

Election Laws or Constitutional Provisions Listing Redistricting Criteria for Selected Countries

Australia

Commonwealth Electoral Act 1918 – Division 3 – Representation of the States and Territories in the House of Representatives

Section: Redistribution Committee to make proposed redistribution

66. (1) A Redistribution Committee for a State or the Australian Capital Territory shall, in accordance with subsections (2), (3) and (4), make a proposed redistribution of the State or Territory.

(2) The proposed redistribution shall propose the distribution of the State or Territory into Electoral Divisions equal in number to the number of members of the House of Representatives to be chosen in the State or Territory at a general election.

(3) In making the proposed redistribution, the Redistribution Committee:

(a) shall, as far as practicable, endeavour to ensure that, if the State or Territory were redistributed in accordance with the proposed redistribution, the number of electors enrolled in each Electoral Division in the State or Territory would not, 3 years and 6 months after the State or Territory had been redistributed, be less than 98% or more than 102% of the average divisional enrolment of that State or Territory at that time; and

(b) subject to paragraph (a), shall give due consideration, in relation to each proposed Electoral Division, to:

- (i) community of interests within the proposed Electoral Division, including economic, social and regional interests;
- (ii) means of communication and travel within the proposed Electoral Division;
- (iii) the physical features and area of the proposed Electoral Division; and
- (iv) the boundaries of existing Divisions in the State or Territory;

and subject thereto the quota of electors for the State or Territory shall be the basis for the proposed redistribution, and the Redistribution Committee may adopt a margin of allowance, to be used whenever necessary, but in no case shall

the quota be departed from to a greater extent than one-tenth more or one-tenth less.

Albania

Constitution (1997) --Chapter V: Electoral Zones and Polling Stations

Article 29 For the elections of the deputies of the People's Assembly, 115 zones are created, with an approximately equal number of voters. Zones should be compact and with geographical continuity, and in setting them up, communes should not be broken up. The electoral zones, their borders and order are decided by the President of the Republic, upon proposal from the Council of Ministers, no later than 45 days before election day.

Bahamas

Constitution (1973) --Part 6: Delimitation of Constituencies

Article 70. --(1) The Commission shall in accordance with the provisions of this Article, at intervals of not more than five years, review the number and boundaries of the constituencies into which The Bahamas is divided and shall submit to the Governor-General a single report either—

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

(b) recommending certain changes,

and the Governor-General shall cause such report to be laid before the House of Assembly forthwith.

(2) In carrying out a review for the purposes of this Article, the Commission shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special considerations such as the needs of sparsely populated areas, the practicability of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.

Belize

Electoral Laws--Part V: Electoral Divisions

19.—(1) The Delimitation Commission shall divide Belize or any part of Belize into such number of electoral divisions and in such manner as may be communicated to it by the Governor upon the advice of the Minister and shall assign names thereto:

(2) Each electoral division shall have as nearly as may be an equal number of persons eligible to vote:

Provided that in fixing the boundaries of an electoral division the Delimitation Commission shall have regard to the transport and other facilities of the division, and to its physical features.

Ghana

Representation of the People Law, 1992 --Part I: Constituencies for Parliamentary Elections

1. (1) Ghana shall be divided into as many constituencies for the purpose of election of members of parliament as the Interim National Electoral Commission, in this Law referred to as “the Commission”, shall by legislative instrument prescribe.

(2) Each constituency shall be represented by one member in Parliament.

(3) The boundaries of a constituency shall not fall within more than one region.

(4) The boundaries of each constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(5) For the purposes of subsection (4) of this section, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and area and boundaries of the regions and other administrative or traditional areas.

(6) For the purpose of this section, “population quota” means the number obtained by dividing the number of inhabitants of Ghana by the number of constituencies into which Ghana is divided under subsection (1) of this section.

Hungary

Act No 34 of 1989 on the Election of Members of Parliament
Annex 1./to point a) of Section 52 of the Franchise Act

Principles Governing the Establishment of Constituencies

1. An individual constituency shall be within the territory of the capital city or the county concerned.
2. An individual constituency shall comprise about 60,000 inhabitants.
3. The entire area of competence of a local council shall be within the individual constituency. An individual constituency in the capital city may embrace two or more districts. A town of county rank may be divided also into two or more individual constituencies.
4. The seat of an individual constituency shall possibly be in a town.
5. A town and its area of pull may constitute one constituency.
6. In establishing constituencies account shall also be taken, so far as possible, of ethnic, religious, historical and other local characteristics.
7. The boundaries of a territorial constituency shall be identical with those of the capital city or the county concerned.

Kenya

Constitution (1992)

42. (1) Subject to this section, Kenya shall be divided into such number of constituencies having such boundaries and names as may be prescribed by order made by the Electoral Commission.
- (2) Parliament may prescribe the minimum number of constituencies into which Kenya shall be divided (which shall not be less than 188) or the maximum number of constituencies (which shall exceed the minimum number by at least twenty), and until Parliament has so prescribed the minimum number of constituencies shall be 188 and the maximum shall be 210.
- (3) All constituencies shall contain as nearly equal numbers of inhabitants as appears to the Commission to be reasonably practicable, but the Commission may depart from this principle to the extent that it considers expedient in order to take account of—

- (a) the density of population, and in particular the need to ensure adequate representation of urban and sparsely-populated rural areas;
 - (b) population trends;
 - (c) the means of communication;
 - (d) geographical features;
 - (e) community of interest; and
 - (f) the boundaries of existing administrative areas,
- and, for the purposes of this subsection, the number of inhabitants of any part of Kenya shall be ascertained by reference to the latest census of the population held in pursuance of any law.

Republic of Korea

Election for Public Office and Election Malpractice Prevention Act-- Chapter III Election Districts and Number of Members

Article 25 (Demarcation of Election Districts for National Assembly Members) (1) The local constituencies for the National Assembly members (hereinafter referred to as “election districts for the National Assembly members”) shall be demarcated in the areas under the jurisdiction of the city/province, taking into consideration the population, administrative districts, geographical features, traffic, and other conditions, but it shall not be permitted to divide part of a Ku (including the autonomous Ku), Shi (referred to a Shi where no Ku is established), Kun (hereinafter referred to as “Ku/Shi/Kun”), and make it belong to other election district for the National Assembly members. (2) The names and areas of the elections districts for the National Assembly members shall be prescribed in the annexed Table 1.

Malawi

Constitution (1995)--Chapter VII: Elections

76. ...(2) The duties and functions of the Electoral Commission shall include--

- (a) to determine constituency boundaries impartially on the basis of ensuring that constituencies contain approximately equal numbers of voters eligible to register, subject only to considerations of--

- (i) population density;
 - (ii) ease of communication; and
 - (iii) geographical features and existing administrative areas;
- (b) to review existing constituency boundaries at intervals of not more than five years and alter them in accordance with the principles laid down in subsection (2) (a);...

Malta

Constitution (1992)

61. ...(4) An alteration of the boundaries of any electoral division under this section shall be made in such manner as secures that, at the time when the Commission carries out its review, the number obtained by dividing the total electorate in the division (as ascertained by reference to the electoral register in force at that time) by the number of members to be returned to the House of Representatives from that division is as nearly equal to the electoral quota as is reasonably practicable:

Provided that any such alteration may be made in such manner that the number of voters in that division is, at the time when the Commission carries out its review, greater or less than the electoral quota multiplied by the number of members to be so returned, but in no case by more than five per centum, in order to take account of geographical vicinity, differences in density of population and other relevant factors.

Nepal

Electoral Constituency Delimitation Act, 2047

Allocation of Seats and Delimitation of Constituencies:

(1) The Commission shall, for the purpose of electing one member from each electoral constituency pursuant to Clause (a) of Subsection (1) of Section 3, delimit the territory of administrative districts of the Kingdom of Nepal into one or more such constituencies.

(2) While delimiting electoral constituency pursuant to Subsection (1) above, the territory of the constituencies shall, subject to the provision of Section 3, be so fixed as to have at least one constituency in each of the administrative districts. In case any district is to have more than one constituency, the maximum and minimum number of population to be

apportioned for each constituency in such district shall be as fixed by the Commission.

Provided that no electoral constituency shall be so delimited that any part of an administrative district is annexed to the territory of another administrative district.

(3) The Commission, while demarcating the constituencies in any district pursuant to this Section, shall take into consideration the nature of the boundaries of that district, geographical features, density of population, transportation facilities and homogeneity and heterogeneity of the community residing in such district.

(4) While demarcating the territories of electoral constituencies pursuant to Subsection (3), the existing boundaries of any Village Development Committee or any Ward of a Municipality, as a whole and without causing any alteration thereon, shall be included in the concerned constituency.

(5) The boundaries of the electoral constituencies, as determined pursuant to the provision this Act, shall not be modified except in consultation with the Commission.

Uganda

Constitution (1995)

Article 63. (1) Subject to clauses (2) and (3) of this article, Uganda shall be divided into as many constituencies for the purpose of election of members of parliament as Parliament may prescribe and each constituency shall be represented by one member of Parliament.

(2) When demarcating constituencies for the purposes of clause (1) of this article, the Electoral Commission shall ensure that each county, as approved by Parliament, has at least one member of Parliament; except that no constituency shall fall within more than one county.

(3) Subject to clause (2) of this article, the boundary of a constituency shall be such that the number of inhabitants in the constituency is, as nearly as possible, equal to the population quota.

(4) For purposes of clause (3) of this article, the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population, area and boundaries of districts.

United Kingdom

Parliamentary Constituencies Act 1986--Chapter 56

Schedule 2—Rules for Redistribution of Seats

- 1.—(1) The number of constituencies in Great Britain shall not be substantially greater or less than 613.
 - (1) The number of constituencies in Scotland shall not be less than 71.
 - (2) The number of constituencies in Wales shall not be less than 35.
 - (3) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time be divided into 16 or (as the case may be) into 18 constituencies.
2. Every constituency shall return a single member.
3. There shall continue to be a constituency which shall include the whole of the City of London and the name of which shall refer to the City of London.
4. --(1) So far as is practicable having regard to rules 1 to 3—
 - (a) in England and Wales--
 - (i) no county or any part of a county shall be included in a constituency which includes the whole or part of any other county or the whole or part of a London borough,
 - (ii) no London borough or any part of a London borough shall be included in a constituency which includes the whole or part of any other London Borough,
 - (b) in Scotland, regard shall be had to the boundaries of local authority areas,
 - (c) in Northern Ireland, no ward shall be included partly in one constituency and partly in another.
 - (2) In sub-paragraph (1)(b) above “area” and “local authority” have the same meaning as in the Local Government (Scotland) Act 1973.
5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned.
6. A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the

size, shape and accessibility of a constituency, appear to them to render a departure desirable.

General and supplementary

7. It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules, but they should take account, so far as they reasonably can—
 - (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4, and
 - (b) of any local ties which would be broken by such alteration.