

(Sara McPhee-Knowles)

I'm very pleased to introduce our first presenter, Max Harvey. He is the chief electoral officer of elections Yukon, first appointed to that role in 2018 and Max has over 20 years of experience in senior electoral administration positions at both the federal and territorial levels, and he's very passionate about the administration of democratic processes that determine political power here in the Yukon. A couple of key things to pay attention to in Max's presentation are some terminology around elections, administration and legal precedent that drives decision making, and please join me in welcoming Max.

(Max Harvey)

Thank you very much, Sarah, and thank you all for your service. You're coming to give counsel to the government in some of the decisions going forward. Y'all, hear me OK back there. Three people out there. So. Whoops. Thank you.

Elections Yukon is just one of the stakeholders that will be supporting you in your deliberations. So, I'm very pleased to have the opportunity to be able to do that. My session is relatively short. That's really to help you understand some of the complexities, some of the perspectives of electoral management that will be helpful. Obviously, electoral reform is not a single channel. It takes, it's, you need a holistic view of many, many different inputs from many stakeholders of which elections is just but one. So, I'll try that get that, did I press the wrong button?

I read somewhere that said I've got my technical assistant or my technical professional to help me, but he's six years old and is having nap time right with that. so, that's uh. We are not saying that you're six years old, Michael. I couldn't have done that much damage in so, short a time, could I? There it is.

Elections Yukon, our mandate is the administration and delivery of fair, compliant and impartial elections. I'm proud to be part of that. In this talk, I'm not advocating for any system, any electoral model, but we are involved in the operations, the planning, the nominations, the enforcement of Election Act regulations. We're involved in the boundaries, we're involved in conducting elections and between elections activities and in readiness. so, as I said, it's part of your holistic approach to elections. Can I get rid of these side things there? Perfect. It's good. Just forget it's good there.

(Sara McPhee-Knowles)

Just have to hit the top one if it's not working I can. Do you want me to run...

(Max Harvey)

Give me one more chance. so, that's I'm here for you. so, please have any questions or any comments or that I would be very, very interested in getting your perspectives. OK, so, this is one of the things that elections Yukon has done is this little model about our strategic look at how we look at elections. They say that election management or election administration is one of the most complex activities that a jurisdiction can do. It is a very, very involved process, what needs to be done. And our laws and our structure are based on the rules and conditions that are laid out in the Elections Act, which are based on the electoral structure that we have, which is first past the post. We're going to talk a little bit about that

later. But when I look at Elections Yukon what is Elections Yukon doing, our, we, our mission is a modern, convenient and effective electoral process that inspires 100% voter turnout in Yukon elections.

It's an inspirational system ... in everybody to be able to vote. And our mission is institutional, right, excellence in fair, compliant and impartial elections and promotes elector participation. so, that's what we want to be able to do along the way whatever system is used in in the particular jurisdictions.

We have at elections Yukon, a staff of three people. Myself, I have an assistant chief electoral officer and we have an administrator. It's the smallest jurisdiction in the country for staff. We have some jurisdictions have a dozen people, some have 20 people, some have hundreds of people are running their elections, we have three.

We have one of the larger mandates of the jurisdictions and that we do the territorial elections, we do the school board elections now, there's two school boards which are basically territorial elections. We do school council elections every two years, school boards are every three. We do referendums for school councils. We're a major part in the support of the Whitehorse municipal election and we're involved in the Boundary Commission, which is ongoing right now, so, lots of activity, it's always something on the go.

So staff of three, I have some additional staff, I would say little, support we get from returning officers to help us do some of the headquarters administration. We have 19 returning officers that are appointed. They apply, we're appointed they're contract workers. And during the election we administer and employ over 500 people across the territory. so, it's a major operation.

We have hundreds of manuals and forms that need to be updated, awareness campaigns and lots and lots of other activities along the way. But the most important part. Of this little house, here is the four pillars of activity that any electoral organization will need to support the electoral system that's in place.

First of all, and probably the most important is integrity. so, our integrity pillar really speaks to making sure what do we do to make sure people are entitled to vote, that the vote is kept secret, that it is compliant and standard along way. That the results are counted as intended and there is public trust, public confidence, public acceptance of those results. so, that entails many things, including legislation and processes that we need to put into place.

The second pillar, which is the well I would consider equal to integrity is access that people can access the vote and it's for people that are away, people that are traveling, people that may only have mail services because they can't get to a place or people providing access where there are barriers to voting and quite often people think of barriers as physical barriers about doors and and ramps and such, but there are many other barriers to voting that we try to break down so, people can participate. These will include things like psychological barriers that people who feel that they don't know how to vote and they're afraid to ask. People who may not like to go out in and where there's big crowds, where there's people that don't understand and don't want to ask.

So there's many kinds of psychological, physical barriers that prevent people from voting. And we do know there are groups of people that don't vote, or don't vote in the numbers that you would expect them, youth are a typical example. A youth are underrepresented, often at the polls. First Nations, often

underrepresented at the polls. Some new Canadians are underrepresented at the polls because in their former homeland, it might have been dangerous to vote if they were escaping. So, so, breaking down those access barriers.

And as well as those barriers, there may be barriers in the times that people can vote. Are there enough venues that people can actually, places and ways to vote that they can go to? Can they access the vote through people, through places and options to vote? so, those are the two main pillars I would call the really the load bearing pillars.

Modernization is being able to move forward and to evolve the electoral processes and systems that support the democratic process. It's not just technology, it's also some of the rules, regulations, some of the policies that we have to support the expectations and growing expectations of electors for speed and convenience and simplicity in in some ways.

Readiness is an operational goal. We're in a minority government right now. There's a confidence and supply agreement. That is, keeping that has formed a coalition government there, but the government could, an election could be called at any time. And we have to be ready for an election so, that means ongoing readiness with those key people that are that in all of the electoral districts. so, that's what we have. That's the pillars that and each one of those pillars has many, many elements or activities related to making all that happen. To give trust in the system and that the results are accepted.

The most common question I get is. Are you part time? What do you do between elections like and I can assure you that we are pretty full out and we're, I'd like to say we're punching above our weight class there. We're doing a lot and we're pretty proud of what we are able to produce. so, my that's about us Elections Yukon.

And well, I'm going to focus on two real, areas today. One is about democracy and effective representation, which is very, very important. That's obviously a key element of any considerations that you're making and then looking at where are we now? And maybe there's some lessons where we can improve or where that say this is good as you go forward in your considerations and that would include the last election as well as we'll talk a little bit about the proposed boundaries, how we looked at that to support the electoral system that we have right now in first pass the post, and then some observations.

For democracy, you know Abraham Lincoln, for the people, by the people of the people, a great quote. Democracy basically is from the Greek word demos, which is people, and Kratos is to rule. Rule by the people. so, a democratic process is simply a system of government where people have the power to participate in decision making. Participating in decision making is the element. There's direct and indirect democracy. We have indirect democracy, we elect somebody to make decisions and to think and to support on our behalf. Indirect, it would mean, like many Councils will have the whole town vote on an issue. It could be direct democracy if we had a referendum. We had a referendum so, that would be direct. That was binding, that would be direct democracy. What do the people want? And that would be direct.

Democracy is a lot more than holding elections because underlying democracy and is the values and the will to apply and reinforce the rules and systems that are created, free and fair. Elections are a fundamental part of that. But a democracy also includes the active and engaged citizenship that they

can participate. That inclusive and equitable that brings in from all areas as respected and free. Free and franchised elections. They can stand for election and choose who makes decisions on our behalf. And the rule of law for both civilians and the government, everybody is equal.

David \*\*\*\* (Frum) was, is a political commentator. His mother was a Barbers Frum used to be on CBC, as it happens, was. But he said something a democracy, which I really kind of kind of respect. And I think it's kind of an interesting comment, he said, democracy is a work in progress, and so, is its undoing. And we look around the world where there's democracies and we see things happen where the will of the people is not, is not respected, as you would expect. so, representative democracy. Pretty simple.

The three forms are three branches of government, the legislative, the executive and the judicial branches, because a government is accountable to the people and it depends on the support of the elected assembly. That's the responsible government. Support that is accountable to the people, through the elections, and that depends on the support of the elected assembly.

The heart of the, of governance is the Legislative Assembly. That's the heart where the decisions and the impacts are considered and they position the territory or jurisdiction for the future. Of course, we have 19 MLA's representing 19 districts, one MLA, One District and they carry out their Legislative assembly, MLA and MLA functions. In this territory, they also will carry out their party functions. Other territories, of course, is a consensus government, they don't have parties.

The functions that a legislative assembly has is to make the laws. Obviously the legislating and the study of the Bills. Money, finances, taxation programs and to scrutinize the governments to hold them accountable. It does a lot of this through debate and policy decisions and listening to the public to make sure people are accountable.

Where I'm from, I'm originally from Newfoundland and before Confederation where we Newfoundland became a province, we had a Commission of government. It wasn't a responsible government, it was, they called it a Commission of government that was appointed by Britain and they were accountable to Britain, not to the people in that. so, that was not a representative democracy in that sense, for that time period.

So what the Supreme Court said, that being represented because that's the representative democracy, means having a voice in the deliberations of government. For having a voice and the and the right to bring one's grievances and concerns to the government representatives. so, that's what the courts think a representative democracy is. so, if we look at an MLA, which is what we elect, whether it's one or two, depending on your system of government, representative function is the key one for us in election circles to represent as a district representative and Ombudsman.

So it's to represent the communities and the people to advocate on their behalf and to help them navigate their democracy. And they represent all the constituents, all perspectives, regardless of what party or how many votes that they got. Multiple communities of interest, so, it's not one community of interest, it's multiple communities of interest, including that of minorities, languages, cultures, socioeconomic groups. so, that's a representative function. They're not necessarily to advocate on every single person's issues, but they're to make sure that they have a voice and they'll listen to and they go there.

Legislation, legislative function, of course, all the bills and legislation and pointing out flaws and to make them better, to make them work. Surveillance function, Watchmen, the accountability and then the legitimization function which is really about the credibility of government to make sure for that it has the consent of the citizens and the laws are respected, that there's debating and voting.

Quite often we think of legislative representative democracy about the MLA, but it must be looked at in contacts, in context with the whole Legislative Assembly and government. so, that you are represented by your MLA, but you are also represented by the Legislative Assembly, writ large and by the government writ large. And if there's things that your MLA can't support or can't, then you, the government and the Legislative Assembly have a role to make sure that those rights are protected as you go about your business. so, that's representative democracy.

This is an interesting one. The golden standard for democracy is one person, one vote. We've heard that a lot. Canada rejected that philosophy, but one person one vote is really the battle cry of the American system is one person one vote. And that basically, and in the United States puts into good faith to practice mathematical equality, in the in the value of the vote in determining constituencies. so, it's a radical interpretation because it's basically numbers. It's a numbers game, totally for them. so, it's roughly the same number of people equals everybody's equally representative. You don't have more voice or less voice than, I we're all pretty well, much the same.

There is risk, at least in the American version, some of the criticism of that system is it is too strict and it creates two things. One is called the, you heard of gerrymandering, that was where the one of the Massachusetts officials changed the boundaries because in the states as the Secretary of State, an elected position, a partisan position that determines the election laws, and they drew up boundaries, that kind of shape, like a juror salamander, and they called it gerrymandering because it was trying to get all his voters in to make sure that he was protected. so, that's the risk, if it's just numbers, it doesn't matter how we draw the line, I can draw it to favor.

They also have a thing called prison Mandarin. Now in the United. States, a lot of people in jail in the United States. But the United States, if you're in a jail in a jurisdiction, your resident of that jurisdiction, not like Canada. In Canada, you can't live in a jail, you don't, that's not your residence, you can't vote my address is a jail. But you can vote, but you can't use that address. But in the states they can't vote. You're in jail, they can't vote. so, politicians love having prisons in their district because they have population is high, they got the good population, but they don't have to represent them. And they don't. They're not voting for them, they're not going to get any votes. Why listen to him. You're not gonna help me.

And that's this is one of the things about the voice you're so, if you're underrepresented, in a jurisdiction, say youth are underrepresented politicians can listen, but they may not necessarily use any capital to say I'm going to do this instead of doing this for the seniors or the older voters who are turn out and are very active. I'm going to, who am I going to pick to support? People are going to vote for me. That's so, that's one of the risks of the one person one vote and their seats in the legislature are allocated on the basis of population. so, population means everything or the, or you can see that's the one person, one vote sounds great, but if you're just strictly mathematical, it doesn't work. You can see up in the little corner there I got the fellow on the swing or on the seesaw where he's one person, and that's weighted the vote. Why is one vote worth all of those other votes, they say one-to-one would be their argument.

In Canada, that was rejected, one person, one vote. Because it's, they use a different kind of concept, not equality of population, but they use it the term called effective representation. And the courts interpreted it from section three of the Charter, which you have a right, every citizen was entitled to have a right to vote. The right to vote is just not, you're allowed to vote if you're of the age and the qualification, but the right to effective representation. For being effectively represented, by your MLA is one of the functions that they have. The primary consideration, as the court said, is voter equality. We don't want one to have too much weight as opposed to some someone else, but also taking into account other criteria which they call countervailing factors. But there's just basically other consideration beyond just strict numbers and they include things like geography, community history, community interests, minority representation, so, fair.

But don't, maybe there's something that says maybe we need to give fewer electors in this district because there's more issues, they have special challenges or the travel is so, long that the MLA can't get around. Those are things that would support effective representation and some deviation from total parity either. Well, that's effective representation there. Yeah.

And we have in in our Elections Act, we must consider, so, when the Boundary Commission is doing the boundaries of an electoral district which is the geographical area of the constituency, that they will represent, must consider density, population, accessibility, public input, First Nation and municipal boundaries, transportation and community, census data, the number of electors and any kind of special sort of considerations. so, those would be countervailing factors which say, you don't have to be absolutely equal or very, very close to being equal.

And what we've done here is, yeah, this is just an electoral district, this is the set of boundaries. And I just wanted to talk about the stakeholders. It's many stakeholders involved in an electoral district. And I just, you got obviously the voters of the electors, they want to be able to participate, they want to have close access, they want to be represented, they want accountability, political entities want to know their area, they want to be able to progress their agenda. They want to get represented, they want to represent all they want to get reelected.

We, as election administrators, look at how do we manage it, how do we make sure that it's fair and it's compliant because I use the term rub against reality, I really like that term because that's the real practical part of it, where you've got the academic, the plans, but how do you actually put it into actual practice? Newfoundland, we would say you cut the cloth to fit the child. so, sometimes that sounds good, but it might not be the right size, it's not a cookie cutter approach. You've got to tailor your systems and your policies and your compliance to the process that that you have. And of course you must align it with the Election Act and that is the standard that we must adhere too, and we look at it for all of those integrity, access, modernization and readiness things, but there's other stakeholders.

I'm just gonna. a few media as a stakeholder because obviously if it's not fair, they see something that they'll point it out and a question and they can impact your public trust. Communities of interest obviously are a stakeholder, businesses because of the economic impacts, and change advocates. so, there's a lot of considerations when you look at th,e by those designs of an electoral system, how are you going to go forward.

Now, I'll go back to this voter parity. I mean, I'm sure, yeah. The voter parity here. so, when you design an electoral, the design and structure, how many electoral divisions do you have? How many MLA's, how do they fit with the district and the processes? Really will, is really to support and reflect effective representation. Now there's three elements that I'm going to speak to now to think about when you're looking at the electoral system.

One is that voter parity, relative voter parity, population electors, what are the variances? I'm going to talk a bit about variances because this is a very interesting element of electoral system the variances. so, are the votes equal, the boundaries? How many districts do you have? What communities are contained in them and how do you separate districts from one for from another, and then that term, countervailing factors, what are those communities of interest that you need to consider, the language, culture, ethnic and minority to be able to protect all of the minorities there. so, that's part of the design to be able to effectively represent someone as that's the goal.

So a key element, whatever system you have, when you look at it is the is something called the electoral quotient. And it's kind of a basically it's just the average number of electors or population in each district if they all had the same. so, right now in our last update we had 31,655 electors that we have registered in our database. so, if we had that many electors, we had 19 districts. If it was perfectly absolute parity, we'd have 16,666 electors in every district. No matter where you are, you're, that would be fair. That would be one person, one vote. That's what that would be. so, if it's just like a simple calculation, if we had 30,000 electors and 20 districts, each district would have 1500.  $30,000 / 20$  would be 1500. so, that's, would be the electoral quotient. That electoral quotient, of course, will change over the course of a boundary, because people move, people die, people become 18 and they can vote their electors and they are not on the register (get on the register). We use electors, but it could also be population. Some jurisdictions use population as their quotient. so, that they, because an MLA represents everybody, whether they're Canadian, whether they're 18, whatever, we use electors coordinates with our Election Act. so, that's the electoral quotient. 1666 right now and going up. Our boundaries last typically 2 elections, and then they're updated with new quotients to balance out the quotients there.

This is the variances which I mentioned a bit earlier. The Supreme Court has said that you're not going to have absolute parity, but, you can have relative parity and that's 25% of your electoral quotient. About 25%. so, to make it easy, if you had 1500, 25% is 375, so, you could, minus 375 or plus 375, if you're within that bracket, you could be effectively represented. so, typically you use your countervailing factors to address, so, if you're a rural area, you may even say, well, maybe rural areas, the districts need to have fewer population. so, we can make districts there with 1500 or 1200 people and the city ones, we can make 16 or 1700 people and that would both be effectively represented and that gives you that adjustment and called relative variance.

So a positive variance, so, if you have more electors than the quotient, you're going to have a positive number. If the quotient is 1500, you have 2000, you're going to have 1.25, so, and you convert that to a percentage and that would be 25% + 25% that. If you're 1500 and you had 1000 electors, you'd be  $1/3$  would be less, should be .67. Basically would be, which would minus 1, which you would have a 33% negative variance. so, what I you get that the positive and negative. so, if you have more electors or population than the average, you would be theoretically be underrepresented because you have more

than the average you're underrepresented. You have fewer than you're getting over represented because your MLA can represent, you have more weight to your vote as well. so, that's positive negative and 0 variance, which is absolute voter parity, very rare, and if you have it, you won't have it really for long anyways, because it's a snapshot.

OK, that's the variances. 0 sum of variance this is a really important concept. If you have 31,655 electors in the territory, and they're all located in different areas, if you have districts that have lower, that are overrepresented, that automatically means you will have districts that are underrepresented because it's 0 sum. If you have a piece of pie that's supposed to be 19 equal slices, and I give somebody a big slice to over represent them, then all of the other slices are, potentially all of the other slices have to account for that loss of that share. so, it's very, very important. so, we'll see later on that if you take a community from one district and move it to another district, because that's great for that district, but all of a sudden that other district is short and they become overrepresented to a make potentially unacceptable degree. so, that representation, the 0 sum is a very, very important element. You can't look at one boundary in isolation.

And exceptional circumstances, the laws allow you to go outside 25%, but you really have to have a pretty good reason to do it. That's not within the normal circumstances because it is an exception to either significantly over or underrepresent someone, if it's outside of 25%.

So this slide here, where there's red there, you can't see it all yet, and it doesn't really matter that you can read that, but in 2016, we had 8 districts of 19 outside of 25%. Eight. Typically they might have, a jurisdiction would have 3 to 5%, that are exceptional outside of that 25%. That's a high threshold. If you have a 1666, I think you can go from 1250 to 2000. so, you got a huge range in the in the for the 25%. so, we had eight. In 2021 when we had the last election, we had 11 of 19 outside of 25%. We had a whole bunch of underrepresented, this city and a whole bunch overrepresented. I said Ohh, is that fair? Is that fair? Why? Why is there a vote different than mine?

So it's an important element is about variances and that was one of the reasons that the Boundary Commission in 2018 the boundaries that they suggested, the Commission suggested, it was defeated in the in the Legislative Assembly. One of the criticisms was, the variances were too excessive and too many Jurisdictions, it wasn't fair. And I'll give you an example here, and if is this here, so, are you some of this as votes as so, if I was a government is I'm going to give every there's 19 districts here, 19 tables I'm gonna give every table 1000 bucks for your district. And I said, oh, no, wait a minute. Wait a minute. Like I got a better idea. I'm going to give you the amount of money from the 19,000. That is, represents the weight of your vote. I'm going to do it by weight of vote. Should give you all 1000 bucks, but I'm going to give you by the weight of your vote. One district, let's say please come up here and get your check for \$6046 dollars. That's what you, that's what you're represented, and we go down to, there's five districts that are around 1093 so, OK, so, they're obviously a bit underrepresented, they're getting more and then you see look at all of these that are getting very little, you got one district, it's only got \$380 bucks and that district right now is Porter Creek centre, which has almostmost 3000 electors. The top 16000 has 188 electors, so, that's why the. so, the vote allocations are very important there.

So in one district the weight of the vote is one in 188. In another district, your vote is one in 2951. Weight of the vote. And that's captured in the variances that they have. so, within 25% is acceptable, based on



the countervailing circumstances, outside 25%, it happens all. It happens. You need them, but they have to be a pretty good reason to have that, to not having that voter parity. Oh, I think I did something here. Hey, where you going? There's only two buttons on that too, that's.

(Sara McPhee-Knowles)

It is a little bit finicky, though.

(Max Harvey)

It's OK, it's not all my fault, then. OK. Thank you. so, that's part one is the voter parody. When that, that triangle both being looking at the vote talking about the one person, one vote and the variances and about those countervailing circumstances.

While she's doing that, the next thing I'll talk about is boundaries. You gonna follow along in your thing that's. Well, that's the one. Yeah, right there, perfect. Boundaries, which is, one of the things about the boundaries is for the electoral districts, which are the geographical area. Is, there was a comment made to send in a book, MLA's represent people, not trees. so, the boundaries are important if there's lots of trees and open spaces, it's important as a factor because travel is more difficult. But it's not a reflection of how big your area is, it's a matter of what kind of challenges does it give? Did you take it away from me? Ohh. You. Gave it, gave it. Back. No. Yeah.

So one of the great quotes, right, that I've heard was, fair boundaries are an effective measure to ensure the will of the electorate is represented, and I think that's a really important element to make sure that the boundaries that are fair. My, so, this is an example, 50 electoral districts or 50 precincts of polling divisions, 60% are blue, 40% are red. You can draw boundaries, in that district that creates 5 blue wins, or even 3 red wins on that same district from those boundary commissions. so, the importance of boundaries, if it's numbers and this is the gerrymandering thing, I can. Yeah, I would if I was red and I was in power, so, I want that, I want that that one there, we'll get two seats or three seats, even though I only have 40, so, fair boundaries can, are an effective measure to ensure the will of the elect of the electorate, well, that's an interesting one.

The way that we work in our system and most are, is each electoral district is made-up of polling divisions. so, a polling division is typically a grouping of an area that encompasses about 400 or so, electors. But if you had 2000 electors, you'd probably have about 5 polling divisions. And one of the interesting things is about polling divisions because the polling division is where you vote and where your vote is counted in that polling division. so, if there's five polling divisions, if I'm a politician, or a political party, I will, I will know exactly how that polling division voted, so, I'll be able to know which are the red squares or the blue squares, or the orange squares, so, that district there that's very heavily this party. Or that candidate. And this is how you can know how people vote in certain areas. If you were, we don't do that, of course, when our bound, we don't have nothing to do. so, that's how they can gerrymander, a system there with the polling divisions.

OK. The countervailing factors, that was the other end of the, the, the triangle, well, this isn't close. They're just examples of departure from voter parity in pursuit of more effective representation.

I wanted to just talk a little bit about communities of interest because that is a very important concept for our boundaries that we have no matter what the system would be, communities of interest will be a factor. Uh. Many communities of interest, I would say though the largest ones are the most predominant ones would be communities in the Yukon that are outside of Whitehorse and the Whitehorse communities within. That's one community I don't live in. I don't have the same access to MLA's outside of Whitehorse, I do in in Whitehorse. First Nations are community of interest where they have common interest and you could divide them up that where they lose voting power, potentially, depending how you did. Franco, French Canadians, we don't have a large number, but that could be in some jurisdictions that is in some jurisdictions. Nova Scotia, Afro Canadians would be a community of interest, could be a community of interest, or Filipino could be a community which could be, Toronto Maple Leaf hockey fans could be a community of interest, about that. so, all communities of interest that need representation to do it. so, it's a very important concept when we make sure that they are effectively represented. And representatives that they have a voice.

When we looked at first past the post here for the, over the last 25 years or so, about, what were the election results? so, we're first past the post, it's called a single member plurality. We don't need 51 percent, 50% + 1 to get elected. It's the concept of the horse race that first past the post and it's been in effect since the Middle Ages. It's the British started in the British, system so, it's been around a long time, it's quite it's a simple system and it's in use in many jurisdictions.

But we can see how things change, people vote, governments change, who gets elected change. With, this shows I've got another slide that, people, it's a snapshot of, a vote is a snapshot on why people are deciding to vote that way, and there's lots of reasons. And I've got lots of, where I've done a lot of work on that. Why do people vote the way that they do. Obviously, the person the issues, there's a whole number of why people vote the way that they do, but votes change. And we vote for in our system. We vote for a person and a party, that's the two or party and or party.

So this here, in the first pass, the post single member plurality is an interesting one on, we're not one vote, we're not one. We're one territory, but we vote in our regions on what's important to us in the regions. And you can see some, the Yukon Party was very popular and others they weren't, they didn't get as many votes. The Liberals got more and some of the new Democratic Party got more.

When we look at the Yukon situation, the challenge, one of the interesting things there, is that we don't have a lot of electors. 16,166 electors, not a lot. You have 3 candidates, you got 60% or 70% turnout. Not a lot of votes, to share, so, are we, what it means is that, you don't need a lot of votes to win. And if you got a lot of candidates, both are going to be close. You're going to be, in 2016, 15 of 19 districts were won by less than 100 votes. 15 of 19. This so, in 2021 there we had three parties, we had one independent. Right now we have 4 political parties, we have those three major ones, and we have the Yukon Freedom Party, which is one of the political parties. We had the Green Party here, Yukon Green Party, they are no longer in existence, they may come back, but they were, yeah, they're no longer a party.

So, in 2021, the Yukon Liberal Party got 32% of the votes, got eight seats. Yukonparty got 39%, got eight seats, NDP got 28% and they got three seats and that's what that's showing there. Of the 2021, seven had 50% plus of the vote. The highest was, we had one district where a candidate got 62% in Lake Laberge. We had nine districts, a further nine with 40 to 50%. so, that's 16 of the 19 with 40% or more with three,

with 37 to 39. No, nobody got elected with less than 37%. so, the winners, it's interesting, when we looked at the counts, we had a winner that won with 78 votes and one that won with 799 votes.

So when you look at the weight of the votes, what does it take to win one district? You'd need 79 votes. The other district you needed eight hundred votes. A lot more work to get 800 votes potentially, maybe not, but it's there is, the things to consider there. And the other thing is a 5% change in some districts to go from a 40 to 40, it's eight votes. To go from 45% to 50%, I just needed eight more votes than I have 50%. Others would be 64 votes to get an extra 5% to get. so, the range from 50% is 13% is historically, in at least that election and it doesn't take a lot of votes to get it over that that line. Turnout, obviously an important factor overall it was 65-66% in 2021. Overall, we had the 54% in one district, Whitehorse Center and we had a 77% in Vuntut Gwitchin, so, that's the, how it worked there.

With the vote, the more candidates that you have or the more political parties that you have, obviously the harder it is to get to 50%. That's, the vote is a voice. Okay the interim report, when we looked at, what are we thinking? so, this is, that's the theory. We had a bit of a bit of history in that that last election. This is what we're dealing with now, when we look at how do we get this effective representation and the variances that we that we want. so, we shifted, at least in the interim report, 6 districts outside of Whitehorse, which are the Yukon communities, we should probably call them, and 13 within Whitehorse. so, we remained at 19 districts. Obviously. An MLA represents 16,166 plus electors and the larger population.

The committee, at least to date the interim report, feels that this is not an unreasonable number of population or communities or communities of interest to represent. 1600. PEI has 4000 per MLA, Newfoundland has 15,000, British Columbia an MLA has over 50,000. Many people in many communities, giving, recognizing their voice, representing their voice, and being able to be there to listen to their grievances and such. So, we thought there's not an over, they're not so, they can still provide effective representation with 19 seats.

That was the conclusion there, but it wasn't balanced the way that it needed to be balanced. Within Whitehorse, it was underrepresented. They had huge populations, at six districts that were outside of 25%. Including one that was over represented, Porter Creek South, only 1000 electors and the others had 2000-3000 electors in some of them. so, they're under, and the rural or the outside communities were very much over-represented. Beyond 25% at least.

So what that does, if the average is 1666, and you look at the 8 districts currently outside of Whitehorse and they're underrepresented or the outside, they're overrepresented, and these are underrepresented, that means that the based on variance, if they're, if they should, if you, if they had 1666, 8 times 1666, whatever that is, that's, I'll say 14 or 13,000, if that's what eight times that is 12-13 thousand, those extra votes, because they only have 9000 electors, those extra ones have to be assumed by the city ones, so, there's automatically a design imbalance.

If you're making more districts in the rural areas that support low, because they don't have the population or electors to fill it, then that has to be taken up in the 0 variance or the that by the city ones. so, the more districts you put in the, outside of Whitehorse districts to lower their average will be, which

means the higher the average will be in the city ones. And they're all supposed to be within 25%, except we're special conditions prevail.

So that's the challenge that were looked at, we saw those big imbalances looking at voter parity. What do we need to be able to do? We'll just go here. And this is what they came up with. I'm part of it, obviously, that they came up with six districts outside. Even with six districts, even with six districts outside of Whitehorse or the Yukon communities, the, as a group outside of Whitehorse, they are still overrepresented because they have more seats than the population would be. It doesn't matter how many seats you put outside of Whitehorse, the number of electors will stay the same. We've just got the more seats. so, if you make it smaller then they're, the outside of White Horse variants would or electoral quotient would go up. Basically, if you just looked at that quotient.

So that's what we looked at, that's what we did, and we came up with this. Yukon North linking Old Crow with Dawson. Obviously electoral district with 188 electors was considered too much of an over representation compared to the to, it was an 89% or 88% variance. On the other end of the scale, Porter Creek Center was 86% underrepresented, because they were so, big, such a big thing. so, they merge those two to give the numbers. It's a bit higher than the average, so, they're slightly, if you looked at it from a, they are underrepresented, sure, but to an acceptable level because within the 25% that the courts allow. Yukon Center looked at there, very hard to move communities there. It's the Mayo, Carmacks, Pelly area my ...

(Sara McPhee-Knowles)

Just need you to be talking to your mic a little bit more.

(Max Harvey)

Oh, OK. I'm sorry about that. Yeah. so, they, yeah, Yukon we called Yukon Center, they only still, even we tried, only 1000 electors, so, they're minus, they're overrepresented, minus 38. What do you do? Take a piece of Dawson to move it to Mayo? You take something from Faro and Ross River to move it up in there? And then that changes, this is a 0 sum, it just changes everything for aeverybody else. so, it's one of the ones that we had, well, this is a community of interest. It's central and that's what, that was happened there.

For Yukon East, Faro and Ross River, where community ventures had lots of trade but so, were the Kaska Nation, with the Liard First Nation. so, the Commission said Watson Lake has ties with Ross River and that they and Faro and they made that a district. Yukon South they call Teslin is really kind of close with Carcross Tagish, and so, they put that in there, in the Yukon South, which was formerly Mount Lorne Southern Lakes. Kluane and Lake Labarge was one minor change to the boundary, Ibex Valley going to Kluane, and Lake Labarge losing the Ibex Valley, and that was purely to balance out the numbers. Kluane had 1000 electors, and Lake Labarge had 16 or 1700 electors. Regional kind of balance looking to balance it out in the numbers, there was no countervailing factors which said, oh, you can't do that or you shouldn't do that or they are an exceptional reason.

So that's how it came to six balancing out the numbers, but even so, they are still slightly over represented as a, outside of, as a region if we said a region outside of the. And that means if they're

overrepresented, that means the city of Whitehorse is still, by design, underrepresented to a small degree because they're, they have, they have more electors per district, in reality, based on, compared to the quotient.

So the big thing about within Whitehorse is Whitehorse is growing like crazy. Whistle bend is, gone, since it's quite a population center. It's part of a, Porter Creek north and Whistle Bend. They already had 3000 electors in 2021, when everyone else has there's like 2. And so, what they did is, we made Whistle Bend a separate district just within that that boundary of Whistle Bend and we made it 2 districts. so, we had a clear Whistle Bend boundary of two districts, because the population is growing so, fast there. And we've worked with the city and with statistics, and it's possible that by 2030, that Whistle Bend could have 11,000, or 10,000 people there, they may. And the next Commission, our Commission, a Commission lasts for two elections and a minimum of six years, so, because this one is a special one, because the last got defeated, it's only it's a shorter horizon. The next election is, has to be held by November 2025 by the Elections Act, is fixed election date, but of course you can be called earlier. It's a minority government that's not bound the Commissioner can order an election based on the recommendation of a premier.

So, that's what we did. And then there was a big, series of effects because obviously the ripples of impact once you take away 2000 electors from Porter Creek Center, everything else is affected. It's ripples all the way down the line. so, you got them all down there in Whistle Bend, right now we have Whistle Bend North being overrepresented because we are only saying, right now we think there's about 1200-1100, electors there, based on 2021. We know since 2021 we've got people out there. What's been built there and what's the growth there and what's there. That is a temporary, that's 100 electors and they'll be within the 25% and it won't be long before they're significantly under represented in the Whistle Bend. so, that's basically what the Whitehorse redistribution intended to do.

So the other thing about boundaries and you'll have this when you look at it, is population or electors, whichever. Right now, there's 45,000 people in in Whitehorse in the Yukon. By 2030, by 2030, if there's an election in 2025, November 2025, the next election would be November 2029. Based on, we went to the projections to 30 to get the trends and that sort of stuff. But if you look at the growth of the Yukon, we're using a medium growth scenario, we've been told it's a good, a bit conservative though, because they're thinking medium high, is fastest growing jurisdiction in Canada. We're going to have almost 52,000 people by 2030. Of those, the growth, three out of every four new residents, to the Yukon, will come to Whitehorse. so, Whitehorse is getting bigger even in comparison with the rural areas, rural areas is getting some growth. They're growing the 37,000 they're going up, they're going up 1500 or so, in the five years, and they're going up 6000 or so, in Whitehorse. so, it's a much slower growth rate.

So that means that the rural areas will, kept, they're already over represented, and will have more over representation and the city will, you want the cities where there may be better access to services and less issues and that to say right, there's a, there's a good reason that you can have that under representation there. And to give more representation to a certain degree to the areas outside of the highly populated centers.

So that's the. so, I'll go back to what I do there. Not the. OK, I was doing so, my I was doing good for a while or. OK. Just I just was just coming to the end here. I know it's a, it's a lot of stuff, but it's

complicated about all the things you need to consider about what goes into an electoral district besides putting some boundaries there and saying does have one MLA or two MLA's or some other kind of system? You have to consider how do you, get you, get a, implement it. Does anybody else have problem? Am I the only one that OK? Oh, you did one. Sorry. OK.

OK, there in the in the Yukon, the MLA Elector Connection is very, very important. Yukoners, like Newfoundlanders, want access to their MLA's. Immediate, lots of it, when they want that, they they're used to that high degree. Yeah, Yukon centric. We only have 21 communities with more than 100 people in in the Yukon. That makes moving communities into, to enclose them into an electoral district very difficult because of the 0 sum. Because you take it from over there, you bring it to make yours up, that goes down. Newfoundland was able to go from 48 to 40 seats, but they had lots of communities, small communities that they could, okay, we'll just move them in here. You don't have that opportunity here.

So any larger district obviously or to get more electors into a district if, you're going to have to expand the boundaries a lot when you're going for 10 or 20 districts. And I just wanted to mention that the Elections Act that that is the guidance would obviously require a very major rewrite and the processes that obviously has a lot takes a lot of lead time to happen. Those are the communities there, and I think I'm getting the hook.

So yeah, we share common purpose. But I'd like to think that the I have the exact same purpose, effective representation, fair and compliant. And yeah, we recognize your important work and the important input that you have. And all the best and we'll available to support any way we can, Sarah and I appreciate the opportunity. so, thank you.

(Sara McPhee-Knowles)

Max has all the questions from the folks in the room. And I would just ask those who have questions to ensure your question is in fact a question and not just a statement that goes up at the end, if at all possible, and keep them fairly short so, we can keep running on time. Thank you. I thought Michael was the back. Can you just restate the question and then?

(Member)

I have to start with an observation that we support. I appreciated the comments on effective representation, and you're talking about how that is with the MLA and the legislature, and then of course, there's the the administration and bureaucracy as well. And as someone who lives in one of the communities, that kind of disconcerting to see effectively, the number of Community seats were down.

I understand why on a numbers basis, but anybody from a Community can tell you that one of the challenges that we face is that the bureaucracy resides good 90% or more I don't know the actual number in Whitehorse. And one of the problems with hegemony is that people in power will make decisions that work for them, and often the people in power within the administration make decisions based on a Whitehorse perspective. And having more seats allocated in the legislature outside of Whitehorse help to counterbalance that a little bit. so, I'm wondering, when doing this work, when you're looking at those countervailing factors, is the presence of the bureaucracy largely in Whitehorse factored in as part of the numbers when assigning seats? And could you in the future do that because it really

affects the communities? I can see us and I think you spoke to it rather well, although I maybe use different words, I see this heading on a path to where it's kind of a tyranny of the masses where Whitehorse dominates everything and people in the communities really have no effective representation at all. so, going back to that question of how do you consider that, that administration representation and could you in the future?

(Max Harvey)

Obviously I will say the the question of effective representation and the balance of the voice that those communities outside of Whitehorse has. What the challenge that Yukon has is not different from many jurisdictions in Canada, Newfoundland included. We have the thing in Newfoundland, and I've lived outside of St. John's when I was younger, and a place called Belle Island, we should have say if you lived outside of the overpass that was the overpass, the little ring road that went around St. John's, you didn't matter. You didn't, you're outside the overpass, the government didn't care about those outside. They didn't listen, things didn't happen. so, I get that loud and clear. What, and I encourage you, yukonboundaries.ca, make that statement. Make that statement. Obviously, the Commission feels that fair representation, and effective representation can be achieved, based on the numbers and the communities of interest that we consider, we did commit, consider communities of interest.

If there's a look to say, let's make outside of Whitehorse, some communities much, allow much higher variances. But now that's fine, that, but that's not our mandate. It's about effect, can an MLA effectively represent those thousand electors. In central or 1500 electors in the Watson Lake, can they effectively represent their voice? The question you ask is one level higher and you say, OK, this is the power imbalance between Whitehorse and, that potentially, and our mandate is the effective representation. We believe that those numbers can. I encourage you, get, put something in there because that is an important concept and it really touches on what your guys are looking at as well. so, but that's what our mandate is.

(Sara McPhee-Knowles)

OK, I'm going to take our next question. We can hear you.

(Member)

And the question is about the 25% variance. And the extra outside the 25%, above where you know. And I was wondering who decides special cases where which warrant getting out of the 25% variance? Who decides? Is it special community or is it special interest? so, who makes a decision that this case we have to go outside the 25% variance.

(Max Harvey)

Yeah. so, the question was when the special circumstances to go beyond the 25%. so, we went from 11, we have two now which is more in line with the national kind of averages, of those exceptional districts. The decision is, the recommendation is made by the Commission, and they make that recommendation based on what they researched from the work of previous commissions, from the written submissions, from the public hearings that we're holding right now. We just came back from Faro and Ross River and Mayo getting input and the ongoing submissions and public input.

The Commission, which is made-up of a Chief Justice of the Supreme Court or retired, we currently have the serving Chief Justice Suzanne Duncan, there's myself as the Chief electoral officer, as mandated positions, and we have a representative of each political party, that have a seat in the House. so, we have a Liberal, a Yukon Party and a New Democratic Party that are part of that Commission. And part of our principles are that we be impartial and we go for consensus as far as possible in doing it.

So it's the Commission will make that recommendation, we'll, we've got the interim report produced and it's available, and it's got some background, some of the things I talked about and some of the graphs are in that if you, if you haven't had a chance yukonboundaries.ca. It's in there we give that Commission. We gave that to the Speaker. All of the MLA's have it, they're not happy. The mayors we've talked to, mayors, they're not happy. The public, they're not happy, submission public. We will do a final Report.

And we will do if there's major changes from this, that we will do, will release an early draft and say, OK, this is what we're thinking, got some changes, this will, I give us the input. We will give that to the Speaker and it has to be done by the 9th of October, because we have five months from the issue of that. The House will look at it, they will introduce a bill the way they have to introduce a bill called electoral District Boundaries Act, which says these are the boundaries and then they will vote on it. Now they may not vote on it in that session, the fall, they may not vote on it till next spring, spring 2025, with the new District Boundaries Act. And they will decide, do we take that? They could change it. It's not usual that they would change it, but they could change it and say, oh, we're going to do this or not do that. And then if they pass it, it will be 6 months before it comes into effect. so, if they approve it in March and it's an election called in May or June then we would use the current boundaries where we have all those very big, high, high variances. so, that's how the process goes.

So the, we're just doing a proposal based on all of the various inputs that we have and the consideration of that Commission of that impartial with party representation.

(Sara McPhee-Knowles)

I have another question here from Dave.

(Member)

You mentioned you guys take care of, not just Yukon territorial elections, but other elections as well. The question is, is the scope of what we're doing here to the territorial elections, or if we decide on a change, it will propagate to the other elections. And the second question I have is, are there any mechanisms in place in the current system, if we elect an MLA, and we are not happy with the performance other than talking to them, are there any other mechanisms in place other than wait four years.

(Max Harvey)

Your first question, yeah. Yeah, we have a broad scope of election responsibility. We consider all elections of school board, whatever, as equal to the territorial. We do pilot a lot of different activities we receive, does it apply? Could it apply to territorial? We also transfer some of our best practices for integrity from the territorial to the school. The school elections are administered under the Education Act, which is not as, it's not as detailed as the Elections Act, so, there's some really good practices and we had a chance to trial some things in those school board elections, for example, we did Internet voting



in the school board elections because we have so, so, many electors all over the territory. We just can't put all those things where we are doing that in our exchange. We're also using inputs from other jurisdictions, we meet regularly with other jurisdictions to get best practices and to, to innovation and to trial things and what they learned. We were very involved with the Northwest Territories doing some special ballot things with them, just best practices and they, when they did their Internet vote for their territorial election, we were part of some of the standards with them and with national experts. Your second question was kind of basically a recall kind of question. We don't, for us, once they're elected, they're elected until some other process takes them out. There's no electoral process for recall or dissatisfied.

(Sara McPhee-Knowles)

Ok, Michael, when is our next webinar starting? OK, so, we have a question from Brent and then I want to make sure folks get a bit of a break. so, there's one more question in the room. I'll come to Story and we also have Max's e-mail, so, we can, and we can send information if you provide it to Christy. We can also send follow up questions and get that information back to you.

(Member)

Hi, thank you. Thank you for explaining that. My question is what you just explained, I guess the goal is to get as close to everybody having the same voice, or in MLA's numbers wise. And if that's a good summary, I would say that there needs to be some equity considerations perhaps and I would use a generic writing for instance, that's all residential within a large city like Whitehorse and a huge territorial areas that exist in the communities. so, in the bigger, I guess, wilderness ridings we deal with, like lots of things like wildfires, flooding, we have our own RCMP attachments, our own clinics, fire departments, we have fisheries, wildlife. And all of those things are hugely important, and other areas, for instance, that may be all in a residential area, don't have those same considerations. Their concerns are likely more common, and I say that but there's, there needs to be some, in my estimation, some equity in the issues and the workload that MLAs have to deal with rather than straight numbers and is there is there any where does equity put into the to the system? Thank you.

(Max Harvey)

Yeah, yeah, there's certainly there's no question that the issues outside of Whitehorse are different than the issues inside of Whitehorse. I would just say that for, we're not looking for as close to being the same along the way. With a 25% either side, what we're looking at is between basically 1250 electors and 2082 electors or something like that. so, it's not a narrow scope we're trying to get, which we've got a big range that we can, and we're saying that the, outside of Whitehorse are, right now still over represented for the numbers. Fair enough, it's they, they've got different channels, but there are different, yeah, the different challenges that that we have.

The question is not, only or we got all these things and transportation is harder and communication is harder, and we've got, more diverse and we don't have as many services, we don't have access. so, we can't just walk to the MLA's office and those sort of things. But the question is, when you look at what effective representation is, and I with my MLA, have issue, voiced my concerns and have them represented and can he advocate on my behalf? Lots of different challenges and multiple communities.

Lots. But can they be effectively represented. so, this is what we're waiting to hear from our public hearings and our written submissions from the different electors for, from the MLA and from the public.

For example the Kluane is from Beaver Creek all the way to Haines Junction, Mendenhall and all that, that sort of stuff and potentially Ibex Valley. Big Huge district, they have 1000 or 13, they will have 1300 elector still below minus 22%. And they be effectively represented or you say give another seat to the rural and then the average rural will go down by 100 electors. Only go down by 100 electors or divide that one extra MLA, what, what change does it make to the number of electors?

The fundamental question you're asking isn't about the represent, to my view, isn't the workload. Obviously, we've got MLA's that have big districts and lots of challenges and that they're busy and they got to travel. You're talking about a power thing in some ways about, how much should rural community of interest writ large against the city. It's a fair question, but it's people, at least the Commission, and that thinks that they can be the electors according to what fair representation is, can be met, based on electoral quotient of 1666 or 2000 with 19 districts and with a different adjustment between communities outside of Whitehorse and in Whitehorse.

(Sara McPhee-Knowles)

OK, we'll go to Story.

(Member)

Hi so, I noticed in your recommendations and a lot of what you said, you have a lot of concern about every, like the riding and people, the citizens being connected to their MLA specifically. so, I'm wondering about like when we start investigating proportional representation systems, if that's a concern for you that people will be less connected to specific MLAs and how that would work in your mind.

(Max Harvey)

My concern is, this is what we hear and we, and it's been noted in other reports about the Yukoners enjoy close connection with their MLA's because it is small. They have small electoral base and they don't want to lose that that. The question of is it is it important? It seems to be important. People want to have access. We're hearing that on the road. They want to be able to contact and get advice for or give advice to the MLA's for their district. I'm not, I have no, I have no opinion really whether, if there's one MLA or two MLA's that that serve them. I have no opinion on that, if they can be, as if they can be effectively represented. That would be my, test can they be effectively represent., And but it's obviously that they probably can because I use it in other jurisdictions proportional representation. But it's outside, I'm not, I'm not familiar with the proportional representation realities in a Yukon context where we have small dispersed populations.

(Sara McPhee-Knowles)

Story it would be good to ask that question again at our next gathering with Jonathan for some examples of how MLAs jobs are affected by different systems. Our. Last question goes to Andrea.

(Member)

I'm back to kind of the equity and effective representation question and I live in Whitehorse now, but I have lived in very rural places and there's the, I understand one person, one vote. I do, I get that. But I also look at the cost versus benefits, so. (digital) In rural Yukon, that's where the costs are, the costs of mines, cost of all the extractive resources, but there (digital) and the benefits are in Whitehorse. so, you've got (digital) resource and even more so, if you take less MLAs from the from the rural areas, I'll make that comment directly to the electoral rural boundaries.

(Max Harvey)

OK. Yeah, please do. And we welcome those kind of those comments for the Commission to hear, they're important. Because if you don't think you can be effectively represented, based and that's, but that's what it has to come down to effective representation. And your voice. Awesome.

Good. Thank you.

(Sara McPhee-Knowles)

Hey. Thank you very much Max for your informative presentation. I'm hearing a lot of themes and underlying values that tie back to our conversation from this morning, things about fairness versus equity. Are these the same, are they different. How is, and fairness came up in Max's presentation a bunch of different ways, including in terms of the electoral quotient and countervailing measures and those types of things. so, keep those kinds of points in mind as we move forward. It's warm in here. We're going to open the doors and get some air moving. People need to stand up and move around and get some ice water. Please do that. There's drinks at the back. Go get a juice and we'll come back here in about 10 to 15 minutes. so, that we can start our next webinar with our next speaker at 3:00. Thank you so, much for your excellent questions and your attention thus far.

\*\*\* End Transcription \*\*\*