

Y U K O N

ELECTORAL DISTRICT BOUNDARIES COMMISSION

INTERIM REPORT

SEPTEMBER 2007

(date)

Hon. Ted Staffen
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 present our Interim Report pursuant to section 415 of the *Elections Act*, R.S.Y. 2002, chapter 63, as amended by *An Act to Amend the Elections Act*, S.Y. 2004, chapter 9.

Yours truly,

The Honourable Mr. Justice Leigh F. Gower
Commission Chair

Ione Christensen
Commissioner

Dave Hobbis
Commissioner

Dan Lang
Commissioner

Jo-Ann Waugh
Commissioner and Chief Electoral Officer

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PART I: INTRODUCTION

Electoral District Boundaries Commissions are periodically appointed to review the Yukon's electoral district boundaries and make proposals to the Legislative Assembly as to the numbers, names and boundaries of those electoral districts. Such periodic reviews, as established by legislation, are primarily required to accommodate fluctuations in the population density and rate of growth within the Yukon.

Each Commission is required by the *Elections Act*¹ to provide an interim report, receive any submissions in response to it and then to produce a final report. Thus, the purpose of the interim report is to promote discussion of, and to obtain public comment on, the proposed electoral districts to facilitate the completion of the final report.

Commission Members

Section 408(1) of the *Elections Act* determines who is eligible to be appointed to the Electoral District Boundaries Commission.

The members of this Commission are Mr. Justice Leigh F. Gower, the Honourable Ione Christensen, C.M., Dave Hobbis, Dan Lang and Jo-Ann Waugh, Chief Electoral Officer.

Ms. Waugh is the chief electoral officer of Yukon and is a member of the Commission pursuant to the *Elections Act*. Formerly, as the assistant chief electoral officer, she provided secretariat support and technical advice to the 1984 and 2002 electoral district boundaries commissions.

Justice Gower is the chair of the Commission, pursuant to section 408(1)(b) of the *Elections Act*. He is a judge of the Supreme Court of the Yukon Territory and a deputy judge of the Supreme Court of the Northwest Territories and the Nunavut Court of Justice. He is also a judge ex-officio of the Courts of Appeal of Yukon, Northwest Territories and Nunavut. Prior to his appointment as a judge in 2003, Justice Gower acted as legal counsel for the previous Yukon Electoral District Boundaries Commission in 2001-2002 (the "2002 Commission"). Justice Gower has resided "north-of-60" since 1984 and in the Yukon since 1991.

Mrs. Christensen has been active in Yukon public life for over forty-seven years. Her work-related activities have spanned the full spectrum of Yukon concerns in both the public and private sectors. They include economic development, the environment, judicial and social issues. Mrs. Christensen has also spent considerable time in political office, serving as Mayor of Whitehorse, Commissioner of Yukon and most recently, Senator for the Yukon.

Mr. Hobbis has been a Yukoner since 1969, coming north to attend the Yukon Vocational Training Centre in the Heavy Equipment Mechanic Program. Mr. Hobbis resides in Whitehorse with his wife, Barbara, and has two adult children, Chris and Davida, also of Whitehorse. Recently retired from the Government of Yukon, Mr. Hobbis spent the last 20 years as President of Yukon Employees' Union.

Mr. Lang was elected as a Member of the Yukon Legislative Assembly for five terms from 1974 to 1992. Since that time he has been actively involved in numerous community organizations and is presently the vice-chairman of the Board of Governors for Yukon College. Mr. Lang is employed in the real estate sector.

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 carries 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 its interim and final reports:

- (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

As with the 2002 Commission, this Commission is also mindful that adjustments in one electoral district inevitably have an impact upon a neighbouring electoral district, which in turn influences the next electoral district, and so on. In putting forward these interim proposals, we have recommended changes to the existing electoral district boundaries only where necessary to achieve effective representation and greater voter parity. Where changes were deemed necessary, we attempted to minimize the extent of those changes. We have endeavoured to achieve results which are balanced and fair.

Process

Jo-Ann Waugh, as the chief electoral officer, is a member of this Commission pursuant to section 408(1)(a) of the *Elections Act*. Justice Leigh Gower, Ione Christensen, Dave Hobbis and Doug Phillips were appointed as Chair and members of the Commission, respectively, effective April 9, 2007. Doug Phillips resigned from the Commission on April 15, 2007, following his appointment as Yukon administrator. Pursuant to section 408(3), Dan Lang was subsequently appointed as a member of the Commission on May 24, 2007 to fill the vacancy left by Mr. Phillips.

The *Elections Act* requires the Commission to submit its interim report to the Speaker of the Legislative Assembly within seven months of its effective appointment date of April 9, 2007.

The Commission implemented a public information plan to explain the Commission's function and to seek public input. On June 1, 2007, the Commission wrote to a number of individuals and organizations inviting participation in its review of the Yukon's electoral district boundaries. That letter, attached as Appendix B, provided the Commission's e-mail address, mailing address, web site address and fax number. The list of invited participants is attached as Appendix C.

In June 2007, the Commission published a notice in *The Whitehorse Star*, *The Yukon News*, *The Klondike Sun*, *l'Aurore boréale* and *What's Up Yukon*, detailing ways to contact the Commission for further information and inviting written submissions. The notice is attached as part of Appendix D. Rolling advertisements were run on cable television and public service announcements were broadcast on radio. A notice was also sent to every household in the Yukon and is included in Appendix D.

Seven written submissions were received and will be included in the records of this Commission available to the public. A list of those who made submissions is attached as Appendix E.

Public Hearings

Pursuant to section 416 of the *Elections Act*, the Commission is required to hold public hearings after the submission of the interim report, at such places and times it considers appropriate. The purpose of the hearings will be to enable members of the public to make representations as to the boundaries and names of any proposed electoral districts set out in the interim report. The Commission will give reasonable notice of any such hearings.

PART II: CONSIDERATIONS

Legal Precedent

The Final Report of the 2002 Commission (the “2002 Report”)² has been cited favourably in electoral district boundaries reports across the country as providing an excellent review of the relevant court decisions. This Commission has undertaken its own review of the law and is satisfied that there have been no substantive changes in the legal precedents since the 2002 Report. Thus, we accept the legal considerations and conclusions in the 2002 Report, which may be reviewed by contacting our website at www.yukonboundaries.ca.

Any discussion of Canadian electoral law necessarily begins with section 3 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”)³, which 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.

In *Reference re: Provincial Electoral Boundaries (Saskatchewan)*⁴, 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. The Court recognized that deviation from absolute parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Such relative parity as may be possible could prove undesirable if it detracts from the primary goal of effective representation. Various factors, such as geography, community history, community interests and minority representation, may be taken into account to achieve that goal. The Commission is bound by the principles set out in this case and concluded that it must be guided by the fundamental objective of effective representation.

While the Commission is not bound to follow the decisions it reviewed from other courts, it has been guided where those decisions appeared persuasive. The Commission paid particular attention to the circumstances influencing those decisions which involved northern and sparsely populated electoral districts.

The *Elections Act* does not refer to a particular percentage deviation in determining electoral boundaries. There are several jurisdictions in Canada that have addressed specific deviations through legislation but the Yukon does not have such provisions. Canadian common law generally accepts a deviation of plus or minus 25 percent as “the Canadian standard.”⁵ Previous Yukon Electoral District Boundaries Commissions, in their respective reports in 1991 and 2002, while applying the plus or minus 25 percent deviation as a guideline, were prepared to consider a greater deviation in order to achieve effective representation. We have taken the same approach.

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”. 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”.

The Commission was informed that the most recent federal census was completed in May 2006. The most recent general election was held in October 2006.

Previous Yukon Commissions, and most recently the 2002 Commission, relied upon the number of eligible electors as well as current and proposed development projects, rather than population figures. This Commission decided to use the same type of information, which it regards as the most accurate and up to date - the numbers of electors from the October 2006 general election, as well as current and proposed development projects.

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* case spoke about some of the factors which may justify a 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 v. Northwest Territories (Attorney-General)*⁶ case added to this list:

- language differences
- difficulties in communication with remote communities
- travel expenses.

The 1991 Commission Report⁷ noted that substantial deviations from voter parity had been a characteristic feature of Yukon electoral districts for the previous two decades. That Report also noted under “Special circumstances of the Yukon”:

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.

This Commission acknowledges that similar circumstances continue to exist today.

Number of Electoral Districts

There is no legislation that specifically provides for a minimum or maximum number of seats in the Legislative Assembly.

Timing of the Next Review

In estimating future growth, the Commission has kept in mind throughout its deliberations that section 411 of the *Elections Act* provides for another electoral boundaries review within six months of every second general election, but not sooner than six years after the appointment of this Commission.

Factors

In addition to the mandatory considerations set out in section 419 of the *Elections Act*, the Commission was guided by the following factors: geographic boundaries, the role of the Legislative Assembly and the electoral quotient.

Geographic Boundaries

The Commission has sought in its deliberations to simplify and rationalize electoral boundaries, wherever possible, on the basis of physical geography. Our intention is that the boundaries will be logical delineations, which can be easily understood by electors. We took into account the physical characteristics of the electoral districts, as required under section 419(b) of the *Elections Act*, in proposing the boundaries.

Role of the Legislative Assembly

The Commission appreciates the relative difficulty faced by some MLAs in serving their constituents, particularly in electoral districts which are vast and sparsely populated. Accordingly, we balanced this concern with the knowledge that the Legislature itself is able to take action to assist members in meeting these responsibilities.

Electoral Quotient

The determination of an electoral quotient is typically a mathematical exercise where the electoral population is divided by the number of electoral districts in the province or

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

However, this approach is not exclusive. The Saskatchewan *Constituency Boundaries Act*, 1993⁸ 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 legislated approach is in keeping with the recognition in the *Saskatchewan Reference* case that the two northern ridings are justified, as they are vast with a relatively small and dispersed population.

The *Elections Act* does not specifically address the notion of an electoral quotient or the permitted deviation from that quotient.

The total number of electors in the Yukon is estimated to be 20,828, based on the combination of the total number of electors from the 2006 general election results and the estimated new electors in current and proposed development projects. The Commission has decided not to include the electoral district of Vuntut Gwitchin and its 176 electors in the calculation of the electoral quotient. Because the electoral population of Vuntut Gwitchin is significantly smaller than the average population in the other electoral districts, we concluded that including it in the calculation would skew the quotient.

Therefore, we have calculated the average number of electors per electoral district as follows:

Total Electoral Population of Yukon
less Electors in Vuntut Gwitchin
[20,828 less 176 = 20,652]

Total Number of Electoral Districts
less Vuntut Gwitchin [18]

Average Number of Electors per
= Electoral District (Electoral Quotient)
[1,147]

Using the above formula, the average number of electors per electoral district is 1,147. Applying the plus or minus 25 percent deviation guideline, 25 percent over the average is 1,434 electors and 25 percent under the average is 860 electors.

A comparison of the proposed electoral districts with the existing electoral districts, and their respective electoral quotients, is attached as Appendix F.

PART III: PROPOSALS

The Commission proposes 19 electoral districts, an addition of one from the present 18 electoral districts. We did not begin our deliberations with any particular goal as to the number of electoral districts. Rather, we focused on the issues of effective representation and voter parity, and the number of electoral districts emerged from that approach.

The 19 proposed electoral districts are comprised of 11 urban electoral districts and eight rural electoral districts. Although Mount Lorne-Southern Lakes and Lake Laberge could also be characterized as country-residential, they are closer to being rural electoral districts than urban ones.

Residents of electoral districts within the City of Whitehorse reside in relatively cohesive and geographically compact neighbourhoods. Such residents are also generally closer to multiple government facilities and are, presumably, more able than rural Yukoners to access the services those governments provide. We reason that this would reduce the extent to which Whitehorse residents might otherwise rely on their MLAs to assist them. Thus, effective representation of Whitehorse residents may be enhanced simply by virtue of their location. In turn, this generally allows somewhat larger populations in City electoral districts to be represented as effectively as smaller, more dispersed rural populations.

The Commission notes in particular that the overall increase of the electoral population in Whitehorse is skewing the deviations in the rural areas. While we have struggled to respect the plus or minus 25 percent deviation guideline wherever possible, we concluded that we must be tolerant of higher deviations for some rural electoral districts in order to maintain a greater balance between the number of rural and urban electoral districts. We also noted with interest that the 2002 Commission proposed three electoral districts (not including Vuntut Gwitchin) which exceeded 25 percent and two electoral districts which were just under 25 percent.

Summary

The Commission proposes:

- Retaining, without change, the electoral districts of :
 - Klondike
 - Kluane
 - Lake Laberge
 - Mayo-Tatchun
 - Pelly-Nisutlin
 - Riverdale North
 - Riverdale South
 - Vuntut Gwitchin
 - Watson Lake
 - Whitehorse Centre
- Retaining the three electoral districts of Porter Creek Centre, Porter Creek North and Porter Creek South, although the boundaries will be adjusted to include proposed developments in the Porter Creek area.
- A new electoral district named Copperbelt North that includes parts of the existing electoral districts of Copperbelt and Whitehorse West.
- A new electoral district named Copperbelt South that includes parts of the existing electoral districts of Copperbelt and Mount Lorne.
- A new electoral district named Mount Lorne-Southern Lakes that includes part of the existing electoral district of Mount Lorne and the existing electoral district of Southern Lakes with the new name of Mount Lorne-Southern Lakes.
- A new electoral district named Mountainview that includes the subdivisions of McIntyre, Valleyview, Granger and Hillcrest.
- A new electoral district named Takhini-Kopper King that includes the subdivisions of Takhini, Takhini North, Mountain View, as well as Yukon College and three mobile home parks.

- The existing electoral district of Whitehorse West be changed to include the proposed development in the Arkell Subdivision by moving a portion of the existing electoral district into the proposed electoral district of Copperbelt North.

Electoral Districts

Copperbelt North

The Commission proposes a new electoral district named Copperbelt North, which includes parts of the existing electoral districts of Copperbelt and Whitehorse West.

This new electoral district reflects the rapid expansion of the existing electoral district of Copperbelt. In 2002, at the first election held following the establishment of Copperbelt in the same year, the number of electors on the list was 1,296 and at the 2006 general election the number of electors had increased to 1,748. The subdivision of Copper Ridge, a large part of the electoral district, has continued to grow since the most recent election and there will be additional developments starting this year. The increase in the existing electoral population of Copperbelt is an unacceptable 60.81 percent above the average.

This proposed electoral district will be named Copperbelt North and will include Lobird and approximately two-thirds of the subdivision of Copper Ridge. The estimated number of electors is 1,180, above the average by 2.88 percent.

Copperbelt South

The Commission proposes a new electoral district named Copperbelt South, which includes parts of the existing electoral districts of Copperbelt and Mount Lorne.

The proposed electoral district of Copperbelt South will include the most southern part of the existing electoral district of Copperbelt and the subdivisions of Mount Sima, Spruce Hill, Pineridge, Wolf Creek North, Wolf Creek, Mary Lake, Cowley Creek, Whitehorse Copper, MacRae and Golden Horn. The new development of Fox Haven Estates will also be included. The proposed number of electors will be 1,169, or below the average by 1.92 percent.

Klondike

The Commission proposes retaining the existing electoral district of Klondike.

The electoral population of 1,122 is below the average by 2.18 percent. The vast majority of electors live in Dawson City and the immediate area. An increase in the electoral population is not anticipated. This electoral district also includes residents on the Dempster Highway.

Kluane

The Commission proposes retaining the existing electoral district of Kluane.

The number of electors is 753, or 34.35 percent below the average, which is a significant deviation. However, this electoral district remains one of the largest geographically in the Yukon. Its population is spread among several small but dispersed communities along the Alaska Highway and the Haines Road. The boundaries of this electoral district extend from the Takhini River Bridge on the Alaska Highway to the international boundary with the United States. The communities in the electoral district are Champagne, Aishihik, Haines Junction and area, Burwash Landing, Destruction Bay, Beaver Creek and the subdivisions of Mendenhall, Takhini River and Canyon Creek.

Lake Laberge

The Commission proposes retaining the existing electoral district of Lake Laberge.

The existing electoral district of Lake Laberge has an electoral population of 1,110, or 3.23 percent below the average. Some increases in this population are anticipated with proposed development in the Takhini Hotsprings Road and Scott Road (Grizzly Valley) areas. The residents of this electoral district continue to share common interests with their rural lifestyles. The subdivisions of Hidden Valley, Pilot Mountain and MacPherson, the Hamlet of Ibex Valley, the Lake Laberge area and the Echo Valley area are all within this electoral district.

Mayo-Tatchun

The Commission proposes retaining the existing electoral district of Mayo-Tatchun.

The current electoral district has an electoral population of 797, or 30.51 percent below the average. While that deviation is significant, this electoral district has characteristics similar to the electoral district of Kluane. It is also one of the largest geographically in the Yukon. The population is spread among a number of small communities situated on two highways, the North Klondike and the Silver Trail. The communities in this electoral district include Carmacks, Pelly Crossing, Mayo, Stewart Crossing, Elsa and Keno Hill.

Mount Lorne-Southern Lakes

The Commission proposes a new electoral district that includes part of the existing electoral district of Mount Lorne and the existing electoral district of Southern Lakes, with the new name of Mount Lorne-Southern Lakes.

The residents of this proposed electoral district share interests associated with their rural lifestyles, while having access to urban facilities. The proposed electoral district will have an electoral population of 1,128, or 1.66 percent below the average. Residents who live on the South Klondike Highway and surrounding areas from the “Carcross Cutoff” to the existing boundary of Southern Lakes will be part of this electoral district. It will contain the communities in the subdivision of Robinson, Marsh Lake and area, Carcross, Tagish, the Hamlet of Mount Lorne and the Atlin Road to the British Columbia border.

Mountainview

The Commission proposes a new electoral district that includes parts of the current electoral district of Copperbelt and the current electoral district of McIntyre-Takhini, with the new name of Mountainview.

The proposed electoral district is estimated to have an electoral population of 1,306, or 13.86 percent above the average. It will include the subdivisions of McIntyre, Granger,

Valleyview and Hillcrest. The area is compact and the residents share a common elementary school and access to government services.

Pelly-Nisutlin

The Commission proposes retaining the current electoral district of Pelly-Nisutlin.

The electoral population is 714, or 37.75 percent below the average. Again, this is a significant deviation. However, this electoral district shares the types of challenges found in those of Kluane and Mayo-Tatchun. It is geographically among the largest of the electoral districts in the Yukon. The population in the proposed electoral district continues to be spread among a number of small but dispersed communities: Faro, Little Salmon, Ross River, Teslin and Johnsons Crossing. There has been no significant change to the electoral population in this electoral district.

Unfortunately, the Village of Teslin and the surrounding area is geographically removed from the remainder of the electoral district. However, the electoral population of that area has not yet grown to a number that would provide for it to have its own electoral district. We have also noted that, with the exception of the period from 1974 to 1977, the electoral history of the communities of Ross River and Teslin is that they have traditionally been placed in the same electoral district. The Commission has carefully considered other options, but the electoral populations in these communities do not currently support a different conclusion.

Porter Creek Centre

The Commission proposes retaining the electoral district of Porter Creek Centre, although the boundary will be adjusted to include proposed developments in the Porter Creek area.

Porter Creek Centre will be bordered by the Yukon River, McIntyre Creek, Holly and Sycamore Streets. The boundary has been altered in anticipation of development in the Porter Creek Bench area. The estimated electoral population is 1,296, or 12.99 percent above the average.

Porter Creek North

The Commission proposes retaining the electoral district of Porter Creek North, although the boundary will be adjusted to include proposed developments in the Porter Creek area.

Porter Creek North boundary will change to accommodate the proposed Porter Creek Bench development and include Holly and Sycamore Streets as well as part of 12th Avenue East. The estimated electoral population is 1,141, or 0.52 percent below the average. This electoral district also includes the subdivision of Crestview and the Taylor and Kulan Industrial subdivisions.

Porter Creek South

The Commission proposes retaining the electoral district of Porter Creek South, although the boundary will be adjusted to include proposed developments in the Porter Creek area.

Porter Creek South boundary will change to accommodate the extension of Pine Street. The change is to the most northern boundary of this electoral district and the boundary will be in common with Porter Creek North. The estimated electoral population is 1,279, or 11.51 percent above the average.

Riverdale North

The Commission proposes retaining the existing electoral district of Riverdale North.

The electoral district has an electoral population of 1,296, or 12.99 percent above the average. The area is compact and effectively encircled by the Yukon River and an escarpment of Grey Mountain, which constrains further development opportunities. It has relatively condensed neighbourhoods and easy access to government services. The residents share urban interests.

Riverdale South

The Commission proposes retaining the existing electoral district of Riverdale South.

The electoral district has an electoral population of 1,315, or 14.65 percent above the average. The area has the same urban and geographic characteristics as Riverdale North, with the Yukon River as part of its boundary.

Takhini-Kopper King

The Commission proposes that the existing electoral district of McIntyre-Takhini be changed by removing the subdivisions of McIntyre and Valleyview from that electoral district and that the new electoral district be named Takhini-Kopper King.

The proposed electoral district will have an electoral population of 1,355, or 18.13 percent above the average and will continue to have residents who share common urban interests. It will include: all of the Fish Lake Road; the subdivisions of Takhini, Takhini North, Mountain View and Raven's Ridge; as well as the Kopper King, Northland and Takhini Mobile Home Parks.

Vuntut Gwitchin

The Commission proposes retaining the existing electoral district of Vuntut Gwitchin.

The electoral population of this electoral district is 176.

This Commission recognizes, as have previous Commissions, that Vuntut Gwitchin is the least populated electoral district in the Yukon. The Commission is proposing that it remain a separate electoral district, as the special circumstances identified in the 1991 and 2002 Commission Reports continue to exist. In particular, we agree with the 2002 Report, which stated:

- “• it is geographically distinct from all 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.”⁹

Watson Lake

The Commission proposes retaining the existing electoral district of Watson Lake.

The estimated electoral population is 1,059, substantially unchanged from the 2002 Report, and 7.67 percent below the average. Major changes to the electoral population are not anticipated.

Whitehorse Centre

The Commission proposes retaining the existing electoral district of Whitehorse Centre.

The electoral population for this electoral district is estimated to be 1,368, or 19.27 percent above the average. The electoral district will have growth from current and proposed condominium developments in the downtown part of the City of Whitehorse. As noted in the 2002 Report, the area has natural dividing lines and condensed neighbourhoods and the residents enjoy immediate access to all levels of government. This electoral district also includes the Marwell Industrial subdivision.

Whitehorse West

The Commission proposes that the existing electoral district of Whitehorse West be changed to include the proposed development in the Arkell Subdivision by

moving a portion of the existing electoral district into the proposed electoral district of Copperbelt North.

The estimated electoral population is 1,264, or 10.20 percent above the average. In order to accommodate the proposed development in the Arkell Subdivision, part of the existing electoral district of Whitehorse West will be moved into the proposed electoral district of Copperbelt North. The new boundary will include streets in Copper Ridge that are part of the current boundary separating Copperbelt and Whitehorse West.

PART V: APPENDICES

APPENDIX A

ELECTIONS ACT

R.S.Y, 2002, Chapter 63

An Act to Amend the Elections Act, S.Y., 2004, Chapter 9

PART 7

REVIEW OF ELECTORAL DISTRICT BOUNDARIES

Definition

407. In this Part "Commission" means the Electoral District Boundaries Commission appointed under section 408.

Electoral District Boundaries Commission

408.(1) There shall be an Electoral District Boundaries Commission consisting of

(a) the chief electoral officer,

(b) a judge or a retired judge of the Supreme Court who shall be chair, who shall be chosen by the senior judge of the Supreme Court and appointed by the Commissioner in Executive Council, and

(c) a representative of each registered political party represented in the Legislative Assembly at the time of the appointment. This representative shall be a Yukon resident who is not an employee of the Government of the Yukon, who is not a member of the Legislative Assembly, the Senate, or the House of Commons, and shall be chosen by the leader of the registered political party and appointed by the Commissioner in Executive Council.

(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 the 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)[c], or a retired judge appointed under paragraph 408(1)[b], shall be paid remuneration for their services on the Commission in an amount prescribed by the Commissioner in Executive Council.

(2) The Commission members shall be paid transportation, accommodation, and living expenses incurred in connection with the performance of their ordinary 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 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).

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 the 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 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.

APPENDIX B: LETTER OF INVITATION

June 1, 2007

The Yukon Electoral District Boundaries Commission invites you to participate in its review of the Yukon's electoral districts.

All Yukoners have an opportunity to comment on the territory's electoral boundaries during two stages of the Commission's work.

Stage 1 covers written submissions by individuals, governments, community organizations, labour and business sectors, educational institutions, and political parties. Submissions are due by June 29, 2007.

Stage 2 is a series of public meetings in the fall of 2007.

The Commission's mandate is to review the existing electoral districts and make proposals to the Legislative Assembly on the boundaries, number, and names of the electoral districts.

This electoral boundaries review is an important exercise for all Yukoners. The Commission's proposals may change the boundaries of the electoral districts and the neighbourhoods in them. We hope that you will take part in this public process and send a written submission to the Commission by mail to the Yukon Electoral District Boundaries Commission, Box 2703, Whitehorse, Yukon Y1A 2C6 or, by fax to (867) 393-6977 or by e-mail to electoral.boundaries@gov.yk.ca. You may also make a submission at the public meetings to be held in the fall.

The Commission is independent of government. Its Interim and Final Reports will be submitted to the Legislature.

If you have any questions about the Commission, or if you need information about the Yukon's existing electoral boundaries, please call the Commission Secretariat at 667-2616 or 1-866-934-3322 (toll free). The Commission also has a web site at www.yukonboundaries.gov.yk.ca.

We look forward to your participation in this process.

Sincerely,

Yukon Electoral District Boundaries Commission Members

APPENDIX C: LIST OF INVITED PARTICIPANTS

LEGISLATIVE ASSEMBLY

Hon. Ted Staffen, Speaker, MLA Riverdale North

YUKON PARTY CAUCUS

Hon. Dennis Fentie, Premier, MLA Watson Lake

Hon. Brad Cathers, MLA Lake Laberge

Hon. Elaine Taylor, MLA Whitehorse West

Hon. Archibald Lang, MLA Porter Creek Centre

Hon. Glenn Hart, MLA Riverdale South

Hon. Marian Horne, MLA Pelly-Nisutlin

Hon. James Kenyon, MLA Porter Creek North

Hon. Patrick Rouble, MLA Southern Lakes

Steve Nordick, MLA Klondike

Yukon Liberal Party Caucus

Arthur Mitchell, MLA Copperbelt

Darius Elias, MLA Vuntut Gwitchin

Eric Fairclough, MLA Mayo-Tatchun

Don Inverarity, MLA Porter Creek South

Gary McRobb, MLA Kluane

Yukon New Democratic Party Caucus

Todd Hardy, MLA Whitehorse Centre

Steve Cardiff, MLA Mount Lorne

John Edzerza, MLA McIntyre-Takhini

Political Parties

Dan MacDonald, President

Yukon Party

Ted Dean, President

Yukon Liberal Party

Lillian Grubach-Hambrook, President

Yukon New Democratic Party

First Nations

Andy Carvill, Grand Chief	Council of Yukon First Nations
Mark Wedge, Chief	Carcross/Tagish First Nations
Diane Strand, Chief	Champagne & Aishihik First Nations
Simon Mervyn Sr., Chief	First Nation of Na-cho Nyak Dun
Robert Dickson, Chief	Kluane First Nation
Mike Smith, Chief	Kwanlin Dun First Nation
Liard McMillan, Chief	Liard First Nation
Eddie Skookum, Chief	Little Salmon Carmacks First Nation
Jack Caesar, Chief	Ross River Dena Council
Darin Isaac, Chief	Selkirk First Nation
Ruth Massie, Chief	Ta'an Kwach'an Council
Eric Morris, Chief	Teslin Tlingit Council
Darren Taylor, Chief	Tr'ondëk Hwëch'in First Nation
Joe Linklater, Chief	Vuntut Gwitchin First Nation
David Johnny, Chief	White River First Nation
Dakh Ka Tlingit Tribal Council	Whitehorse, Yukon,
Hammond Dick, Chief	Kaska Tribal Council
Northern Tutchone Tribal Council	Pelly Crossing
Southern Tutchone Tribal Council	Haines Junction

Municipalities, Local Governments And Community Associations

Doug Graham, President	Association of Yukon Communities
Craig Tuton, Chair	Yukon Municipal Board

Municipalities

Elaine Wyatt, Mayor	Village of Carmacks
John Steins, Mayor	City of Dawson
Michelle Vaino, Mayor	Town of Faro
George Nassiopoulos, Mayor	Village of Haines Junction
Scott Bolton, Mayor	Village of Mayo
Robin Smarch, Mayor	Village of Teslin
Nancy Moore, Mayor	Town of Watson Lake
Bev Buckway, Mayor	City of Whitehorse

Local Advisory Areas

Bob Atkinson, Chair

Mark Stephens, Chair

South Klondike Local Advisory Council

Claude Dastous, Chair

Malcolm Taggart, Chair

Hamlet of Ibex Valley

Hamlet of Mount Lorne

Carcross, Yukon

Tagish Local Advisory Council

Marsh Lake Local Advisory Council

Community Associations and Other Community Organizations

Debbie Brown, President

Edna Helm, President

President

Richard Brost, President

Jane Woolverton, President

Judy Corley, President

President

Sheila Alexandrovich, President

Doug MacLean, President

Russ Rose, President

Beaver Creek Community Club

Carcross Community & Curling Club

Hillcrest Community Association

Keno City Community Club

Kluane Lake Athletic Association

Marsh Lake Community Society

Mendenhall Community Association

Mount Lorne Community Association

Riverdale Community Association

Tagish Community Association

Business And Labour

Chambers

Joanne Hainer, Executive Director

Mike McDougall, President

Jim McFaull, President

Ernie Bourassa, CEO

Greg Kehoe, President

Dina Grenon, President

Wade Istchenko, President

Nancy Hager, President

Adam Grinde, President

Dave Kalles, President

Rick Karp, President

Yukon Chamber of Mines

Klondike Placer Miners Association

Yukon Prospectors Association

Yukon Chamber of Commerce

Southern Lakes Chamber of Commerce

Dawson City Chamber of Commerce

Saint Elias Chamber of Commerce

Silver Trail Chamber of Commerce

Teslin Regional Chamber of Commerce

Watson Lake Chamber of Commerce

Whitehorse Chamber of Commerce

Labour

Alex Furlong, President

Don Austin, President

W. Cary Gryba, Business Manager

Grant Westman, President

Jim Brohman, Regional Representative

Jure Kelava, Business Representative

John Mathison, President

Gilbert Trudeau, President

Laurie Butterworth, President

Umbrella Groups

Jean-Marc Perreault, president

Jorn Meier, Chair

Deb Flanagan, President

Keith Parkkari, President

Board of Directors

Steve Leonard, President

Neil Hartling, President

Lorraine O'Brien, President

Jennifer England, Executive Director

Al Falle, President

Joanne Stanhope, President

Wendy Morrison, President

Mike Johnson, President

Gloria Kerwyn and/or Heather Thompson

Elizabeth Bryon, Chair

-

Yukon Federation of Labour

Yukon Building and Construction Trades Council

International Brotherhood of Electrical Workers Local 1574

International Union of Operating Engineers

Public Service Alliance of Canada

Teamsters Local 31

United Association of Plumbers & Pipefitters Local 310

United Brotherhood of Carpenters & Joiners of America Local 2499

Yukon Employees Union

l'Association franco-yukonnaise

Klondike Visitors Association

Gateway Tourism Association

Law Society of Yukon

Skookum Jim's Friendship Centre

Tourism Association of Yukon

Wilderness Tourism Association of the Yukon

Yukon Aboriginal Women's Council

Yukon Advisory Council on Women's Issues

Yukon Agricultural Association

Yukon Association for Community Living

Yukon Conservation Society

Yukon Contractors Association

Vice Presidents

Yukon Council on Aging

Yukon Council on Disability

Yukon Environment and Socio-Economic Assessment Board

Barb Fred, President	Yukon First Nations Tourism Association
Paul Jacobs, President	Yukon Fish & Game Association
Dan McDiarmid, Chair	Yukon Fish & Wildlife Management Board
Tim Preston, Director	Yukon Forestry Industry Association
John Ritter and/or Robert Jackson Co-Chairs	Yukon Geographical Place Names Board
Loree Stewart, Executive Director	Yukon Heritage Resources Board
Brent Slobodin, President	Yukon Historical and Museums Association
Stanley Noel, Chair	Yukon Indian Development Corporation
Doug Phillips, Chair	Yukon Land Use Planning Council
Dr. S. Rao Tadepalli, President	Yukon Medical Association
Alan Young, President	Yukon Outfitters Association
-	Yukon Status of Women's Council
Jim Tredger, President	Yukon Teachers Association
Doug Langila, President	Yukon Trappers Association
Other	
Clarence Timmons, Chair	Yukon College Board of Directors
Susan Desjardins, Executive Director	Alsek Renewable Resources Council
Don Marino, Chair	Carmacks Renewable Resources Council
Linda Taylor and/or Rachel Hunt, Co-Chairs	Dawson District Renewable Resources Council
-	Mayo District Renewable Resources Council
Robert Bruce, Chair	North Yukon Renewable Resources Council
-	Selkirk Renewable Resources
Sandy Smarch, Chair	Teslin Renewable Resources Council
Joe Tetlich, Chair	Porcupine Caribou Management Board
Clint Sawicki, Coordinator	Northern Research Institute

Individuals

Michael Lauer

Whitehorse, Yukon

APPENDIX D: PUBLIC INFORMATION – PRINT AND HOUSEHOLD NOTICE

The Electoral District Boundaries Commission is reviewing the electoral districts in the Yukon. The mandate of this independent commission is to look at the existing electoral districts and make proposals to the Legislative Assembly about the boundaries, as well as the names and number of electoral districts in the Yukon.

The Commission wants to hear from you. Changes may be considered in your electoral districts and your input is important to us.

Yukoners have two opportunities to comment on the electoral boundaries as they are now and what you would like to see changed. Stage 1 is your opportunity to make a written submission to the Commission. Stage 2 is a series of public meetings that will take place in Yukon communities this fall, as required.

Stage 1: Written submissions

Stage 1 covers written submissions to the Commission from individuals, governments, community organizations, labour and business sectors, educational institutions and political parties. Submissions are due by June 29, 2007 and will be considered when the Commission drafts its interim and final reports.

To take part in this public process, send a written submission to the Commission by mail, fax or e-mail.

Yukon Electoral District Boundaries Commission

Box 2703, Whitehorse, Yukon Y1A 2C6

Fax: 867-393-6977

electoral.boundaries@gov.yk.ca

Stage 2: Community public meetings

Stage 2 is a series of community public meetings, which will provide Yukoners with a second opportunity to comment on the boundaries of the electoral districts.

Written submissions will also be accepted. The date, time and locations of the meetings will be announced in this space at the beginning of September.

APPENDIX E: LIST OF SUBMISSIONS RECEIVED

Interim Report

Name

- | | |
|--|------------|
| 1. Village of Teslin | Teslin |
| 2. Sue Greetham | Marsh Lake |
| 3. Malcolm Taggart
Chair, Marsh Lake Advisory Council | Marsh Lake |
| 4. Teslin Tlingit Council | Teslin |
| 5. Jeanne Beaudoin
Directrice générale, Association franco-yukonnaise | Whitehorse |
| 6. Yukon Liberal Party | Whitehorse |
| 7. Gary McRobb, MLA, Kluane | Whitehorse |

APPENDIX F: PROPOSED ELECTORAL DISTRICTS

20,828¹ electors in 19 electoral districts
less 176 electors in Vuntut Gwitchin

= 20,652 ÷ 18 electoral districts

Electoral Quotient: 1,147

ELECTORAL DISTRICT	NO. OF ELECTORS	ELECTORAL QUOTIENT DEVIATION %
Copperbelt North	1,180	+ 2.88
Copperbelt South	1,169	+ 1.92
Klondike	1,122	- 2.18
Kluane	753	- 34.35
Lake Laberge	1,110	- 3.23
Mayo-Tatchun	797	- 30.51
Mount Lorne-Southern Lakes	1,128	- 1.66
Mountainview	1,306	+ 13.86
Pelly-Nisutlin	714	- 37.75
Porter Creek Centre	1,296	+ 12.99
Porter Creek North	1,141	- 0.52
Porter Creek South	1,279	+ 11.51
Riverdale North	1,296	+ 12.99
Riverdale South	1,315	+ 14.65
Takhini-Kopper King	1,355	+ 18.13
Vuntut Gwitchin	176	N/A
Watson Lake	1,059	- 7.67
Whitehorse Centre	1,368	+ 19.27
Whitehorse West	1,264	+ 10.20

¹ 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 2006 general election.

APPENDIX F: EXISTING ELECTORAL DISTRICTS²

18,681 electors in 18 electoral districts
less 176 electors in Vuntut Gwitchin

= 18,505 electors in 17 electoral districts

Electoral Quotient: 1,089

ELECTORAL DISTRICTS	NO. OF ELECTORS	ELECTORAL QUOTIENT DEVIATION %
Copperbelt	1,748	+60.51
Klondike	1,122	+3.03
Kluane	753	-30.85
Lake Laberge	1,034	-5.05
McIntyre - Takhini	1,323	+21.49
Mayo – Tatchun	797	-26.81
Mt. Lorne	1,098	+0.83
Pelly – Nisutlin	714	-34.44
Porter Creek Centre	955	-12.30
Porter Creek North	993	-8.82
Porter Creek South	943	-13.41
Riverdale North	1,296	+19.01
Riverdale South	1,315	+20.75
Southern Lakes	849	-22.04
Vuntut Gwitchin	NOT INCLUDED	
Watson Lake	1,059	-2.75
Whitehorse Centre	1,167	+7.16
Whitehorse West	1,319	+21.12

² The numbers used are the numbers of electors at the 2006 general election.

APPENDIX G: END NOTES

¹ *Elections Act*, R.S.Y. 2002, c.63, as amended by *An Act to Amend the Elections Act*, S.Y. 2004, c.9

² Yukon Electoral District Boundaries Commission Final Report, January 2002

³ *Canadian Charter of Rights and Freedoms, The Constitution Act, 1982*, being Schedule B to the *Canada Act 1982*, (U.K.) 1982, c-11

⁴ *Reference re: Provincial Electoral Boundaries (Saskatchewan)* (1991) 81 D.L.R. 4th 16 (S.C.C.)

⁵ The Nunavut Electoral Boundaries Commission Report, 1997, p. 17

⁶ *Friends of Democracy v. Northwest Territories (Attorney-General)*, (1999), 171 D.L.R. (4th) 551, at 560 (N.W.T.S.C.)

⁷ Yukon Electoral District Boundaries Commission Report, 1991, p. 42

⁸ *The Constituency Boundaries Act, 1993*, S.S. 1993, c.27-1, as amended by S.S. 1996, c.E 6.01; 1997, c.31; 1998, c.P 30.11; 2005, c.L-11.2 and 2007, c.6

⁹ Yukon Electoral District Boundaries Commission Final Report, January, 2002, p. 29