

BOUNDARY REDISTRICTING BELIZE  
Legal Framework—the 2004/2005 Experience

The present legal guidelines for boundary redistricting as amended in 1988, are set out in Section 90 of the Belize Constitution. Guided by Section 90, the Elections and Boundaries Commission is the organization empowered to make proposals to the National Assembly. The National Assembly may accept all or part of the proposals submitted by the Elections and Boundaries Commission.

The pre-1988 Constitutional Amendment of Section 90 (1) (a) was specific in deciding on the size of each electoral division, as follows:

"An electoral division shall consist of *NOT LESS THAN 2,000* and *NOT MORE THAN 3,000* registered electors".

However, this was changed by the first amendment to the Belize Constitution in 1988.

Section 90 (1) (a) now states that, "Each electoral division shall have *AS NEARLY AS MAY BE*, an equal number of persons eligible to vote". Other Determinants in this section speak to the following:

- The total number of electoral divisions
- Regard be given to transport, physical features, and other facilities of the electoral division
- The new electoral changes to come into effect at the next General Elections held after the redistricting exercise

The Representation of the People Act (ROPA), Chapter 9 of the Laws of Belize, states that after the redistricting becomes Law, the Chief Elections Officer of the Elections and Boundaries Department is to:

- Adjust the Electoral Registers of the Electoral Divisions affected
- Compile new Registers of electors if there are new Electoral Divisions
- Within 30 days publish Provisional Registers

At the end of 10 days the Provisional Registers are revised at a Revision Court located in Magistrate Courts countrywide.

An interpretation of the law above based on the conclusion of the Solicitor General in a 2004 Report stated that:

- The meaning of the phrase "*AS NEARLY AS MAY BE*" as presently set out in section 90 (1) (a), was deliberately left for the determination by the Elections and Boundaries Commission to make proposals based on the population density; and to consider physical features, transportation needs and other characteristics of each division

- A division should have either a minimum number, or a maximum number of electors as determined by the Elections and Boundaries Commission

One can ascertain from the above legal interpretation that absolute and near absolute equality of voting power is not called on by this law. At the same time, the right to vote also is not absolute, as it is subject to legal restrictions—age, nationality, residence. Representation by population is as central to the concept of democracy as the concept of equality of voting power. However, historically and by law, this is not the case for Belize; and effective representation has been the culture. Compounding this is that in a developing country such as Belize, where there is frequent movement of people, which determines residence, may make it difficult to maintain absolute equality.

Lastly, in post-independent Belize adjustments to electoral boundaries changes have not determined or garnered a win for the political party in power. In fact, Belizean voters have changed governments relatively frequently, with the exception of 2008 to 2020, as these were unusual times in our political history. Historically voting patterns have demonstrated frequent changes in government, low popularity votes of the winning party, or a wide swing in number of seats or super-majority to the winning party. In fact, in 1993, the party that formed the government garnered 48.7% of the popular votes or less than 50%. That is the historical state of play legally and culturally.