

REPORT OF THE CONSTITUENCY BOUNDARIES COMMISSION

FOR BERMUDA

APPOINTED ON 4th June 2009

TO

THE HONOURABLE HOUSE OF ASSEMBLY

**Origin of the
Constitution**

1. The Constitution of Bermuda was enacted by Order in Council pursuant to Section 1(1) of the Bermuda Constitution Act 1967.

**Authority for
appointment of the
Commission**

2. The Constitution of Bermuda provides in Section 53 that a Constituency Boundaries Commission shall be appointed from time to time or at such time as the Governor, after consultation with the Premier and the Opposition Leader, may determine; provided that a Commission shall be appointed not earlier than 31st August, 2005, nor later than 31st August, 2009, and any subsequent Commission shall be appointed not less than three nor more than seven years from the date on which the previous Commission submitted its report in accordance with the provisions of Section 54 of the Constitution.

3. The previous Commission submitted its report in accordance with Section 54 of the Constitution in August 2002.

Appointment of the Commission

4. The following persons were appointed by the Governor, His Excellency Sir Richard Hugh Turton Gozney, KCMG, CVO Governor and Commander-in Chief, under the provisions of Section 53 of the Constitution, on the 4th day of June, 2009, to constitute a Constituency Boundaries Commission for Bermuda:-

Dame Billie Miller of Barbados, to be Chairman
The Honourable David H. Jenkins of Canada, Chief Justice of Prince Edward Island, to be the judicial member

The Honourable Walter H. Roban JP, MP) appointed on the
The Honourable Dame Jennifer Smith JP DHumL, MP) advice of the
Premier

Mr. E.T. (Bob) Richards JP, MP) appointed on the
Sen. Michael Fahy JP (resigned)) advice of the
Sen. Jeanne Atherden C.A., JP) Opposition
Leader

Constituencies

5. Section 52 of the Constitution divides Bermuda into thirty-six (36) single member constituencies.

The Mandate

6. Section 54 of the Constitution states the following:

Review and alteration of constituency boundaries

54 (1) A Constituency Boundaries Commission shall, as soon as practicable after its appointment, review the boundaries of the constituencies into which Bermuda is divided and submit to the House of Assembly a report either-

- (a) *stating that, in the opinion of the Commission, no change in those boundaries is required; or*
- (b) *recommending the changes in those boundaries specified in the report.*

(2) In determining whether or not to recommend any changes in the boundaries of the constituencies, the Commission shall ensure that the constituencies shall contain, so far as is reasonably practicable, equal numbers of persons qualified to be registered as electors under section 55 of this Constitution; and in doing so the Commission-

- (a) shall take no account of the racial distribution of electors within Bermuda;*
- (b) shall take account of geographical features and natural boundaries within Bermuda;*
- (c) may ignore the boundaries of parishes; and*
- (d) shall ensure, so far as is reasonably practicable, that each constituency is a contiguous unit.*

**Authority of the
Commission**

7. Section 53 of the Constitution directs the functions of the Commission as follows:

53 (6) *A Constituency Boundaries Commission may regulate its own procedure and, with the consent of the Governor, confer powers and impose duties on any public officer or on any authority of the Government for the purpose of the discharge of its functions.*

(6A) For the purpose of the discharge of its functions, a Constituency Boundaries Commission shall invite views from members of the public and may seek such advice as it considers appropriate.

(7) A Constituency Boundaries Commission may act notwithstanding any vacancy in its membership (including any vacancy not filled when appointments of members are first made) and its proceedings shall be valid notwithstanding that some person who was not entitled so to do took part therein:

Provided that any decision of the Commission shall require the concurrence of not less than three members of the Commission.

(8) In the exercise of its functions under this Constitution, a Constituency Boundaries Commission shall not be subject to the direction or control of any other person or authority.

(9) Subject to the provisions of subsection (7) of this section any question before a Constituency Boundaries Commission may be determined by the vote of a majority of the members of the Commission present and voting:

Provided that in the event of equality in votes, the Chairman shall have and shall exercise a casting vote.

Submission of Report

8. Section 54 of the Constitution states the following:

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(a) stating that, in the opinion of the Commission, no change in those boundaries is required; or

(b) recommending the changes in those boundaries specified in the report.

.....

54 (3) As soon as may be after the Commission has submitted a report under subsection (1)(b) of this section, the Premier shall lay before the House of Assembly for its approval the draft of an order by the Governor for giving effect, whether with or without modifications, to the recommendations contained in the report, and that draft may make provision for any matters which appear to the Premier to be incidental to or consequential upon the other provisions of the draft.

Convening of Commission

9. The Commission convened on Thursday, June 4th, 2009.

In its initial session the Commission agreed that the following data should be requested from the Department of Statistics, the Parliamentary Registry and the Ministry of Works and Engineering:-

(a) the number of persons registered as voters by constituency;

(b) the number of persons qualified to be registered as voters by constituency, and the number of persons qualified in each of the 242 census districts on which the constituencies are based;

(c) housing developments since 2000, and planned residential development; and

(d) maps of current census districts, and current constituency districts.

10. Advice was sought from the Director of Planning as to whether there were any major residential development plans that might affect the Commission's recommendations on constituency boundaries.

11. The Commission also undertook site visits to the eastern and western constituencies. This was complemented by a live demonstration of the GIS Mapping software at the offices of the Department of Lands, Buildings and Surveys of the Ministry of Works and Engineering.

**Invitations for
Submissions to the
Commission**

12. Taking special note of its duty to invite views from members of the public for the purpose of the discharge of its functions, the Commission decided that such views should be sought by inviting written submissions through advertising in the media and by the holding of a public meeting to receive written and oral submissions.

13. The Commission adjourned its session until 19th October, 2009 to allow time for the preparation of the information sought, for arrangements for the public meeting to be made and for preparation by the public of their views for submission to the Commission.

Second Session

14. On resumption of its session in October 2009, the Commission fixed 31st October, 2009 as the deadline for the receipt of submissions.

Consultant Advice

15. The Office of the Parliamentary Registrar kindly made available to the

Commission the services of Kevin Mayall, PhD, GISP, President of AG Research (Bermuda) Ltd., a certified geographic information systems professional and an expert in the use of GIS Mapping software.

16. Dr. Mayall confirmed that the Commission's remit of ensuring that, so far as is reasonably practicable, constituencies containing equal numbers of persons qualified to be registered as electors could be achieved with the use of available technology.

Variation in number of qualified electors

17. Current legislation provides for continuous registration. The Parliamentary Register is published as at the 15th June each year.

18. The Commission took note that an examination of the variation in the number of qualified electors in certain areas of Bermuda demonstrated that some constituencies had changed such that they were as much as 19% over and in some cases more than 10% under the mean.

19. Having noted the significant variations, the Commission resolved, pursuant to section 54 (1)(b) of the Constitution, that changes to the boundaries of the constituencies of Bermuda were required.

20. Accordingly, the Commission required of the Parliamentary Registrar that he certify the number of persons qualified to be registered as electors as at a certain date so that the mean number of voters per constituency could be determined.

- Public Meeting** 21. A public meeting was held on 21st October, 2009 at 7 p.m. at the Bermuda Underwater Exploration Institute. Six attendees at the public meeting made oral submissions.
- Submissions received** 22. As at the deadline date of 31st October, 2009, eleven individuals and two organizations made written submissions. A list of the persons and organizations from whom submissions were received is recorded in Appendix 1 to this Report.
23. Having settled upon the work required in the interim between their sessions the Commission adjourned to 11th January, 2010.
- Certification by the Parliamentary Registrar** 24. The Parliamentary Registrar certified that to the best of his knowledge the number of persons qualified to be registered as electors in Bermuda was 46,265. It was then determined that 45,992 of these persons could be located using valid assessment numbers. This gave a mean of 1277 per constituency. The Report of the Parliamentary Registrar is to be found at Appendix 2 to this Report.
- Third Session** 25. The Commission resumed in session on 11th January, 2010. The Commission immediately set about reviewing the boundaries of the constituencies based upon the certification by the Parliamentary Registrar and guided by its remit under the Constitution.

**Methodology of
determining
constituency
boundaries**

26. The method used in determining the configuration of the constituencies was commended to the Commission by Dr. Mayall and certified by him as satisfactory. In keeping with the practice adopted in 2002, the Commission accepted a redistricting and re-apportionment system whereby small polygon units of electors was used to create constituencies.

27. In adapting this methodology to the unique topography of Bermuda, Dr. Mayall advised the Commission that he had consulted with the Department of Lands, Buildings and Surveys within the Ministry of Works and Engineering and that these polygons and thereby the constituency boundaries, would be created in the following priority order:

- Create divisions along the centre lines of roads and thoroughfares utilizing major roads as constituency boundaries wherever practical, since they are easily identifiable and often define existing communities
- Create divisions based on communities and estates, where practical, by drawing a boundary along the property lines at the rear of houses, such that the estate road falls near the centre of the polygon and neighbourhoods with common access are thus kept together
- Retain the character of major named land areas, wherever practical
- Create regularly shaped constituencies where practical
- Ensure that each polygon is bordered by a minimum of two other polygons to preserve the contiguity of constituencies
- Utilize a guideline maximum of 200 voters per polygon in order to provide flexibility in the aggregation process.

Recommendations

28. After full and careful deliberation, the Commission recommends:

(a) that the boundaries of the thirty six constituencies of Bermuda should be changed as defined in the Schedule to this Report;

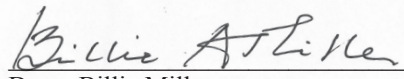
(b) for all purposes in the event of any dispute the governing and definitive map shall be the large map initialed by the Commissioners at Appendix 4 to this Report.

Acknowledgements

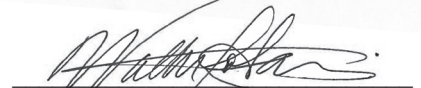
29. The Commission particularly records its appreciation of the assistance rendered to it by the Parliamentary Registrar, Mr. Kenneth R. Scott, the Assistant Parliamentary Registrar, Miss Tenia Woolridge, the staff of the Parliamentary Registrar's Office, the Head and staff of the Department of Statistics, the Ministry of Works and Engineering, with special mention of Dr. Kevin Mayall and Mr. Peter Hopkin and Mr. Calvin Blankendal of the Central Policy Unit. The Commission wishes to thank all those persons and the political parties who submitted views to it. We thank them all.

30. The Commission also acknowledges and records its appreciation and gratitude for the services of its Secretary, Mr. Marc Telemaque, substantive Cabinet Secretary and the staff of the Cabinet Office. The Commission's work was greatly enhanced by the use of the physical facilities provided within the historic Cabinet Building.

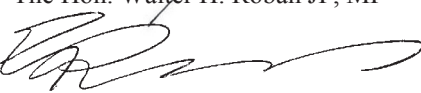
All of which is respectfully submitted.



Dame Billie Miller



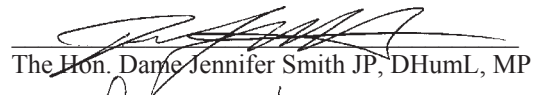
The Hon. Walter H. Roban JP, MP



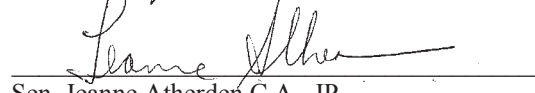
Mr. E.T. (Bob) Richards JP, MP



The Hon. Chief Justice David H. Jenkins



The Hon. Dame Jennifer Smith JP, DHumL, MP



Sen. Jeanne Atherden C.A., JP

January 15, 2010

SCHEDULE

DEFINITIONS OF CONSTITUENCY BOUNDARIES

Maps plotted by the Ministry of Works and Engineering from the Topographic Map
Database

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Distribution and Deviation of Qualified Voters by Constituency

Constituency Number	Constituency Name	Total Qualified Voters	Deviation from Mean* (in voters)	Percentage Deviation from Mean*
1	St. George's North	1,291	14	1.10
2	St. George's West	1,328	51	3.99
3	St. David's	1,319	42	3.29
4	St. George's South	1,283	6	0.47
5	Hamilton East	1,316	39	3.05
6	Hamilton West	1,264	-13	-1.02
7	Hamilton South	1,286	9	0.70
8	Smith's South	1,281	4	0.31
9	Smith's West	1,260	-17	-1.33
10	Smith's North	1,274	-3	-0.23
11	Devonshire East	1,229	-48	-3.76
12	Devonshire South Central	1,272	-5	-0.39
13	Devonshire North Central	1,226	-51	-3.99
14	Devonshire North West	1,269	-8	-0.63
15	Pembroke East	1,240	-37	-2.90
16	Pembroke East Central	1,328	51	3.99
17	Pembroke Central	1,258	-19	-1.49
18	Pembroke West Central	1,278	1	0.08
19	Pembroke West	1,300	23	1.80
20	Pembroke South West	1,278	1	0.08
21	Pembroke South East	1,288	11	0.86
22	Paget East	1,268	-9	-0.70
23	Paget West	1,253	-24	-1.88
24	Warwick South East	1,264	-13	-1.02
25	Warwick North East	1,276	-1	-0.08
26	Warwick South Central	1,288	11	0.86
27	Warwick North Central	1,258	-19	-1.49
28	Warwick West	1,243	-34	-2.66
29	Southampton East	1,281	4	0.31
30	Southampton East Central	1,287	10	0.78
31	Southampton West Central	1,277	0	0.00
32	Southampton West	1,255	-22	-1.72
33	Sandys South	1,327	50	3.92
34	Sandys South Central	1,298	21	1.64
35	Sandys North Central	1,285	8	0.63
36	Sandys North	1,264	-13	-1.02

Total qualified voters = 45,992

*Mean qualified voters per constituency = 1,277