



YUKON
ELECTORAL DISTRICT
BOUNDARIES COMMISSION
2024

SUMMARY OF PROPOSED CHANGES TO THE INTERIM REPORT

September 6, 2024

I. INTRODUCTION AND INVITATION FOR SUBMISSIONS

The 2024 Electoral District Boundaries Commission is established under the Yukon *Elections Act* and is mandated to make recommendations to the Legislative Assembly for changes to the boundaries, number, and names of the existing electoral districts. The Commission's Interim Report was released on May 9, 2024, and since then the Commission has been holding public hearings and receiving and reviewing written submissions about the proposals.

One of the principles guiding the 2024 Electoral District Boundaries Commission process is that public input will include consultation on the draft Final Report before it is finalized and submitted to the Speaker of the Legislative Assembly on October 9, 2024. The Commission is in the process of finalizing the Final Report and is proposing the following changes to its Final Report from its Interim Report. This summary will form the basis of our Final Report.

We welcome written submissions on these proposed Final Report changes on or before September 27. You can send your submissions by email to commission@yukonboundaries.ca or submit them on the website, yukonboundaries.ca. You may also attend a public ZOOM meeting on September 25 at 7 pm to provide your views.

II. CHANGES

Changes proposed to the Final Report from the Interim Report

1. Vuntut Gwitchin remains its own electoral district
2. Klondike remains its own electoral district
3. Mount Lorne-Southern Lakes is divided into two districts
 - i) Southern Lakes including Carcross-Tagish-Teslin
 - ii) Mount Lorne and Marsh Lake, adding Golden Horn, currently part of Copperbelt South
4. Ibex Valley remains in Lake Laberge
5. Cousins Airstrip and Forestview remain in Lake Laberge
6. Valleyview remains in Mountainview

Interim Report new proposals that will remain in the Final Report

1. Two new electoral districts created in Whistle Bend- Whistle Bend North and Whistle Bend South
2. Watson Lake-Ross River-Faro is one electoral district
3. Various relatively minor changes to electoral districts in the City of Whitehorse to reflect population changes and the removal of Golden Horn. Details in Interim and Final Reports.

Number and distribution of electoral districts in Final Report proposal

These proposed changes result in an increase of two to the number of electoral districts, from the current 19, to 21 MLAs. 13 of the proposed districts are in Whitehorse; 8 are outside of Whitehorse.

The attached table sets out the Final Report proposed districts, with the percentage deviations.

III. BACKGROUND

The right guaranteed by s. 3 of the *Charter of Rights and Freedoms*, the right to vote, is effective representation. A representative Member of the Legislative Assembly (MLA) has two main functions: i) they give people in their district a voice in the deliberations and law-making of government; and ii) they listen to and try to address grievances and concerns of people in their district.

In an ideal democratic world, all districts in the Yukon would have the same number of voters, giving each person's vote in the Yukon equal weight. This is voter parity and is representation based purely on population. The number of people and voters in a certain district is never static. In reality then, deviations, or variances, from voter parity are unavoidable, and, in many cases, desirable. A deviation or variance occurs when the number of voters in an electoral district is more or less than the average number of voters in each electoral district. Deviations may be desirable when they help achieve effective representation based on factors like geography, community history, community interest, culture, language, and minority representation, or any other factor set out in legislation.

The Supreme Court of Canada's leading decision in the 1991 *Reference Re Provincial Electoral Boundaries (Sask.)*, [1991] 2 SCR 158 described the conditions of effective representation:

"...The first is relative voter parity of voting power...But parity of voting power, though of prime importance, is not the only factor to be taken into account...**it is a practical fact that effective representation cannot be achieved without taking into account countervailing factors**....Relative parity as may be possible of achievement may prove undesirable because it has the effect of detracting from the primary goal of effective representation...deviations from absolute voter parity may be justified on the grounds of practical impossibility or the provision of more effective representation. Beyond this, dilution of one citizen's vote as compared with another's should not be countenanced" [emphasis added].

In other words, attempting to achieve voter parity is the first condition of effective representation. But effective representation does not end there. For example, in order for a MLA to represent effectively a vast, sparsely populated area, there may need to be a

smaller number of electors in that kind of district. Otherwise, citizens may be deprived of an effective voice in the legislature and may not receive needed assistance from their representative. Effective representation then has to take into account these countervailing factors to voter parity.

Legislation in other jurisdictions in Canada allows for a 25% deviation from the average in electoral districts in the pursuit of effective representation. Many jurisdictions have actual deviations much lower than this, closer to 10% or less. The courts have not endorsed any particular percentage deviation limit, and appear to accept the +/- 25% deviation limit as a general rule. The larger the deviations, the more scrutiny from the courts to determine if they are justified by the requirements of effective representation. In the Yukon, this +/- 25% is not legislated and was not included in any terms of reference provided to the 2024 Commission. The Commission did recognize in its guiding principles for the Interim Report that the accepted degree of variance is +/-25% and the proposed changes to electoral boundaries in the Interim Report reflect that objective. The Commission also recognized that additional rationale is required where deviations are proposed to exceed 25%.

The Yukon *Elections Act* also sets out specific factors the Commission must consider: density and rate of growth of the population of any area; accessibility, size and physical characteristics of any area; facilities and patterns of transportation and communication within and between different areas; available census data and other demographic information; the number of electors in the electoral districts on the most recent official lists of electors; any special circumstances relating to the existing electoral districts; the boundaries of municipalities and First Nations governments; public input; any other reasons or information relied on by the Commission.

IV. THE CHALLENGE

How can effective representation best be achieved in the Yukon with our unique population distribution and geography? If we consider voter parity as the prime (but not exclusive) condition of effective representation, as the law requires, then areas with more voters, like Whitehorse, have more representatives, unless there are circumstances that are necessary and justifiable to achieve effective representation. How do we, in our Yukon context, balance the democratic and legal principle of peoples' votes throughout the Yukon having the same weight, with the democratic and legal principle of ensuring the Legislative Assembly represents all of the Yukon?

The Yukon's population distribution is unique in Canada. No other jurisdiction in Canada has such a high density population centralized in one city, as the Yukon has with Whitehorse. The Yukon Bureau of Statistics estimates the current Yukon population as 46,260 with 32,266 in Whitehorse. Approximately 80% of the Yukon's population lives in or near one community, Whitehorse, with the rest of the 20% of the population living in other parts of the 482,443 km² of the Territory.

Outside of Whitehorse, 46% of the population is Indigenous. Within Whitehorse the Indigenous population is 17%.

Between 1978 and 1989, in the Yukon, there was consensus in the legislature to the over-representation of people living outside of Whitehorse. In fact, the rural areas held the majority of seats, despite the larger population in Whitehorse, even at that time. In 1991, with the Supreme Court of Canada decision and a mandate given to the 1991 Commission to consider “the principle of equality of voting power amongst electoral districts,” for the first time the Whitehorse area had more seats than the rural areas. All districts except for Old Crow were within the +/- 25% deviation. One consequence of this was the creation of some very large rural districts containing several communities, and some without shared interests (e.g. Ross River-Carcross-Tagish-Teslin).

In the 2018 Commission recommendations, which were not accepted by the legislature, the Commission chose to weigh the factor of population, or voter parity, no more heavily than the other considerations. One consequence of this approach was that 11 of the 20 districts proposed were outside of the +/- 25% variance. This appeared to be one of the reasons why the legislature voted against the bill to implement the 2018 Commission’s recommendations.

Currently, given the population growth in the Yukon since 2018, and the fact that the 2008 boundaries are still in effect, the number of electoral districts outside of the +/-25% variance is 11 of 19. Nowhere else in Canada does such a large proportion of electoral districts with significant deviations exist.

In our Interim Report, the 2024 Commission strove to reduce the number of districts with high deviations from the average, as well as the degree of those deviations. The Commission was concerned about the current electoral district situation’s marked departure from voter parity. The 2024 Commission’s Interim Report shows the result of trying to achieve greater voter parity in the Yukon.

After hearing from the public, both during the hearings and through the written submissions, and after further vigorous discussion, reflection and consideration, including of the legal parameters, and past Commission reports, the Commission members are of the view that there are good reasons to change some of the proposals made in the Interim Report, even though these changes will create an overall increase in deviations from voter parity.

V. GENERAL REASONS FOR CHANGES FROM INTERIM REPORT

The consistent concern we heard in response to the Interim Report recommendations was the detrimental effect of the reduction of seats outside Whitehorse from 8 to 6, especially with the increase in seats within Whitehorse from 11 to 13. The concern expressed was that the legislature would be overwhelmingly Whitehorse based and Whitehorse focussed,

and the peoples' voices outside of Whitehorse would be reduced or lost. The interests and concerns of those in communities outside Whitehorse were seen as very different from those in Whitehorse, as well as different from those in other communities. The centralization of government priorities, attention and funding in Whitehorse is perceived to have increased in recent years; frustrations are significant; and our Interim Report recommendations were perceived as exacerbating this existing and troubling trend.

The Commission accepts there are unique factors in the Yukon that provide justifications for greater deviations from voter parity: the Yukon population distribution, its geography and size, the presence of 14 Yukon First Nations throughout the Yukon and predominantly outside of Whitehorse, the number of communities, and the responsibilities of the MLAs outside of Whitehorse to represent a broad range of interests and concerns.

Other reasons for maintaining 8 districts outside of Whitehorse are:

- MLAs outside of Whitehorse not only have more challenges of travel, geography and communication to reach their constituents than the MLAs within Whitehorse, but may also have more complex issues to address than their Whitehorse counterparts, such as land use planning, roads, essential services, fire prevention, infrastructure, tourism, food security, waste management, wildlife management.
- Although Yukon First Nations have their own governments, these are not a substitute for their representation in the Yukon legislature – they are citizens of the Yukon Territory; their voices need to be heard on the issues for which the Yukon government is responsible; their concerns in their communities need to be addressed; the changes attempt to contribute to reconciliation between the First Nations and non-First Nations population of the Yukon.
- The ability of the Yukon legislature to be seen as representative of the entire Yukon could be at risk with the reduction in rural seats to 6.

VI. SPECIFIC REASONS FOR SPECIFIC CHANGES

Vuntut Gwitchin remains its own electoral district

- Geographically remote and isolated, this is the only community in the Yukon without road access, even with improved transportation and communication links
- Predominantly, it is Vuntut Gwitchin people who live in Old Crow and not in any other community, and who have maintained and continue to maintain their strong and traditional culture, language, and lifestyle, deeply connected to the land, water, fish and wildlife, especially caribou, in the northern Yukon
- Vuntut Gwitchin people are likely to be disenfranchised if their district is combined with Klondike

- Vuntut Gwitchin interests and values especially as they relate to the land are very different from the land development interests of many in the Klondike

Carcross-Tagish-Teslin (Southern Lakes) and Mount Lorne-Marsh Lake-Golden Horn become two districts

- Originally these communities (minus Golden Horn) were combined in one Mount Lorne-Southern Lakes district – the change in the Interim Report from the 2008 boundaries was to add Teslin
- The population of the current Mount Lorne-Southern Lakes district is sufficiently large to allow for the creation of two districts
- Many in Carcross, Tagish, and Teslin live and work in their respective or nearby communities, and consequently consider themselves to be a rural district
- There is a community connection between the Tlingit people of the Carcross Tagish First Nation and the Tlingit people of the Teslin Tlingit Council
- Many in Mount Lorne-Marsh Lake-Golden Horn commute regularly to Whitehorse to work and recreate, yet they still have interests, perspectives and concerns due in part to their residence location that benefit from their own MLA, separate from Whitehorse and the other communities, in order for them to be effectively represented

Ibex Valley remains in Laberge

- The Interim Report proposal to add Ibex Valley to Kluane was not supported by either those living in Ibex Valley or those in Kluane (Haines Junction)
- The Kluane district has similar and possibly greater challenges than the Mayo-Tatchun district- large geographical area, sparse population, many different communities, three different First Nations, connected by highway and to add the community of Ibex Valley would make an already complex and geographically large constituency to represent more difficult
- People of Ibex Valley are more effectively represented as part of the Laberge district, most of which consists of people who live a rural lifestyle but are closer to Whitehorse than those in the Kluane district

Cousins Airstrip and Forestview remain in Laberge

- Corrects an error appearing in the Interim Report

Valleyview remains in Mountainview

- Valleyview and the neighbouring Hillcrest subdivisions have common community interests in part from their historic provision of housing to federal government employees, as well as being adjacent to a large proposed

development, that are not well served by the change proposed in the Interim Report.

Various adjustments to Whitehorse districts as a result of population growth and movement of Golden Horn

- Attached table summarizes those changes and further details and maps will be provided in the Final Report

ELECTORAL DISTRICTS (OUTSIDE WHITEHORSE)

Electoral District (ED)	Electors	Variance	Remarks
Outside Whitehorse EDs (8 EDs)	10,069		Increase of 2 EDs.
SOUTHERN LAKES (CARCROSS-TAGISH-TESLIN)	1,074	-31.99%	Includes Carcross, Tagish, Teslin, Jake's Corner, Johnson Crossing, and Atlin Rd.
KLONDIKE	1,795	12.82%	Unchanged from existing boundaries.
KLUANE	1,118	-32.56%	Unchanged from existing boundaries.
LAKE LABERGE	1,861	20.24%	Unchanged from existing boundaries
MAYO-TATCHUN	1,059	-33.12%	Unchanged from Interim report.
MARSH LAKE-MOUNT LORNE	1,264	-19.86%	Includes Golden Horn and Carcross Cutoff.
WATSON LAKE - ROSS RIVER – FARO	1,710	7.04%	Unchanged from Interim report.
VUNTUT GWITCHIN	188	-88.18%	Unchanged from existing boundaries.

ELECTORAL DISTRICTS (WHITEHORSE)

Electoral District (ED)	Electors	Variance	Remarks
Whitehorse EDs (13 EDs)	23,342		Increase of 2 EDs.
COPPERBELT NORTH	2,007	26.15%	Adjustments from Interim Report as a result of Golden Horn move to Marsh Lake-Mount Lorne. Now exclusively a Copper Ridge district.
COPPERBELT SOUTH	1,997	25.52%	Adjustments from Interim Report as a result of Golden Horn move to Marsh Lake-Mount Lorne. From City of Whitehorse boundary in south to Lobird and McLean Lake in the north.
MOUNTAINVIEW	1,836	15.40%	Adjustments from Interim Report to include Valleyview and exclude Ingram.
PORTER CREEK CENTRE	1,846	16.03%	Adjustments from Interim Report to exclude Valleyview, Raven's Ridge, Eagle Eye, and Kopper King in the south and to include Oak, Maple, Larch, Beech, and Larch in the north. Western boundary to include both sides of Centennial St. Southeastern boundary to include the north side of Tamarack.
PORTER CREEK NORTH	1,851	16.34%	Adjustments from Interim Report to exclude Forestview and Oak, Maple, Larch, and Beech. Includes Taylor Industrial and Crestview.
PORTER CREEK SOUTH	1,838	15.52%	Adjustments from Interim Report to include Raven's Ridge, Eagle Eye, Kopper King in the south and to include the south side of Tamarack in the north.
RIVERDALE NORTH	1,866	17.28%	Unchanged from Interim report/existing boundaries.
RIVERDALE SOUTH	1,887	18.60%	Unchanged from Interim report/existing boundaries.
TAKHINI	1,998	25.58%	Unchanged from Interim report.
WHISTLE BEND NORTH	951	-40.23%	Unchanged from Interim report.
WHISTLE BEND SOUTH	1,250	-21.43%	Unchanged from Interim report.
WHITEHORSE CENTRE	2,056	29.23%	Unchanged from Interim report.
WHITEHORSE WEST	1,959	23.13%	Adjustments from Interim Report to include northern part of Copper Ridge, Logan, Arkell, and all of Ingram.

