

**Effective Representation for Whom?
Visible Minorities and Ward Boundary Review in Ontario Cities**

Rachel Barnett and Karen Bird

Department of Political Science, McMaster University
barner5@mcmaster.ca
kbird@mcmaster.ca

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ABSTRACT

Our paper asks whether the municipal ward boundary review process in Ontario addresses visible minority representation as a condition of fair and effective representation. Canada has a largely successful framework for redistricting practices and riding composition that has accommodated minority representation at the federal and provincial levels. But at the municipal level, visible minorities are starkly underrepresented and there appears to be little political imperative to address this. The principle of effective representation, established by the *Carter* criteria (1991), has been interpreted through case law in Ontario to mean that factors related to geography, communities of interest and minority representation should be taken into account to ensure effective representation. The extent to which these factors are considered during boundary review processes is unclear. Focusing on Ontario municipalities with over 100,000 inhabitants, this paper asks two sets of questions. First, is there visible minority vote dilution in these municipalities? Second, when cities undertake public hearings on ward boundary adjustment, to what extent are factors related to ethno-cultural communities and minority representation taken into account? We find that visible minority vote dilution is a problem in several Ontario cities. Turning to an automated textual analysis of public documentation in municipal ward review in 22 cities, we find that factors related to ethno-cultural communities and minority representation are rarely or never into account. Our conclusions emphasize the need for clearer guidelines and oversight of the municipal ward boundary review process in Ontario.

Keywords: municipal ward boundaries, visible minority, electoral districting

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CARRIED: That the Mayor correspond with the Minister of Municipal Affairs to request that the Province develop legislation to establish updated guidelines for ward boundary reviews and to create an independent body to conduct the reviews, taking into consideration the principle of effective representation and having sensitivity to the relevant interests of Ontario's rural and urban communities.

Item 7.5a), Hamilton City Council minutes, February 8, 2017

Introduction

In Hamilton, Toronto, Mississauga, Ottawa, London, and many other larger Ontario cities, councillors have been wrangling over changes to ward boundaries as their populations rapidly grow and change. One of the key reasons for revising ward boundaries is that cities grow unevenly, which can result in stark population disparities across existing wards.¹ This means that the vote of one person may not have the same value or weight as that of the next person. For example, in Hamilton, the votes of people living in sparsely populated ward 14 have almost four times the value than those living in more heavily populated ward 7. The disparities are somewhat less stark elsewhere, but no less persistent. In Toronto, for example, the largest ward in 2014 had over twice the population of the smallest; in Mississauga, the largest ward was almost twice the size of the smallest; while in Brampton, London, and Windsor, the most populous ward was about one-and-a-half times larger than the smallest.²

Despite the inherent unfairness of this situation, the Ontario *Municipal Act* authorizes municipalities themselves to determine ward boundaries and voter re-apportionment, and furthermore gives no direction to guide the process nor any criteria on how electoral boundaries are to be determined. Left to their own devices, Hamilton city councillors in 2017 undertook only a modest tweak to existing boundaries that failed to reduce population disparities (Van Dongen, 2017). Leaving elected councillors to make decisions about their own political boundaries is of course a deeply flawed process. As the *Globe & Mail* (2016, 6) put it in an editorial response to similar shenanigans on Toronto's City Council: "Voters should get to pick their politicians; politicians should not get to pick their voters." This problem was long ago addressed at the national level, where federal and provincial electoral boundaries are readjusted and new ridings added approximately every ten years, based on population changes recorded in the census, and under the guidance of independent and impartial electoral boundary commissions. In other provinces as well, there are impartial boards mandated to carry out periodic reviews of the number and boundaries of municipal wards.³ But the problem remains unresolved

¹ In other cases, Ontario cities are undertaking or considering ward boundary review as part of a shift from at-large to ward-based elections to council (e.g., Oshawa), or because of impending changes to the regional governance structure in which the city participates (e.g., Mississauga).

² All figures are based on 2011 Census data.

³ This is the case for Nova Scotia and Saskatchewan, for example. In other cases, larger cities have established impartial review commissions under the terms of their own Municipal Act (e.g., the Winnipeg Wards & Boundaries Commission).

at the municipal level in Ontario, which has tended to result in more irregular ward boundary reviews, larger deviations from voter parity, and relative uncertainty as to the criteria for effective representation.

Our study delves into this problem by considering the impact on visible minorities. Given the growing ethno-cultural diversity of Ontario's largest cities, we argue that it is imperative to better understand how the elaboration of municipal ward boundaries impacts minority representation. We address this issue in two ways. First, we assess the extent to which disparities in ward size contribute to visible minority vote dilution. The hypothesis here is that large disparities in population between rural and urban wards may disproportionately affect members of visible minority groups, who may be more likely to be clustered in highly populated wards. Second, we are interested to see whether visible minority and ethno-cultural communities are taken into account in the process of ward boundary review. As we elaborate below, the Supreme Court has held that federal and provincial-level electoral boundaries must aim for relative parity of voting power while also taking into account countervailing factors like "geography, community history, communities of interest and minority representation." Yet the Court has not directly ruled on the issue of municipal ward boundaries. Moreover, the authority granted to Ontario's city councils to establish and modify their own electoral boundaries leads these decisions to become fundamentally 'political' rather than based on more definitive criteria. It is thus unclear in the municipal context what kinds of countervailing factors are most often taken into account and what role minority representation plays in these considerations. We assess this through a textual analysis of ward boundary reviews in Ontario's largest cities.

Our paper proceeds in four parts. In part one, we lay out the background on visible minority representation and vote dilution in Ontario. Next, we provide results on the minority vote dilution municipally. Third, the results of a textual review of all municipal document pertaining to ward boundary review and the principles of "effective representation" are presented. The paper concludes with considerations for further research and policy change.

1.0 Visible minority representation in Ontario municipalities

While immigration has changed the face of Canadian cities, visible minorities remain dramatically under-represented at city hall. As of 2015, fewer than 7% of council seats across Canada's largest 50 cities were held by visible minorities, and only one (Calgary) has ever elected a mayor with a visible minority background. Ontario contains six of Canada's ten most visibly diverse cities.⁴ Yet, as shown in Figure 1, the diversity amongst elected municipal councils across these cities, at just 18.3% on average, is less than one-third of diversity in the population.

⁴ The others are Richmond, Burnaby, Surrey and Vancouver, British Columbia.

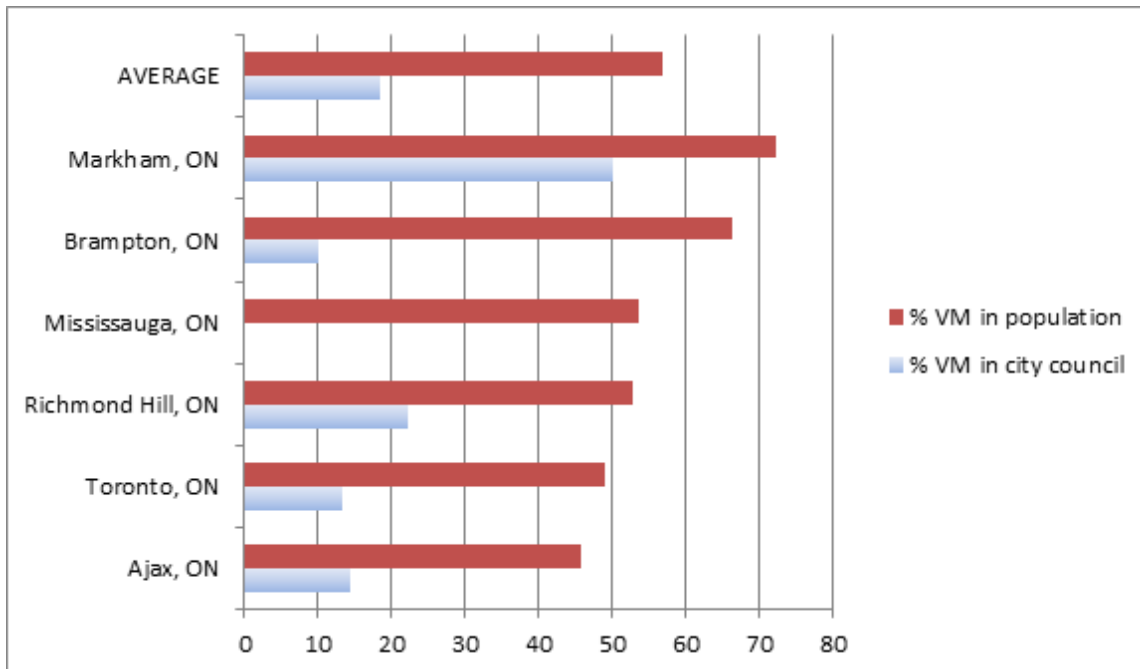


Figure 1: Visible Minority Representation in Ontario's Most Diverse Cities (2014)

This pattern of under-representation is remarkable in several respects. First, visible minority representation is markedly lower at the municipal level compared to the provincial and national levels (Bird, 2016; Siemiatycki, 2011). Second, it is surprising insofar as most Ontario municipal councils are elected using the single member ward system. Studies in the U.S. have consistently shown that electability of concentrated ethnic minorities is enhanced under ward-based compared to at-large electoral systems. Finally, inclusion of visible minorities in Ontario cities is generally low compared to many European cities, where there is a far more contested relationship with immigration and diversity (Schönwälder & Bloemraad, 2013; Dancygier, 2014; Michon & Vermeulen, 2013).

Why do visible minorities find it so difficult to get elected to local office in one of Canada's most diverse provinces? One line of discussion has focused the role of institutions, especially the absence of formal parties in Ontario municipal politics. Parties, where they exist, engage in strategic outreach to minority and immigrant communities, providing crucial information about political platforms, and mobilizing them to vote as well as affording some influence in candidate selection. Their absence tends to depress voter turnout, especially among socio-economically disadvantaged groups who may be less likely to be contacted by candidates and face generally greater challenges in accessing political information. In their study of voter turnout in Toronto municipal elections, Siemiatycki and Marshall (2014) found a modest to strong inverse correlation between the proportions of immigrants and visible minorities in a neighbourhood and voter turnout.

1.1 Visible minority vote dilution

Another way of looking at the role of institutions is to consider whether minority influence is diluted by virtue of concentration into a relatively small number of wards. The "packing" of minority voters into state level and Congressional districts in the United States was long used as a strategy to minimize or cancel out the voting strength of racial and other minorities.⁵ A pattern of visible minority vote dilution has also been observed in the Canadian federal context. Pal and Choudhry (2007) show that federal seat allocation policies that have been designed to protect the interests of smaller provinces and sparsely populated rural regions have the consequence of diluting the votes of visible minority Canadians who tend to live in the most densely populated of Canada's urban ridings. Working from the premise that the average voter has a voting power of one, they show that rural votes in 2001 were worth 1.22 while urban votes were worth 0.96. However, for visible minorities living in urban ridings, their vote power was diluted to 0.91. This pattern of minority vote dilution is directly related to the population disparities in federal and provincial ridings that have been permitted under the Supreme Court's *Carter* decision. The question we ask is whether a similar pattern occurs within Ontario's large cities.

1.2 Effective representation

In the US, minority vote dilution is a problem closely intertwined with the tendency for racially distinct groups to vote as cohesive blocs for their preferred (often same-race) candidate. In such cases, minority vote dilution has evidently significant consequences in terms of the ability of a group to elect or defeat the racial minority's preferred candidate. In Canada, where we do not see this pattern of cohesive and politically aligned racial voting blocs, the problem of minority vote dilution is less prominent. Nevertheless, there has been some attention to drawing federal and provincial electoral boundaries in ways that might advance "minority representation" and protect particular "communities of interest."

The Supreme Court of Canada addressed this issue in what has become commonly referred to as the *Carter* decision.⁶ This decision arises out of a series of early Charter challenges in which courts have been asked whether extreme variations in population size across provincial electoral ridings violate the "right to vote" guarantee of section 3 of the Charter. The thrust of the decisions across these cases has been that Canadian constitutional principles and practices regarding the representational order do not impose a strict 'one person-one vote' interpretation such as is applied in the United

⁵ The US Supreme Court has determined that the essence of vote dilution "is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters to elect their preferred representatives." *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986).

⁶ Reference re Prov. Electoral Boundaries (Sask.), [1991] 2 SCR 158.

States.⁷ Rather, the courts have found that Canada's distinctive democratic history allows for reasonable deviations in constituency size, that take into account geographic and regional issues along with communities of interest.

In *Carter*, the Supreme Court determined that it was not equality of voting power *per se*, but the right to "effective representation" that was guaranteed by the Charter. Writing for the majority in that case, Justice Beverley McLachlin reasoned:

"Notwithstanding the fact that the value of a citizen's vote should not be unduly diluted, it is a practical fact that effective representation often cannot be achieved without taking into account countervailing factors."

She then gave illustrations of the kinds of factors that, along with "relative parity of voting power" made for effective representation:

"Factors like geography, community history, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic. These are but examples of considerations which may justify departure from absolute voter parity in the pursuit of more effective representation; the list is not closed."

The main issue in the *Carter* case concerned discrepancies between urban and rural ridings, as well as variations amongst each riding type, within the province of Saskatchewan. With respect to the urban-rural distinction, the court accepted that population variations of as much as +/- 50 percent were not unreasonable, given the greater challenges of representing northern rural areas which included "sparse population and the difficulty of communication in the area." Aside from the urban-rural difference, the court accepted that disparities within +/- 25 percent might be justifiable "on the basis of factors such as geography, community interests and population growth patterns." The Court's decision in *Carter* established the need for relative rather than absolute vote parity, but never explicitly set a precise threshold, leaving provincial legislatures to decide what is a tolerable level of population variation across electoral districts.⁸

With respect to the "countervailing factors" that might justify deviations from absolute equality of voting power, political scientist John Courtney (2001, 167-8) notes that there are two distinctive kinds of interpretations embedded in the *Carter* decision, that have also been reflected in practice. On the one hand are the "classic Canadian typology of interests expressed in terms of their geographic and regional dimensions" while on the other are ideas related to "group identity, mosaic and minority representation" (2001, 168). Courtney (2001, 243-7) further argues that the Supreme Court's language concerning "minority representation" and "communities of interest" reflects a more contemporary reconsideration of the undifferentiated view of citizenship

⁷ In the US, state redistricting plans with a total population deviation under 10% are regarded as complying with the one person-one vote principle.

⁸ According to John Courtney (2001, 160-167), at least six provinces have established 25 percent limits, though more extraordinary deviations remain fairly commonplace, especially in the more northern reaches of the country.

and interest group pluralism that was arising in the early 1990s. There was, beginning around this time, a growing awareness of the problem of permanent minorities who fared poorly in competitive elections and suffered persistent exclusion from parliament and other centres of power. These concerns would be reflected in an expanding body of scholarly work addressing multiculturalism, differentiated citizenship and group representational rights, in Canada and elsewhere (Cairns, 1995, 2000; Carens, 2000; Guinier, 1994; Kymlicka, 1995; Phillips, 1993; Taylor, 1994; Williams, 1998; Young, 1990).

They were also articulated in the 1991 Report of the Lortie Commission on Electoral Reform and Party Finance, which recognized the need for greater Aboriginal and ethno-cultural minority presence in parliament. The Lortie Report included a specific proposal to allow for the establishment of one or more Aboriginal electoral districts (AEDs) at the federal level, designed to guarantee Aboriginal representation in the House of Commons. While this recommendation was never implemented, Courtney suggests that together, the Lortie Report and *Carter* decision were influential in the deliberations and decisions of several provincial electoral boundary commissions. Ontario, Quebec, New Brunswick and Nova Scotia did subsequently undertake revisions in their electoral boundaries taking into consideration Aboriginal, ethno-cultural and minority linguistic communities. Most notably, Nova Scotia in 1992 purposely redesigned the boundaries of four electoral districts to try to ensure representation for the province's Acadian and Afro-descendent minorities. Up to two seats were also considered for the province's Mi'kmaq community, but were never established.⁹

2.0 Vote dilution and "effective representation" in the municipal sphere

The *Carter* decision concerned electoral boundaries across an entire province, and a sparsely populated one at that. While the main concern in Saskatchewan was around disparities between sparsely populated northern/rural ridings and more densely populated ones in the south, the Court elaborated a range of countervailing factors that might justify such disparities – including various kinds of geographic and demographic realities. According to Courtney, "communities of interest" has been the most commonly considered factor in federal and provincial redistributions following *Carter*. However, he argues that this concept remains undefined, and has been applied in various ways across provinces (2001, 205-17). At the municipal level, such latitude can be useful insofar as it allows ward boundaries to accommodate diverse kinds of social and historic complexity. But while it may make sense to keep neighbourhoods intact as a basis for maintaining and strengthening civil society, it is just as likely that politicians will use the concept as a kind of "blank cheque" with the aim of preserve existing electoral boundaries.

⁹ All four protected minority constituencies were abolished in 2012, on the grounds that there should be no exceptions to the maximum +/- 25 percent deviation. This was however a deeply contested decision, resulting in a divided Electoral Boundaries Commission report. See Nova Scotia Electoral Boundaries Commission Toward Fair and Effective Representation, 2012 <http://0-nsleg-edeposit.gov.ns.ca.legcat.gov.ns.ca/deposit/b10653107.pdf>

The Supreme Court has never ruled on municipal ward boundaries. So while it is debatable whether the same standards should apply within a given municipality,¹⁰ in the absence of other case law, *Carter* has become a touchstone guiding the development and evaluation of electoral boundaries at that level. Yet, as suggested above, granting authority to city councils to establish and modify their own electoral boundaries presents an obvious conflict of interest problem. This is exacerbated by the fact that the Ontario *Municipal Act* contains no direction to municipalities to guide the process nor any criteria on how electoral boundaries are to be determined. Under these circumstances, it remains unclear how the concept of "effective representation" as a guiding principle has been interpreted and implemented across municipalities.

What is interesting for our analytical purposes is that *Carter* sets out two very different kinds of grounds for deviation from relative voter parity. On the one hand are the more conventional justifications regarding sparsely populated regions and urban-rural differences. These resonate with the so-called "Senatorial floor" provision of the constitution, and subsequent amendments to the federal seat allocation formula that have had the effect of *over-representing* less populated provinces, arguably to a point that is excessive (Sancton, 2010). On the other hand are more contemporary concerns regarding identity politics and differentiated citizenship, and the tendency of electoral systems to permanently *under-represent* or exclude groups that are less territorially defined (Williams, 1998). While exceptions to representation by population for either group pose a similar challenge to liberal theories of equality, our concern is that municipalities may be taking account of only the first class, and not the second.

Our paper addresses this concern in the context of Ontario's largest and most ethnically diverse municipalities. We do so in two ways. We aim first to assess the extent of visible minority vote dilution in these municipalities. Second, we look at public hearings on ward boundary adjustment to assess the extent to which ethno-cultural communities and minority representation are factors that are taken into consideration.

3.0 Research Aims and Study Design

Our research connects to the broader question of why visible minorities remain so starkly underrepresented in city councils. One strand of that inquiry is to understand how ward boundary delineation impacts ethno-cultural and visible minorities. However, the main challenge to addressing this issue arises from the lack of publicly available demographic data at the neighbourhood or ward-level. This makes it impossible to assess whether ward boundaries encompass or divide specific ethnic neighbourhoods in ways that might strengthen or weaken minorities' political voice. In light of this, we have chosen an alternative route that takes advantage of existing data.

¹⁰ One reason why communities of interest might be a less valid concept in constructing ward boundaries within larger municipalities is that urban populations tend to be highly mobile, and quite likely to move within the city.

Focusing on Ontario municipalities with over 100,000 inhabitants, we pose two sets of questions:

Research question 1: What is the extent of visible minority vote dilution in these municipalities?

Research question 2a: When cities undertake public hearings on ward boundary adjustment, to what extent are factors related to ethno-cultural communities and minority representation taken into account? And 2b: Are more ethnically diverse cities more likely to address these factors?

The first question involves calculating and comparing the level of visible minority vote dilution within individual cities. The second set of questions delves into the problem that there is no rigorous definition for the principle of "effective representation." As a consequence, municipalities may apply very different standards and weigh various countervailing factors. We are specifically interested in the extent to which the boundary review process takes into consideration ethno-cultural communities and factors related to minority representation. Among the range of factors beyond voter parity that are relevant to consider under the terms of the *Carter* decision, what weight do municipalities give to minority representation?

The scope of our empirical study is limited to Ontario cities with populations of at least 100,000 people. We look only at large cities for several reasons. First, large cities tend to be experiencing the most rapid population changes, a phenomenon that is likely to trigger ward boundary review. Second, these cities are the most ethnically diverse. In 2011, more than one in four Ontarians (25.9%) identified as a visible minority and of those, nearly all (98.3%) lived in a census metropolitan area (Ontario Ministry of Finance 2013). Further, the number of distinctive ethno-cultural minority enclaves in Ontario's large cities is growing rapidly (Hiebert, 2015). The rapid growth, ethno-cultural diversification, and changing residential patterns within these cities makes them a logical starting place to undertake this analysis.

3.1 Visible minority vote dilution in Ontario's large cities

The first part of our empirical analysis looks at visible minority vote dilution municipally. We do so by assessing whether voting power is distributed unequally on the basis of race. Our approach is modelled closely after that of Pal and Choudhry (2007), who examined visible minority vote dilution in the 1996 and 2001 federal representation order. To our knowledge, theirs is the first and only model for calculating visible minority vote dilution in Canada. To facilitate an analysis in the municipal context, we needed to make several adjustments to their approach. One adjustment arises from the fact that, whereas Pal and Choudhry are interested in vote dilution between rural and urban federal ridings (across 308 federal electoral districts in Canada), we are interested

in vote dilution differences across several cities.¹¹ Thus our approach is simply to measure the relative voting power of two different categories of municipal residents (visible minorities, non-minorities) within each municipal ward, and then calculate an average visible minority vote dilution score for the municipality as a whole. The results are then compared across municipalities to assess in which cities visible minority vote dilution is most acute.¹²

To do this, we used existing municipal ward profiles that present relevant demographic data drawn from the 2011 Census. While ideally, such ward profiles would be available for all Ontario municipalities, in fact the availability of such ward-level data is quite constrained. Our analysis is thus limited to the six municipalities who made such data available to us.¹³ These are the cities of Hamilton, Greater Sudbury, Markham, Mississauga, Toronto, and Vaughan.

Our method for calculating visible minority vote dilution is described in greater detail in the Appendix. Very briefly, for each municipality we first calculate the mean ward population. Next, we determine the voting power of each ward, where any value over 1 mean that a ward is underpopulated relative to the mean, and thus has stronger vote power; whereas values less than 1 indicate weaker vote power. We then multiply the vote power by the number of visible minorities (and again by the number of non-minorities) resident in that ward. The final step is to calculate the average vote power of each group across all wards. If there were no vote dilution, each group would have a score of 1. A number higher than 1 indicates that the group in question is over-represented, while a number less than 1 indicates that it is under-represented.

The results, presented in Table 1, show that visible minority vote dilution is occurring in nearly all cities. In terms of disparities in vote power along racialized lines, we see that in Mississauga, the average white person's vote was worth 1.05, or about 11% more than the average visible minority person's vote. Hamilton and Toronto follow closely, where the average white person's vote counts for about 10% more than the average visible minority person's vote. In Greater Sudbury, whites on average have 3% greater voting power than visible minorities, while there is no discernable difference in Markham or Vaughan. These findings show that visible minority vote dilution in Ontario municipalities is a problem. Interestingly, the racial differences in vote power within Mississauga, Hamilton and Toronto are *greater* than the differences Pal and Choudhry

¹¹ Furthermore, it is neither feasible nor realistic to classify municipal wards as "urban" or "rural."

¹² A second difference from Pal and Choudhry's method is that we base our analysis of visible minority vote dilution on population figures rather than eligible voters in each ward. This is because municipal ward profiles do not provide data at such a fine grain level.

¹³ While our analysis can be expanded, this requires ordering custom data sets from Statistics Canada.

find between urban visible minority and urban non-minority voters across Canada.¹⁴ Further, cursory analysis suggests that visible minority vote dilution is greater in those municipalities (Hamilton, Mississauga, Toronto) with the greatest ward population disparities.

Municipality	Population	Non-Visible Minority	Visible Minority
Hamilton	502 635	1.00	0.91
Greater Sudbury	157 765	1.00	0.97
Markham	300 135	0.99	0.99
Mississauga	708 730	1.05	0.95
Toronto	2 576 025	0.97	0.88
Vaughan	286 305	1.00	1.00

Key: A number > than 1 indicates overrepresentation
 A number < than 1 indicates underrepresentation
 If there were no vote dilution, each group would have a voting power = 1

Visible minority vote dilution is the manifestation of having a disproportionately high share of a city's visible minorities living in the highly populous wards, and a disproportionately low share of them living in the highly unpopulated ones. While we do not have access to visible minority settlement patterns over time, we can speculate that this trend is likely to intensify rather than weaken, as ethnic enclaves become more pronounced (Hiebert, 2015). This suggests that, unless it is taken into consideration in the drawing of ward boundaries, minority vote dilution will continue to grow. As Pal and Choudhry put it “unfairness in the electoral system for any group deserves to be a subject of serious attention. Given the increasing demographic weight of visible minority groups, minority vote dilution should be a focal point of political debate” (2001, 5). We turn to this in the next section, where we examine what weight is given to issues of minority representation in the ward boundary review process.

3.2 Effective representation in Ontario's large cities

As was discussed in section 1.2, the Supreme Court in its *Carter* decision held that the right to “effective representation” encompasses consideration of factors beyond relative equality of voting power. Factors such as geography, community history, community interests and representation of minorities are also relevant to achieving more effective representation. Drawing on the language of this decision, we undertook a textual analysis of all public hearings on ward boundary adjustment conducted in Ontario's larger cities. Of 27 cities meeting the population parameters, we identified 22 that had undertaken such a review between 2005 up to the present. For those 22 cities, we collected all available documentation that was part of the formal public review process. Documents included municipal bylaws, minutes from city council meetings, terms of

¹⁴ Pal and Choudhry (2007, 7) calculate that the voting power of the average visible minority voter across all urban Canadian ridings was 0.95, whereas the voting power of the average non-minority across all urban Canadian ridings was 0.97.

reference, consultant reports and presentations, results and summaries of public consultations. These texts provided the corpus for our analysis. Altogether, they include 88 documents comprising 463,160 words.

We next devised a list of relevant search terms to guide the textual analysis of these this documentation. As the development of search terms is somewhat arbitrary, we adopted a very strict rule, including only the specific terminology invoked by the Supreme Court, as opposed to a wider set of terms that may have been applied by other bodies (e.g., lower courts, provincial boundary commissions, or the Ontario Municipal Board).¹⁵ Following Courtney (2001, 168, 205-217), we can categorize the terminology of the *Carter* decision into three clusters of suitable grounds for deviating from voter parity.¹⁶ The first concerns what Courtney refers to as the "classic ... geographic and regional dimensions," the second encompasses the more vague "historical communities" and "communities of interest," and the third includes terms related to "minority representation." Our assumption is that terms in the third cluster will connote considerations related to representation of visible and ethno-cultural minorities, while those in the first cluster will connote issues related to physical and geographic features of the municipal landscape. We are less certain of what "community of interest/historical community" connotes or how it is applied, and plan to undertake a closer textual analysis to more systematically examine use and meaning. For purposes of this paper, we simply conducted a computer-assisted content analysis to determine the use frequency of these terms.

The results in Table 2 show that, across cities that have undertaken boundary review, "geographic" considerations followed by "communities of interest" are overwhelmingly predominant, whereas factors related to "minority representation" are almost entirely absent from deliberations. Overall, where documents referred explicitly to factors considered relevant to effective representation, geographic terms were mentioned 62.1% of the time, while communities of interest or historical factors were mentioned 36.5% of the time. In sharp contrast, terms related to minority representation made up just 1.4% of these considerations of effective representation.

These are surprising results. Even the most visibly diverse cities in this analysis (Markham, Brampton, Mississauga, Richmond Hill, Toronto and Ajax – each with over 45% visible minority population share, and including two with significant visible minority vote dilution) are not explicitly taking account of minority representation in the fashion of the Supreme Court, as they seek to achieve effective municipal representation. Of course this does not mean that ethnocultural minority neighbourhoods and enclaves are not accounted for in the actual drawing of ward boundaries. We have not examined

¹⁵ We drew on the full text of the *Carter* decision, including both majority and dissenting opinions.

¹⁶ The primary consideration for effective representation is relative vote parity, or approximately equal ward populations. We do not measure the use of terms related to this criteria. Rather, we are interested only in what countervailing factors (among those mentioned in *Carter*) are considered, and with what frequency.

systematically whether such considerations might be incorporated into the more vague "communities of interest / historical communities" language.

Municipality	Visible minority population	Total Words in Corpus	Total Relevant Search Terms	% Relevant Terms		
				Geography	Community History / of Interest	Minority Representation
Markham	72.3	34 148	575	50.0	49.7	0.3
Brampton	66.4	17 395	191	46.5	53.5	0
Mississauga	53.7	4 533	48	91.7	8.3	0
Richmond-Hill	52.9	964	7	43.0	57.0	0
Toronto	49.1	105 854	1 672	48.4	47.4	4.2
Ajax	45.8	39 680	440	63.0	35.0	2.0
Vaughan	31.4	9 473	153	75.0	25.0	0
Milton	29.9	10 248	204	68.6	31.0	0.4
Ottawa	23.7	28 597	920	68.4	30.1	0.7
Oakville	22.8	4 635	122	83.6	10.6	5.7
Kitchener	18.4	35 450	494	52.0	47.0	1.0
Windsor	17.2	17 022	216	68.0	29.6	2.4
London	16.1	6 822	66	68.2	30.3	1.5
Guelph	15.7	9 262	28	54.0	36.0	11.0
Hamilton	15.7	47 516	389	58.6	40.6	0.8
St. Catherines	9.9	9 149	181	93.9	6.1	0
Oshawa	9.3	53 954	928	71.7	27.7	0.6
Barrie	7.6	19 842	234	61.1	38.5	0.4
Brantford	7.4	9 398	52	69.0	31.0	0
Kingston	7.4	66 857	248	50.4	48.4	1.2
Chatham-Kent	3.9	4 787	23	61.0	39.0	0
Greater Sudbury	2.7	5 110	25	20.0	80.0	0
N.B.						
<ul style="list-style-type: none"> • Relevant search terms include all words and word roots related to “geography” (e.g., geography*, urban, rural, region*, size, shape, physical, river, natural, spars*, dens*), “community history” or “community of interest” (communit*, history*), and “minority representation” (minorit*, culture*, ethn*, linguistic, group identity, disadvantaged group, social justice). • Municipal population data from 2011 National Household Survey. 						

5.0 Conclusions and further considerations

This paper has aimed to clarify two things: first, the state of minority vote dilution in select Ontario cities; and second, whether minority representation and ethno-cultural communities are taken into consideration during ward boundary review processes. We find that minority vote dilution occurs in nearly every one of the six municipalities we examined (with the exception of Vaughan), and that racialized differences in voting power are larger within three of these cities (Mississauga, Hamilton and Toronto), than they are across urban ridings in Canada. We have shown that minority vote dilution is more than a theoretical concern, it is an ongoing issue in large cities. Overwhelmingly, the results of our textual analysis suggest that factors such as geography, community history and communities of interest dominate the ward boundary review process. Minority representation and ethno-cultural communities are not seriously considered as any part of this process. We argue that in order to avoid or at least reduce minority vote dilution, the representation of ethnic minorities should be a consideration when drawing electoral districts .

These findings open up a number of policy considerations and possibilities for future research. First, while the *Carter* ruling provides adequate scope to encompass important aspects of the social and cultural mosaic within cities, the actors leading the ward boundary review process in Ontario municipalities are disregarding issues related to minority representation. Of course, the need for effective municipal representation is part of a larger issue of solving governance deficiencies that have long plagued local government across large Ontario cities. At the heart of the vote disparity and visible minority vote dilution problem is the ward councillor's political supremacy in the ward boundary review process, the power of incumbency, and low voter turn-out — especially among low-income residents and newcomers. Provincial oversight could help put minority perspectives back on the agenda and offer some oversight to an a deeply 'political' process in which councillors take advantage of vague principles and guidelines to suit their own interests. If, as we have suggested, minority vote dilution may be closely related to the size of ward population disparities, then we need tighter rules mandating boundary review once disparities surpass a certain threshold. Currently, individual municipalities assert their own acceptable threshold, which seems to vary anywhere between +/- 10%, 25%, and 33%. -- though even this does not always lead to significant corrections, as was seen in the case of Hamilton. Establishing an impartial ward boundary review commission, whether at the provincial level, or within an individual municipality (as in the case of Winnipeg), and establishing that disparities above a certain threshold trigger automatic review, would go a considerable distance to toward greater representative fairness.

With respect to future research, several important issues warrant greater consideration. We suggest that our analysis of minority vote dilution be expanded to include more Ontario cities. One challenge is that expanding the scope requires specialized data but would ultimately reveal clearer patterns and trends related to vote parity for ethno-cultural groups. Second, we find that the concept of “communities of interest” remains theoretically vague and its practical application is still unclear. A closer

textual analysis of “communities of interest,” wherein words surrounding the concept are examined would provide a more comprehensive understanding of its application and is recommended for future research. Finally, a closer look at whether changes to ward boundaries contribute to reducing minority vote dissolution disparities to more reasonable levels is needed. This would involve assessing minority vote dilution pre and post ward boundary adjustments. The issue of minority vote dilution in Ontario cities remains underdeveloped and expanding the topic of conversation is needed to better understand how visible minority interests are represented in Ontario’s political institutions.

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Appendix

Method for vote dilution calculations

Three calculations are needed:

- 1) *Calculate the mean population average:* the total municipal population divided by the number of wards is calculated. This is the same approach taken by Elections Canada, which draws ridings according to total population. Admittedly, the approach taken by Pal and Choudhry (2007) provides the most accurate estimates since it based on the number of voters rather than total population. Unfortunately, a preliminary analysis of existing data revealed that information pertaining to the number of eligible voters based on visible minority and non-visible minority identity is unavailable. At best, the total visible minority population of a ward is available.
- 2) *Calculate riding voting power:* We use the same approach taken by Pal and Choudhry (2007). This is defined as the relative power of a ballot cast in the ward based on the ridings relative portion of the population average. The population average is divided by the actual number of voters in each riding.
- 3) *Voting strength for subgroups of voters:* For each riding, the ward voting power is multiplied by the number of visible minority voters, and nonvisible minority voters. Then, the results of each ward are summed together and divided by the total number of minority voters and non-visible minorities. For each subgroup, if there is no vote dilution, voting power will be equal to one. A number higher than one indicates overrepresentation while a number lower than 1 indicates underrepresentation.