Loyalist Township Council Composition and Ward Boundary Review 2024-25

Backgrounder

Discussion Paper F: Is a Ward Boundary Review Necessary?

The objective of a Ward Boundary Review is to conduct a comprehensive review of Loyalist Township's electoral arrangements to develop an effective and equitable system of representation. Although there is widespread support for reviewing the wards in Loyalist Township, the present electoral map must still be evaluated as a way to help identify which features need to change to achieve effective representation (see topical Discussion Paper D) and which features might remain in place.

The Township's present ward design dates from 1998 when the municipality's population was approximately 15,000. Today the population is more than 18,000 and projected growth could take that number to over 23,000 within the next 20 years. As a community changes, so should its electoral arrangements, more than ever when there are perceptible and inequitable discrepancies in the population of existing wards, as will be discussed below.

A necessary step in a ward boundary review is to assess the extent to which the existing wards meet the guiding principles for a ward system that achieves the goal of effective representation (see topical Discussion Paper D). In this Discussion Paper, the status quo will therefore be subject to the same "tests" as any alternative designs (that is, representation by population (population parity), growth trends, geographic and topographical features and communities of interest) to identify its strengths and weaknesses. If the current system successfully meets the guiding principles, no ward boundary review may be needed at this time.

Preliminary Insights into the Loyalist Township Ward System

The first point to note is that under the Ministerial Restructuring Order that created the Township, representation on Council would be asymmetrical; that is, the number of seats allocated to the wards varied. This model of representation is a way to elect a municipal council where the population is not distributed uniformly across the new municipality without having to draw or re-draw ward boundaries – a potentially more convenient and politically palatable arrangement than designing an original and symmetrical representative system as part of the restructuring exercise.

Such an arrangement may be referred to as “proportional equality”: for example, if an area has twice the population of another it would be expected to have twice as many seats or an area with a third more population than another might have three seats while the other has two.

Since the basic arrangement in Loyalist Township was an integral part of the Ministerial Restructuring Order, it can be considered a “founding compromise” that ensured a proportionate share of Council seats for each of the three pre-amalgamation municipalities and guaranteed representation on council to each of them, presumably in order to make amalgamation more acceptable. In our professional assessment, this should not necessarily be considered a permanent principle in the face of ongoing changes in population numbers and the character of the population of Loyalist Township, although the nature of the municipality unquestionably requires protecting, for example, a voice on council for Amherst Island and the extensive rural area of the Township.

Leaving aside for the moment whether the present distribution is still valid, the existing arrangement should be subject to careful consideration since there are other models of representation, primarily involving a symmetrical allocation of seats to elect the same number of councillors per ward. One of the crucial questions that needs to be asked about the present arrangement is whether it is fair that some residents of Loyalist Township have one vote to cast for a ward councillor while others have three. If there is support for a symmetrical allocation of seats that can provide better population parity and effective representation, it is unlikely that revised wards can be drawn only using the boundaries of the three pre-amalgamation municipalities, as has been the case for the last twenty-five years or so.

We acknowledge that a move away from the three existing wards may be seen by some residents as discarding the history of those communities, but it should be understood that an equitable and effective system of representation for the future does not preclude remembering and celebrating that history in other facets of the Township’s collective life.

Representation by Population (Population Parity): One goal of this review is to design a system of representation that achieves relative parity in the population of the wards, with some degree of variation acceptable in light of population densities and other demographic factors across the Township. The indicator of success in a ward design is the extent to which the individual wards approach an “optimal” size.

In a symmetrical ward system where each ward elects the same number of councillors, optimal size[1] can be understood as a mid-point on a scale where the term “optimal” (O) describes a ward with a population within 5% on either side of the calculated optimal size which is itself identified by dividing the overall population of the municipality by the

[1] This calculation can also be considered the “average” ward population.

number of wards. For example, a 2021 population of Loyalist Township of 17,943 for a 3-ward system would result in an optimal population of 5,981 (17,943 ÷ 3 wards = 5,980). The classification "below/above optimal" (O+ or O-) is applied to a ward with a population between 6% and 25% on either side of the optimal size. A ward that is labelled "outside the range" (OR+ or OR-) indicates that its population is greater than 25% above or below the optimal ward size. The adoption of a 25% maximum variation is based on federal redistribution legislation but is widely used in municipalities like Loyalist Township where there are population clusters of different sizes as well as rural territory and anticipated residential developments in the future.

As noted in Discussion Paper E, the ward system in Loyalist Township is actually not symmetrical but appears to be a version of what may be called "proportional" equality. However, even that principle seems not to have been applied equitably. Since the former Township of Ernestown is overtly under-represented and the other two pre-amalgamation entities are over-represented. This relationship has not been adjusted since amalgamation.

Figure Fi – Comparative Population by Ward 1999

Pre-Amalgamation Municipality	Population 1996	Seats on Loyalist Township Council		Population per Councillor
		Formula	Actual	
Amherst Island	424	0.15	1	424
Bath	1,591	0.55	1	1,591
Ernestown	13,021	4.3	3	4,340
Total	**15,036**	**5**	**5**	**5,012**

When the present ward configuration was implemented, the overall population of the Township was 15,036, meaning that the optimal population size for each of the three wards would be 5,012 with an acceptable range of variation between 3,759 and 6,265. Population data for 1996 (see Figure Fi) indicates that the population of one of the wards was "optimal" but two of the three wards fell "outside the range." Similarly, population growth has not corrected itself over time and whether you look at it by population variance by ward (population ÷ 3) or population variance by ward councillors (population ÷ 5), all three wards fall well outside the variance with Ward 1 and 2 councillors configured to serve populations of 435 and 2,334 each, while each member of Ward 3 is configured to serve populations over 5,000.

Figure Fii – Comparative Population and Variance by Ward 2021

Ward	Area (SqKm)	Number of Councillors	2021				
			Census Population	Population Variance by Ward	Optimal Range	Population Variance by Councillor	Optimal Range
Ward 1	95.0	1	435	0.07	OR-	0.12	OR-
Ward 2	132.3	1	2,334	0.39	OR-	0.65	OR-
Ward 3	183.5	3	15,174	2.54	OR+	4.23	OR+
Total/Average	**410.8**	**5**	**17,943**	**5,981**		**3,589**	

A ward system composed of these wards appears not to have met the representation by population principle as we have defined it since the two single-member wards fall well below the optimal range of variation but the one ward within that range elects three councillors. Nor do the wards adhere to "proportional" equality since the population of the two single-member wards is well below what we are calling the optimal size.

On both the population parity and proportional equality principles, the present ward configuration in Loyalist Township is problematic.

Municipal Growth Trends and Projections: Ward boundary reviews consider anticipated population trends to ensure that the ward structure initially provides effective representation beyond the 2026 municipal election. Future population growth in Loyalist Township over the next decade will be concentrated in the present Ward 3, where the population was already much greater than in the other two wards. As a result, there is every expectation that the wards will become even more unbalanced by 2030 and, if left unchanged, the existing ward configuration will not achieve the population parity and proportional equality principles over time and will fall short of meeting this principle as well. In other words, the current ward configuration will not grow into parity but further away from it.

Geographical and Topographical Boundaries: This principle seeks to include wards that use geographical and topographical features to mark boundaries while keeping the wards compact and easy to understand. There is actually only one boundary in play in Loyalist Township since Amherst Island is a self-contained Ward separated from the rest of the Township and Ward 3 consists of the former Township of Ernestown in its entirety. The boundary between the present Wards 2 and 3 is largely a confusing set of private property lot lines that marked the former Village of Bath.

There are some natural barriers in Loyalist Township (such as Highway 401 and the VIA Rail line) that perhaps could be incorporated into drawing boundary lines in future.

The present ward boundary line around the present Ward 2 largely meets this principle.

Communities of Interest: Electoral districts in Canada are not traditionally considered to be merely arithmetic divisions of the electorate designed to achieve parity of voting

power. Rather, they are part of a system "which gives due weight to voter parity but admits other considerations where necessary." [2] One of the customary other considerations is "community of interest." The rationale is that electoral districts should, as far as possible, be cohesive units and areas with common interests related to representation. As phrased in the guiding principles, wards should be drawn "around recognized settlement areas, traditional neighbourhoods and community groupings – not through them."

Without question, contemporary Loyalist Township includes several distinctive communities of interest and that is one of the reasons why a ward system continues to make sense.[3] The previous sections demonstrate that the existing wards fall short of meeting the population principles, but do they constitute an acceptable system of representation if the community of interest is used as the primary measure of success?

The initial generalization is that in terms of community of interest in Loyalist Township there are two wards that unequivocally meet this principle. Ward 1 is based on the former separate municipality of Amherst Island. Ward 2 consists of the well-defined Bath settlement area. Within Ward 3 there are communities (such as Odessa and Amherstview) that are well-defined and growing population centres but are not recognized as communities of interest distinct from the large rural inland area.

A future configuration that includes wards based on these distinct settlements would better address this principle.

Effective Representation: The specific principles listed above are all subject to the overriding principle of "effective representation" as enunciated by the Supreme Court of Canada.[4] The concept of effective representation was derived from the equality provision of the *Charter of Rights and Freedoms*: the "voting power" of citizens should be as close to parity as possible so that the voice of each one in the deliberations of government will be represented evenly and fairly. The Court noted that relative parity of voting power was a prime, but not an exclusive, condition of effective representation since other factors – such as those summarized above – contribute to the achievement of effective representation.

In Loyalist Township, there are significantly different relationships between constituents and councillors in terms of present and, in particular, future population distributions and community groupings that hinder the achievement of effective representation. Specifically, some councillors have nearly ten times as many constituents to serve (and represent) as another. The present configuration embeds a dilution of the votes cast by

[2] Reference re Provincial Electoral Boundaries (Sask.) [1991], known as the Carter decision, page 35.
[3] See Discussion Paper D on the case for retaining wards in Loyalist Township.
[4] Reference re Provincial Electoral Boundaries (Sask.) [1991], known as the Carter decision, page 35.

certain electors compared to others and weakens the democratic expectation that when the five councillors decide on a matter before them should each vote is cast on behalf of a relatively equal number of residents.

The boundaries fall short of meeting this over-arching principle and the imbalance will become even greater as forecast population growth is realized. The present wards do not, in our assessment, ensure effective voter representation.

Overview: The ward configuration in Loyalist Township is unconventional, even though it has a history that residents are familiar with and somewhat exceptional challenges since it must incorporate an island with a very low population. No ward design is likely to meet all the principles in their entirety; however, the best designs maximize adherence to the principles, especially in relation to representation by population and effective representation. It is our understanding of existing case law that deviations from the specific principles can be justified by other criteria drawn from the Carter decision in a manner that is more supportive of effective representation.

Council's April 23, 2024, resolution that initiated this review directed that "Equal Representation and Voter Parity" be among the principles applied. As this Discussion Paper demonstrates, these principles cannot be successfully addressed in the present three-ward configuration.

Our preliminary assessment points to the conclusion that a ward boundary review in Loyalist Township is necessary.

Figure Fiii: Existing Loyalist Ward Configuration Evaluation Summary

Principle	Does the Current Ward Structure Meet the Respective Principle?[1]	Comment
Representation by Population	**No**	The three wards vary significantly in absolute population and in proportion to one another.
Population and Electoral Trends	**No**	Population growth will not overcome the existing population imbalance.
Geographical and Topographical features	**Largely Successful**	Present Ward 2 boundary drawn along private property lines.
Community or Diversity of Interests	**Largely Successful**	Two wards include a clearly defined (pre-amalgamation) community; the third includes everything else.
Effective Representation	**No**	Population imbalances hinder the achievement of effective voter representation.

[1] The degree to which each guiding principle is satisfied is ranked as "**Yes**" (fully satisfied), "**Largely Successful**," "**Partially Successful**," or "**No**" (not satisfied).

Topical Discussion Papers A to F

Discussion Papers will be available to residents, each addressing one of the topics to be considered in this review:

- Discussion Paper A – The Loyalist Electoral System
- Discussion Paper B – What is the Optimal Size for a Municipal Council?
- Discussion Paper C – The Component Parts of the Loyalist Township Council
- Discussion Paper D – The Method of Election for Councillors
- Discussion Paper E – Guiding Principles to Design Wards
- Discussion Paper F – Is a Ward Boundary Review Necessary?