growth of the population of any area”. Section 419(d) requires the Commission to consider “available census data and other demographic information”. The Commission was informed that the results of the federal census taken in the spring of 2001 would not be available prior to the deadline for completing this final report. The most recent census information available is the Statistics Canada Census of 1996, which the Commission reviewed for background purposes. We concluded that this information is outdated.

Section 419(e) of the *Elections Act* requires the Commission to take into account “the number of electors in the electoral districts appearing on the most recent official lists of electors.” Previous Yukon electoral district boundaries commissions relied upon the number of eligible electors rather than population figures. The Commission decided to use the most accurate and up-to-date information: the numbers of electors from the 2000 Yukon general election.

### **Deviation Guideline**

The *Elections Act* does not refer to a particular percentage deviation.

The Yukon Electoral District Boundaries Commission Report, 1991 (the “1991 Yukon Report”) noted:

... I have decided that the range of plus or minus 25 percent should serve as a guide in framing my recommendations for the Yukon's electoral boundaries. However, where necessary, I was prepared to consider a greater deviation in order to achieve effective representation.<sup>42</sup>

Subsequent to the *Dixon* decision, a deviation of plus or minus 25 percent has been generally accepted in Canada, and has been referred to as “the Canadian standard.”<sup>43</sup> However, we agree with the 1998 British Columbia Electoral Boundaries District Commission that nothing in *Dixon* precludes an argument that a deviation greater than plus or minus 25 percent may be justified in appropriate circumstances. After its review of the relevant cases, that Commission noted:

... Canadian court decisions have established that there are limits to the degree to which a departure from representation by population is acceptable under the Constitution. At the same time, the courts have endorsed such deviations from the electoral [quotient] as are necessary in order to ensure that voters are effectively represented.<sup>44</sup>

The *Saskatchewan Reference* did not fix 25 percent as a constitutional threshold. Rather, the legislation considered by the Court specified 25 percent as the maximum deviation for the southern part of the province. In that case, both the Saskatchewan Court of Appeal and the Supreme Court of Canada concluded that deviations greater than 25 percent for the two northern ridings were constitutionally acceptable for achieving effective representation, given the regional factors such as the sparsity of population and the difficulty of communication. The majority of the Supreme Court of Canada adhered to the proposition asserted in *Dixon* that “... only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographic factors within the territory governed.”<sup>45</sup>

This Commission has decided to apply the plus or minus 25 percent deviation as a guideline.

### **Special Circumstances**

Section 419(f) of the *Elections Act* requires the Commission to take into account “any special circumstances relating to the existing electoral districts.” “Special circumstances” are not defined in the *Elections Act*. The *Saskatchewan Reference* identified factors which may justify departure from absolute voter parity in the pursuit of

more effective representation. That decision made it clear that the list of factors that may need to be taken into account is not closed, however those identified were:

**geography**

**community history**

**community interests**

**minority representation.**

The *Friends of Democracy* case added to this list:<sup>46</sup>

**language differences**

**difficulties in communication with remote communities**

**travel expenses.**

The 1991 Yukon Report under “Special circumstances of the Yukon” states:

The entire region outside Whitehorse is sparsely populated and ... no other Canadian city dominates its province or territory to the extent that Whitehorse dominates the Yukon. The disproportionate representation of rural areas in the existing legislature was explicitly intended to offset this feature of population distribution. Given relatively less developed municipal organization of much of rural Yukon, MLAs from those areas contend with a broader range of responsibilities toward their constituents than is common elsewhere in Canada. Also, Yukoners are used to intensive representation and expect to be able to meet with their representatives, face-to-face, on a regular basis.<sup>47</sup>

This Commission acknowledges that similar circumstances exist today.

### **Number of Electoral Districts**

Section 409 of the *Elections Act* explicitly mandates the Commission to review and make proposals as to the number of electoral districts. Section 9(2) of the *Yukon Act*<sup>48</sup> provides for a minimum of 12 and a maximum of 20 members of the Legislative Assembly.

The Commission considered the potential consequences of having an odd or even number of seats in the Legislative Assembly. Odd and even numbers of electoral districts are found in other jurisdictions in Canada. The Yukon has experienced both circumstances at different periods in its history. We concluded that there are offsetting advantages and disadvantages to both, with the result that the issue was not a factor in our proposals.

### **Timing of the Next Review**

The Commission has kept in mind throughout its deliberations that section 411 of the *Elections Act* provides that electoral boundaries reviews must be held after every second general election.

### **Principles and Other Factors**

In addition to following the mandatory considerations set out in section 419 of the *Elections Act*, the Commission was guided by the principles of effective representation and voter parity. We also considered geographic boundaries, the role of the Legislative Assembly, and the electoral quotient.

#### ***Effective Representation***

In the *Saskatchewan Reference*, the Supreme Court of Canada ruled that the purpose of the right to vote enshrined in section 3 of the *Charter* is the right to effective representation and not equality of voting power *per se*. Representation includes having a voice in the deliberations of government as well as the right to raise issues with elected representatives. Effective representation is “the primary goal” in exercising the right to vote.<sup>49</sup> Even relative voter parity may be undesirable, if it detracts from effective representation.<sup>50</sup> Factors such as regional issues, geography and those previously mentioned under “Special Circumstances”, may be taken into account to achieve this fundamental goal.

#### ***Voter Parity***

As previously noted, the *Dixon* decision examined the historical development of voting rights in Canada and recognized that absolute equality of voting power has never been required in Canada – that some degree of deviation is permissible. The case concluded that it is relative equality of voting power which underlies our system of representational democracy and is fundamental to the right to vote enshrined in section 3 of the *Charter*. The Supreme Court of Canada in the *Saskatchewan Reference* subsequently stated that the pursuit of relative parity of voting power, while important in our representative democracy, must meet the primary goal of effective representation.

### ***Geographic Boundaries***

Section 419(b) of the *Elections Act* requires us to take into account the “physical characteristics” of the electoral districts. In accordance with that direction, the Commission has attempted to simplify and rationalize electoral boundaries, wherever possible, on the basis of physical geography.

### ***Role of the Legislative Assembly***

The relative difficulty faced by some MLAs in serving their constituents, particularly in electoral districts which are vast and sparsely populated, received our full consideration. The Commission balanced the weight given this factor with the knowledge that the Legislative Assembly is able to assist members in meeting those responsibilities.

### ***Electoral Quotient***

An electoral quotient is the average number of electors per electoral district. The plus or minus 25 percent deviation guideline is measured against the quotient.

A common approach in Canada is to calculate the electoral quotient by dividing the total number of electors by the total number of electoral districts. This approach is not exclusive. The *Saskatchewan Constituency Boundaries Act, 1993*<sup>51</sup> employs a different method in calculating the electoral quotient. It removes the two northern ridings and their populations from its calculations. The electoral quotient for the remainder of the province is determined by using only the 56 remaining ridings and the population of

those ridings. This approach is in keeping with the recognition in the *Saskatchewan Reference* that the two northern ridings are justified, as they are vast with relatively small and dispersed populations.

## **PART III: INTERIM REPORT – SUMMARY AND RESPONSES**

### **Summary**

The Commission issued its interim report on August 29, 2001. That report proposed:

- 16 electoral districts - a reduction from the existing 17 electoral districts;
- a new electoral district of Copperbelt, resulting from the division of the existing electoral district of Whitehorse West into two electoral districts;
- the Whitehorse subdivision of Crestview be part of the proposed electoral district of Porter Creek North;
- the Marsh Lake area be part of the proposed electoral district of Southern Lakes;
- the existing electoral district of Riverside be split between the proposed electoral districts of Whitehorse Centre and Riverdale North;
- a new electoral district of Tintina merging the existing electoral districts of Mayo-Tatchun and Faro;
- a new electoral district of Tu Cho including the communities of Ross River and Watson Lake;
- the electoral district of Vuntut Gwitchin be retained.

### **Responses**

The predominant themes raised in the public meetings and submissions included:

- effective representation
- voter parity
- aboriginal representation and community of interests
- distance between communities
- dispersion of electors
- maintaining the voice of communities in the Legislative Assembly
- number of electoral districts.

## PART IV: FINAL PROPOSALS

### Summary

This final report proposes:

- 18 electoral districts;
- a new electoral district of Copperbelt, resulting from the division of the existing electoral district of Whitehorse West into two electoral districts;
- the Whitehorse subdivision of Crestview be part of the proposed electoral district of Porter Creek North;
- a new electoral district of Porter Creek Centre, resulting from the division of the Porter Creek area into three electoral districts;
- the existing electoral district of Riverside be split between the proposed electoral districts of Whitehorse Centre and Riverdale North;
- the Riverdale area be restored to two electoral districts;
- the electors in the Ibex Valley area east of the Takhini River be included within the proposed electoral district of Lake Laberge;
- a new electoral district of Southern Lakes, which includes the communities of Carcross, Marsh Lake and Tagish;
- a new electoral district of Pelly-Nisutlin, which includes the communities of Faro, Johnsons Crossing, Little Salmon, Ross River and Teslin;
- the electoral district of Vuntut Gwitchin be retained;
- other electoral districts remain largely unchanged.

### Number of Electoral Districts

The number of electoral districts the Commission proposes has emerged from its application of the principles of effective representation and voter parity, and the mandatory factors in section 419 of the *Elections Act*.

Pursuant to section 419(h) of the *Elections Act*, the Commission has taken public input into account. We note the stated desire for effective representation in the rural electoral districts. As the *Saskatchewan Reference* recognized, there are “greater difficulties associated with representing rural ridings”.<sup>52</sup> The result of our efforts to achieve effective representation in those districts is to propose nine rural electoral districts. This required the Commission to consider the resultant under-representation in the



Whitehorse electoral districts. To reduce that under-representation we propose an additional urban electoral district.

The 18 proposed electoral districts are comprised of nine urban electoral districts and nine rural electoral districts. Approximately 57 percent of the electors in the Yukon reside in the nine urban electoral districts and will be represented by 50 percent of the MLAs. Conversely, approximately 43 percent of Yukon electors reside in the nine rural electoral districts and will be represented by 50 percent of the MLAs.

### **Effective Representation of Whitehorse Electors**

Effective representation of Whitehorse electors is enhanced simply by virtue of their location. These electors reside in relatively cohesive and geographically compact neighbourhoods. They are also closer to multiple government facilities (federal, territorial, First Nation and municipal) and have more accessibility to the services those governments provide. We reason that this would reduce the extent to which Whitehorse constituents might otherwise rely on their MLAs to assist them. As suggested in *Friends of Democracy*, the “ombudsman role” for MLAs within city electoral districts is likely to be more effective and less onerous than for MLAs from the outlying districts. This generally allows somewhat larger populations in Whitehorse electoral districts to be represented as effectively as smaller, more dispersed rural populations.

The Commission has attempted to respect the geography of the proposed Whitehorse electoral districts and to rationalize the boundaries, wherever possible, with the physical characteristics of those electoral districts. As stated in the *Saskatchewan Reference*, “...rivers and municipal boundaries form natural community dividing lines and hence natural electoral boundaries.”<sup>53</sup>

As a result of these considerations, we have allowed for deviations exceeding the 25 percent guideline in two of the electoral districts proposed for Whitehorse.

## Establishing the Electoral Quotient

The total number of electors in the Yukon is estimated to be 18,322, based on the 2000 general election results. The Commission has decided not to include the electoral district of Vuntut Gwitchin and its 192 electors in the calculation of the electoral quotient. The electoral population of Vuntut Gwitchin is significantly smaller than the average electoral population in the other electoral districts. The Commission decided that including the electoral district of Vuntut Gwitchin in the calculation would skew the quotient.

The Commission calculates the average number of electors per electoral district as follows:

$$\frac{\text{Total Electoral Population of Yukon} \\ \text{less Electors in Vuntut Gwitchin [18,130]}}{\text{Total Number of Electoral Districts} \\ \text{less Vuntut Gwitchin [17]}} = \text{Average Number of Electors per} \\ \text{Electoral District (Electoral Quotient)} \\ [1,066]$$

Using the above formula, the average number of electors per electoral district is 1,066. Applying the plus or minus 25 percent deviation guideline, 25 percent over the average is 1,333 electors and 25 percent under the average is 800 electors. A comparison of the proposed electoral districts with the existing electoral districts, and their respective electoral quotients, is attached as Appendix F.

Given the Yukon's comparatively small electoral population, relatively small changes can be statistically significant. An increase or decrease of 11 voters in an electoral district will change the deviation from the electoral quotient by one percent.

## **Proposed Electoral Districts**

### ***Copperbelt***

**The Commission proposes a new electoral district of Copperbelt, resulting from the division of the existing electoral district of Whitehorse West into two electoral districts.**

The growth of population in the Copper Ridge area has increased the number of electors in the existing electoral district of Whitehorse West to an unacceptable 84.4 percent above the average. The larger of the two electoral districts resulting from the division of Whitehorse West will be named Copperbelt. It will include part of Copper Ridge, Granger, Hillcrest, Pineridge and other residential neighbourhoods along the Alaska Highway. The estimated number of electors in Copperbelt is 1,066.

### ***Klondike***

**The Commission proposes that the existing electoral district of Klondike be retained with a minor change to part of its eastern boundary where it crosses the North Klondike Highway.**

The estimated electoral population of 1,233 is over the average at 15.7 percent. This deviation does not detract from effective representation of the electors in Klondike as the vast majority reside in Dawson City. Nor do we anticipate any substantial increase to the electoral population of the electoral district.

### ***Kluane***

**The Commission proposes that the eastern boundary of the existing electoral district of Kluane be moved to the Takhini River Bridge.**

Electors in the Takhini River Subdivision will be in the proposed Kluane electoral district. The electors in the Ibex Valley area will be in the proposed neighbouring electoral district of Lake Laberge. Electors in the Fish Lake Road area will be part of the proposed electoral district of Whitehorse West, to which they are adjacent.

The number of electors is estimated at 806, which is 24.4 percent below the average. While this is significant, the proposed electoral district is one of the largest

geographically in the Yukon, with its population spread among several small but dispersed communities.

### ***Lake Laberge***

**The Commission proposes two changes to the boundary of the existing electoral district of Lake Laberge. First, the electors in the Ibex Valley area east of the Takhini River will be included within the proposed electoral district of Lake Laberge. Second, the electors of the Crestview subdivision will be included within the proposed electoral district of Porter Creek North.**

The existing electoral district of Lake Laberge has an electoral population of 22.4 percent above the average. This proposal decreases the electoral population of Lake Laberge to 989 or 7.2 percent below the average. The residents of this proposed electoral district share interests associated with their rural lifestyles.

### ***McIntyre-Takhini***

**The Commission proposes changing the existing boundary to locate the entire proposed electoral district of McIntyre-Takhini above the Airport (Reserve) Escarpment.**

A change to the eastern boundary will place the Marwell Industrial Subdivision in the proposed electoral district of Whitehorse Centre. The new boundary generally follows the foot of the Airport (Reserve) Escarpment from the bottom of Two Mile Hill to the Yukon River. The electoral population is reduced from 1,390 to 1,243 or 16.6 percent above the average. The residents share urban interests and have relatively easy access to the multiple government services in the city centre.

### ***Mayo-Tatchun***

**The Commission proposes retaining the existing electoral district of Mayo-Tatchun with changes to its western and southeastern boundaries, slightly reducing the size of the electoral district.**

The minor change to the western boundary results from the expansion of the proposed neighbouring electoral district of Klondike, where it crosses the North Klondike Highway. The southeastern boundary has been moved slightly west of the community of Little

Salmon, which will be included in the proposed neighbouring electoral district of Pelly-Nisutlin. The electoral population will be reduced to 861 or 19.2 percent below the average. This proposed rural electoral district remains one of the largest geographically in the Yukon, with its population spread among a number of small but dispersed communities.

### ***Mount Lorne***

**The Commission proposes reducing the electoral population of Mount Lorne by including the Marsh Lake area in the proposed electoral district of Southern Lakes.**

This proposal significantly reduces the remaining electoral population of Mount Lorne from 36.8 percent above the average to 1,113 or 4.4 percent above the average.

We suggest a revised eastern boundary which will incorporate the Yukon River Bridge Road in the proposed neighbouring electoral district of Southern Lakes. The Commission also proposes changes to the western boundary for geographical simplification: these changes do not significantly affect the electoral population.

The residents of this proposed electoral district share interests associated with their rural lifestyles.

### ***Pelly-Nisutlin***

**The Commission proposes a new electoral district of Pelly-Nisutlin, which includes the communities of Faro and Little Salmon with some communities in the existing electoral district of Ross River-Southern Lakes, namely Johnsons Crossing, Ross River and Teslin.**

The proposed electoral district has an electoral population of 802 or 24.8 percent below the average. While that is significant, the population in the proposed electoral district is spread among a number of small but dispersed communities.

The Commission proposes keeping intact a portion of the existing electoral district of Ross River-Southern Lakes, including Johnsons Crossing, Ross River and Teslin, and including it as part of the proposed electoral district of Pelly-Nisutlin.

The number of electors in the existing electoral district of Faro has decreased significantly from the 1996 election (670) to the 2000 general election (248) and even further in the 2000 by-election (234). Using the results from the 2000 general election, the number of electors in the existing Faro electoral district was 78.1 percent below the average for the Yukon. Although the residents of Faro are optimistic about its potential for growth, a separate electoral district for this community cannot be justified.

Similarly, the residents of Ross River suggested that the community have its own electoral district, but the number of electors do not support such a proposition.

The Commission proposes that the neighbouring communities on the Robert Campbell Highway, namely Faro, Little Salmon and Ross River, be included in this electoral district. There are commercial ties between Faro and both Ross River and Little Salmon. The proximity of the communities allow them to be effectively represented by a common MLA.

The communities in this electoral district share common interests, such as resource development, heritage, tourism and outfitting.

### ***Porter Creek Centre***

**The Commission proposes dividing the electoral population of the Porter Creek area into three electoral districts with similar electoral populations. The new electoral district of Porter Creek Centre results from this proposal.**

The proposed electoral district of Porter Creek Centre will be bordered by McIntyre Creek and the Yukon River to the east and north and the Alaska Highway to the west. The northern boundary will be Wann Road to Sycamore Street, then along Oak Street

to the Yukon River. The southern boundary generally follows Fourteenth Avenue East and extends to Tamarack Drive and Range Road. This includes the area north of the Twelfth Avenue East intersection with the Alaska Highway in the proposed electoral district.

The electoral population will be 1,008, which is 5.4 percent below the average. The City of Whitehorse has identified land suitable for residential development in this proposed electoral district.

### ***Porter Creek North***

**The Commission proposes changing the existing electoral district of Porter Creek North to include the subdivision of Crestview.**

The western boundary of the proposed electoral district of Porter Creek North is extended to incorporate the subdivision of Crestview and the area residents on the west side of the Alaska Highway. The residents of Forestview and those along the east side of the north Klondike Highway will be in the proposed neighbouring electoral district of Lake Laberge.

These changes result in a decrease in the electoral population to 957 or 10.2 percent below the average.

### ***Porter Creek South***

**The Commission proposes retaining the existing electoral district of Porter Creek South with boundary changes to accommodate the division of Porter Creek into three electoral districts.**

We propose a change to the northern boundary to follow Fourteenth Avenue East and extend to Tamarack Drive and Range Road. The eastern and southern boundaries follow Range Road to McIntyre Creek. The western boundary is the Alaska Highway. This decreases the electoral population to 959 or 10.0 percent below the average. The City of Whitehorse has identified land suitable for residential development in this proposed electoral district.





### ***Riverdale North***

**The Commission proposes dividing the Riverdale area into two electoral districts, bordered by the Yukon River and the city limit. The proposed electoral district of Riverdale North includes the Riverdale and Wickstrom Road portions of the existing electoral district of Riverside.**

One of the two proposed electoral districts resulting from the division of the area is Riverdale North. The change to the existing boundary includes the residents north of Klondike Road and east of Lewes Boulevard, who are part of the existing electoral district of Riverside. The northern boundary will also change to follow the Yukon River northward to the city limit. The electoral population increases from 1,171 to 1,406 or 32.0 percent above the average.

While the proposed deviation is above the 25 percent guideline, it is offset by the fact that the residents of this proposed electoral district, along with the proposed electoral district of Riverdale South, live in relatively condensed neighbourhoods. The residents share urban interests and are close to multiple government services. This compact area is effectively encircled by the Yukon River and an escarpment of Grey Mountain, which constrains further development opportunities. This gives rise to demographic density in the Riverdale area, which facilitates easier access to constituents and effective representation by the MLAs for these proposed electoral districts. The area is separated from the city centre by the Yukon River and connected by a single bridge. The Yukon River is a natural community dividing line and creates a convenient boundary for the two proposed electoral districts. The population density, accessibility and physical characteristics of the area are matters we are obliged to take into account pursuant to sections 419(a) and (b) of the *Elections Act*.

This proposal restores the Riverdale area to two electoral districts, similar to those in place from 1978 to 1992.

### ***Riverdale South***

**The Commission proposes retaining the existing electoral district of Riverdale South with boundary changes to accommodate the division of Riverdale into two electoral districts with similar electoral populations.**

There is an increase in the electoral population from 1,073 to 1,376 or 29.1 percent above the average. Although this exceeds the 25 percent guideline, we feel it is justified by the reasons expressed for the proposed electoral district of Riverdale North: a compact and relatively unique geographic area, with condensed neighbourhoods, shared urban interests, and proximity to multiple government services.

### ***Southern Lakes***

**The Commission proposes a new electoral district of Southern Lakes, which includes the communities of Carcross, Marsh Lake and Tagish.**

The proposed electoral district has an electoral population of 767 or 28.0 percent below the average, slightly exceeding the 25 percent guideline. The established communities in the electoral district are relatively close together. However, much of the population is widely dispersed along numerous secondary and tertiary roads, which makes access to residents more challenging. The Commission also notes that the permanent populations of the communities of Marsh Lake and Tagish, initially seasonal cottage-lot areas, are on the increase.

### ***Vuntut Gwitchin***

**The Commission proposes that the existing electoral district of Vuntut Gwitchin remain unchanged.**

The Commission recognizes Vuntut Gwitchin is the least populated electoral district in the Yukon. We propose that it remain a separate electoral district due to a number of special circumstances, which the Commission is required to consider pursuant to section 419(f) of the *Elections Act*. We also note that this electoral district was considered a “special case” in the 1991 Yukon Report, which spoke of “virtual unanimity

regarding its unique character” in the evidence presented to that Commission.<sup>54</sup> The 1991 Report continued:

The area is sparsely populated and the most remote and least accessible district in the Yukon. The community of Old Crow is almost exclusively Vuntut Gwitchin and is the only such community in the Yukon. The Gwitchin language is not spoken elsewhere in the Yukon. Old Crow is distinct in language, culture, geography and lifestyle, even from its closest neighbours. Moreover, the traditional practices of the Gwitchin people give the area a special community of interest found nowhere else in the Yukon.<sup>55</sup>

Those reasons have justified the electoral district’s existence since it was proposed in 1977,<sup>56</sup> and they continue to apply. Although air transport and communication links have improved access to the community of Old Crow, reducing the isolation factor, those improvements have not been significant enough to justify incorporating Old Crow into another electoral district. Indeed, the accessibility of the area is something we must consider pursuant to section 419(b) of the *Elections Act*. We propose that Vuntut Gwitchin remain a separate electoral district for the following reasons:

**it is geographically distinct from all the other electoral districts in the Yukon, in that it is the most remote and has no road access;**

**the community of Old Crow is almost exclusively Vuntut Gwitchin First Nation with common language, traditional lifestyle and culture;**

**the strong common interests of the residents may be adversely affected if the community is included in another electoral district.**

### ***Watson Lake***

**The Commission proposes that the existing electoral district of Watson Lake be retained with a minor change to its northern boundary resulting from the proposed neighbouring electoral district of Pelly-Nisutlin.**

The estimated electoral population of 1,025 is only slightly under the average at 3.9 percent. No substantial change in the main community of Watson Lake or the

remainder of the electoral district is anticipated. The northern boundary is moved south from 62 degrees latitude to 61 degrees 45 minutes.

### ***Whitehorse Centre***

**The Commission proposes expanding the boundary of the existing electoral district of Whitehorse Centre to include the downtown portion of the existing electoral district of Riverside.**

The proposed southern boundary is moved to the Yukon River to include part of the existing electoral district of Riverside. The proposed northern boundary follows the foot of the Airport (Reserve) Escarpment northerly to the Yukon River, which will include the Marwell Industrial Subdivision. This results in the electoral population being increased from 22.6 percent below the average to 1,278 or 19.9 percent above the average.

This proposed electoral district is a compact geographic area and has condensed neighbourhoods. It is effectively encircled by the Airport (Reserve) Escarpment and the Yukon River, which are natural community dividing lines and hence natural electoral boundaries. The residents share downtown urban interests and have access to multiple government services. There is limited potential for population growth in this proposed electoral district.

### ***Whitehorse West***

**The Commission proposes a significant change to the boundary of the existing electoral district of Whitehorse West, resulting from its division into two parts, one of which is the proposed electoral district of Copperbelt. The proposed electoral district of Whitehorse West includes the subdivisions of Arkell, part of Copper Ridge and Logan.**

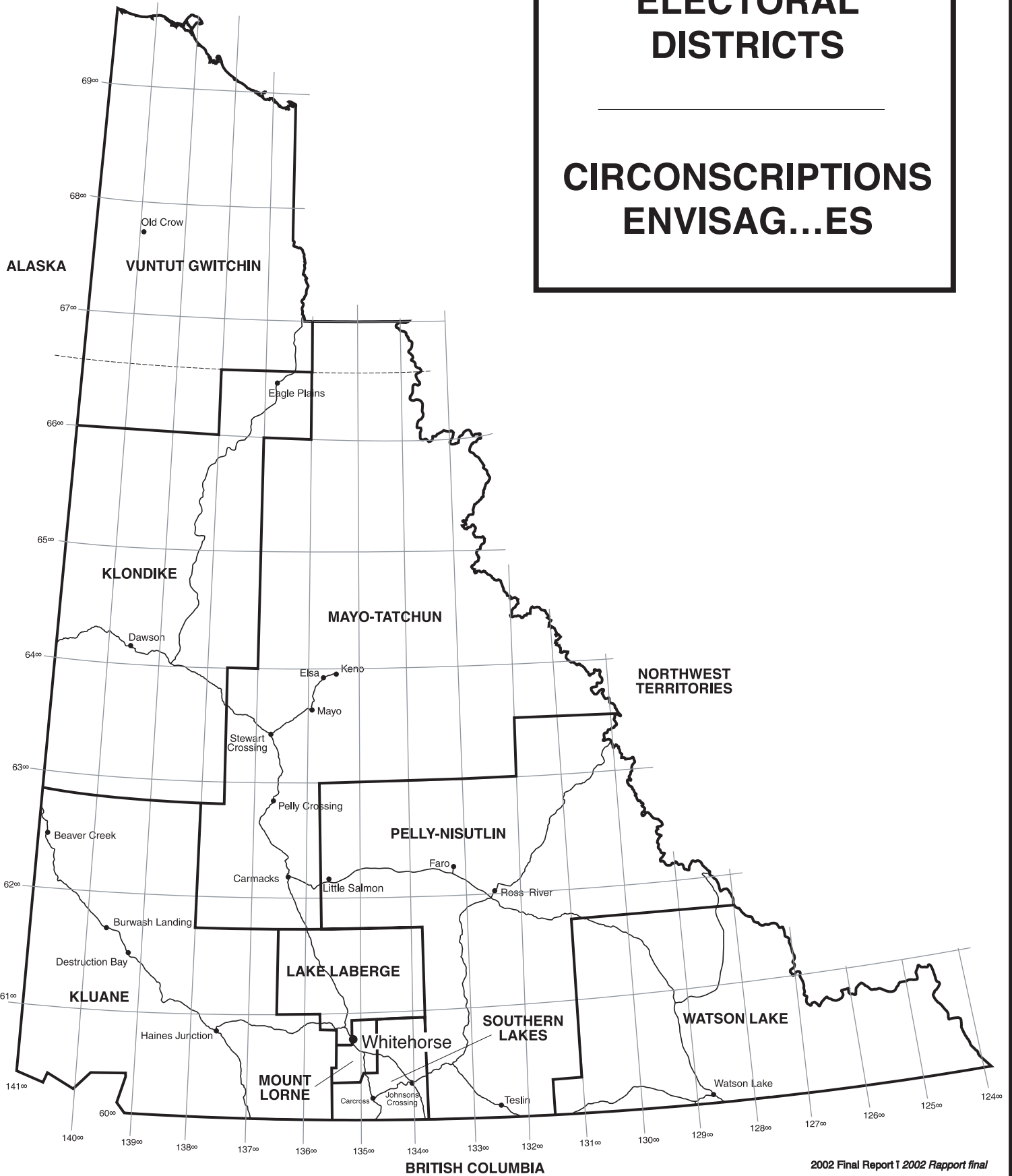
We propose that the boundary follow Hamilton Boulevard and its extension to North Star Drive and Falcon Drive, then proceed west from the intersection with Ruby Lane to the city limit. The boundary runs north along the city limit to the boundary of the proposed electoral district of McIntyre-Takhini. This proposal responds to the significant increase in population in the Copper Ridge subdivision. The electoral population is reduced from 84.4 percent above the average to 1,241 or 16.4 percent above the average.

The residents live in cohesive neighbourhoods within a compact geographic area. They share urban interests and relative proximity to multiple government services in the city centre.

**PART V: ELECTORAL DISTRICT BOUNDARIES DESCRIPTIONS**

# PROPOSED YUKON ELECTORAL DISTRICTS

## CIRCONSCRIPTIONS ENVISAG...ES

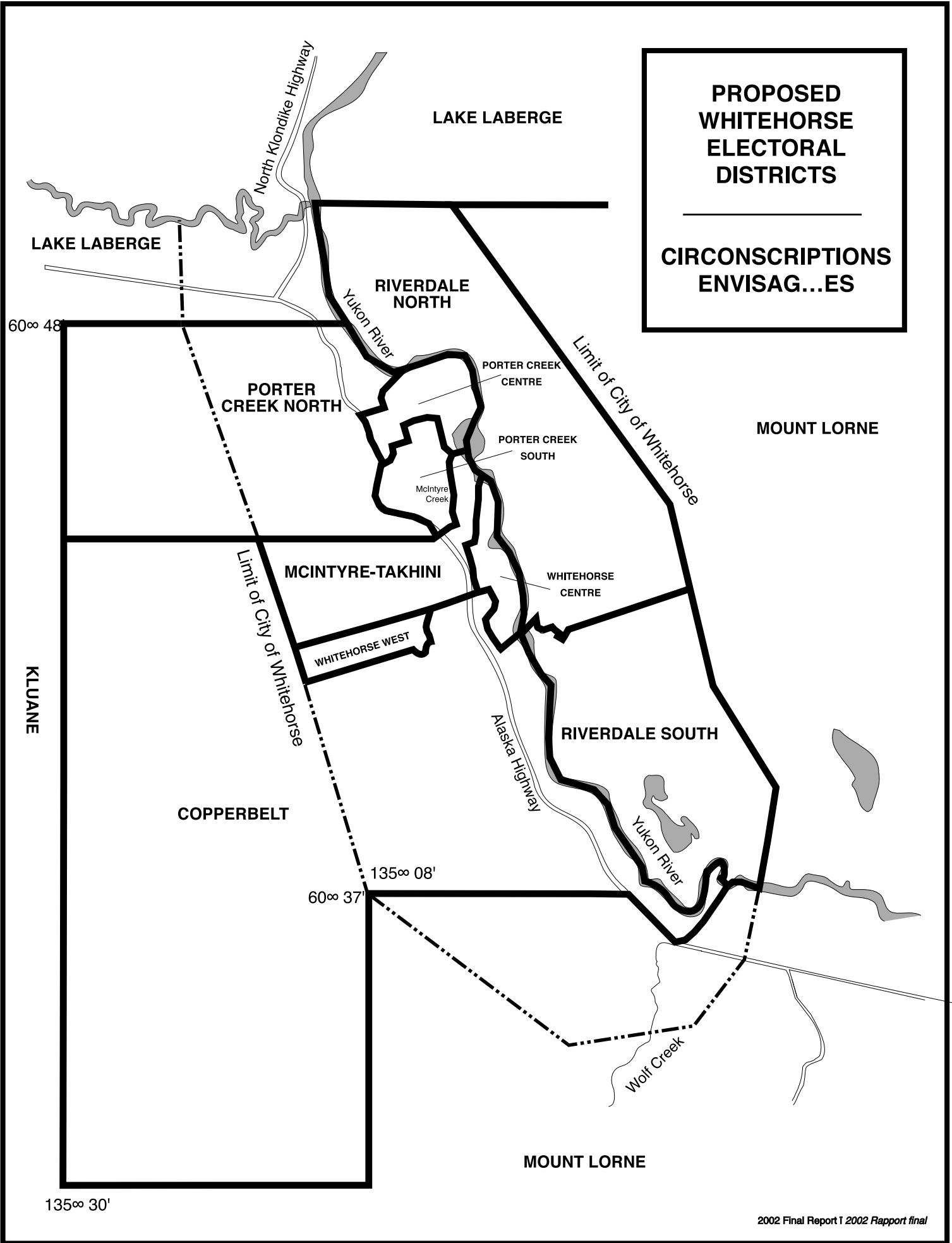




**PROPOSED  
WHITEHORSE  
ELECTORAL  
DISTRICTS**

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**CIRCONSCRIPTIONS  
ENVISAG...ES**



## ELECTORAL DISTRICT OF COPPERBELT

**Proposed Number of Electors:** 1,066

**Electoral Quotient Deviation:** 0.0%

**Includes:** Canyon Crescent; Lobird Mobile Home Park; MacRae; Paddle Wheel Village; Subdivisions of (part of) Copper Ridge, Granger, Hillcrest, Lobird; Pineridge

Description: The Electoral District of Copperbelt consists of that part of Yukon bounded by a line commencing at the point of intersection of the foot of the Airport (Reserve) Escarpment and the northeastern extension of the point of intersection of the centre line of Hamilton Boulevard and the western centre line of McIntyre Drive, then due southwest to the point of intersection of the centre line of Hamilton Boulevard and the western centre line of McIntyre Drive, then southerly along the centre line of Hamilton Boulevard and its extension to a point due east of the point of intersection of the centre line of Black Bear Lane and the centre line of North Star Drive, then due west to that point of intersection, then northwesterly along the centre line of North Star Drive to the centre line of Falcon Drive, then westerly and northerly along that centre line to the centre line of Ruby Lane, then due west to the western limit of the City of Whitehorse, then northerly along that limit to a point due west of the point of intersection of the Alaska Highway and McIntyre Creek, then due west to longitude 135 degrees 30 minutes west, then due south to latitude 60 degrees 30 minutes north, then due east to longitude 135 degrees 08 minutes west, then due north to latitude 60 degrees 37 minutes north, then due east to the centre line of the Alaska Highway, then southerly along that centre line to the point of intersection of the centre line of Wolf Creek, then easterly along that centre line to the centre line of the Yukon River, then northerly along that centre line to the point of intersection of the western extension of the centre line of Selkirk Street, then due west to the foot of the Airport (Reserve) Escarpment, then northerly along the foot to the point of commencement.

## ELECTORAL DISTRICT OF KLONDIKE

**Proposed Number of Electors:** 1,233

**Electoral Quotient Deviation:** +15.7%

**Includes:** City of Dawson; Eagle Plains

Description: The Electoral District of Klondike consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 62 degrees 45 minutes north and the western boundary of Yukon, then northerly along that boundary to latitude 66 degrees north, then due east to longitude 138 degrees west, then due north to latitude 66 degrees 30 minutes north, then due east to longitude 136 degrees west, then due south to latitude 66 degrees north, then due west to longitude 137 degrees west, then due south to latitude 64 degrees north, then due west to longitude 137 degrees 35 minutes west, then due south to latitude 62 degrees 45 minutes north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF KLUANE

**Proposed Number of Electors:** 806

**Electoral Quotient Deviation:** -24.4%

**Includes:** Beaver Creek; Burwash Landing; Champagne; Destruction Bay; Haines Junction; Subdivisions of Takhini River, Mendenhall

Description: The Electoral District of Kluane consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 62 degrees 45 minutes north and the western boundary of Yukon, then due east to longitude 138 degrees west, then due south to latitude 61 degrees 45 minutes north, then due east to longitude 136 degrees 30 minutes west, then due south to latitude 61 degrees north, then due east to longitude 135 degrees 40 minutes west, then due south to the centre line of the Takhini River, then westerly and southerly along that centre line to the point of intersection of the centre line of the Ibex River, then easterly and southerly along that centre line to the point of intersection of longitude 135 degrees 30 minutes west, then due south to latitude 60 degrees north, then westerly and northerly along the southern and western boundary of Yukon to the point of commencement.

## ELECTORAL DISTRICT OF LAKE LABERGE

**Proposed Number of Electors:** 989

**Electoral Quotient Deviation:** -7.2%

**Includes:** Braeburn; Hamlet of Ibex Valley; Lake Laberge Area; Subdivisions of Forestview, Hidden Valley, MacPherson, Pilot Mountain; Takhini Hotsprings Road Area

**Description:** The Electoral District of Lake Laberge consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 61 degrees north and longitude 136 degrees 30 minutes west, then due north to latitude 61 degrees 45 minutes north, then due east to longitude 133 degrees 45 minutes west, then due south to the eastern extension of the northern limit of the City of Whitehorse, then due west along that extension and limit to the centre line of the Yukon River, then southerly along that centre line to the point of intersection of latitude 60 degrees 48 minutes north and longitude 135 degrees 30 minutes west, then due south to the point of intersection of the centre line of the Ibex River, then westerly and northerly along that centre line to the centre line of the Takhini River, then northerly and easterly along that centre line to longitude 135 degrees 40 minutes west, then due north to latitude 61 degrees north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF MCINTYRE-TAKHINI

**Proposed Number of Electors:** 1,243

**Electoral Quotient Deviation:** +16.6%

**Includes:** Mountain View Place, Northland, Takhini Mobile Home Parks; Subdivisions of Kopper King, McIntyre, Takhini, Valleyview

Description: The Electoral District of McIntyre-Takhini consists of that part of Yukon bounded by a line commencing at the point of intersection of the centre lines of McIntyre Creek and the Alaska Highway, then due west to the limit of the City of Whitehorse, then southerly along that limit to a point due southwest of the point of intersection of the centre line of Hamilton Boulevard and the western centre line of McIntyre Drive, then due northeast to the foot of the Airport (Reserve) Escarpment, then northerly and easterly along that foot and its extension to the centre line of the Yukon River, then northerly along that centre line to the centre line of McIntyre Creek, then westerly and southerly along that centre line to the point of commencement.

## ELECTORAL DISTRICT OF MAYO-TATCHUN

**Proposed Number of Electors:** 861

**Electoral Quotient Deviation:** -19.2%

**Includes:** Carmacks; Keno; Mayo; Pelly Crossing; Stewart Crossing

Description: The Electoral District of Mayo-Tatchun consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 61 degrees 45 minutes north and longitude 138 degrees west, then due north to latitude 62 degrees 45 minutes north, then due east to longitude 137 degrees 35 minutes west, then due north to latitude 64 degrees north, then due east to longitude 137 degrees west then due north to latitude 66 degrees north, then due east to longitude 136 degrees west, then due north to the northern boundary of Yukon (latitude 67 degrees north), then easterly and southerly along that boundary to latitude 63 degrees 30 minutes north, then due west to longitude 132 degrees west, then due south to latitude 63 degrees north, then due west to longitude 135 degrees 45 minutes west, then due south to latitude 61 degrees 45 minutes north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF MOUNT LORNE

**Proposed Number of Electors:** 1,113

**Electoral Quotient Deviation:** +4.4%

**Includes:** Annie Lake Road; Hamlet of Mount Lorne; Subdivisions of Cowley Creek, Golden Horn, Mary Lake, Robinson, Spruce Hill, Wolf Creek, Wolf Creek North

**Description:** The Electoral District of Mount Lorne consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 60 degrees 15 minutes north and longitude 135 degrees 30 minutes west, then due north to latitude 60 degrees 30 minutes north, then due east to longitude 135 degrees 08 minutes west, then due north to latitude 60 degrees 37 minutes north, then due east to the centre line of the Alaska Highway, then southerly along that centre line to the centre line of Wolf Creek, then easterly along that centre line to the centre line of the Yukon River, then easterly and southerly along that centre line to the point of intersection of the eastern limit of the City of Whitehorse, then northerly along that limit to the northern limit of the City of Whitehorse, then due east along the limit and eastern extension of the northern limit to longitude 134 degrees 42 minutes west, then due south to latitude 60 degrees 23 minutes north, then due west to longitude 134 degrees 53 minutes west, then due southwest to the point of intersection of latitude 60 degrees 15 minutes north and longitude 135 degrees west, then due west to the point of commencement.



## ELECTORAL DISTRICT OF PELLY-NISUTLIN

**Proposed Number of Electors:** 802

**Electoral Quotient Deviation:** -24.8%

**Includes:** Faro; Johnsons Crossing; Little Salmon; Ross River;  
Teslin

Description: The Electoral District of Pelly-Nisutlin consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 60 degrees north and longitude 133 degrees 45 minutes west, then due north to latitude 61 degrees 45 minutes north, then due west to longitude 135 degrees 45 minutes west, then due north to latitude 63 degrees north, then due east to longitude 132 degrees west, then due north to latitude 63 degrees 30 minutes north, then due east to the eastern boundary of Yukon, then southerly along that boundary to latitude 61 degrees 45 minutes north, then due east to longitude 131 degrees west, then due south to latitude 60 degrees 20 minutes north, then due west to longitude 131 degrees 30 minutes west, then due south to 60 degrees north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF PORTER CREEK CENTRE

**Proposed Number of Electors:** 1,008

**Electoral Quotient Deviation:** -5.4%

**Includes:** Part of Subdivision of Porter Creek

Description: The Electoral District of Porter Creek Centre consists of that part of Yukon bounded by a line commencing at the point of intersection of the centre line of Wann Road and the centre line of the Alaska Highway, then southerly along the centre line of the Alaska Highway to the centre line of Centennial Street, then northerly along that centre line to the centre line of Twelfth Avenue East, then easterly along that centre line to the centre line of Fir Street, then northerly along that centre line to the centre line of Fourteenth Avenue East, then easterly along that centre line and its extension to the point of intersection of the centre line of Hickory Street and the centre line of Tamarack Drive, then easterly along the centre line of Tamarack Drive to the centre line of Range Road, then southerly along that centre line to the centre line of McIntyre Creek, then easterly along that centre line to the centre line of the Yukon River, then northerly and westerly along that centre line to a point due northeast of the extension of the centre line of Oak Street, then due southwest along that extension and centre line to the centre line of Sycamore Street, then southerly along that centre line to the centre line of Wann Road, then westerly along that centre line to the point of commencement.

## ELECTORAL DISTRICT OF PORTER CREEK NORTH

**Proposed Number of Electors:** 957

**Electoral Quotient Deviation:** -10.2%

**Includes:** Subdivisions of Crestview, Kulan Industrial, part of Porter Creek, Taylor Industrial

Description: The Electoral District of Porter Creek North consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 60 degrees 48 minutes north and longitude 135 degrees 30 minutes west, then due east to the centre line of the Yukon River, then southerly along that centre line to a point due northeast of the extension of the centre line of Oak Street, then due southwest along that extension and centre line to the centre line of Sycamore Street, then southerly along that centre line to the centre line of Wann Road, then westerly along that centre line to the centre line of the Alaska Highway, then southerly along that centre line to the centre line of McIntyre Creek, then due west to longitude 135 degrees 30 minutes west, then due north to the point of commencement.

## ELECTORAL DISTRICT OF PORTER CREEK SOUTH

**Proposed Number of Electors:** 959

**Electoral Quotient Deviation:** -10.0%

**Includes:** Part of Subdivision of Porter Creek

Description: The Electoral District of Porter Creek South consists of that part of Yukon bounded by a line commencing at the point of intersection of McIntyre Creek and the Alaska Highway, then northerly along the centre line of the Alaska Highway to the centre line of Centennial Street, then northerly along that centre line to the centre line of Twelfth Avenue East, then easterly along that centre line to the centre line of Fir Street, then northerly along that centre line to the centre line of Fourteenth Avenue East, then easterly along that centre line and its extension to the point of intersection of the centre line of Hickory Street and the centre line of Tamarack Drive, then easterly along the centre line of Tamarack Drive to the centre line of Range Road, then southerly along that centre line to the centre line of McIntyre Creek, then southerly and westerly along that centre line to the point of commencement.

## ELECTORAL DISTRICT OF RIVERDALE NORTH

**Proposed Number of Electors:** 1,406

**Electoral Quotient Deviation:** +31.9%

**Includes:** Part of Subdivision of Riverdale; Thomson Centre;  
Wickstrom Road

Description: The Electoral District of Riverdale North consists of that part of Yukon bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the western extension of the centre line of Selkirk Street, then easterly along that extension and centre line to the centre line of Lewes Boulevard, then southerly along that centre line to the centre line of Klondike Road, then easterly along that centre line to the centre line of Peel Road, then southerly along that centre line to the centre line of Alsek Road, then westerly along that centre line to the centre line of Pelly Road, then southerly and easterly along that centre line to the extension of the centre line of the right-of-way between Lot 11 (61 Pelly Road), Block 233 and Lot 9 (63 Pelly Road), Block 228, then easterly along the extension and centre line to the eastern limit of the City of Whitehorse, then northerly and westerly along that limit to the centre line of the Yukon River, then southerly along that centre line to the point of commencement.

## ELECTORAL DISTRICT OF RIVERDALE SOUTH

**Proposed Number of Electors:** 1,376

**Electoral Quotient Deviation:** +29.1%

**Includes:** Part of Subdivision of Riverdale

Description: The Electoral District of Riverdale South consists of that part of Yukon bounded by a line commencing at the point of intersection of the centre line of the western extension of the centre line of Selkirk Street and the centre line of the Yukon River, then southerly along the centre line of the Yukon River to the southern limit of the City of Whitehorse, then easterly and northerly along that limit to a point due east of the extension of the centre line of the right-of-way between Lot 11 (61 Pelly Road), Block 233 and Lot 9 (63 Pelly Road), Block 228, then westerly along the extension and centre line to the centre line of Pelly Road, then westerly and northerly along that centre line to the centre line of Alsek Road, then easterly along that centre line to the centre line of Peel Road, then northerly along that centre line to the centre line of Klondike Road, then westerly along that centre line to the centre line of Lewes Boulevard, then northerly along that centre line to the centre line of Selkirk Street, then westerly along that centre line and its extension to the point of commencement.

## ELECTORAL DISTRICT OF SOUTHERN LAKES

**Proposed Number of Electors:** 767

**Electoral Quotient Deviation:** -28.0%

**Includes:** Carcross; Subdivisions of Judas Creek, Old Constabulary, North M'Clintock, South M'Clintock; Marsh Lake Area; Tagish; Yukon River Bridge Road

**Description:** The Electoral District of Southern Lakes consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 60 degrees north and longitude 135 degrees 30 minutes west, then due north to latitude 60 degrees 15 minutes north, then due east to longitude 135 degrees west, then due northeast to the point of intersection of latitude 60 degrees 23 minutes north and longitude 134 degrees 53 minutes west, then due east to longitude 134 degrees 42 minutes west, then due north to the eastern extension of the northern limit of the City of Whitehorse, then due east along that extension to longitude 133 degrees 45 minutes west, then due south to latitude 60 degrees north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF VUNTUT GWITCHIN

**Proposed Number of Electors:** 192

**Electoral Quotient Deviation:** N/A

**Includes:** Old Crow

Description: The Electoral District of Vuntut Gwitchin consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 66 degrees north and the western boundary of Yukon, then northerly, easterly and southerly along the western, northern and eastern boundaries of Yukon to the point of intersection of the eastern boundary of the Yukon and longitude 136 degrees west, then due south to latitude 66 degrees 30 minutes north, then due west to longitude 138 degrees west, then due south to latitude 66 degrees north, then due west to the point of commencement, and includes Herschel Island.



## ELECTORAL DISTRICT OF WATSON LAKE

**Proposed Number of Electors:** 1,025

**Electoral Quotient Deviation:** -3.9%

**Includes:** Swift River; Upper Liard; Watson Lake

Description: The Electoral District of Watson Lake consists of that part of Yukon bounded by a line commencing at the point of intersection of latitude 60 degrees north and longitude 131 degrees 30 minutes west, then due north to latitude 60 degrees 20 minutes north, then due east to longitude 131 degrees west, then due north to latitude 61 degrees 45 minutes north, then due east to the eastern boundary of Yukon, then southerly and easterly along that boundary to latitude 60 degrees north, then due west to the point of commencement.

## ELECTORAL DISTRICT OF WHITEHORSE CENTRE

**Proposed Number of Electors:** 1,278

**Electoral Quotient Deviation:** +19.9%

**Includes:** Downtown Whitehorse, Marwell Industrial Subdivision

Description: The Electoral District of Whitehorse Centre consists of that part of Yukon bounded by a line commencing at a point in the foot of the Airport (Reserve) Escarpment due west of the point of intersection of the western extension of the centre line of Selkirk Street and the centre line of the Yukon River, then northerly along the foot of the Airport (Reserve) Escarpment to the point of intersection of the extension of the foot of the Airport (Reserve) Escarpment and the centre line of the Yukon River, then southerly along the centre line of the Yukon River to the point of intersection of the eastern extension of the centre line of Selkirk Street, then due west to the point of commencement.

## ELECTORAL DISTRICT OF WHITEHORSE WEST

**Proposed Number of Electors:** 1,241

**Electoral Quotient Deviation:** +16.4%

**Includes:** Subdivisions of Arkell, part of Copper Ridge, Logan

Description: The Electoral District of Whitehorse West consists of that part of Yukon bounded by a line commencing at the point of intersection of the centre line of Hamilton Boulevard and the western centre line of McIntyre Drive, then southerly along the centre line of Hamilton Boulevard and its extension to a point due east of the point of intersection of the centre line of Black Bear Lane and the centre line of North Star Drive, then due west to that point of intersection, then northwesterly along the centre line of North Star Drive to the centre line of Falcon Drive, then westerly and northerly along that centre line to the centre line of Ruby Lane, then due west to the western limit of the City of Whitehorse, then northerly along that limit to a point due southwest of the point of intersection of the centre line of Hamilton Boulevard and the western centre line of McIntyre Drive, then due northeast to the point of commencement.

## APPENDIX A:

### STATUTES OF THE YUKON

2000, Chapter 9

#### An Act to Amend the Elections Act

(Assented to December 14, 2000)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Legislative Assembly, enacts as follows

1 This Act amends the *Elections Act*.

2 Sections 407 to 425 of the *Act* are repealed and the following sections substituted for them

#### “Definition

407. In this part “Commission” means the Electoral District Boundaries Commission appointed under section 408.

Electoral District Boundaries Commission

408.(1) The Commissioner in Executive Council shall, as required by this Act, appoint an Electoral District Boundaries Commission consisting of

(a) a judge or a retired judge of the Supreme Court who is chosen by the senior judge of the Supreme Court and who shall be chair;

### LOIS DU YUKON

2000, chapitre 9

#### Loi modifiant la Loi sur les élections

(sanctionnée le 14 décembre 2000)

Le commissaire du territoire du Yukon, sur l'avis et avec le consentement de l'Assemblée législative, édicte ce qui suit :

1 La présente loi modifie la *Loi sur les élections*.

2 Les articles 407 à 425 de la même loi sont abrogés et remplacés par ce qui suit :

#### « Définition

407. Dans la présente partie, « commission » s'entend de la Commission de délimitation des circonscriptions électorales établie conformément à l'article 408.

Commission de délimitation des circonscriptions électorales

408.(1) Le Commissaire en conseil exécutif doit, tel que prescrit par la présente loi, établir une commission de délimitation des circonscriptions électorales constituée :

a) d'un juge ou d'un juge à la retraite de la Cour suprême qui agit à titre de président; il est nommé par le doyen des juges de la Cour suprême;

(b) one Yukon resident who is not an employee of the Government of the Yukon and who is not a member of the Legislative Assembly, the Senate, or the House of Commons, chosen by the leader of each registered political party represented in the Legislative Assembly at the time of appointment; and

(c) the chief electoral officer.

(2) Each leader of a registered political party entitled to choose a member of the Commission shall, within 60 days of receipt of a written request from the Commissioner in Executive Council to do so, submit the name of the member to the Commissioner in Executive Council.

(3) Any vacancy in the Commission shall be filled within 30 days in the manner prescribed by subsection (1) by the person having the right to make the original appointment, except a vacancy resulting from failure to comply with subsection (2).

(4) A vacancy in the membership of the Commission does not affect the ability of the remaining members of the Commission to act.

#### Function

409. The function of a Commission is to review the existing electoral districts established under the *Electoral District Boundaries Act* and to make proposals to the Legislative Assembly as to the boundaries, number, and names of the electoral districts of the Yukon.

#### Remuneration

410.(1) The Commission members who are appointed under paragraph 408(1)(b), or a retired judge appointed under paragraph 408(1)(a), shall be paid remuneration for their services on the Commission in an amount prescribed by the Commissioner in Executive

b) d'un résident du Yukon qui n'est pas un employé du gouvernement du Yukon, ni de l'Assemblée législative, ni du Sénat ou de la Chambre des communes; il est nommé par les chefs de partis politiques enregistrés et représentés à l'Assemblée législative lors de la nomination;

c) le directeur général des élections.

(2) Le chef d'un parti politique enregistré habilité à nommer un membre de la commission peut le faire dans les 60 jours suivant une demande écrite du Commissaire en conseil exécutif en lui soumettant le nom d'une personne.

(3) Un poste vacant au sein de la commission doit être pourvu dans les 30 jours, selon la procédure décrite au paragraphe (1), par la personne habilitée à pourvoir à la nomination initiale, sauf une vacance suite au défaut de se conformer au paragraphe (2).

(4) Un poste vacant au sein de la commission n'empêche pas les autres membres d'agir.

#### Fonctions

409. La commission est chargée d'examiner les circonscriptions électorales établies en application de la *Loi sur les circonscriptions électorales* et de soumettre des recommandations à l'Assemblée législative se rapportant aux noms, au nombre et aux limites des circonscriptions électorales du Yukon.

#### Rémunération

410.(1) La personne nommée à la commission, en vertu de l'alinéa 408(1)(b), ou un juge à la retraite, nommé en vertu de l'alinéa 408(1)(a), sont rémunérés pour leurs services selon ce que prescrit le Commissaire en conseil exécutif.

Council.

(2) The Commission members shall be paid transportation, accommodation, and living expenses incurred in connection with the performance of their duties away from their ordinary place of residence and these payments shall conform as nearly as possible in all respects to the payment of those expenses for members of the public service of the Yukon.

#### Time of appointment

411.(1) The first Commission shall be appointed within three months of the coming into force of this Part.

(2) Subsequent Commissions shall be appointed within six months of polling day following every second general election after the appointment of the last Commission.

(3) Despite subsection (2), no Commission shall be appointed sooner than six years after the appointment of the last Commission.

(4) The term of membership in the Commission ends on the date of submission of the final report under subsection 417(1).

#### Powers of Commission

412. The Commission may make rules for the conduct of its proceedings.

#### Employees

413.(1) The Commission may, after consultation with the Elections Office, direct the Elections Office to employ or retain technical and other advisors and employees that the Commission considers necessary, on behalf of the Commission.

(2) Subject to the approval of the Commissioner in Executive Council, the

(2) Les commissaires sont indemnisés des frais de déplacement et de séjour engagés dans le cadre de l'exécution de leurs fonctions à l'extérieur du lieu de leur résidence habituelle; le versement de cette indemnité doit être le plus semblable possible à celles versées aux membres de la fonction publique du Yukon.

#### Nomination

411.(1) La première commission est nommée dans les trois mois suivant l'entrée en vigueur de la présente partie.

(2) Les commissions suivantes sont nommées au plus tard six mois suivant le jour du scrutin après chaque deuxième élection générale suivant la nomination de la dernière commission.

(3) Malgré le paragraphe (2), une commission ne peut être établie plus tôt que six ans après l'établissement de la dernière commission.

(4) Le mandat d'un membre de la commission se termine lors du dépôt du rapport final, en application du paragraphe 417(1).

#### Pouvoirs de la commission

412. La commission peut prendre des règles pour régir le déroulement de ses procédures.

#### Employés

413.(1) Après consultation auprès du Bureau des élections, la commission peut ordonner à ce dernier d'embaucher ou d'avoir recours, en son nom, à des conseillers et employés, spécialisés ou non, qu'elle juge nécessaires.

(2) Sous réserve de l'autorisation du Commissaire en conseil exécutif, le Bureau

Elections Office shall determine

(a) the conditions of employment; and

(b) the remuneration and reimbursement for expenses of persons appointed, employed, or retained under subsection (1).

Costs of the Commission

414. The remuneration and expenses referred to in section 413 and all other costs of the Commission shall be provided for in a program under the Elections Office vote and paid out of the Yukon Consolidated Revenue Fund.

Interim report

415.(1) The Commission shall establish a process for receiving representations leading to an interim report.

(2) After considering any representations to it and within seven months of the date on which the Commission is appointed, the Commission shall submit to the Speaker an interim report, which shall set out the boundaries, number, and names of proposed electoral districts and which shall include the reasons for its proposals.

(3) On receipt of the interim report under subsection (2), the Speaker shall

(a) if the Legislative Assembly is sitting when it is submitted, table it within five sitting days in the Legislative Assembly; or

(b) if the Legislative Assembly is not then sitting, cause it to be transmitted to all members of the Legislative Assembly and then to be made public.

(4) If the office of Speaker is vacant, the interim report shall be submitted to the clerk of the Legislative Assembly, who shall comply with subsection (3).

des élections fixe les conditions de travail, la rémunération et le remboursement des frais des personnes nommées, des employés ou des personnes dont les services ont été autrement retenus.

Rémunération et frais de la commission

414. La rémunération et les frais mentionnés à l'article 413 ainsi que tous les autres coûts de la commission sont autorisés suite à un vote par le Bureau des élections et prélevés sur le Trésor du Yukon.

Rapport intérimaire

415.(1) La commission établit une procédure afin d'entendre les commentaires qui serviront à la rédaction du rapport intérimaire.

(2) Après étude des commentaires soumis et dans les sept mois à partir de la date de sa nomination, la commission soumet au président de l'Assemblée législative un rapport intérimaire. Ce dernier contient les noms, le nombre et les limites des circonscriptions électorales et les motifs au soutien de ces recommandations.

(3) Dès qu'il reçoit le rapport intérimaire, le président :

a) le dépose à l'Assemblée législative, si elle siège, au plus tard après une période de cinq jours de séance qui suit le jour de sa réception;

b) doit en remettre copie à tous les députés de l'Assemblée législative, si cette dernière ne siège pas, puis le rendre public.

(4) Si le poste de président de l'Assemblée législative est vacant, le rapport intérimaire est déposé auprès du greffier de l'Assemblée législative. Ce dernier doit alors se conformer au paragraphe (3).

## Public hearings

416.(1) The Commission shall hold public hearings after the submission of the interim report.

(2) The public hearings shall be held at the places and times considered appropriate by the Commission to enable any person to make representations as to the boundaries and names of any proposed electoral district set out in its interim report.

(3) The Commission shall give reasonable public notice of the time, place and purpose of any public hearings.

## Final report

417.(1) The Commission shall, after considering the representations made to it, and within five months of the date it submits an interim report under section 415, submit to the Speaker a final report.

(2) The final report of the Commission shall be tabled, transmitted to members of the Legislative Assembly and made public in the same manner as the interim report under section 415.

(3) If the office of Speaker is vacant, the final report shall be submitted to the clerk of the Legislative Assembly, who shall comply with subsection (2).

## Legislation creating new electoral districts

418.(1) Following the tabling of the final report, the government shall introduce legislation to establish the electoral districts.

(2) The legislation referred to in subsection (1) shall be introduced as soon as practicable, and in no event later than the end of the sitting

## Auditions publiques

416.(1) La commission doit tenir des auditions publiques suite au dépôt du rapport intérimaire.

(2) La commission doit tenir des auditions publiques, aux dates et aux endroits qu'elle estime indiqués, afin de permettre à toute personne de donner son avis se rapportant aux limites et aux noms des circonscriptions électorales proposées, contenues au rapport intérimaire.

(3) La commission doit donner un préavis public suffisant de l'heure, de la date, de l'endroit et de l'objet de toute audition publique qu'elle tient.

## Rapport final

417.(1) Après avoir tenu compte des avis qui lui ont été soumis par le public, la commission doit soumettre un rapport final auprès du président de l'Assemblée législative dans les cinq mois du dépôt du rapport intérimaire.

(2) Le rapport final doit être déposé, remis aux députés de l'Assemblée législative et rendu public selon la procédure suivie pour le rapport intérimaire en application de l'article 415.

(3) Si le poste de président de l'Assemblée législative est vacant, le rapport final est déposé auprès du greffier de l'Assemblée législative.

Ce dernier doit alors se conformer au paragraphe (2).

## Nouvelles circonscriptions électorales

418.(1) Le gouvernement doit déposer un projet de loi afin d'établir les circonscriptions électorales suite au dépôt du rapport final.

(2) Le projet de loi mentionné au paragraphe (1) doit être déposé le plus tôt possible mais au plus tard avant la fin de la



of the Legislative Assembly which follows the sitting in which the final report is tabled.

(3) The Act introduced pursuant to this section shall, once passed by the Legislative Assembly, come into force on the dissolution of the Legislative Assembly which passed it, subject to section 423.

#### Relevant considerations

419. For the purpose of the reports required under sections 415 and 417, the Commission shall take into account the following

- (a) the density and rate of growth of the population of any area;
- (b) the accessibility, size and physical characteristics of any area;
- (c) the facilities and patterns of transportation and communication within and between different areas;
- (d) available census data and other demographic information;
- (e) the number of electors in the electoral districts appearing on the most recent official lists of electors;
- (f) any special circumstances relating to the existing electoral districts;
- (g) the boundaries of municipalities and First Nations governments;
- (h) public input obtained under section 416;
- (i) any other reasons or information relied on by the Commission.”

3 Sections 426 to 435 of the *Act* are renumbered accordingly.

session de l'Assemblée législative qui suit le dépôt du rapport final.

(3) Le projet de loi déposé dans le cadre du présent article entre en vigueur lors de la dissolution de l'Assemblée législative l'ayant établi, sous réserve de l'article 423.

#### Facteurs pertinents

419. Lors de la rédaction de ses rapports en application des articles 415 et 417, la commission doit tenir compte de ce qui suit :

- a) la densité et le taux de croissance de la population dans une région;
- b) la grandeur, l'accessibilité ainsi que les caractéristiques physiques d'une région;
- c) les installations ainsi que la tendance du transport et des communications à l'intérieur et entre les différentes régions;
- d) les informations disponibles suite au recensement et toute autre information démographique;
- e) le nombre d'électeurs dans les circonscriptions électorales apparaissant sur la liste électorale officielle la plus récente;
- f) les circonstances particulières afférentes aux circonscriptions électorales établies;
- g) les limites des municipalités et des gouvernements des Premières nations;
- h) les informations en provenance du public obtenues en application de l'article 416;
- i) tout autre motif ou renseignement invoqué par la commission au soutien de ses recommandations. »

3 Les articles 426 à 435 de la même loi sont renumérotés en conséquence.

4 This Act comes into force on the date of  
assent.

4 La présente loi entre en vigueur à sa  
date de sanction.

## **APPENDIX B: PUBLIC INFORMATION PLAN**

### **APRIL, MAY 2001**

- Letter of Invitation – Invited Participants
- Household Notice – Review of Electoral District Boundaries
- Print Notice – Review of Electoral District Boundaries
- l'Aurore boréale
- The Klondike Sun
- The Whitehorse Star
- The Yukon News
- Public Service Announcements – Review of Electoral District Boundaries
  - CBC
  - CHON-FM
  - CKRW
  - WHTV

**Website:** [www.yukonboundaries.ca](http://www.yukonboundaries.ca)

**E-mail:** [yukonboundaries@yknet.ca](mailto:yukonboundaries@yknet.ca)

### **AUGUST, SEPTEMBER, OCTOBER 2001**

- News Release – Interim Report
- Household Notice – Calendar of Public Meetings & Interim Report
- Print Notice - Calendar of Public Meetings & Interim Report
  - l'Aurore boréale
  - The Whitehorse Star
  - The Yukon News
- Print Notice – Written Submissions
  - l'Aurore boréale
  - The Whitehorse Star
  - The Yukon News

- Print Notice (Coming Events) – Public Meetings
  - The Whitehorse Star
  - The Yukon News
- Public Service Announcements – Public Meetings & Interim Report
  - CBC
  - CHON-FM
  - CKRW
  - Cable TV - WHTV (Whitehorse)  
NorthwesTel (Watson Lake)

### **JANUARY 2002**

- News Release – Final Report
  - Print Notice – Final Report
    - l'Aurore boréale
    - The Klondike Sun
    - The Whitehorse Star
    - The Yukon News
  - Print Notice (Coming Events) – Final Report
    - The Whitehorse Star
    - The Yukon News
  - Public Service Announcements – Final Report
    - CBC
    - CHON-FM
    - CKRW
-

## **APPENDIX C: LIST OF WRITTEN SUBMISSIONS RECEIVED**

### **Interim Report**

<b>Name</b>	<b>Community</b>
1. Larry Carlyle	Whitehorse
2. Gerry Thick	Whitehorse
3. T. Ruth McCullough	Whitehorse
4. Judith White	Whitehorse
5. Marsh Lake Local Advisory Council	Whitehorse
6. Geoffrey Capp	Whitehorse
7. Town of Faro	Faro
8. Hamlet of Mount Lorne	Whitehorse
9. Yukon Teachers' Association	Whitehorse
10. Paul Nordahl	Whitehorse
11. Don Spink	Teslin
12. Whitehorse Chamber of Commerce	Whitehorse
13. Floyd McCormick	Whitehorse
14. Gary McRobb, MLA, Kluane	Whitehorse
15. Michael J. Lauer	Whitehorse
16. Yukon New Democratic Party	Whitehorse
17. Village of Mayo	Mayo
18. Yukon Liberal Party	Whitehorse
19. Vuntut Gwitchin First Nation	Old Crow

### **Final Report**

20. Vuntut Gwitchin First Nation	Old Crow
21. Carolyne K. Thompson	Whitehorse
22. Watson Lake Chamber of Commerce	Watson Lake
23. Dennis Fentie, MLA, Watson Lake	Whitehorse
24. Shannon Cooper	Mayo
25. Little Salmon Carmacks First Nation	Carmacks
26. Ross River Community Development Office	Ross River
27. Jim McLachlan, MLA, Faro	Whitehorse

28. Dawn Charlie	Carmacks
29. Watson Lake Chamber of Commerce	Watson Lake
30. Village of Mayo	Mayo
31. Larry Carlyle	Whitehorse
32. Town of Watson Lake	Watson Lake
33. Association franco-yukonnaise	Whitehorse
34. George & Evelyn Trusz	Watson Lake
35. Ross River Dena Council	Ross River
36. Lorraine Nixon	Watson Lake
37. Liard First Nation	Watson Lake
38. Signpost Seniors Society	Watson Lake
39. Marsh Lake Local Advisory Council	Whitehorse
40. First Nation of Na-Cho Nyak Dun	Mayo
41. Yukon New Democratic Party	Whitehorse
42. Village of Carmacks	Carmacks

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## **APPENDIX D: SCHEDULE OF PUBLIC MEETINGS**

<b>DATE</b>	<b>COMMUNITY</b>
September 4, 2001	Old Crow
September 17, 2001	Pelly Crossing
September 17, 2001	Mayo
September 18, 2001	Dawson City
September 19, 2001	Carmacks
September 21, 2001	Carcross
September 24, 2001	Watson Lake
September 25, 2001	Upper Liard
September 25, 2001	Teslin
September 27, 2001	Ross River
September 27, 2001	Faro
October 2, 2001	Whitehorse
October 3, 2001	Whitehorse
October 15, 2001	Destruction Bay
October 15, 2001	Beaver Creek
October 16, 2001	Burwash Landing
October 16, 2001	Haines Junction
October 18, 2001	Hidden Valley, Takhini Hotsprings Rd., Lake Laberge Areas
October 19, 2001	Tagish
October 22, 2001	Mount Lorne Area
October 23, 2001	Marsh Lake Area
October 24, 2001	Ibex Valley Area

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## **APPENDIX E: LIST OF SPEAKERS AND PRESENTATIONS, PUBLIC MEETINGS**

### **Old Crow – September 4, 2001**

William Josie, Deputy Chief, Vuntut Gwitchin First Nation (submission)  
Joe Tetlich  
Stephen Frost, Sr.  
Robert Bruce  
Alfred Charlie  
Dick Nukon (translated)  
Dorothy Frost  
Lydia Thomas (translated)  
Lorraine Peter, MLA, Vuntut Gwitchin  
John Joe Kyikavichik

### **Pelly Crossing – September 17, 2001**

Jim Harper  
Lucy McGinty, Chief, Selkirk First Nation  
Danny Joe (MLA, Mayo-Tatchun, 1987-1996)  
Greg Sims  
Kathy Alfred, Lands & Resources Secretary, Selkirk First Nation

### **Mayo – September 17, 2001**

Shannon Cooper, Councillor, Village of Mayo (submission)  
Yvonne Bessette, resident of Keno  
Dennis Heasley

### **Dawson City – September 18, 2001**

### **Carmacks – September 19, 2001**

Viola Mullett  
Bob Jackman, Chief Administrative Officer, Village of Carmacks  
Eric Fairclough, MLA, Mayo-Tatchun  
Clyde Blackjack  
Jim McLachlan, MLA, Faro



**Carcross – September 21, 2001**

Dave Keenan, MLA, Ross River-Southern Lakes

**Watson Lake – September 24, 2001**

Glenn Holmes

Pat Irvin

Dennis Fentie, MLA, Watson Lake

Jim Holt

Richard Durocher

Said Secerbegovic

Don Taylor (MLA, Watson Lake, 1961-1985)

Jenny Skelton

William Close

Ralph Bruneau

Tim Nehring

Evelyn Trusz

Ed Werrun

Dan Reams

Duane Esler

Joyce Armstrong

George Trusz

Roger Reams

Dalyce Stubenberg

Patti McLeod

Dan McColl

**Upper Liard – September 25, 2001**

Dennis Fentie, MLA, Watson Lake

Glen Stockman

**Teslin – September 25, 2001**

Orville Smith

Dave Keenan, MLA, Ross River-Southern Lakes

**Ross River – September 27, 2001**

Doug Bishop, Co-chair, Ross River Community Development Office  
(submission)

Millie Pauls

Jack Pauls, Co-chair, Ross River Community Development Office

Dave Keenan, MLA, Ross River-Southern Lakes

Wendy Bishop

Jenny Caesar (translated)

**Faro – September 27, 2001**

Joseph Khan

Wes Rudolph

George Miller, Councillor, Town of Faro

Charles Juraz

Miriam Kaytor

Jim McLachlan, MLA, Faro (submission)

Michelle Vainio

**Whitehorse (Gold Rush Inn) – October 2, 2001**

Geoffrey Capp

Eric Fairclough, MLA, Mayo-Tatchun

Ken Bolton

**Whitehorse (Mt. McIntyre Recreation Centre) – October 3, 2001**

Larry Carlyle

Dave Sloan (MLA, Whitehorse West, 1996-2000)

Bruce Chambers

Michael Lauer

John MacDonald

**Destruction Bay – October 15, 2001**

Jim Flumerfelt

**Beaver Creek – October 15, 2001**

**Burwash Landing – October 16, 2001**

**Haines Junction – October 16, 2001**

John Farynowski

Eric Stinson

Mike Crawshay

**Hidden Valley, Takhini Hot Springs Rd., Lake Laberge Areas – October 18, 2001**

Pam Buckway, MLA, Lake Laberge

Andrea Lemphers

**Tagish – October 19, 2001**

John Mathews, Jr.

Phyllis Rodgers

**Mount Lorne And Area – October 22, 2001**

Mark Stephens

Harry Kern

**Marsh Lake Area – October 23, 2001**

Margaret Dunn

Jean Cook

**Ibex Valley Area – October 24, 2001**

Helen Fitzsimmons

Bob Atkinson

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## APPENDIX F: PROPOSED ELECTORAL DISTRICTS – FINAL REPORT

18,322<sup>1</sup> electors in 18 electoral districts  
less 192 electors in Vuntut Gwitchin

= 18,130 electors ÷ 17 electoral districts

Electoral Quotient: 1,066

Electoral District	Number of Electors	Electoral Quotient Deviation %
Copperbelt	1,066	0.0
Klondike	1,233	+15.7
Kluane	806	-24.4
Lake Laberge	989	-7.2
McIntyre-Takhini	1,243	+16.6
Mayo-Tatchun	861	-19.2
Mount Lorne	1,113	+4.4
Pelly-Nisutlin	802	-24.8
Porter Creek Centre	1,008	-5.4
Porter Creek North	957	-10.2
Porter Creek South	959	-10.0
Riverdale North	1,406	+32.0
Riverdale South	1,376	+29.1
Southern Lakes	767	-28.0
Vuntut Gwitchin	<b>Excluded</b>	<b>Excluded</b>
Watson Lake	1,025	-3.9
Whitehorse Centre	1,278	+19.9
Whitehorse West	1,241	+16.4

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<sup>1</sup> The total number of electors is an estimate based in part on the number of residences on the streets in the neighbourhood where the boundaries were redrawn.

## APPENDIX F: PROPOSED ELECTORAL DISTRICTS – INTERIM REPORT

18,292<sup>2</sup> electors in 16 electoral districts  
less 192 electors in Vuntut Gwitchin

= 18,100 electors ÷ 15 electoral districts

**Electoral Quotient: 1,207**

Electoral District	Number of Electors	Electoral Quotient Deviation %
Copperbelt	1,013	-16.1
Klondike	1,233	+2.2
Kluane	936	-22.5
Lake Laberge	859	-28.8
McIntyre-Takhini	1,243	+3.0
Mount Lorne	1,267	+5.0
Porter Creek North	1,493	+23.7
Porter Creek South	1,431	+18.6
Riverdale North	1,406	+16.5
Riverdale South	1,376	+14.0
Southern Lakes	1,037	-14.1
Tintina	1,108	-8.2
Tu Cho	1,254	+3.9
Vuntut Gwitchin	<b>Excluded</b>	<b>Excluded</b>
Whitehorse Centre	1,278	+5.9
Whitehorse West	1,166	-3.4

<sup>2</sup> The total number of electors is estimated for the purpose of the Interim Report and is higher than the number of electors on the lists for the 2000 General Election.

## APPENDIX F: EXISTING ELECTORAL DISTRICTS<sup>3</sup>

18,285 electors in 17 electoral districts

less 192 electors in Vuntut Gwitchin

= 18,093 electors ÷ 16 electoral districts

**Electoral Quotient: 1,131**

Electoral District	Number of Electors	Electoral Quotient Deviation %
Faro	248 (234 <sup>4</sup> )	-78.1
Klondike	1,233	+9.0
Kluane	936	-17.2
Lake Laberge	1,384	+22.4
McIntyre-Takhini	1,390	+22.9
Mayo-Tatchun	874	-22.7
Mount Lorne	1,547	+36.8
Porter Creek North	1,170	+3.5
Porter Creek South	1,229	+8.7
Riverdale North	1,171	+3.5
Riverdale South	1,073	-5.1
Riverside	896	-20.8
Ross River-Southern Lakes	946	-16.4
Vuntut Gwitchin	<b>Excluded</b>	<b>Excluded</b>
Watson Lake	1,025	-9.4
Whitehorse Centre	876	-22.6
Whitehorse West	2,085	+84.4

<sup>3</sup> The numbers used are the numbers of electors at the 2000 General Election.

<sup>4</sup> The number is from the by-election held November 27, 2000.

## APPENDIX G: ENDNOTES

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<sup>1</sup> S.Y. 1999, c. 13, as amended by *An Act to Amend the Elections Act*, S.Y. 2000, c. 9. *An Act to Amend the Elections Act* is attached to this interim report as Appendix A.

<sup>2</sup> (1989), 59 D.L.R. (4<sup>th</sup>) 247 (B.C.S.C.) (McLachlin C.J.)

<sup>3</sup> *ibid.* at 266

<sup>4</sup> *ibid.* at 265

<sup>5</sup> *ibid.* at 267

<sup>6</sup> *ibid.* at 266

<sup>7</sup> *ibid.* at 283

<sup>8</sup> British Columbia Electoral Boundaries Commission Report, December 3, 1998, at 17

<sup>9</sup> Deviation can also be determined by comparing the population of an electoral district with the average population per electoral district, sometimes referred to as “the equal population norm”.

<sup>10</sup> The Commission used a slightly different approach to calculate the electoral quotient, which is detailed in Part IV, “Establishing the Electoral Quotient”.

<sup>11</sup> [1991] 2 S.C.R. 158 (McLachlin J.)

<sup>12</sup> *ibid.* at 183

<sup>13</sup> *ibid.* at 183-185

<sup>14</sup> *ibid.* at 186

<sup>15</sup> *ibid.* at 188

<sup>16</sup> S.S. 1989-90, R-20.2

<sup>17</sup> S.S. 1986-87-88, c. E.6-1

<sup>18</sup> *Saskatchewan Reference*, *supra* at 190 and 197

<sup>19</sup> *ibid.* at 189

<sup>20</sup> (1991), 86 D.L.R. (4<sup>th</sup>) 447 (Alta. C.A.) (“1991 Alberta Reference”)

<sup>21</sup> (1994), 119 D.L.R. (4<sup>th</sup>) 1, (Alta. C.A.) (“1994 Alberta Reference”)

<sup>22</sup> *1991 Alberta Reference*, *supra* at 453

<sup>23</sup> *ibid.* at 454

<sup>24</sup> *ibid.* at 452

<sup>25</sup> *1994 Alberta Reference*, *supra* at 12

<sup>26</sup> (1993), 101 D.L.R. (4<sup>th</sup>) 362 (P.E.I. S.C.)

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- <sup>27</sup> *ibid.* at 369-370
- <sup>28</sup> *ibid.* at 386
- <sup>29</sup> (1998), 168 D.L.R. (4<sup>th</sup>) 79 (P.E.I. C.A.)
- <sup>30</sup> *ibid.* at 98
- <sup>31</sup> *ibid.* at 98
- <sup>32</sup> (Dismissed December 2, 1999.) S.C.C. Bulletin, 1999, at 1913
- <sup>33</sup> (1999), 171 D.L.R. (4<sup>th</sup>) 551 (N.W.T.S.C.)
- <sup>34</sup> R.S.N.W.T. 1988, c. L-5
- <sup>35</sup> *ibid.* at 557
- <sup>36</sup> *ibid.* at 558
- <sup>37</sup> *ibid.* at 560
- <sup>38</sup> *ibid.* at 568
- <sup>39</sup> *ibid.* at 564-565
- <sup>40</sup> [1998] 2 S.C.R. 217 at 254
- <sup>41</sup> (1999), 184 Nfld. & P.E.I. R. 145 (NFTD)
- <sup>42</sup> Yukon Electoral Boundaries Commission Report, 1991, at 55
- <sup>43</sup> The Nunavut Electoral Boundaries Commission Report, 1997, at 17
- <sup>44</sup> British Columbia Electoral Boundaries Commission Report, *supra* at 21
- <sup>45</sup> *Saskatchewan Reference*, *supra* at 185
- <sup>46</sup> *Friends of Democracy*, *supra* at 560
- <sup>47</sup> 1991 Yukon Report, *supra* at 42
- <sup>48</sup> R.S.C. 1985 c. Y-2
- <sup>49</sup> *Saskatchewan Reference*, *supra* at 184
- <sup>50</sup> *ibid.* at 184
- <sup>51</sup> *The Constituency Boundaries Act*, 1993, S.S. 1993, c. 27-1, as amended by S.S. 1997, c. 31
- <sup>52</sup> *Saskatchewan Reference*, *supra* at 197
- <sup>53</sup> *ibid.* at 195
- <sup>54</sup> Yukon Electoral Boundaries Commission Report, *ibid.* at 66
- <sup>55</sup> *ibid.* at 66
- <sup>56</sup> *ibid.* at 16-17



