

ELECTORAL BOUNDARIES AND
REPRESENTATION COMMISSION

COMMISSION SUR LA DÉLIMITATION DES
CIRCONSCRIPTIONS ÉLECTORALES ET
LA REPRÉSENTATION

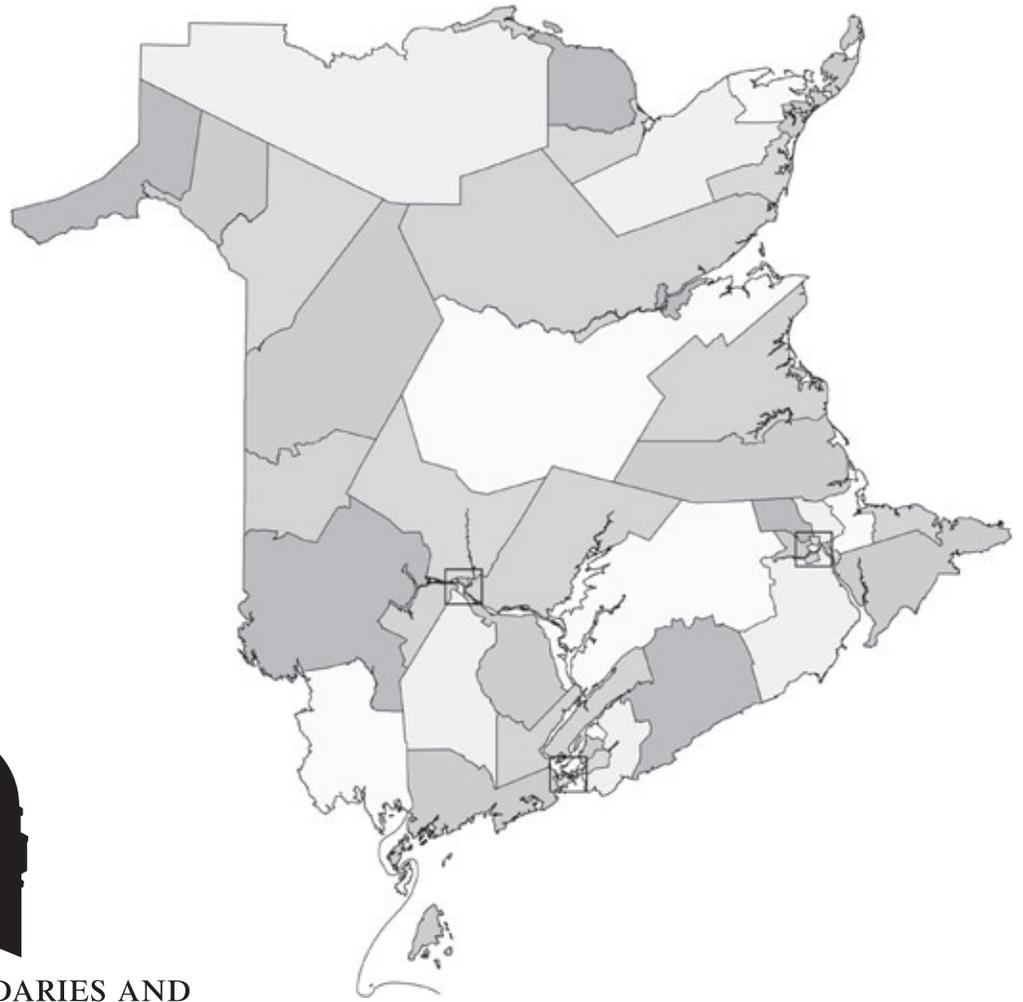
Amended Final Report of the Electoral Boundaries and Representation Commission **2013**

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Amended Final Report of the New Brunswick Electoral Boundaries and Representation Commission

The New Brunswick Electoral Boundaries and Representation Commission filed its Final Report with the Clerk of the Legislative Assembly on April 25, 2013. Section 20 of the *Electoral Boundaries and Representation Act* establishes the procedure to be followed by the Commission after the filing of its Final Report. The *Act* states:

Objections to final report

20(1) Within 14 days after the final report of a Commission is filed with the Clerk of the Legislative Assembly under paragraph 19(3)(a), a written objection to the report may be submitted to the Commission stating the following:

- (a) the recommendation in the final report that is being objected to;
- (b) the reason for the objection; and
- (c) the manner in which it is proposed that the recommendation be amended.

20(2) An objection under subsection (1) shall be signed by at least 2 members of the Legislative Assembly.

20(3) A Commission shall consider and dispose of the objections submitted under subsection (1).

20(4) Within 30 days after the expiration of the time period referred to in subsection (1), the Commission's final report, with or without amendments in accordance with its disposition of the objections submitted under subsection (1),

- (a) shall be filed with the Clerk of the Legislative Assembly, and
- (b) shall be forwarded to the Chief Electoral Officer.

20(5) If no objections are submitted under subsection (1), the Clerk of the Legislative Assembly shall immediately forward to the Chief Electoral Officer the final report of a Commission.

20(6) The Clerk of the Legislative Assembly shall forward to each member of the Legislative Assembly a copy of the final report of a Commission under subsection (4) or (5).

The Commission received 23 objections in response to its Final Report. Of these, the Commission deemed that 20 constituted objections as contemplated by s. 20 of the *Act*.

The Commission considered and disposed of each objection. It has ordered them in this Report in sequence based upon the number of the electoral district to which they relate.

This Amended Final Report constitutes the Commission's response to the objections and sets out a summary of the objections, the Commission's analysis and comments, as well as its disposition of each.

Section 12(4) and "Extraordinary Circumstances"

The Commission has sought throughout its mandate to consider carefully each submission and design electoral districts which best provide for effective representation. However, as the Commission has explained, that work must be done within the confines of the law.

In 2011, the Legislative Assembly unanimously amended the *Electoral Boundaries and Representation Act* to decrease the number of electoral districts from 55 to 49. The *Act* does not give the Commission any discretion to consider any other number. The same Legislative Assembly unanimously lowered the acceptable variance in registered electors from 10% to 5% unless "extraordinary circumstances" were found to exist. The legislators chose not to define "extraordinary circumstances" but were surely aware that the previous Commission had seen fit to use that provision only once out of 55 electoral districts created.

As a direct consequence of these unanimous amendments, the *Act* requires significant changes to the province's electoral districts. It does not direct or permit the Commission to preserve the status quo through creative interpretation of the words "extraordinary circumstances". If the intention of the Legislative Assembly was to

preserve the status quo, or to routinely apply a less strict test for variation beyond 5%, that intention could have been expressed collectively in the *Act*.

In the first two rounds of public hearings, the Commission was asked to apply the extraordinary circumstances provision in a large number of electoral districts and for a large variety of reasons. In the Commission's reports, it detailed its consideration of those submissions and explained its reasoning for not applying the provisions of s. 12(4) given the evidence it had received. The Commission was surprised, therefore, to see the large number of objections in this final round which sought to rely upon the extraordinary circumstances provision. A number of objections filed under s. 20(2) simply repeated proposals which the Commission had already considered and explained their reasoning not to accept. Many of these objections did not include new, convincing, or any evidence which would reasonably support a finding of extraordinary circumstances. They simply asserted that the Commission had erred in not applying the extraordinary circumstances provision and urged the Commission to reverse that decision.

For circumstances to bear the title of "extraordinary", they must be rare, uncommon, exceptional, or deviating widely from that found elsewhere. At the risk of stating the obvious, in New Brunswick it is not unusual for one of the province's two official language groups to find itself in a decreased majority or minority with the other. It is not unusual for a population with strong rural roots to find itself in close proximity and connection with a more urban community. It is not unusual for a suburban population to find itself in connection with neighbouring communities outside that municipality. Finally, in a province which is decreasing the number of electoral districts from 55 to 49, it is not unusual for the new electoral districts to be larger, more diverse, or significantly different in boundaries from their predecessors.

Objection #1

The community of Dundee should remain part of electoral district #2 Campbellton – Dalhousie and not become part of electoral district #1 Restigouche West.

- a) The intervenors object to the placement of Dundee in electoral district #1 based on the community of interest factor. The proposed solution is to transfer Dundee to electoral district #2.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the *Act*.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the *Act*. To meet the provisions of the *Act*, the number of registered electors in an electoral district must be between a low of 10,705 and a high of 11,833, unless "extraordinary circumstances" exist.

Since there are 572 registered electors in the community of Dundee, transferring them to electoral district #2 would increase that electoral district to 12,332 registered electors, which does not meet the provisions of the *Act*.

According to s. 20(1)(c) of the *Act*, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, proposes the use of the "extraordinary circumstances" provision of s. 12(4) of the *Act*. The Commission does not deem that the use of the "extraordinary circumstances" provision of the *Act* is warranted in this case.

Decision

The objection is denied. The Commission confirms its decision to include the community of Dundee in electoral district #1 Restigouche West.

Objection #2

The town of Beresford should not be part of electoral district #4 Bathurst West – Beresford.

- a) The intervenors object to the placement of Beresford in electoral district #4 based on the community of interest factor. The proposed solution is to transfer Beresford to electoral district #3.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the *Act*.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

This objection is a repetition of that received in the second round of public hearings and discussed in the Commission's Final Report on page 21.

To meet the provisions of the Act, the number of registered electors in an electoral district must be between a low of 10,705 and a high of 11,833, unless "extraordinary circumstances" exist. Since there are over 3300 registered electors in the town of Beresford, transferring them to electoral district #3 would increase that electoral district over even the limits available under the "extraordinary circumstances" provisions of s. 12(4) of the Act.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, proposes the transfer of communities on the west of electoral district #3 to electoral district #5, the expansion of electoral district #4 to include all the city of Bathurst and some surrounding communities, and the use of the "extraordinary circumstances" provision of s. 12(4) of the Act for electoral districts #5 and #8. This scenario was discussed in the Commission's Final Report at pages 21 and 22. The Commission does not deem that the use of the "extraordinary circumstances" provision of the Act is warranted in this case.

Decision

The objection is denied. The Commission confirms its decision to include the town of Beresford in electoral district #3 Bathurst West - Beresford.

Objection #3

Restore the original Nepisiguit electoral district.

- a) The intervenors object to the division of the previous electoral district of Nepisiguit based on the community of interest and effective representation of rural areas factors. The proposed solution is to reconstitute the former electoral district of Nepisiguit, adding St. Sauveur, Saint-Isidore and Bois-Blanc to come within 5% of the electoral quotient.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

This objection is in essence a request that the status quo be maintained in the former electoral district of Nepisiguit, attaching to it such portions of neighbouring districts as are needed to meet the electoral quotient.

As the Commission has noted in its two previous reports, requests to maintain the status quo in individual electoral districts were the most common of all representations in the first round of hearings. However, given the mandate to reduce the number of electoral districts from 55 to 49, such an approach was not practical and risked looking at electoral districts in isolation without giving equal consideration to neighbouring areas.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, proposes the addition of communities to the former Nepisiguit electoral district from neighbouring electoral districts but does not discuss how those neighbouring electoral districts should be constructed.

The intervenors' proposed alternative electoral district lacked continuous transportation links and would be geographically larger than that proposed by the Commission. The Commission was not convinced such an alternative would provide superior representation of the electoral district's rural areas.

Decision

The objection is denied. The Commission confirms its composition of the electoral district of Bathurst East – Nepisiguit – Saint-Isidore.

Objection #4

The village of Saint-Isidore should be transferred from the electoral district #5 Bathurst East – Nepisiguit – Saint-Isidore to electoral district #8 Tracadie – Sheila.

- a) The intervenors object to the placement of Saint-Isidore in electoral district #5 based on the community of interest factor. The proposed solution is to transfer Saint-Isidore to electoral district #8 and to transfer the southern portions of electoral district #8 to electoral district #9. Electoral district #5 would then require recourse to the “extraordinary circumstances” provision of s. 12(4) of the Act.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The Commission notes that although the objection requests only the transfer of the village of Saint-Isidore to the electoral district #8 Tracadie – Sheila, there are significant populations in the surrounding communities outside the village limits. Communities on the Acadian Peninsula make up a significant portion (around 40%) of the registered electors of electoral district #5. If only the village of Saint-Isidore was transferred from electoral district #5, the surrounding communities might find themselves isolated and their portion of the electorate in the district would be substantially reduced. Alternatively, if surrounding communities were also transferred to electoral district #8, even greater populations on the southern side of electoral district #8 would have to be transferred to an electoral district in the Miramichi region.

According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection proposes that southern portions of the electoral district #8 Tracadie - Sheila which form part of a proposed rural community of Tracadie-Sheila be removed from the electoral district to make room for Saint-Isidore. The objection, as filed, proposes the use of the “extraordinary circumstances” provision of s. 12(4) of the Act in electoral district #5 to compensate for the loss of Saint-Isidore. The Commission does not deem that the use of the “extraordinary circumstances” provision of the Act is warranted in this case.

Decision

The objection is denied. The Commission confirms its decision to include the village of Saint-Isidore in electoral district #5 Bathurst East – Nepisiguit – Saint-Isidore.

Objection #5

Create a majority francophone electoral district on the eastern side of the Miramichi region which includes francophone areas south of Tracadie-Sheila.

- a) The intervenors object to the division of the Miramichi and Northern regions based on the community of interest and effective representation of the French linguistic community factors. The proposed solution is to reconstitute the former electoral district of Miramichi Baie -Neguac, using the extraordinary circumstances provision of s. 12(4) of the Act and adding portions south of Miramichi Bay as needed to meet the electoral quotient.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

This objection is a restatement of one of the positions heard by the Commission in its second round of public hearings and discussed in its Final Report at pages 32 and 33. In the Miramichi region, three distinct proposals for division of the region emerged: to divide the region on a north-south axis with a wholly urban electoral district in the centre, to divide the region on an east-west axis with a wholly urban electoral district in the centre, and to create three hybrid electoral districts each of which contains a significant portion of the City of Miramichi and an adjoining area. Each of these proposals had its proponents and each of those groups marshalled arguments for

their proposal's superiority. The Commission considered all proposals and modelled several possibilities for this region before deciding upon the version which appears in the Commission's Final Report.

The objection asserts that the Commission did not consider communities of interest. In fact, the Commission did consider and discuss communities of interest, but does not feel communities of interest were most effectively represented in the objectors' proposal.

The objection asks for duality to be respected in the Miramichi region. The Commission noted that, throughout its public hearing process, many presenters other than the objectors were opposed to that position.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, proposes the reformation of the former electoral district of Miramichi Bay – Néguaac, retaking portions from the proposed rural community of Tracadie- Sheila which were transferred from it in 2006. Alternatively, the objectors suggest that the Miramichi region be divided into eastern and southern portions. Finally, the objectors suggest that the Commission dispense with the provisions of the Act which require electoral districts to be formed based on registered electors and instead use both population as the basis of calculation and the "extraordinary circumstances" provision of s. 12(4) of the Act. The Commission does not deem that the use of the "extraordinary circumstances" provision of the Act is warranted in this case.

The objection confuses population statistics from the 2011 census with the number of registered electors on which the Act requires the electoral quotient be calculated. The objection seeks to replace the boundary used by the Commission in delineating the Miramichi region with the Northumberland county line, but does not substantially address how to subsequently balance the Northern and Miramichi regions. The objection fails to address the arguments made by a significant number of representations from the region which directly opposed the objectors' proposals.

Decision

The objection is denied. The boundaries of electoral district #8 Tracadie-Sheila and those of the Miramichi region will remain as recommended in the Final Report of the Commission.

Objections #6 and #7

Note: Objection #7 is a statement in support of Objection #6.

Transfer the local service districts of Harcourt and Weldford to the same electoral district as Rexton.

- a) The intervenors object to the placement of the local service districts of Harcourt and Weldford in electoral district #13 Kent South based on the community of interest and effective representation of the English linguistic community factors. The proposed solution is to transfer those local service districts to same district as the Elsipogtog First Nation and the village of Rexton.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

To meet the provisions of the Act, the number of registered electors in an electoral district must be between a low of 10,705 and a high of 11,833, unless "extraordinary circumstances" exist. The objection does not specify in which electoral district the communities of Weldford, Harcourt, Elsipogtog, and Rexton should be united.

After its second round of public hearings and in response to request from the public, the Commission made adjustments to the boundaries of both electoral districts #12 Kent North and #13 Kent South. As a result, both electoral districts are within 100 registered electors of exceeding the electoral quotient by more than the permitted 5%. Placing the communities of Weldford, Harcourt, Elsipogtog, and Rexton in a single electoral district would thus require significant changes to the province's other electoral districts or use of the extraordinary circumstances provision of s. 12(4) of the Act.

The objection cites the need for effective representation of the English speaking linguistic group in the region. Electoral District #12 has a 22.8% anglophone population. Electoral district #13 Kent South has a comparable 18.3% anglophone population. Increasing the anglophone minority proportion in one electoral district would necessarily lower the proportion in the other.

According to s. 20(1)(c) of the *Act*, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection, as filed, asserts the benefits of uniting the four named communities but does not express a preference for which electoral district should contain them. The Commission does not deem that the use of the “extraordinary circumstances” provision of the *Act* is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #12 Kent North and #13 Kent South will remain as recommended in the Final Report of the Commission.

Objection #8

For electoral district #16, supplement the number of registered electors by an additional 1554 electors in consideration of unregistered students of Mount Allison University.

- a) The intervenors object to the calculation of registered electors. They claim that large numbers of students of Mount Allison University should be included in the calculations when delineating electoral districts.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the *Act*.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the *Act*.

This is a repetition of an assertion made in the first two rounds of public hearings, and it has been addressed in both of the Commission’s previous reports. As the Commission has stated before, it is required by the *Act* to base its calculations on the number of electors provided it by the Chief Electoral Officer from the Register of Electors. The Commission cannot speculate about some other number. The Commission can not include in its calculations persons who do not appear on the Register of Electors. Students at the post-secondary institutions throughout the province have the choice whether to vote at their university or permanent home address or indeed not to register to vote at all. There is no compelling empirical evidence to indicate that the past rate of election day registrations in this electoral district exceeds that in any other electoral district of the province by a significant factor.

According to s. 20(1)(c) of the *Act*, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection, as filed, requests the re-establishment of the previous electoral district of Tantramar and the use of the “exceptional circumstances” provision of s. 12(4) of the *Act*. The Commission does not deem that the use of the “extraordinary circumstances” provision of the *Act* is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #16 Tantramar – Memramcook will remain as recommended in the Final Report of the Commission.

Objection #9

- a) The intervenors note that the objection described in #8 originates from Sackville but has not received support elsewhere in present riding of Tantramar.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the *Act*.

Response of the Commission

The Commission deems that the objection is not admissible under s. 20 of the *Act*.

The objection does not indicate, as required by the *Act*:

- (a) the recommendation in the final report that is being objected to;
- (b) the reason for the objection; and
- (c) the manner in which it is proposed that the recommendation be amended.

Decision

The objection is denied based on s. 20(1) of the Act.

Objection #10

Place Memramcook in the same electoral district as Dieppe.

- a) The intervenors object to the placement of Memramcook in a majority anglophone electoral district on the basis of effective representation of the French linguistic community and community interest with Dieppe.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The intervenors assert that they have no community of interest with Sackville and cite the numerous connections they have with the city of Dieppe. They cite various connections: regional high schools, hospitals, shopping, and leisure activities. These connections are equivalent to those which many rural and sub-urban communities have with their nearest city. There is no evidence that such connections are severed by not being placed in the same electoral district.

The intervenors assert that the francophone population of Memramcook cannot achieve effective representation in an electoral district which has a 66.7% mother tongue English population.

Throughout the province of New Brunswick there are local communities of one linguistic group which find themselves in a minority position in their electoral district. The anglophone population of #5 Bathurst East – Nepisiguit – Saint-Isidore live in an electoral district with a 67.4% mother tongue French population. In electoral district #12 Kent North, the anglophone population resides in an electoral district with a 67.3% mother tongue French population.

The proportions vary from electoral district to electoral district. In 16 electoral districts anglophones are the minority and in 32 electoral districts francophones are the minority. The history of the province of New Brunswick refutes the assertion that a linguistic minority cannot achieve effective representation in a political entity in which two thirds of the electors are of the other mother tongue. If the position of the objectors were to be applied across the province, the result would be the forced electoral separation of the two linguistic communities, diminishing their ability to co-operate effectively in the common interest.

According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection does not include any graphic representation of its proposed alternative, only a narrative description which offers three alternatives. In each, Memramcook is combined with Dieppe or a portion of Dieppe. The electoral district containing Sackville is altered by:

- a. The combination of the population of Lakeville is connected by a narrow corridor with the pre-existing Tantramar electoral district. This requires the use of the exceptional circumstances provision of s. 12(4) of the Act for electoral districts #16 and #17 and results in the electoral district #14 Shediac Bay- Dieppe becoming non-contiguous.
- b. The combination of the population of Lakeville with the pre-existing electoral district of Tantramar without any corridor connecting them. This requires the use of the exceptional circumstances provision of s. 12(4) of the Act in electoral districts #16 and #17 and results in the electoral district #16 becoming non-contiguous.
- c. The combination of the population of Lakeville with the pre-existing electoral district of Tantramar. This requires multiple uses of the exceptional circumstances provision of s. 12(4) of the Act. It also includes the creation of a new electoral district in the Dieppe area and requires the elimination of electoral district #14 Shediac Bay- Dieppe, with the population on the northern side of that district re-distributed among other electoral districts.

The Commission does not deem that the use of the “extraordinary circumstances” provision of the Act is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #16 Tantramar – Memramcook will remain as recommended in the Final Report of the Commission.

Objection #11

Place the western side of Riverview in electoral district #23 Riverview.

- a) The intervenors object to the placement of the western portion of Riverview in electoral district #24 Albert. They propose it be transferred to electoral district #23 Riverview.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The intervenors state that it is not necessary to add a portion on the western side of Riverview to electoral district #24. They suggest that future growth on the eastern side of Riverview in the portion already in electoral district #24 will be high and note that the population for electoral district #24 exceeds that for electoral district #23.

The Commission did not receive evidence that the portion of western Riverview would not receive effective representation in electoral district #24.

According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection, as filed, suggests that the addition of the western portion to electoral district #24 is unnecessary, and that it should be placed with electoral district #23.

Decision

The objection is denied. The boundaries of electoral district #23 Riverview and #24 Albert will remain as recommended in the Final Report of the Commission.

Objection #12

Place Norton in electoral district #26 Sussex – Fundy – St. Martins.

- a) The intervenors object to the placement of Norton in electoral district #34 Kings Centre. They propose it be transferred to electoral district #26 Sussex – Fundy – St. Martins based on the community of interest.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

This objection is a repetition of interventions made during the second round of public hearings and discussed in the Commission’s Final Report at page 56. The objection notes that Sussex is an important local centre for the community of Norton for education, health care, recreation, and shopping. There is no evidence that Norton’s connections with Sussex would be severed by not being placed in the same electoral district.

According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection, as filed, suggests that the adjustments be made in neighbouring electoral districts to meet the requirements of the Act. As the village of Norton contains over 1000 registered electors and the neighbouring electoral districts #25 and #34 are both largely rural, the adjustments would be substantial. The Commission does not deem that the use of the “extraordinary circumstances” provision of the Act is warranted in this case.

Decision

The objection is denied. The village of Norton will remain in electoral district #34 Kings Centre.

Objection #13

Remove Mispec and Redhead from electoral district #27 Hampton and place them in electoral district #30 Saint John East. Transfer the former polls #5 and #6 in the current Saint John East electoral district to electoral district #29 Rothesay to bring those electoral districts within the 5% variance permitted.

Remove the St. Martins and Fundy Trail area from electoral district #26 Sussex – Fundy – St. Martin and place it in electoral district #27 Hampton.

- a) The intervenors object to the placement of Mispec and Redhead in electoral district #27 and the placement of St. Martins and the Fundy Trail in electoral district #26 on the basis of community of interest, effective representation of rural areas, and geographical features. They propose these two groups of communities would be better represented in electoral districts #30 and #27 respectively.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

This objection is a detailed proposal which would reconnect much of the area currently comprising the electoral district of Saint John - Fundy. It increases the registered electors in electoral districts #29 Rothesay and #30 Saint John East near, but not over, the 5% limit in excess of the electoral quotient. As mandated under s. 12(2)(d) of the Act, the Commission sought to keep electoral district #29 below the electoral quotient in anticipation of growth.

The objection would also extend electoral district #29 Rothesay south toward Lakewood again, which was opposed by representations in that area during the second round of the Commission's public hearings.

The representations in the second round of public hearings indicated that the community of interest of the St. Martins area was with Saint John. The objection acknowledges that placing St. Martins in a Saint John electoral district was not possible, but stipulates that the communities surrounding St. Martins have a stronger shared interest with Hampton than with Sussex.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, notes that electoral district #26 would fall below the requirement of the Act but suggests that be addressed by the transfer of Norton to electoral district #26 from electoral district #34. The objection does not suggest how electoral district #34 should expand to compensate for the loss of the village of Norton. The Commission does not deem that the use of the "extraordinary circumstances" provision of the Act is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #27 Hampton will remain as recommended in the Final Report of the Commission.

Objection #14

Transfer areas along the west of electoral district #26 Sussex – Fundy – St. Martins to electoral district #27 Hampton.

- a) The intervenors suggest that portions of Titusville, Upham, Salt Spring, Back River Road and Bloomfield should be transferred from electoral district #26 to electoral district #27.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is not admissible under s. 20 of the Act. Section 20(1)(b) requires that objections detail the reason for the objection. The objection as filed does not provide reasons.

Decision

The objection is denied. The boundaries of electoral district #27 Hampton will remain as recommended in the Final Report of the Commission.

Objection #15

Maintain the City of Saint John intact and do not attach portions of it to surrounding electoral districts.

- a) The intervenors object to the attachment of portions of the City of Saint John to surrounding electoral districts.
- b) The objection is not signed by members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is not admissible under s. 20 of the Act. Section 20(2) requires that objections be signed by at least two members of the Legislative Assembly.

Decision

The objection is denied based on s. 20(2) of the Act.

Objection #16

Attach the communities along the Westfield Road north of its intersection with Acamac Beach road to electoral district #33 Saint John Lancaster.

- a) The intervenors object to the attachment of the so-called River Road communities to electoral district #35 Charlotte – The Isles. They propose attaching those communities electoral district #33 for reasons of community of interest, municipal boundaries, rate of population growth and geographical features.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The objection is a repetition of a presentation made during the second round of public hearings of the Commission and discussed in the Commission's Final Report at page 57. It calls on the Commission to make use of the "extraordinary circumstances" provision of s. 12(4) of the Act.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection, as filed, proposes the use of the "extraordinary circumstances" provision of s. 12(4) of the Act. The Commission does not deem that the use of the "extraordinary circumstances" provision of the Act is warranted in this case.

Decision

The objection is denied. The communities will remain in electoral district #35 Charlotte – The Isles.

Objection #17

Attach the community of South Oromocto Lake to electoral district #39 New Maryland - Sunbury.

- a) The intervenors object to the attachment of the community around South Oromocto Lake to electoral district #34 Kings Centre. They propose attaching the community to electoral district #39 for reasons of community of interest.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection transfers a small group of voters from the western edge of electoral district #34 to the southern edge of electoral district #39.

The change transfers only approximately 35 registered electors, but improves the coherence of both electoral districts implicated. In addition, it facilitates adjustments to electoral districts #35 and #44 which do not alter the number of their electors but do make their boundaries more regular.

Decision

The objection is accepted. Alterations have been made to the boundaries of electoral districts #34, #35, #39, and #44 as appears in the Appendix to this report.

Objection #18

Attach the greater Geary communities to electoral district #37 Oromocto-Lincoln.

- a) The intervenors object to the attachment of the rural communities in and around Geary to electoral district #39 New Maryland – Sunbury. They propose attaching the community to electoral district #37 for reasons of community of interest.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The objection is a repetition of presentations made during the second round of the Commission's public hearings. The objectors state that their community of interest with Oromocto should take primacy over their community of interest with other rural communities in Sunbury county. They claim, but do not provide evidence, that their co-operation with Oromocto will be discontinued if they are not in the same electoral district.

According to s. 20(1)(c) of the Act, an objection needs to state "the manner in which it is proposed that the recommendation be amended". The objection provides a detailed proposal which places the greater Geary communities within electoral district #37 and transfers portion south of the Trans-Canada Highway along the Nevers and Wilsey roads to electoral district #39. Sub-urban portions along the western side of district #37 within the boundaries of the City of Fredericton are transferred to electoral districts #39 and #40. The result is that electoral district #39 would be 5.4% less than the electoral quotient and that electoral districts #37 and #40 would exceed the electoral quotient but within the 5% threshold permitted under the Act. The objection does not assert or provide evidence that those portions transferred to electoral district #37 would have a superior community of interest with that electoral district than with electoral district #39. The Commission does not deem that the use of the "extraordinary circumstances" provision of the Act is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #37 Oromocto - Lincoln will remain as recommended in the Final Report of the Commission.

Objection #19

Do not divide the Burton – Greater Geary Local Service District.

- a) The intervenors object to the division of the communities of the Burton- Greater Geary Local Service District into neighbouring electoral districts based on their community of interest.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The objection rejects the commission's reasoning as provided in its Final Report and expresses disagreement with the reduction in the number of members of the Legislative Assembly. The objection requests that the Commission use the s. 12(4) "extraordinary circumstance" provision of the Act. The objection does not state a manner in which the proposed recommendation be amended as required by the Act s. 20(1)(c), although one might be inferred.

The Commission does not deem that the use of the “extraordinary circumstances” provision of the Act is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #37 Oromocto - Lincoln will remain as recommended in the Final Report of the Commission.

Objection #20

Place Burton and Swan Creek in electoral district #37 Oromocto - Lincoln.

- a) The intervenors object to the placement of Burton and Swan Creek in electoral district #25. They request the communities be placed in electoral district #37 based on their community of interest with Oromocto.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The objection is largely a repetition of presentations heard by the Commission in its second round of public hearings. The objection notes that their communities have been placed at the westernmost portion of electoral district #25 but that their community of interest would be better served as the easternmost portion of electoral district #37.

According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection proposes the use of the “extraordinary circumstances” provision of s. 12(4) of the Act in electoral districts #25 and #39. The Commission does not deem that the use of the “extraordinary circumstances” provision of the Act is warranted in this case.

Decision

The objection is denied. The boundaries of electoral district #37 Oromocto - Lincoln will remain as recommended in the Final Report of the Commission.

Objection # 21

Electoral district #42 Fredericton – Stanley should be renamed Fredericton – York.

- a) The intervenors contend that the name Fredericton –York would better represent the residents of electoral district #42.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act. The Commission notes that the term York is more broadly descriptive of the area of the electoral district outside the City of Fredericton.

Decision

The objection is accepted. The new name of electoral district #42 shall be Fredericton – York.

Objection # 22

Electoral district #43 Fredericton – Hanwell should be renamed Fredericton West.

- a) The intervenors contend that the name Fredericton – West would better represent the residents of electoral district #43.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act. The Commission notes that substantial portions of electoral district #43 are in Hanwell, which is south of Fredericton.

Decision

The objection is accepted in part. The new name of electoral district #43 shall be Fredericton West – Hanwell.

Objection #23

Alter the boundaries between electoral districts number #45 Carleton and #46 Carleton – Victoria, transferring further portions of Gordonsville and Glassville northward.

- a) The intervenors object to the placement of roads which open on the south of Route 107 in electoral district #45. They feel these areas should be part of electoral district #46 based on geographic considerations, community of interest, and historic polling divisions.
- b) The objection is signed by at least two members of the Legislative Assembly, as required by s. 20(2) of the Act.

Response of the Commission

The Commission deems that the objection is admissible under s. 20 of the Act.

The objection states that road connections are significantly better to the north than to the south and that an additional 200 registered electors should be transferred to electoral district #46. This would lower electoral district #45 close to but still within the limit of 5% below the electoral quotient.

The objection notes that electors in this area have traditionally driven to vote at polling stations in electoral district #46. There might be an increase in driving time if they were required to attend a polling station in electoral district #45.

The Commission investigated this claim but did not find that the placement of these areas in electoral district #45 would constitute a hindrance to full participation of the electors there, particularly given the historic location of polling stations.

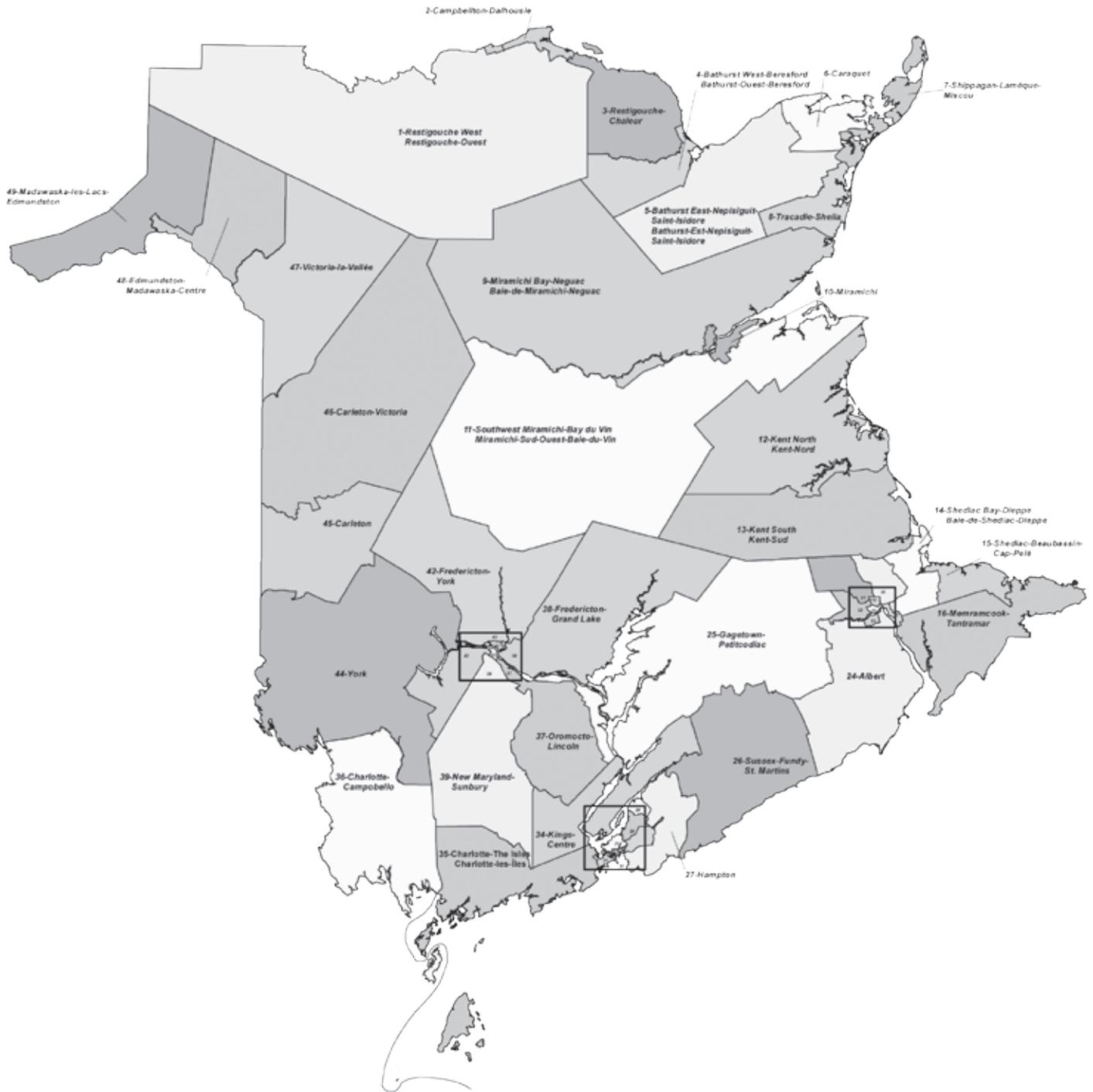
According to s. 20(1)(c) of the Act, an objection needs to state “the manner in which it is proposed that the recommendation be amended”. The objection details the roads implicated.

Decision

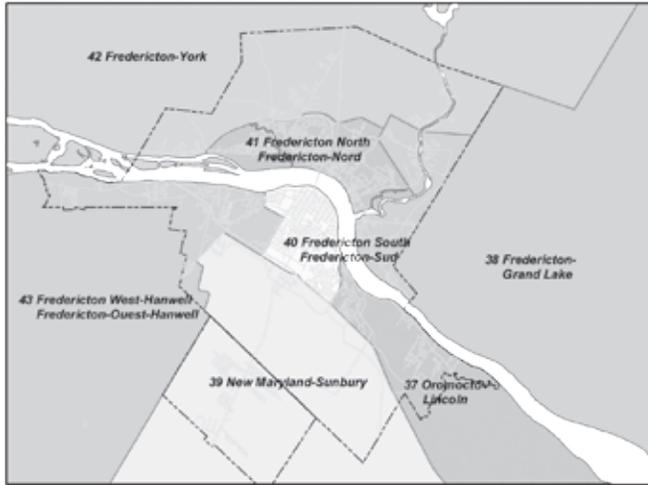
The objection is denied. The boundaries of electoral districts #46 Carleton and #47 Carleton - Victoria will remain as recommended in the Final Report of the Commission.

Appendix A

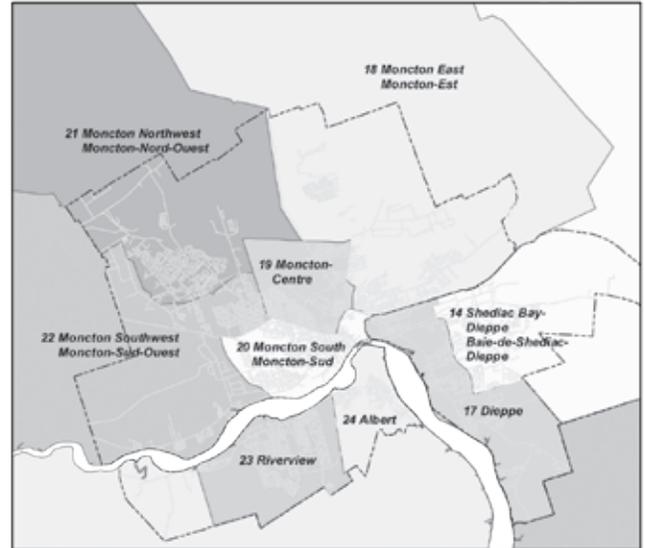
Electoral Districts for New Brunswick



Fredericton

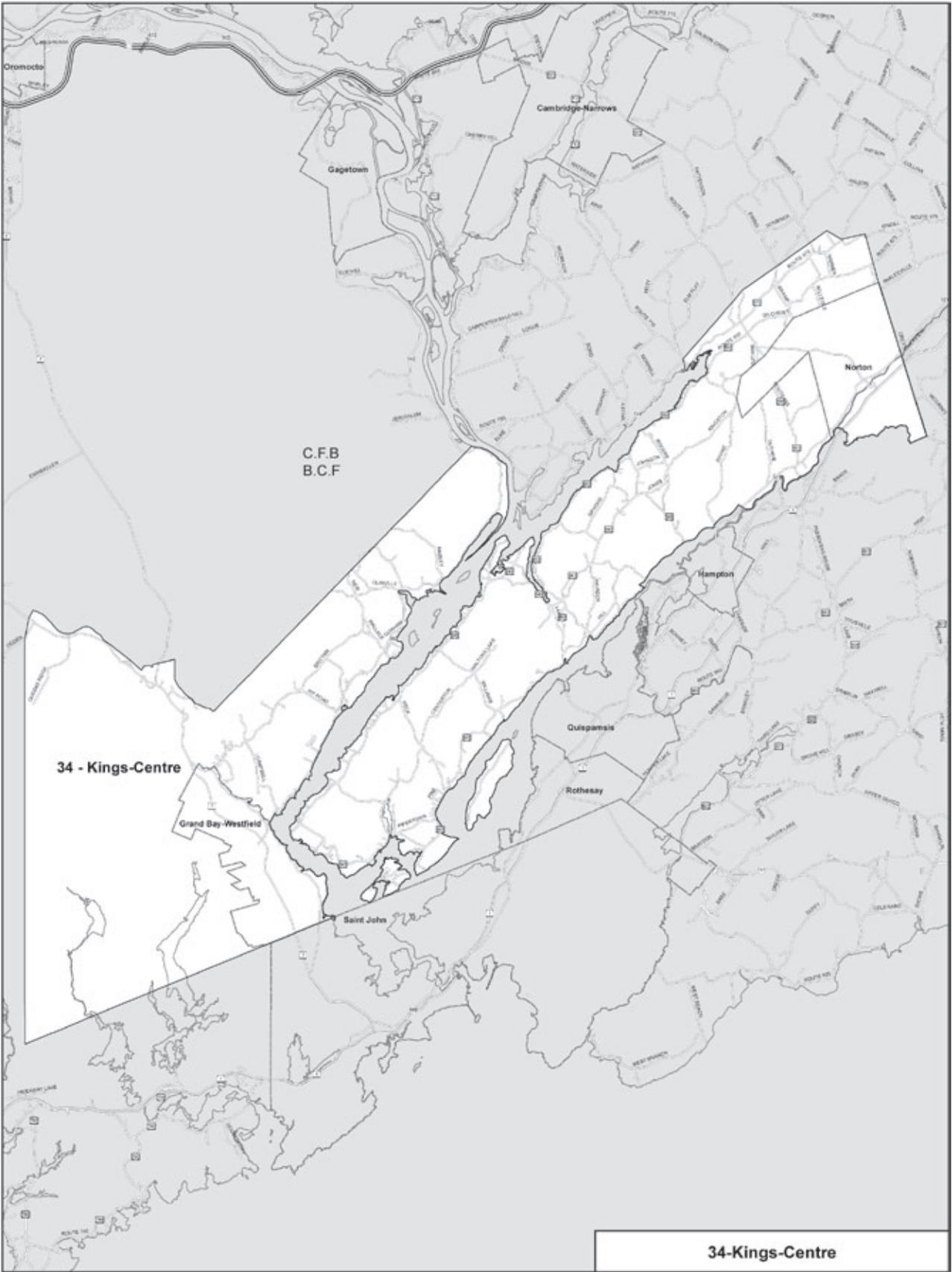


Moncton-Riverview-Dieppe



Saint John







**35-Charlotte-The Isles
Charlotte-les-Îles**

