



**Subject:** *2022 Polling District Review Report # 1*  
**To:** CAO for Corporate & Residential Services Committee, January 18, 2022  
**Date Prepared:** December 20, 2021  
**Related Motions:**  
**Prepared by:** John Woodford, Director of Planning and Development  
**Approved by:** Kim Ramsay, Chief Administrative Officer

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## Summary

The MGA requires the municipality to conduct an octennial review of its polling districts in 2022 in preparation for the 2024 election. The number of districts has to be reviewed and justified. The district boundaries also have to be reviewed to ensure that the number of electors in each district are generally within +/-10%. In addition, Council could use this review as an opportunity to explore the option of switching to a mayoral system from the warden system. Staff have outlined a process for conducting the review in this report.

## Financial Impact Statement

\$6,600 has been placed in the 2022-23 draft budget to cover direct costs associated with the polling district review (e.g., hall rentals, advertising, mileage). The key impact on the organization, however, is the approximately 100-300 hours of staff time that will be required to complete the exercise.

## Recommendation

That staff be authorized to conduct the 2022 Polling District Review using the process outlined in this report.

In addition, provide staff with direction as to whether a review of a mayor vs warden system will be part of this project.

## Recommended Motion

***Moved that the Corporate & Residential Services Committee recommend to Council that Council authorize staff to conduct the 2022 Polling District Review using the process outlined in the staff report “2022 Polling District Review Report # 1” attached to the Executive Committee Agenda dated January 18<sup>th</sup>, 2022.***

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## Background

The Municipal Government Act (MGA) requires municipal governments to conduct a review of their respective polling district boundaries in 2022. Section 369 (1) of the MGA states that:

*In the year 1999, and in the years 2006 and every eighth year thereafter the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councilors.*

Following the completion of the polling boundary review required by section 369 (1), the MGA requires that municipalities submit an application to the NSUARB to either confirm or alter the number and boundaries of polling districts. The application must be submitted to the NSUARB before the end of 2022.

The last polling district review conducted by the municipality was in 2014 and a submission was made to the NSUARB in December 2014. The Board held a hearing in April 2015 and released a decision in June. The decision rejected the municipality's application to reduce the size of council from 13 to 12 and the Board ordered that the size of Council be set at 11. The municipality then resubmitted an application in September 2015 proposing boundaries for 11 districts. The Board rejected the boundaries for Districts 3, 4 and 5 and ordered them redrawn. The Board approved boundaries for 11 districts in February 2016. Due to a mapping error, the municipality then requested a minor amendment to the approved maps in April 2016. This application was approved in May 2016.

In that review the municipality also considered whether or not to switch to a mayoral system of leadership. After that review it was decided to stay with a warden system.

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## Discussion

The MGA provides only limited direction for municipalities to follow when conducting polling district reviews. The extent of this direction can be found in Section 369 (1) of the MGA as follows: “...the council shall conduct a study of the number and boundaries of polling districts in the municipality, their fairness and reasonableness and the number of councilors.” The Municipal Government Act Rules provide additional and more specific direction as to the information that municipalities must include in an application to the URB (MGA Rules, S. 26 - Municipal Boundaries). This direction does not set out criteria or standards for municipalities to apply to polling district reviews and applications.

Section 368 (4) of the MGA identifies the factors that the Board will consider when reviewing an application to set the number and boundaries of polling districts within a municipality: “In determining the number and boundaries of polling districts the Board shall consider number of electors, relative parity of voting power, population density, community of interest and geographic size.” These factors are fairly straightforward and quantifiable with one exception, “community of interest”. In a decision which altered the number of polling districts in HRM prior to the 2004 election, the Board set out criteria that it considers to be ‘community of interest criteria’, which includes: history, planning areas, traffic infrastructure and patterns, fire service areas, sewer and water service districts, language, ethnic origins, tax rate areas and recreational issues.

In the 2004 HRM decision the Board also set out expectations for public consultation and the review process that it expects municipalities to follow in future boundary review applications. The Board determined that municipal councils should conduct future boundary review application processes in two phases, with each of the phases having a public consultation component.

### **Size of Council**

The Board considers that the first phase of the review/application process should involve municipal councils determining, prior to considering boundary delineations and voter parity analysis, the appropriate number of councilors for the municipality. The Board considers this decision to be extremely important and one that should be made only following consultation with senior staff and the public. The Board indicates that when determining the appropriate size of council, key considerations should be the desired style of council, the governance structure of council, and a determination of an effective and efficient number of councilors. One example of how the 'governance structure of council' varies between municipal units is that larger municipalities such as HRM may have community councils, comprised of several councilors from an area, that have discretionary decision-making powers for within that area (planning approvals, recreation, etc.), while in units such as East Hants decisions are made by council as a whole.

### **Determining District Boundaries**

Once the appropriate number of polling districts has been determined, the second phase of the process, that of distributing and delineating the polling districts, should begin. As mentioned, the Board has established a  $\pm 10\%$  variance from the average number of electors per district as the target when boundaries are proposed. The Board will consider variances in voter parity of up to  $\pm 25\%$  in special circumstances if a strong case can be made for such a variation because of factors such as community interest and geography. The greater a proposed variance is beyond  $\pm 10\%$ , the greater and more detailed the justification required will be for Board approval.

### **Voter Parity**

In its 2004 decision to HRM, the Board also set out criteria for voter parity that it expects all municipalities to adhere to and only deviate from as a result of carefully considered reasons related to the other important factors such as community of interest and geographic size. In section 124 of its decision, the Board states, "*The Board has kept these factors in mind, while endeavoring in this decision to set a higher level of parity than perhaps has generally been achieved in the past in municipal polling districts. It will expect HRM, and other councils, to likewise address themselves to this goal in future applications of this type. Specifically, the Board determines in this decision that the proper target variance for parity in municipal polling districts in Nova Scotia, both for purposes of this proceeding and for future proceedings of this type, shall be +10%, provided such issues as community of interest are generally satisfied. Any variance in excess of +10% must be justified in writing, and the greater the variance, the greater and more detailed the written justification that will be required.*" (<http://www.canlii.org/ns/cas/nsuarb/2004/2004nsuarb11.html>)

In section 123 of its 2004 HRM decision, the Board also sets out that variances in voter parity between districts of greater than  $\pm 10\%$  may be permitted in special circumstances for reasons such as overriding community interest or geography. However, in the following excerpt from its 2004 HRM decision the Board indicates that, even for exceptional circumstances, it will generally limit the variance to  $\pm 25\%$ :

*"Indeed, the Board considers that 25% has come to be regarded by some municipalities as the normal target variance. While the Board does consider that, in some exceptional instances, a variation of  $\pm 25\%$  can indeed be justified for municipal polling districts, it believes a strong case must be made before such a variance is accepted."*

Further to the  $\pm 25\%$  maximum variation between polling districts that the Board set out in the 2004 HRM decision, it has subsequently posted the following information on its website:

*"The Board expects variances for relative parity between polling districts to be within +/- 10%, only allowing variances up to +/- 25% in extraordinary circumstances where the Municipality, Town or School Board has provided a detailed written explanation confirming that factors such as community of interest or geography clearly justify the necessity of an increased variance in a polling district. In such cases, it is incumbent upon*

*an affected municipal unit or school board to clearly explain the reasons for such a high variation. The greater the variation, the greater the burden to justify the high variance from the average number of electors. Even with very extensive and detailed justification, the Board will approve a variation of +/-25% or more only in very extraordinary circumstances.”*

The Board indicates that it expects municipalities to utilize census data, electoral lists, property assessment information and building permit data when considering the appropriate district boundaries. Building permit data should be used to justify variations in voter parity for areas where significant growth has occurred and is expected to continue. For instance, a variance of - 20% in a proposed polling district could be deemed appropriate if significant growth is expected over the course of the next few years. A good example of this can be seen in the 2004 HRM decision where the Board deemed a -25% variance in the proposed Clayton Park West polling district as appropriate based on anticipated significant population increases from a large master planned development under construction.

Staff are in the process of completing an initial analysis of demographic data for the existing polling districts derived from the Final List of Electors from the 2020 election. The most recent census data, from 2021, is expected to be available in February 2022 and will also be incorporated. Staff will also look at specific growth areas such as Lantz through building permits and other development approvals.

Based on direction from the Board that focuses strongly on target variations and comparable voting parity between districts, the 2020 Final List of Electors should be an important tool as it identifies current voting parity among districts. In addition, elections were not held in districts 3 and 9 where councillors were acclaimed. As a result, staff will also use census data as a proxy for electors. Staff will provide additional information on this issue in a second report.

#### **Mayor vs Warden**

Section 12(8) of the MGA enables Council to switch to a mayor system of leadership from a warden system. A warden is selected by council members, from among themselves, at the first council meeting following an election. A mayor, however, is elected at large in the regular election.

In the 2006 and 2014 polling district reviews, Council reviewed its style of leadership and decided to keep the warden system. This decision can be made at least nine months prior to any election. It does make sense to consider in the scope of a polling district review given that having a mayor may alter council's decision regarding the number of councillors. If a mayoral system is adopted for the 2024 election, the municipality cannot go back to a warden system in a future election.

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## **Process & Public Consultation**

Staff are proposing to follow the process below in conducting the polling district review. Phase 1 of public consultation would involve gaining public input on the size of council and whether a mayor or warden system of leadership is preferred (if Council decides to review this issue).

Phase 2 of public consultation would consist of seeking public input in the setting of boundaries for the proposed number of polling districts. Both phases of consultation would consist of three community meetings (Corridor, Uniacke & North/Central) in addition to an on-line survey. Should Covid restrict in-person meetings beyond April alternative on-line events will be planned.

Following the proposed schedule should enable the municipality to submit its proposal to the NSUARB prior to the end of the year.

	Q4 2021-22			Q1 2022-23			Q2 2022-23			Q3 2022-23			Q4 2022-23		
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Project Initiation	■														
Research & analysis of current voter parity	■	■	■												
Phase 1 Public Consultation				■											
Prep & Presentation of Scenarios to Council					■	■									
Phase 2 Public Consultation							■	■							
Preparation of Final Proposal									■						
Council Approval										■					
Submission to NSUARB											■				
NSUARB Hearing													?		
NSUARB Decision															?
Implement New Boundaries	<b>Election October 2024 &gt;</b>														

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## Conclusion

Council is required to conduct a polling district review in 2022 and staff have outlined a process for conducting such a review in this report. Council could also use this project as an opportunity to review the merits of a mayor versus warden system of leadership and staff are seeking direction to see if this will be included.

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## Recommendation

That staff be authorized to conduct the 2022 Polling District Review using the process outlined in this report.

In addition, provide staff with direction as to whether a review of a mayor vs warden system will be part of this project.