

## 4. Boundary delimitation, districting or defining boundaries of electoral units

*The legal framework for elections should seek to ensure that the boundaries of electoral units are drawn in such a way as to achieve the objective of according equal weight to each vote to the greatest degree possible to ensure effective representation.*

The legal framework needs to address the issue of how constituencies or the electoral units being represented (sometimes also called voting districts) are to be defined and drawn. The overriding importance of this subject means that it is often part of the constitutional provisions of a country. The legal framework regulating drawing boundaries for electoral units should state:

- The frequency of such determination;
- The criteria for such determination;
- The degree of public participation in the process;
- The respective roles of the legislature, judiciary and executive in the process; and
- The ultimate authority for the final determination of the electoral units.

There are different ways in which boundaries of the electoral units are drawn up. Since this whole exercise is politically very sensitive, in many jurisdictions the EMB is not directly involved. The process is often undertaken by a special commission, to which the EMB might provide support. Such a commission or a similar body may be made up in a variety of ways including:

- Representatives of political parties;
- Independent non-political individuals such as judges;
- Relevant experts -- demographers, geographers, statisticians, cartographers; or
- A combination of all or some of the above.

The most important element that differentiates electoral systems is the manner in which seats in the legislature are allocated. Allocation may be:

- To candidates receiving a plurality of the vote;
- To candidates obtaining a majority of the vote; or
- Proportionally on the basis of votes cast for political parties or candidates.

Of course, the general aim of all these electoral systems purportedly remains the same, namely, to translate the will of the general electorate into representative government. Boundary delimitation in each of these types of electoral system produces a different result, but each should ensure that certain guiding principles are honoured in its implementation. The ideal international standard for this exercise is the equality of voting power for each vote, providing effective representation.

Though boundary delimitation or redistricting practices vary greatly around the world, there are three universal principles to guide the delimitation process:

- Representativeness;
- Equality of voting strength; and
- Reciprocity and non-discrimination.

### ***Representativeness***

Boundaries of the electoral units should be so drawn that constituents have an opportunity to elect candidates they feel truly represent them. This usually means that electoral unit boundaries should coincide with communities of interest as much as possible. Communities of interest can be defined in a variety of ways. They can be administrative divisions, ethnic or racial neighbourhoods, or natural communities such as islands delineated by physical boundaries. If electoral units are not composed of communities of interest, however defined, it may be difficult for a single candidate to represent the entire constituency. However, this principle will often be compromised, especially in large multi-member proportional representational constituencies or where the whole of the country is a single constituency.

### ***Equality of voting strength***

Boundaries should be drawn so that constituencies are relatively equal in voter strength, resulting in each voter casting a vote of equal weight to the greatest degree possible. Equi-populous electoral units allow voters to have an equally-weighted vote in the election of representatives, but this ideal is not attainable in practice and many other competing principles are applied simultaneously.

### ***Reciprocity and non-discrimination***

The procedure for delimiting electoral units should be clearly spelled out in the legal framework so that the rules regulating the process are the same, regardless of who is drawing the electoral unit boundaries. If the redistricting process is to be non-partisan, then all political parties shall refrain from attempting to distort the outcome. If political concerns are permitted to play a role in the process, then all political parties must be given equitable access to the process. If the legislature is to draw electoral unit boundaries, then the political party with a majority in the legislature will have an opportunity to control the process. These rules must be clearly understood and must be acceptable to all major political parties and participants in the redistricting process.

The law should also specify under what circumstances the number of voters in an electoral unit might deviate from the established "equality criterion". Thus, the legal framework should require that electoral units be drawn in such a way that each electoral unit has approximately the same population in order to ensure equal suffrage to the maximum degree possible (in the absence of a continuous voter registration process the exact number of voters might not be available; hence the use of the term "approximately the same population"). However, this does not preclude consideration of such factors as natural barriers, convenience, accessibility for voters or pre-existing administrative and historical boundaries. Care should be exercised to ensure that the standard deviation from one electoral unit to another is within acceptable and clearly stated limits.

Ideally, the legal framework should provide that the persons or institution drawing electoral unit boundaries be non-partisan, independent, professional and impartial. Failing this, an alternative is to allow all political parties in the legislature to take an equitable part in the process of boundary delimitation. The legal framework should also provide for maximum public input and participation in the process of drawing electoral units.

Jurisdictions vary in their treatment of appeals against or reviews of the decisions of boundary delimitation, some allowing them, others not.

Depending on the historical and local needs of a jurisdiction, either approach is acceptable so long as it is non-discriminatory and applied equally in all situations.

### ***Checklist***

- Does the legal framework provide for the principle of equality of votes, drawing electoral unit boundaries with a more or less equal number of voters? Does the legal framework also provide for objective criteria for deviating from the "equality" standard in terms of physical geographical features, existing administrative and historical boundaries, or other well-established criteria?
- Does the legal framework provide for an impartial, non-partisan, independent and professional body of persons or an institution to undertake boundary delimitation?
- Is there a broad consensus and measure of support among the political parties regarding the existing electoral units' boundaries?
- Does the legal framework clearly state the events which trigger the boundary delimitation process?
- Do the existing boundaries of electoral units favour the ruling party?
- Is the EMB involved in the boundary delimitation exercise? Is it likely to impinge upon the impartiality and independence of the EMB?
- Does the legal framework provide for appeals against decisions concerning boundary delimitation?

