

# **Elections Act**

## **CHAPTER 5 OF THE ACTS OF 2011**

*as amended by*

2011, c. 60; 2013, c. 17; 2015, c. 17; 2016, c. 7;  
2018, c. 1, Sch. A, ss. 107-110; 2020, c. 8; 2021, c. 28



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**An Act Respecting the Election  
of Members to the House of Assembly  
and Electoral Finance**

**Table of Contents**

(The table of contents is not part of the statute)

	Section
Short title .....	1
Interpretation.....	2
Chief Electoral Officer.....	3
Powers and duties .....	4
Discretionary powers and duties.....	5
<b>PART I</b>	
Elections	
Interpretation.....	6
Chief Electoral Officer	
Appointment .....	7
Remuneration.....	8
Elections Nova Scotia.....	9
Administration .....	10
Assistant Chief Electoral Officer.....	11
Powers and duties .....	12
Acting Chief Electoral Officer.....	13
Employees of Elections Nova Scotia are civil service employees .....	14
Chief Electoral Officer appoints and places employees .....	15
Experts .....	16
Powers, privileges and immunities .....	17
Liability.....	18
Annual estimates.....	19
Review of reports.....	20
Public education and studies.....	21
Returning Officers	
Appointment of returning officer.....	22
Vacancy, suspension and resignation.....	23
Appointment of assistant returning officer .....	24
Oath.....	25
Duties .....	26
Returning office .....	27
Time on duty.....	28
Writ and Notice of Election	
Method of instituting an election.....	29
Fixed election date.....	29A
Writ of election and election materials .....	30
Notice of election.....	31
Appointment of new returning officer .....	32
Substitution of new writ.....	33
By-election superseded by general election .....	34

## Polling Divisions

Establishment.....	35
Amalgamation, subdivision and redefinition.....	36
Distribution of geographic descriptions.....	37

## Electors

Qualifications.....	38
Disqualifications.....	39
Residence.....	40
Member of the Canadian Armed Forces and absence from Province .....	41
Register of Electors.....	42
16- and 17-year-olds.....	42A
Updating information in Register of Electors.....	43
Disclosure of elector information.....	44
Access to own information.....	45

## Enumeration

Initiation.....	46
Appointment of enumerators.....	47
Alternate procedure for appointment.....	48
Enumerators to act jointly.....	49
Manner of enumeration prescribed.....	50
Enumerator to be given access .....	51

## List of Electors Used During Election

Preliminary list of electors.....	52
Notice of registration and voting information .....	53

## Revision of List of Electors

Revision.....	54
Application for addition, correction or deletion .....	55
Grounds to support application.....	56
Preparation and distribution of revised and official lists of electors .....	57
Notice of registration after addition or correction .....	58
Final list of electors .....	59
Form determined by Chief Electoral Officer.....	60
Objection to name on list.....	61

## Protection of Personal Information of Electors

Content of lists and use of information.....	62
--	----

## Nomination of Candidates

Qualifications.....	63
One district only .....	64
Nomination documents.....	65
Close of nominations .....	66
Returning officer to review and accept or refuse nomination .....	67
Chief Electoral Officer to publish candidates' names.....	68
Authorized individual may file for prospective candidate .....	69
Nomination documents valid for one election.....	70
Return of nomination deposit .....	71
Withdrawal of nomination by candidate.....	72
Withdrawal of candidate.....	72A
Withdrawal of endorsement.....	72B
Arrangement of names on ballot.....	73
Death of candidate .....	74

## Campaigning

Residential complexes .....	75
Display of advertising posters .....	76

Return by Acclamation	
Procedure to declare elected .....	77
Granting of Poll	
Grant of poll .....	78
Election Day and Poll Hours	
Election day .....	79
Poll hours .....	80
Election Officers	
Appointment .....	81
Qualification .....	82
Resident of Province 16 to 18 years of age .....	83
Death or failure to act .....	84
List of deputy returning officers and poll clerks.....	85
Ballot Boxes, Ballot Paper and Ballots	
Specifications.....	86
Security of ballot papers and ballots.....	87
Printing of ballots .....	88
Form of Internet ballot.....	88A
Form of electronic ballot .....	88B
Supply of Election Materials to Deputy Returning Officer	
Custody of election material.....	89
Polling Stations	
Location .....	90
Identification.....	91
Specifications.....	92
Mobile polling stations .....	93
Persons Present in Polling Station	
Persons permitted.....	94
Permitted activity.....	95
Candidate may assist.....	96
Official List of Electors Used at Poll on Election Day	
Duty to use official list of electors.....	97
Extra polling stations .....	98
Transfer Certificate	
Application procedure .....	99
Duties on issuance .....	100
Voting by Write-in Ballot	
Application procedure .....	101
Approval of application .....	102
Voting procedure.....	103
Elector residing in another electoral district.....	104
Procedure upon receipt of write-in ballot .....	105
Sorting of write-in ballot envelopes .....	105A
Counting of write-in ballot envelopes .....	106

Counting of write-in ballots .....	107
Assistance to vote by write-in ballot .....	108

#### Internet Voting

Chief Electoral Officer may permit .....	108A
Requirements to vote .....	108B
Polling station .....	108C
Polling locations .....	108D
Systems elections officer must verify .....	108E
Procedures and forms .....	108F
Internet ballot box .....	108G
Advance voting .....	108H
Copies of records and lists .....	108I
List of electors .....	108J
Counting of ballots .....	108K
Rejected ballots .....	108L
Recount .....	108M
Recount by judge .....	108N
Secret ballot .....	108O
Offences .....	108P
Penalty .....	108Q

#### Proceedings at Election Day Poll

Duties immediately prior to opening poll .....	109
Ballot box moved for elderly or disabled voter .....	110
Duties during polling hours .....	111
Voting procedure .....	112
Oath may be required .....	113
Secrecy of vote .....	114
Assistance in voting .....	115
Cancelled ballot .....	116
Error on list .....	117
Elector declines to vote .....	118
Interpreter .....	119
Vote by bedridden patient .....	120

#### Who May Vote at a Poll

No right to vote .....	121
Right to vote .....	122
Voting at special poll .....	123
Secrecy of vote .....	124
Peace and order at polling station .....	125
Election officer has authority of peace officer .....	126

#### Counting and Reporting the Votes

Procedure after close of poll .....	127
Counting and reporting .....	128
Examination of ballots .....	129
Rejection of ballot .....	130

#### Time for Employee to Vote

Guidelines and exceptions .....	131
---------------------------------	-----

#### Advance Poll

Establishing .....	132
Hours .....	134
List of electors to be used .....	135
Continuous poll provisions apply .....	136
Custody of ballot box .....	138
Duties at close of advance poll .....	139
Community continuous poll .....	139A
Continuous poll provisions apply to community continuous poll .....	139B

Returning Office Continuous Poll

Establishment and hours ..... 140  
 Staff..... 140B  
 Assistance for elector..... 140C  
 Securing of ballot box..... 141  
 Electronic ballots ..... 141A  
 Procedure during continuous poll..... 142  
 Duties at close of continuous poll..... 142A  
 Declined ballot at continuous poll ..... 142B  
 Counting and recording votes..... 143

Proceedings after Return of Election Materials  
and on Official Addition Day

Security of envelopes containing election materials ..... 144  
 Official addition of votes ..... 145  
 Other sources for ascertaining votes cast..... 146  
 Resealing of envelopes ..... 147  
 Duties after the official addition ..... 148

Recount by Judge

Application for recount..... 149  
 Service of notice ..... 150  
 Right to be present at recount ..... 151  
 Procedure at recount ..... 152  
 Duties of judge after recount ..... 153  
 Costs ..... 154  
 Appeal of recount ..... 155  
 Appeal procedure..... 156  
 Interpretation Act..... 157

Recount by Chief Electoral Officer

Determining eligibility for reimbursement..... 158

Election Return

Declaration of election of candidate ..... 159

Return of Election Documents[,]  
Materials and Supplies

Duties on completing return on writ..... 160  
 Return deemed not received ..... 161  
 Duties on receiving return ..... 162

Reports of Chief Electoral Officer

Reports to House of Assembly ..... 163

Custody of Election Documents  
by Chief Electoral Officer

Controverted Elections Act..... 164  
 Government Records Act..... 165

PART II

Electoral Finance

Interpretation..... 166

Official Agents

Who must appoint..... 167

Official agents of registered party .....	168
Qualifications.....	169
Procedure for appointment, replacement and revocation of appointment .....	170
Duties.....	171
Auditors	
Who must appoint.....	172
Public accountant only.....	173
Auditor ceases to act.....	174
Disqualifications .....	175
Same firm not disqualified.....	176
Objectivity must not be impaired .....	177
Duty to report to official agent .....	178
Access to records and information .....	179
Registration of a Political Party	
Application for registration.....	180
Duties of Chief Electoral Officer.....	181
Information to be updated.....	182
Recognized party under former Act.....	183
Suspension and Deregistration of a Registered Party	
Suspension .....	184
Deregistration for contravention.....	185
Deregistration for fewer than ten candidates.....	186
Voluntary deregistration.....	187
Effect of and procedure following deregistration .....	188
Public funding repayment.....	189
Report respecting tax receipts.....	190
Payments to Registered Parties	
Calculation and payment .....	191
Held Assets	
Restrictions on use, reporting and divestiture.....	192
Information to be published.....	193
Registration of an Electoral District Association	
Application for registration.....	194
Duties of Chief Electoral Officer.....	195
Information to be updated.....	196
Electoral district association registered under former Act.....	197
Suspension and Deregistration of an Electoral District Association	
Suspension .....	198
Deregistration for contravention.....	199
Voluntary deregistration.....	200
Effect of registered party deregistration .....	201
Public notice .....	202
Candidate Registration	
Registration as registered candidate .....	203
No contributions or expenses until registered .....	204
Notice of change in particulars .....	205
Termination of registration .....	206
Effect of return of writ.....	207
Prospective candidate must re-register following an election .....	208



## Financial Institutions

Must be located in Province .....	209
Registered party's accounts .....	210
Electoral district association's account .....	211
Candidate's account .....	212

## Transfers

Not contributions .....	213
Prohibited transfers .....	214
Deemed election expense .....	214A

## Loans

When loan becomes a contribution .....	215
Restrictions .....	216
No tax receipt .....	217
Reporting .....	218
Outstanding amount of a payment .....	219

## Financial Statements and Reports

Prescribed form .....	220
Further information .....	221

## Registered Party Reporting

Audited financial statements .....	222
Election expenses report .....	223
Annual financial report .....	224
Tax receipts report .....	225
Annual update of registration information .....	226

## Electoral District Association Reporting

Annual financial report .....	227
Annual update of registration information .....	228

## Candidate Reporting

Election expenses report .....	229
Annual financial report .....	230
Tax receipts report .....	231
Disposal of excess contributions report .....	232

## Quality of Reporting

Must meet requirements of Act and regulations .....	233
---	-----

## Contributions

Only as permitted by Act .....	234
Record required .....	235
By individuals .....	236
Making and receiving .....	237
Testamentary contributions .....	237A
One official agent or financial agent to record contribution .....	238
When contributions may be accepted .....	239

## Disclosure of Contributions

Disclosure statement .....	240
Anonymous contribution .....	241
Annual \$100 limit .....	242
Beneficial owner only .....	243
Illegal contribution .....	244

Exemptions available to eligible individual .....	245
Calculating attributable contribution .....	246
Gifts to contributors .....	247
Donation in kind .....	248
By nomination candidate or leadership contestant .....	249
Return of excess contributions .....	250
Publication of disclosure statements .....	251
Tax Receipts	
Use of prescribed form .....	252
Who may issue .....	253
No tax receipt .....	254
Required information .....	255
Duplicate copies .....	256
Replacement receipt .....	257
Spoiled tax receipt .....	258
Election Expenses Spending Limits	
Registered party maximum .....	259
Candidate maximum .....	260
Election Expenses	
Who may incur or pay .....	261
Payment and claims .....	262
Failure to report .....	263
Error in report .....	264
Differentiation in report .....	265
Notice of court application .....	266
Powers of Chief Electoral Officer .....	266A
Reimbursement of Candidate Election Expenses	
Calculation and payment .....	267
Disposal of Excess Contributions	
Calculation and payment .....	268
Inspection of Records	
By Chief Electoral Officer .....	269
Access to premises and records .....	270
Election Advertising	
Must be authorized .....	271
No transmission by Government means .....	272
No one to prevent transmission .....	274
Third Party Election Advertising	
Limits .....	275
Offence .....	276
Third party must be identified and authorize .....	277
Registration .....	278
Financial agent .....	279
Registry of third parties .....	280
Contribution to registered third party .....	281
Election advertising report .....	282
Correction to report .....	283
Names and reports to be published .....	284

## PART III

## Compliance and Enforcement

Injunction .....	285
Public Inquiries Act .....	286
Investigation .....	287
Notice of investigation .....	288
Notice of no further action .....	289
Notice to person who requested investigation .....	290
Chief Electoral Officer may publish outcome .....	291
Prosecution .....	292
Frivolous or vexatious allegation .....	293

## Compliance Agreements

Procedure for entering into .....	294
Involvement of Director of Public Prosecutions .....	295
Notice of compliance .....	296
Breach .....	297
Court may dismiss proceedings .....	298
Publication of notice of non-compliance and publication of notice of agreement .....	299

## PART IV

## Offences

At polling station .....	300
Breach of ballot secrecy .....	301
Summons of returning officer .....	302
During advance poll or election day poll .....	303
Campaign advertising offence .....	304
General .....	305
False statement that candidate has withdrawn .....	306
False statement respecting candidate .....	307
Obstructing lawful campaigning .....	308
Disruption of election process .....	309
Offences by employer .....	310
False tax receipt .....	311
False statement .....	312
False information regarding contribution .....	313
Offences respecting filing of reports .....	314
Penalty for Section 229 offence .....	314A
Penalty for Section 62 offence .....	314B
Penalty for Section 222 or 223 offence .....	314C
Penalty for Section 234 offence .....	315
Penalty for Section 259 or 260 offence .....	316
Failure to make proper payment .....	317
Offence by official agent or officer .....	318
Prohibited use of information .....	319
Penalty for Section 263 offence .....	320
Penalty for Section 282 offence .....	320A
Failure to provide required information .....	321
Further offences .....	322
Summary Proceedings Act .....	323
Default of penalty .....	323A
Who may be prosecuted .....	324
Attempts and accessories .....	325
No privilege in answering question .....	326

## Corrupt Practices

Offences .....	327
Exceptions .....	328
Offences respecting voting .....	329
Offence respecting list of electors .....	330
Further offences respecting list of electors .....	331

False information or statement .....	332
Illegal use of list of electors .....	333
Misleading statement during an investigation .....	334
Offence respecting election materials and ballots .....	335
Offences respecting voting .....	336
Offences respecting ballot .....	337
Offences by election officer .....	338
Offences by candidate .....	339
Additional offences .....	340
Obstruction .....	341
Threat of force .....	342
Controverted Elections Act .....	343
Effect of conviction under Controverted Elections Act .....	344
Candidate's election is void .....	345
Candidate or agent guilty .....	346
Perjury .....	347
Penalty for corrupt practice .....	348

## PART V

## General

Public notice .....	349
Oath .....	350
Chief Electoral Officer may advance or postpone deadline .....	351
Mistake or non-compliance with Act .....	352
Powers after amendment of Act .....	353
Writ issued within 6 months of amendment .....	354
Tariff of fees and expenses .....	355
Election Commission .....	356
Directive to use alternate procedure, equipment or technology .....	357
Election public opinion poll .....	358
Public opinion poll not based on recognized polling methods .....	359
No new public opinion poll results on election day .....	360
Regulations .....	361
Controverted Elections Act amended .....	362
Co-operative Associations Act amended .....	363
Former Act repealed .....	364
Government Records Act amended .....	365
House of Assembly Act amended .....	366-368
Income Tax Act amended .....	369
Members and Public Employees Disclosure Act amended .....	370, 371
Political Contributions Regulations .....	372
Chief Electoral Officer appointment .....	373
Assistant Chief Electoral Officer and returning officers .....	374
Effective date .....	375

**Short title**

1 This Act may be cited as the *Elections Act*. 2011, c. 5, s. 1.

**Interpretation**

2 In this Act,

(a) “ballot” means a prescribed form used by an elector to vote;

(b) “by-election” means an election other than one conducted as part of a general election;

(c) “candidate” means a person who has been officially nominated as a candidate pursuant to Section 67 and for the purpose of Part II includes a person registered pursuant to this Act;

(ca) “candidate representative” means a candidate and

(i) up to two scrutineers for each candidate, or

(ii) up to two electors representing each candidate;

(d) “Chief Electoral Officer” means the Chief Electoral Officer appointed pursuant to this Act;

(da) “day” means a calendar day;

~~(da)~~(db) “during an election” means the period commencing with the dissolution the House of Assembly, or the issuance of the writ for a by-election, and ending at the close of the polls on election day;

(e) “Election Commission” means the Election Commission established pursuant to this Act;

(f) *repealed 2016, c. 7, s. 1.*

(g) “elector” means a person who is qualified under this Act to vote during an election for the House of Assembly, whether or not the person’s name is on a list of electors;

(ga) “elector’s agent” means an individual appointed by an elector to assist the elector to vote pursuant to Section 108, 115 or 140A;

(h) “election” means an election of a person to serve as a member of the House of Assembly;

(i) “election advertising” means the transmission to the public by any means during an election of an advertising message that promotes or opposes a registered party or the election of a candidate, including one that takes a position on an issue with which a registered party or candidate is associated but, for greater certainty, does not include

(i) the transmission to the public of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news,

(ii) the distribution of a book, or the promotion of the sale of a book, for not less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election,

(iii) the transmission of a document directly by a person or a group to their members, employees or shareholders, as the case may be, or

(iv) the transmission by an individual, on a non-commercial basis on the Internet, of his or her personal political views;

(j) “election day” means the day fixed for holding the poll during an election;

(k) “election officer” means the Chief Electoral Officer, the Assistant Chief Electoral Officer, a returning officer, assistant returning officer, poll supervisor, deputy returning officer, poll clerk, presiding officer, deputy presiding officer, enumerator, revision assistant, information officer, write-in ballot co-ordinator, assistant write-in ballot co-ordinator, ballot box courier or constable appointed under this Act or such other official appointed to another election officer position designated by the Chief Electoral Officer from time to time;

(l) “electoral district” means an electoral district named and described in the *House of Assembly Act*;

(m) “electoral district association” means an electoral district association that is

(i) endorsed by the leader of a registered party and includes a trust or a fund established to further the goals of such an association, and

(ii) registered by the Chief Electoral Officer;

(ma) “electronic” includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means;

(n) “endorsed” means declared by the leader of a registered party as the official candidate of the party or in the case of an electoral district association means designated as an electoral district association by the leader of the registered party;

(o) “final list of electors” means the revised list of electors prepared by the Chief Electoral Officer following an election and includes the information of all electors whose names have been on or added to the official list of electors by the close of polls on election day as described in Section 59;

(p) “form” includes the content and signature if any is required, instructions for completion and the manner in which the form is to be provided;

(q) “former Act” means Chapter 140 of the Revised Statutes, 1989, the *Elections Act*;

(r) “general election” means the simultaneous holding of elections in all electoral districts;

(s) “hours” and all other references to time relate to local time generally used throughout the Province;

(sa) “Internet ballot” means an image of a ballot on a screen of a personal computing device, including all the choices of candidates available to an elector and the spaces in which an elector marks a vote;

(sb) “Internet ballot box” means a computer database in the system where cast Internet ballots are put;

- (sc) “Internet polling days” means any hours and dates fixed by the Chief Electoral Officer for Internet voting;
- (sd) “Internet voting” means voting via the Internet;
- (t) “list of electors” means a list prepared from the Register of Electors containing information of all registered electors in the Province pursuant to Section 52;
- (u) “judge” means a judge of the Supreme Court of Nova Scotia;
- (v) “nomination candidate” means a person who is campaigning to become a registered party’s candidate for election in an electoral district;
- (w) “oath” includes affidavit, affirmation and statutory declaration;
- (x) “official agent” means an agent appointed by a registered party, electoral district association, registered candidate or a candidate pursuant to Section 167;
- (xa) “personal computing device” means an electronic device that may access the Internet;
- (xb) “personal identification number” means the personal identification number issued to
- (i) an elector for Internet voting on Internet polling days, or
  - (ii) a systems elections officer;
- (y) “prospective candidate” means an individual who self-declares as an independent candidate or an individual who is declared by others, with the individual’s consent, to be a candidate;
- (z) “prescribed” means prescribed by the Chief Electoral Officer pursuant to this Act;
- (aa) “recount” means a recount pursuant to Section 149, unless the context requires otherwise;
- (ab) “Register of Electors” means the register established and maintained by the Chief Electoral Officer under Section 42;
- (ac) “registered party” means a political party that is registered by the Chief Electoral Officer pursuant to this Act or was recognized under the former Act;
- (ad) “registered candidate” means a person who has been registered pursuant to Section 203;
- (ada) “scrutineer” means an individual who acts as an agent for a candidate in a polling station or during the counting of the vote, with the written consent of the candidate or the candidate’s official agent-[:];
- (ae) “spouse” means a person married to another person and, for the purpose of this Act, includes persons who, not being married to each other, live together as if spouses and have done so for at least one year;

- (aea) “system” means the technology, including software, that
  - (i) records and stores the votes, and
  - (ii) counts the votes and stores the results of Internet voting after the close of polls on election day;
- (aeb) “systems elections officer” means
  - (i) a person who maintains, monitors or audits the system, and
  - (ii) a person who has access to the system beyond the access necessary to vote by Internet voting;
- (af) “voter” means an elector who has voted or to whom a write-in ballot kit has been transmitted during an election;
- (ag) “writ” means the writ of election. 2011, c. 5, s. 2; 2015, c. 17, s. 1; 2016, c. 7, s. 1; 2020, c. 8, s. 1.

### Chief Electoral Officer

**3** The Chief Electoral Officer is responsible for the administration of this Act. 2011, c. 5, s. 3.

### Powers and duties

**4 (1)** In addition to any other powers or duties of the Chief Electoral Officer under this Act, the Chief Electoral Officer shall

- (a) enforce on the part of election officers fairness, impartiality and compliance with this Act;
- (b) exercise the general direction and supervision over the administrative conduct of elections;
- (c) examine, or cause to be examined, all statements, reports, forms, returns and other information filed with the Chief Electoral Officer;
- (d) issue to election officers such instructions as the Chief Electoral Officer considers necessary to ensure the effective, non-partisan execution of this Act;
- (e) establish and maintain registers of
  - (i) electors,
  - (ii) registered parties,
  - (iii) registered electoral district associations,
  - (iv) registered candidates, and
  - (v) candidates,

and prescribe information to be kept in the registers;



(f) make all reimbursements and payments to registered parties, electoral district associations, candidates and others in accordance with this Act and the regulations;

(g) prescribe forms and the contents thereof for use under this Act and provide for the manner of their use;

(h) provide instructions to election officers for the conduct of the polls and responsibilities of those election officers;

(i) publish on the Elections Nova Scotia website, or in such manner as determined by the Chief Electoral Officer, the reports filed under this Act or the information contained in those reports as prescribed by the Chief Electoral Officer; and

(j) exercise such other powers as are required by this Act.

(2) The Chief Electoral Officer shall not extend the hours within which a returning officer may receive nomination documents or the voting hours at either an advance polling station or, subject to subsection (3), an election day polling station.

(3) Where voting at a polling station is interrupted on election day by an emergency and the Chief Electoral Officer is satisfied that a substantial number of electors will not be able to vote if the voting hours at the polling station are not extended, the Chief Electoral Officer shall

(a) extend the voting hours at the polling station for the period the Chief Electoral Officer considers necessary to give those electors a reasonable opportunity to vote, so long as the polling station does not in any case

(i) close later than midnight on election day, or

(ii) remain open during election day for a total of more than twelve hours; and

(b) give notice of extended voting hours in such manner as the Chief Electoral Officer considers appropriate. 2011, c. 5, s. 4.

#### **Discretionary powers and duties**

5 The Chief Electoral Officer may

(a) assist, or cause to be assisted,

(i) a registered party, electoral district association, candidate or registered third party;[,]

(ii) an official agent of a registered party, electoral district association or candidate, and

(iii) a financial agent of a registered third party,

in preparing statements and returns required under this Act and otherwise in complying with this Act;

- (b) delegate in writing to any election officer appointed under this Act authority to exercise any power and perform any duty under this Act;
- (c) enter into agreements with municipalities, the Conseil scolaire acadien provincial and the Chief Electoral Officer of Canada providing for the sharing of lists of electors for electoral purposes;
- (d) enter into agreements with persons for the purpose of obtaining information to update the Register of Electors with provisions for reimbursement of reasonable costs associated with preparing the information;
- (e) subject to subsection 4(3), extend the time for doing anything under this Act;
- (f) designate additional election officer positions and increase the number of election officers for an election;
- (g) train individuals and pay them pursuant to the tariff of fees and expenses both during and between elections;
- (h) increase the number of polling stations;
- (i) vary any of the prescribed forms to suit the existing circumstances;
- (j) *repealed 2015, c. 17, s. 2.*
- (k) prescribe an acceptable means of an electronic signature or another means of authentication for circumstances in which this Act requires a signature or a declaration;
- (l) develop and implement public communication, education and information programs;
- (m) obtain information for the purpose of Sections 42, 42A and 43;
- (n) prepare and distribute guidelines with respect to any matter in this Act with power to vary such guidelines to suit existing circumstances;
- (o) prepare and distribute policies, guidelines and codes of conduct for election officers and employees of Elections Nova Scotia with respect to any matter in this Act with power to vary such policies, guidelines and codes of conduct to suit existing circumstances;
- (p) conduct investigations in accordance with Section 287;
- (q) generally adapt the provisions of this Act to meet existing circumstances;
- (r) modify any provision of this Act to permit its use at a by-election;
- (s) as required, seek the advice of
  - (i) the Election Commission, and
  - (ii) advisory committees and panels of experts established from time to time by the Chief Electoral Officer;

(t) provide administrative and technical support to the independent electoral boundaries commission in its review of electoral boundaries pursuant to the *House of Assembly Act*;

(u) enter into agreements with any person for the purpose of obtaining or providing mapping, geographic or demographic information;

(v) make available on the Elections Nova Scotia's website the geographic boundaries of electoral districts and polling divisions and, during an election, information respecting polling locations;

(w) exercise such other powers as are authorized by this Act. 2011, c. 5, s. 5; 2015, c. 17, s. 2; 2018, c. 1, Sch. A, s. 107.

## PART I

### ELECTIONS

#### Interpretation

6 In this Part,

(a) “cancelled ballot” means a ballot marked “cancelled” under Section 116;

(aa) “declined ballot” means a ballot marked “declined” under Section 118;

(b) “educational institution” means

(i) academies, universities, colleges, seminaries, institutes of technology,

(ii) prescribed collegiate-level institutions, such as vocational schools, trade schools, and career colleges, and

(iii) other prescribed institutions that award academic degrees or certifications for post secondary students;

(c) “election petition” means a petition presented pursuant to the *Controverted Elections Act*;

(d) “electoral boundaries” means the geographic boundaries of electoral districts or polling divisions, or both;

(e) “electoral boundaries commission report” means a report prepared by an independent electoral boundaries commission pursuant to the *House of Assembly Act*;

(f) “geographic description” means maps, geographic coordinates and any other geographic information that may describe a specific location or a boundary of any area;

(g) “implementation date” means the date on which legislation that implements an electoral boundaries commission report comes into force;

- (h) “legal name” means an individual’s last name and given names;
- (i) “municipality” means a municipality within the meaning of the *Municipal Government Act*;
- (j) “official list of electors” means a list of electors provided by the returning officer to appropriate poll officials for use during an election day polling station pursuant to subsection 57(3);
- (k) “polling division” means a territorial area fixed by the returning officer;
- (l) “polling location” means the premises within which one or more polling stations have been established;
- (m) “polling station” means a polling station established pursuant to Sections 90, 92 and 93;
- (n) “poll record” means the record of information gathered during the conduct of the poll related to
- (i) who has voted,
  - (ii) seal numbers on ballot boxes,
  - (iii) oaths taken,
  - (iv) assistance provided to electors in marking ballots, and
  - (v) objections;
- (o) “preliminary list of electors” means a list of electors provided by the returning officer to candidates pursuant to subsection 52(3);
- (p) “rejected ballot” means a ballot that has been rejected under subsection 107(3) or 108G(2), Section 130 or subsection 143(6);
- (q) “residential centre” means a nursing home, special care home, assisted living facility, residential unit in a public hospital or any other residential facility operated for the purpose of the care and treatment of senior citizens or persons having a physical or mental disability;
- (r) “revised list of electors” means a list of electors provided by the returning officer to appropriate poll officials for use at an advance polling station pursuant to subsection 57(1);
- (s) *repealed 2018, c. 1, Sch. A, s. 108.*
- (t) “write-in ballot” means a prescribed form that is used by an elector to cast the elector’s vote pursuant to Sections 101 to 108 and 140 to 142. 2011, c. 5, s. 6; 2015, c. 17, s. 3; 2018, c. 1, Sch. A, s. 108; 2020, c. 8, s. 2.

#### CHIEF ELECTORAL OFFICER

##### Appointment

- 7 (1) Subject to the approval of the House of Assembly by majority vote, the Governor in Council shall appoint a person to be the Chief Electoral Officer.

(2) The Chief Electoral Officer is an officer of the House of Assembly.

(3) Subject to subsection (4), the Chief Electoral Officer holds office for a term not exceeding ten years and may be re-appointed to further terms of office.

(4) The Governor in Council may only remove the Chief Electoral Officer for cause or incapacity on the passing by the House of Assembly of a resolution carried by a vote of two thirds of the members voting thereon.

(5) Upon written advice of the President of the Executive Council and the Leader of the Opposition, the Governor in Council may, at any time the House of Assembly is not sitting, suspend the Chief Electoral Officer for cause or incapacity, but the suspension does not continue in force beyond the end of the ensuing sitting of the House of Assembly. 2011, c. 5, s. 7.

### Remuneration

8 (1) Subject to subsection (2), the Chief Electoral Officer must be paid remuneration within, but at or above the mid-point of, the annual salary rates for deputy ministers set out in the pay plan for deputy ministers together with any other remuneration payable to deputy ministers, which remuneration must be adjusted yearly by a percentage equal to the average increase for the remuneration of the deputy ministers.

(2) The salary of the Chief Electoral Officer must not be reduced except on the passing by the House of Assembly of a resolution carried by a vote of two thirds of the members voting thereon.

(3) The Chief Electoral Officer is entitled to all rights, privileges and benefits, including pension benefits, to which deputy ministers are entitled.

(4) The Chief Electoral Officer is an employee within the meaning of the *Public Service Superannuation Act*. 2011, c. 5, s. 8.

### Elections Nova Scotia

9 (1) The Office of the Chief Electoral Officer is an office of the House of Assembly.

(2) The Office of the Chief Electoral Officer is to be known as Elections Nova Scotia.

(3) Elections Nova Scotia includes the Chief Electoral Officer, Assistant Chief Electoral Officer, employees of Elections Nova Scotia at the time this Act comes into force and such other employees as the Chief Electoral Officer may appoint pursuant to this Act.

(4) Elections Nova Scotia is a public body for the purpose of the *Freedom of Information and Protection of Privacy Act* and the Chief Electoral Officer is the head of the public body. 2011, c. 5, s. 9.

#### **Administration**

**10** (1) The Chief Electoral Officer shall supervise and be responsible for all matters relating to the work, conduct and administration of Elections Nova Scotia and of those employed at Elections Nova Scotia.

(2) The Chief Electoral Officer shall direct and supervise the activities of the Assistant Chief Electoral Officer.

(3) The Chief Electoral Officer may delegate to any employee of Elections Nova Scotia any duty or power conferred upon the Chief Electoral Officer by this or any other enactment or by the Governor in Council, other than reporting to the House of Assembly.

(4) The Chief Electoral Officer may charge fees for

(a) services provided by Elections Nova Scotia on a time-and-materials cost-recovery basis; and

(b) products created and supplied by Elections Nova Scotia pursuant to the tariff of fees and expenses.

(5) Notwithstanding clause (4)(b), products created by Elections Nova Scotia must be supplied in prescribed quantities to candidates and registered parties during an election without charge.

(6) The Chief Electoral Officer may have a seal. 2011, c. 5, s. 10.

#### **Assistant Chief Electoral Officer**

**11** (1) On the advice of the Chief Electoral Officer, the Governor in Council may appoint an Assistant Chief Electoral Officer to the staff of Elections Nova Scotia.

(2) The Assistant Chief Electoral Officer is an employee within the meaning of the *Public Service Superannuation Act* and is entitled to all the benefits and privileges provided to employees of the civil service under the *Civil Service Act* and the *Public Service Superannuation Act*.

(3) and (4) *repealed 2015, c. 17, s. 4.*

(5) Upon being appointed, the Assistant Chief Electoral Officer shall take an oath to well and truly perform the duties of the office.

(6) The Chief Electoral Officer shall administer the oath referred to in subsection (5).

(7) In the absence of the Assistant Chief Electoral Officer, the Chief Electoral Officer may temporarily appoint an acting Assistant Chief Electoral Officer. 2011, c. 5, s. 11; 2015, c. 17, s. 4.

#### **Powers and duties**

**12** The Assistant Chief Electoral Officer

(a) shall assist the Chief Electoral Officer in the performance of the duties of the Chief Electoral Officer; and

(b) has the powers and shall perform the duties of the Chief Electoral Officer

(i) in the absence or illness of the Chief Electoral Officer,

(ii) on the failure of the Chief Electoral Officer to perform the duties of the office, or

(iii) in the event of a vacancy in the office of Chief Electoral Officer. 2011, c. 5, s. 12; 2015, c. 17, s. 5.

#### **Acting Chief Electoral Officer**

**13** In the absence or incapacity of the Chief Electoral Officer, upon the written advice of the President of the Executive Council and the Leader of the Opposition, the Governor in Council may temporarily appoint an Acting Chief Electoral Officer who has all the powers and performs all the duties of the Chief Electoral Officer. 2011, c. 5, s. 13.

#### **Employees of Elections Nova Scotia are civil service employees**

**14** All employees of Elections Nova Scotia are civil service employees in accordance with the *Civil Service Act* and the *Public Service Superannuation Act* and are entitled to all the benefits and privileges provided for in those Acts. 2011, c. 5, s. 14.

#### **Chief Electoral Officer appoints and places employees**

**15 (1)** Notwithstanding the *Civil Service Act* or the *General Civil Service Regulations*, the Chief Electoral Officer shall

(a) appoint such individuals as employees of Elections Nova Scotia as the Chief Electoral Officer considers necessary to perform the duties of the Chief Electoral Officer;

(b) place employees in such positions as the Chief Electoral Officer considers appropriate under such classification ratings and at such rates of remuneration within those classification ratings established by the Public Service Commission as the Chief Electoral Officer considers appropriate; and

(c) establish the qualifications for the Assistant Chief Electoral Officer and establish a fair process for hiring based on merit and a fair process for removal.

(2) The Chief Electoral Officer may appoint on a temporary basis, such individuals as are necessary to enable the Chief Electoral Officer to perform the duties and functions of that office.

(3) The *Civil Service Act* does not apply to individuals appointed pursuant to subsection (2) and the Chief Electoral Officer may establish their remuneration and the other terms and conditions of their engagement. 2011, c. 5, s. 15.

### Experts

16 (1) Notwithstanding any Government procurement rules or policies, the Chief Electoral Officer may engage the services of such counsel, accountants, auditors or other professionals or experts to advise or assist the Chief Electoral Officer in respect of matters as the Chief Electoral Officer considers necessary to carry out the Chief Electoral Officer's powers and duties under this Act.

(2) Payments made to experts under this Section may be determined by the Chief Electoral Officer and must be within the limits of the appropriations, including any additional appropriations, for Elections Nova Scotia. 2011, c. 5, s. 16.

### Powers, privileges and immunities

17 (1) The Chief Electoral Officer has all the powers, authorities, rights, privileges and immunities vested in the Chief Electoral Officer by this Act, any other enactment, or the Governor in Council.

(2) The Chief Electoral Officer has all the powers, authorities, rights, privileges and immunities exercisable by a deputy minister under the *Civil Service Act*, the *Public Service Act* or any other enactment, except for any specific powers, authorities or rights related to the management of a particular department or program.

(3) Except as otherwise provided in this Act, Elections Nova Scotia shall follow Government policies but any approvals required by those policies are to be read as requiring the approval of the Chief Electoral Officer. 2011, c. 5, s. 17.

### Liability

18 (1) Neither the Chief Electoral Officer nor any persons who are or were employees of Elections Nova Scotia or persons under contract to Elections Nova Scotia may be sued or be found liable by reason of any action they have done or failed to do, or anything said, in good faith in the performance of their duties.

(2) No civil action may be instituted by reason of the publication of a report of the Chief Electoral Officer under this Act or any other enactment or authority or of the publication in good faith of an extract or summary of such a report or comments made in connection with such a report.



(3) In the case of any legal action against or involving them, related to the performance of their duties in good faith, the Chief Electoral Officer or previous Chief Electoral Officer and current or past employees of Elections Nova Scotia must be indemnified and provided with legal counsel by Elections Nova Scotia. 2011, c. 5, s. 18.

#### **Annual estimates**

19 The Chief Electoral Officer shall present annually to a committee of the House of Assembly, designated for that purpose by the House, estimates of the sums of money that will be required by the Chief Electoral Officer to conduct the activities required under this Act and any other enactment or authority, together with any estimated recoveries, and

(a) the committee shall review and may alter as it considers proper the estimates presented by the Chief Electoral Officer;

(b) notice of meetings by the committee to review or alter the estimates presented by the Chief Electoral Officer must be given to the Chair of the Public Accounts Committee and the Chair may attend those meetings; and

(c) the chair of the committee shall recommend the estimates as altered by the committee to the Treasury Board for inclusion in the Government's estimates. 2011, c. 5, s. 19.

#### **Review of reports**

20 (1) At the request of the Public Accounts Committee, the Chief Electoral Officer and any employee of Elections Nova Scotia designated by the Chief Electoral Officer shall attend meetings of the Committee or its subcommittees in order to

(a) assist the Committee in its review of the reports of the Chief Electoral Officer; and

(b) discuss the plans and performance of Elections Nova Scotia.

(2) The Chief Electoral Officer shall provide the Public Accounts Committee with annual business plans and performance reports of Elections Nova Scotia and such plans and reports are public documents. 2011, c. 5, s. 20.

#### **Public education and studies**

21 (1) The Chief Electoral Officer may implement public communication, education and information programs, including information for new electors, to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

(2) The Chief Electoral Officer may develop and make materials available to education entities, as defined in the *Education Act*, for distribution to students who have reached voting age or will soon do so, including information on

- (a) the Province's electoral process;
- (b) the right to vote;
- (c) how to have one's name added to the Register of Electors; and
- (d) any other matter that the Chief Electoral Officer considers useful for electors.

(3) The Chief Electoral Officer may, using any media or other means, provide the public with information relating to the Province's electoral process, the democratic right to vote and how to be a candidate.

(4) As directed by a resolution supported by a majority vote of the House of Assembly, the Chief Electoral Officer may carry out studies, including studies respecting

- (a) the voting procedure;
- (b) voting by persons with disabilities; and
- (c) improvements in electoral finance under Part II of this Act.

(5) The Chief Electoral Officer's studies pursuant to subsection (4) may be conducted by doing one or more of the following:

- (a) causing surveys and research to be carried out and reports to be written;
- (b) establishing advisory committees; and
- (c) holding conferences.

(6) The results of a study pursuant to subsection (4) must be made public. 2011, c. 5, s. 21; 2018, c. 1, Sch. A, s. 109.

## RETURNING OFFICERS

### Appointment of returning officer

22 (1) The Chief Electoral Officer shall appoint a returning officer for each electoral district.

(2) Under the general direction of the Chief Electoral Officer, the returning officer is responsible for the preparation for and conduct of an election in the electoral district.

(3) and (4) *repealed 2015, c. 17, s. 7.*

(5) The Chief Electoral Officer shall establish the qualifications for returning officers and establish a fair process for hiring based on merit and a fair process for removal.

- (6) The returning officer of an electoral district must
- (a) be eligible to vote in the Province; and
  - (b) reside in the electoral district for which the returning officer was appointed.

- (6A) The Chief Electoral Officer shall appoint
- (a) an Internet voting returning officer responsible for the preparation and conduct of Internet voting and who must reside in the Province; and
  - (b) a systems elections officer.

(7) Notwithstanding subsection (5) and clause (6)(b), where it is not possible to conduct an election without an immediate appointment, the Chief Electoral Officer may appoint a returning officer on a temporary basis without following the process established pursuant to subsection (5), but the appointee's term ends when the vacancy is filled pursuant to that subsection. 2011, c. 5, s. 22; 2015, c. 17, s. 7; 2020, c. 8, s. 3.

#### **Vacancy, suspension and resignation**

**23** (1) The office of a returning officer is not vacant until the returning officer

- (a) dies;
- (b) resigns; or
- (c) is removed from office pursuant to subsection (3), (5) or (6).

(2) *repealed 2015, c. 17, s. 8.*

(3) The office of a returning officer becomes vacant on the implementation date of an electoral boundaries commission report.

(4) A returning officer may be re-appointed.

(5) The Chief Electoral Officer may remove or temporarily suspend from office a returning officer

- (a) who is incapable, by reason of illness, physical or mental disability or otherwise, of satisfactorily performing the returning officer's duties;
- (b) who fails to discharge competently a duty of a returning officer or to comply with an instruction of the Chief Electoral Officer;
- (c) who contravenes subsection (7), whether or not the contravention occurs in the exercise of the returning officer's duties;

- (d) who ceases to reside in the electoral district; or
- (e) for cause.

(6) Within a year from the date of suspension and upon review, the Chief Electoral Officer shall either end the suspension or permanently remove from office a returning officer.

(7) No returning officer shall, while in office, knowingly engage in politically partisan conduct.

(8) *repealed 2015, c. 17, s. 8.*

(9) A returning officer shall, upon appointment, complete an oath of office in the prescribed form and transmit it to the Chief Electoral Officer.

(10) A returning officer shall immediately notify the Chief Electoral Officer if

- (a) the returning officer is unable to act; or
- (b) has moved out of the electoral district.

(11) A returning officer must where possible give three months notice of resignation in writing to the Chief Electoral Officer. 2011, c. 5, s. 23; 2015, c. 17, s. 8.

#### **Appointment of assistant returning officer**

24 (1) At the direction of the Chief Electoral Officer, a returning officer or, where the office of the returning officer is vacant, the Chief Electoral Officer, shall appoint an assistant returning officer.

(2) The Chief Electoral Officer shall establish the qualifications for assistant returning officers.

(3) In subsection (4), “immediate family” of a person means

- (a) a spouse, a child or grandchild eighteen years of age or older, a mother, father, brother, sister, uncle, aunt, niece, nephew, grandmother or grandfather, or a child or grandchild eighteen years of age or older, mother, father, brother, sister, uncle, aunt, niece, nephew, grandmother or grandfather of the spouse; or
- (b) an individual who lives with the person.

(4) A returning officer shall not appoint a member of the returning officer’s immediate family as an assistant returning officer.

(5) The appointment of an assistant returning officer must be made in the prescribed form.

(6) Where an assistant returning officer is unable or unwilling to act or neglects his or her duties or the office of assistant returning officer becomes vacant, the returning officer may appoint another assistant returning officer in place of the current assistant returning officer.

(7) The appointment as an assistant returning officer terminates on the completion of the duties and responsibilities for the election for which the assistant returning officer was appointed or upon the assistant returning officer being dismissed by the returning officer.

(8) An assistant returning officer may be re-appointed. 2015, c. 17, s. 9.

### **Oath**

**25** Upon appointment, an assistant returning officer shall complete an oath of office in the prescribed form, and the returning officer shall transmit the oath to the Chief Electoral Officer. 2015, c. 17, s. 9.

### **Duties**

**26 (1)** During an election, an assistant returning officer shall perform the duties assigned by the returning officer.

(2) At the request of the Chief Electoral Officer, the assistant returning officer may act in place of the returning officer for a time determined by the Chief Electoral Officer and, while so acting, the assistant returning officer has the powers and shall perform the duties of the returning officer and, where a writ has already been issued, act under the writ as if it had been already addressed to the assistant returning officer, without taking the returning officer's oath of office.

(3) An assistant returning officer shall immediately notify the Chief Electoral Officer if the returning officer is unable to act. 2015, c. 17, s. 9.

### **Returning office**

**27 (1)** At a time determined by the Chief Electoral Officer, a returning officer shall open and maintain a returning office at some convenient place in the electoral district or, as instructed by the Chief Electoral Officer, in another electoral district, that is accessible to physically disabled persons.

(2) In addition to the posting of the notice of election required under clause 30(1)(b), the returning officer shall give public notice of the location of the returning office in the manner determined by the Chief Electoral Officer.

(3) Where a place allowing convenient access cannot be found in the electoral district, the returning officer shall open and maintain a returning office in a neighbouring electoral district with the approval of the Chief Electoral Officer. 2011, c. 5, s. 27; 2015, c. 17, s. 10.

**Time on duty**

**28** Either the returning officer or the assistant returning officer must be on duty in the returning officer's returning office during times prescribed by the Chief Electoral Officer. 2015, c. 17, s. 11.

## WRIT AND NOTICE OF ELECTION

**Method of instituting an election**

**29** An election must be instituted when the Governor in Council passes an order fixing

(a) the date of the writ, which must be the same for all writs issued for a general election; and

(b) the date of election day, which must be a Tuesday not fewer than thirty days and not more than forty-six days from the date of the writ. 2011, c. 5, s. 29; 2016, c. 7, s. 2.

**Fixed election date**

**29A (1)** Nothing in this Section affects the powers of the Lieutenant Governor, including the power to dissolve the House of Assembly at the discretion of the Lieutenant Governor.

(2) Subject to subsections (3) and (4), and the powers of the Lieutenant Governor referred to in subsection (1), notwithstanding any other enactment, each general election must be held on the third Tuesday in July, in the fourth calendar year following election day for the most recent general election.

(3) Where the Chief Electoral Officer is of the opinion that a Tuesday that would otherwise be election day is not suitable for that purpose, including by reason of it being in conflict with a day of cultural or religious significance or a federal or municipal election, the Chief Electoral Officer shall choose another day in accordance with subsection (4) and recommend to the Governor in Council that election day be that other day, and the Governor in Council may make an order to that effect.

(4) For the purpose of subsection (3), the Chief Electoral Officer may, notwithstanding clause 29(b), choose as an alternative ordinary election day one of the seven days following the Tuesday that would otherwise be election day.

(5) In the case of a general election under subsection (2), an order may not be made under subsection (3) within seventy days preceding the Tuesday that would otherwise be election day. 2021, c. 28, s. 1.

**Writ of election and election materials**

**30 (1)** Upon receipt of a certified copy of the order in council, the Chief Electoral Officer shall

(a) issue in the prescribed form, a writ in accordance with the order and a notice of election;

(b) cause a notice of election in the prescribed form including the time and date of election day, close of nominations, returning office continuous poll, application to vote by write-in ballot, advance poll, Internet polling days and any other information the Chief Electoral Officer considers necessary to be published in a manner the Chief Electoral Officer considers appropriate;

(c) cause the writ and the notice of election to be published on the Elections Nova Scotia website; and

(d) cause the writ and the notice of election to be transmitted to each returning officer of an electoral district in which an election is to be held.

(2) When the Chief Electoral Officer considers it appropriate, or immediately after the issue of the writ, the Chief Electoral Officer shall cause to be delivered to a returning officer a sufficient number of copies of this Act including amendments, election forms, ballot paper, ballots and other election materials and supplies required for the conduct of the election. 2011, c. 5, s. 30; 2015, c. 17, s. 12; 2020, c. 8, s. 4.

#### **Notice of election**

**31** Not later than the twenty-seventh day before election day, a returning officer shall

(a) sign the notice of election for the electoral district in the prescribed form;

(b) cause the signed notice of election to be posted in the office of the returning officer where it must be kept available for public inspection at all reasonable times; and

(c) transmit one copy of the notice of election to each registered party and to every candidate in the electoral district. 2011, c. 5, s. 31; 2015, c. 17, s. 13.

#### **Appointment of new returning officer**

**32** Where a returning officer

(a) refuses or neglects, or is unable because of death or other cause, to act;

(b) resigns; or

(c) is removed,

the Chief Electoral Officer may appoint another person to act under a writ already issued as if it had been so addressed. 2011, c. 5, s. 32.

**Substitution of new writ**

**33** Where the Chief Electoral Officer certifies it is impossible to hold an election in an electoral district on the day specified in a writ, the Governor in Council may make an order

- (a) withdrawing the writ;
- (b) specifying a new date for the writ and election day; and
- (c) requiring the Chief Electoral Officer to issue a new writ. 2011, c. 5, s. 33.

**By-election superseded by general election**

**34 (1)** Where the House of Assembly is dissolved after the issue of a writ for a by-election, the writ is thereupon deemed to have been superseded and withdrawn and the Chief Electoral Officer shall publish a notice in the Royal Gazette and on the Elections Nova Scotia website of the withdrawal of the writ and the cancellation of the by-election.

**(2)** The list of electors used for the general election following the dissolution of the House of Assembly pursuant to clause 52(1)(a) is the list of electors prepared after the issue of the writ for the by-election including all corrections, and deletions applied as of the date of the withdrawal of the writ. 2011, c. 5, s. 34.

**POLLING DIVISIONS****Establishment**

**35 (1)** The Chief Electoral Officer shall, with the assistance of the returning officers, subdivide each electoral district into as many polling divisions as the Chief Electoral Officer considers necessary giving due consideration to

- (a) factors such as geography, population density and distribution, and other factors that may affect the convenience of electors; and
- (b) the incorporation, where practicable, of approximately four hundred and fifty electors in a polling division unless the Chief Electoral Officer considers including a greater number practicable.

**(2)** In respect of each electoral district, as directed by the Chief Electoral Officer the returning officer shall

- (a) review the population distribution and consider any changes required to be made to the polling division boundaries; and
- (b) assist in the preparation of a geographic description of each polling division and identify each with a consecutive number.

**(3)** Notwithstanding subsection (1), the Chief Electoral Officer may establish a separate polling division for a residential centre in which ten or more electors may reside. 2011, c. 5, s. 35; 2020, c. 8, s. 5.



**Amalgamation, subdivision and redefinition**

**36 (1)** The Chief Electoral Officer may amalgamate two or more polling divisions or subdivide a polling division if the amalgamation or subdivision will improve the conduct of an election.

**(2)** The Chief Electoral Officer may at any time before an election direct a returning officer to correct an error or omission or redefine a boundary of a polling division. 2011, c. 5, s. 36.

**Distribution of geographic descriptions**

**37** The Chief Electoral Officer shall, before the grant of a poll, deliver a printed copy and a copy in electronic form of the geographic description of the polling divisions for an electoral district in respect of which a writ has been issued to each registered party and to an independent candidate who is a registered candidate in that electoral district. 2011, c. 5, s. 37.

## ELECTORS

**Qualifications**

**38 (1)** Subject to Section 39, a person may vote in an election if the person

- (a) is eighteen years of age or older on election day;
- (b) is a Canadian citizen on or before election day;
- (c) has resided in the Province for six months immediately preceding the date of the writ; and
- (d) resides in the electoral district in which the election is being held.

**(2)** A candidate during a general election or by-election, and any spouse of the candidate who lives with the candidate and is qualified as an elector, may have their names entered on the list of electors for either

- (a) the polling division in which the candidate resides; or
- (b) any polling division in the electoral district in which the candidate is running.

**(3)** A member of the Parliament of Canada representing an electoral district in the Province who resides outside the Province, and the spouse or any dependant of the member who lives with the member and is otherwise qualified as an elector, may have their names entered on the list of electors in the polling division of the electoral district in which the member last resided in the Province.

**(4)** A senator in the Parliament of Canada representing the Province who resides outside the Province, and the spouse or any dependant of the senator who lives with the senator and is otherwise qualified as an elector, may have their names entered on the list of electors in the polling division of the electoral dis-

trict in which the senator last resided in the Province. 2011, c. 5, s. 38; 2016, c. 7, s. 3; 2020, c. 8, s. 6.

### **Disqualifications**

**39** The Chief Electoral Officer and the Assistant Chief Electoral Officer are not entitled to be registered as electors. 2011, c. 5, s. 39.

### **Residence**

**40 (1)** A person resides in the place where the person lives and to which, whenever absent, the person intends to return.

**(2)** A person may reside in only one place at a time.

**(3)** A person does not cease to reside in a place by leaving the place for a temporary purpose only.

**(4)** Where a person usually sleeps in one place and has meals or is employed in another place, the person resides in the place where the person sleeps.

**(5)** Where a person has temporary residential quarters, those quarters are considered to be the place in which the person resides only if the person has no other place the person considers as that person's residence.

**(6)** Where a person is

**(a)** incarcerated; or

**(b)** detained in a provincial correctional facility or psychiatric facility by reason of that person being found by a court to be not criminally responsible or unfit to stand trial or undergoing a psychiatric assessment as a result of being charged with a criminal offence,

the person is deemed to reside in the electoral district in which the person resided immediately before being incarcerated or detained unless the person did not reside in the Province before being detained, in which case the person is deemed to reside in the electoral district in which the person's correctional facility or psychiatric facility is located.

**(7)** Where a person is being provided with food, lodging or other social services by a shelter, hostel or similar institution, the person resides in the shelter, hostel or institution.

**(8)** Where the rules set out in subsections (1) to (7) are not sufficient to determine the place where a person resides, the place where the person resides must be determined by the appropriate election officer with reference to all the facts of the case.

**(9)** A person who, on the date of the writ,

- (a) is registered and in attendance at an educational institution;
- (b) resides in an electoral district or polling division other than that of the person's family home; and
- (c) is qualified as an elector,

may be included on the list of electors in one or the other of the polling divisions, but not both.

**(10)** A person does not reside in a residence that is generally occupied by a person only between the beginning of May and the end of October but that is generally unoccupied between the beginning of November and the end of April unless the person does not have another residence in the Province where the person resides between the beginning of November and the end of April. 2011, c. 5, s. 40.

**Member of the Canadian Armed Forces and absence from Province**

**41 (1)** In this Section, "member of the Canadian Armed Forces" means

- (a) a member of the regular force or a special force of the Canadian Armed Forces;
- (b) a member of the reserve force of the Canadian Armed Forces who is on full-time training or service or on active service; or
- (c) a person who is employed outside Canada by the Canadian Armed Forces as a teacher in, or as a member of the administrative support staff for, a Canadian Armed Forces school.

**(2)** Notwithstanding subsection 38(1), a person who has left the Province and intends to return and reside in the Province is eligible to vote in an election if the person is a Canadian citizen who

- (a) will be eighteen years of age or older on election day;
- (b) is absent from the Province on election day
  - (i) while serving as a member of the Canadian Armed Forces,
  - (ii) while engaged in the service of the Government of Canada or the Government of the Province,
  - (iii) while attending an educational institution,
  - (iv) while engaged as an employee of an international organization of which Canada is a member, or
  - (v) because the person has left the Province and intends to return and is living with a person referred to in any of subclauses (i) to (iv); and

(c) immediately before leaving the Province in any of the circumstances described in clause (b),

(i) had resided in the Province for at least six months, and

(ii) resided in the electoral district in which the election is being held. 2011, c. 5, s. 41; 2015, c. 17, s. 14.

### Register of Electors

**42 (1)** The Chief Electoral Officer shall establish and maintain a Register of Electors for the Province.

**(2)** The Register of Electors must include, for each elector,

(a) the elector's

(i) residential address,

(ii) mailing address,

(iii) legal name,

(iv) *repealed 2020, c. 8, s. 7.*

(v) contact information, and

(vi) day, month and year of birth;

(b) a unique identification number assigned by the Chief Electoral Officer;

(c) any other identification number if one has been assigned by other persons who provide information under Section 43 to the Chief Electoral Officer to assist in distinguishing one person from another, or verifying the information about a person;

(d) other information required to be included in an application for registration as prescribed by the Chief Electoral Officer; and

(e) an indication whether the elector voted in previous elections commencing with the general election held on June 9, 2009.

**(2A)** Where an elector provides the elector's gender to a returning officer or the Chief Electoral Officer, the Register of Electors must include the elector's gender as provided by the elector.

**(3)** The information referred to in subsection (2) may only be used to verify the identification of an elector when creating, revising or updating information in the Register of Electors.

**(4)** Notwithstanding subsection (1), the Register of Electors may contain information about persons who reside in the Province and may become eligible to vote. 2011, c. 5, s. 42; 2020, c. 8, s. 7.

**16- and 17-year-olds**

**42A** The Chief Electoral Officer may, in respect of persons who are sixteen or seventeen years of age, reside in the Province and may become eligible to vote, collect any personal information referred to in subclauses 42(2)(a)(i) to (vi) and clause 42(2)(d). 2013, c. 17, s. 1.

**Updating information in Register of Electors**

**43 (1)** The Chief Electoral Officer may amend information in the Register of Electors and shall take all steps the Chief Electoral Officer considers necessary to ensure the elector information described in subsection 42(2) and the related geographic descriptions are accurate.

**(2)** The Register of Electors must be updated between elections as determined by the Chief Electoral Officer and as soon as possible after an election.

**(3)** The Register of Electors must be updated from, including but not limited to, the following:

(a) information an elector has given the Chief Electoral Officer in the prescribed manner, including by telephone and online through the Elections Nova Scotia website;

(b) subject to subsection 42(3), information held in the National Register of Electors or any other information provided to the Chief Electoral Officer of Canada for the purpose of updating the National Register of Electors and the lists of electors for use at a general election, by-election, plebiscite or referendum conducted by the Chief Electoral Officer of Canada;

(c) information gathering activities carried out under the direction of the Chief Electoral Officer including mailings and distribution of information, telephone calls, electronic mail and personal visits to the homes of persons who may be electors;

(d) information gathered by returning officers according to the instructions of the Chief Electoral Officer; and

(e) information obtained from any source the Chief Electoral Officer considers advisable.

**(3A)** The Chief Electoral Officer may use any prescribed identification to verify the identity of an elector who is providing information by telephone or online when creating, revising or updating information in the Register of Electors.

**(4)** The Chief Electoral Officer may engage and pay the personnel necessary to carry out the updating referred to in subsection (3).

**(5)** Notwithstanding any enactment, a public body as defined in the *Freedom of Information and Protection of Privacy Act*, at the request of the Chief Electoral Officer, shall provide the personal information held by that body required to create, revise or update the Register of Electors.

(6) The information provided to the Chief Electoral Officer under subsection (5) may only be used for the purpose of updating the Register of Electors.

(7) A public body providing information under subsection (5) may charge a reasonable amount for providing the information, but the amount charged may not exceed the actual cost of producing the information.

(8) The Chief Electoral Officer may retain information collected under subsections (3) and (5) for the purpose of matching information subsequently collected from time to time with information already contained in the Register of Electors.

(9) Notwithstanding the *Freedom of Information and Protection of Privacy Act*, returning officers may be granted access to the Register of Electors by the Chief Electoral Officer between elections for the purpose of updating the information contained in the Register of Electors according to the instructions of the Chief Electoral Officer. 2011, c. 5, s. 43; 2015, c. 17, s. 15; 2020, c. 8, s. 8.

#### Disclosure of elector information

44 (1) Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the Chief Electoral Officer shall disclose

(a) to each registered party the information described in subclauses 42(2)(a)(i) to (iii) and clauses 42(2)(b) and (e) and the age category of the elector as of January 1st of the calendar year in which disclosure is made;

(b) to each independent member of the House of Assembly the information described in subclauses 42(2)(a)(i) to (iii) and clauses 42(2)(b) and (e) and the age category of the elector as of January 1st of the calendar year in which disclosure is made for the electors in the member's electoral district,

at the time and in the manner determined by the Chief Electoral Officer.

(1A) The age categories for the purpose of subsection (1) are:

- (a) 18 to 24 years;
- (b) 25 to 34 years;
- (c) 35 to 44 years;
- (d) 45 to 54 years;
- (e) 55 to 64 years;
- (f) 65 to 74 years;
- (g) 75 years and over.

(2) The information provided pursuant to subsection (1) to a registered party and to an independent member must be used only for electoral purposes. 2011, c. 5, s. 44; 2011, c. 60, s. 1.

#### **Access to own information**

**45 (1)** Persons are entitled to confirm or update information in the Register of Electors about themselves and verify the information is correct.

(2) Any person requesting access to information for the purpose set out in subsection (1) shall complete an oath in the prescribed form. 2011, c. 5, s. 45.

### ENUMERATION

#### **Initiation**

- 46 (1)** The Chief Electoral Officer
- (a) shall request advice respecting the areas of the Province where enumeration should be conducted
    - (i) between elections from the registered parties and members of the House of Assembly,
    - (ii) during an election from the registered parties and registered electoral district associations who shall provide any such advice no later than five days from the issuance of the writ;
  - (b) may cause an enumeration to be conducted under this Section for the purpose of updating the Register of Electors pursuant to Section 43 between elections or the list of electors during an election; and
  - (c) shall designate the period of the enumeration if an enumeration is to be conducted.

(2) The Chief Electoral Officer shall obtain the consent of the House of Assembly if an enumeration between elections is estimated to involve more than one third of the total number of electoral districts in the Province.

- (3) An enumeration may be conducted for
- (a) an entire electoral district; or
  - (b) any part of the electoral district, including a building with multiple dwelling units. 2011, c. 5, s. 46.

#### **Appointment of enumerators**

**47 (1)** Subject to subsection (3), when requested by the Chief Electoral Officer, a returning officer shall give written notice of enumeration to the two opposed registered parties that, at the preceding election in the electoral district,

sponsored the candidates who received the highest number of votes and the next highest number of votes, respectively, requesting each registered party

- (a) within twenty days from the receipt of the notice of enumeration to be conducted between elections; and
- (b) no later than five days from the issuance of a writ during an election,

to provide the returning officer with a list of persons from which one or more enumerators may be selected.

- (2) Where, in an electoral district,
  - (a) a candidate was elected by acclamation at the preceding election;
  - (b) the boundaries have been altered since the preceding election; or
  - (c) a registered party mentioned in subsection (1) is not available to provide a list of persons to act as enumerators,

the returning officer shall, in consultation with the Chief Electoral Officer determine which two opposed registered parties are to provide the list of persons pursuant to subsection (1).

(3) The returning officer shall endeavour to appoint two persons who represent different registered parties as a team of enumerators for each assigned area where enumeration is to be conducted.

(4) The returning officer shall notify each registered party that supplied a list of persons under subsection (1) of the names of the enumerators chosen and the assigned area for which each is to act. 2011, c. 5, s. 47.

#### **Alternate procedure for appointment**

**48 (1)** Where the lists requested pursuant to subsection 47(1) do not contain a sufficient number of qualified persons, a returning officer shall proceed to appoint enumerators without the lists.

(2) A returning officer may, on reasonable grounds, refuse to appoint an enumerator from lists supplied pursuant to subsection 47(1), and shall advise the registered parties of those grounds.

(3) Upon appointment and before commencing their duties, the enumerators shall take the prescribed oath and the returning officer shall supply each team of enumerators with appropriate materials for the conduct of the enumeration. 2011, c. 5, s. 48.



**Enumerators to act jointly**

**49 (1)** The team of two enumerators appointed for an assigned area shall

(a) act jointly and not individually in the collection of information for the Register of Electors or the list of electors; and

(b) report the details of any disagreement between them to the returning officer.

**(2)** The returning officer shall settle any disagreement reported to the returning officer and communicate the returning officer's decision to the enumerators who are bound by it. 2011, c. 5, s. 49.

**Manner of enumeration prescribed**

**50** An enumerator shall conduct the enumeration in the manner prescribed by the Chief Electoral Officer and record the information on the forms prescribed by the Chief Electoral Officer. 2011, c. 5, s. 50.

**Enumerator to be given access**

**51** An enumerator must be given access to the entrance door of each residence in an apartment building, condominium complex, residential centre or other residential complex. 2011, c. 5, s. 51.

## LIST OF ELECTORS USED DURING ELECTION

**Preliminary list of electors**

**52 (1)** As soon as possible after a writ of election is issued, the Chief Electoral Officer shall

(a) provide the returning officer with the list of electors prepared from the Register of Electors; and

(b) advise the returning officer of the date on which the Register of Electors was most recently updated.

**(2)** As soon as possible after the receipt of the list of electors under subsection (1) but no later than the day following the close of nominations, each returning officer shall

(a) review the list of electors of the electoral district for accuracy;

(b) prepare a preliminary list of electors for each polling division in the electoral district and include a statement indicating the number of names the list contains; and

(c) certify the preliminary list of electors in the prescribed form.

(3) As soon as the preliminary list is certified and not later than the end of day on the day following the close of nominations, each returning officer shall distribute to each candidate in the electoral district and, where the candidate is endorsed by a registered party, that party, the preliminary list of electors for the electoral district.

(4) The preliminary list of electors under subsection (2) must include the information described in subclauses 42(2)(a)(i) to (iii) and clauses 42(2)(b) and (e) and an indication whether the elector voted in the current election. 2011, c. 5, s. 52; 2015, c. 17, s. 16; 2020, c. 8, s. 9.

#### **Notice of registration and voting information**

**53** Each returning officer shall send a notice of registration and voting information, in the prescribed form, not later than Monday, the fifteenth day before election day, to each elector whose name appears on the list of electors for the electoral district. 2011, c. 5, s. 53.

### REVISION OF LIST OF ELECTORS

#### **Revision**

**54** (1) Following the certification of the preliminary list of electors under clause 52(2)(c), the returning officer shall revise the list of electors to ensure, to the extent possible, a complete and accurate list from which electors may be crossed off as they present themselves to vote.

(2) The Chief Electoral Officer shall advise the public how and when the list of electors is to be revised and provide any other information the Chief Electoral Officer considers appropriate.

(3) The returning officer may appoint a revision assistant and other election officers qualified to assist with revising the list of electors, including, with the approval of the Chief Electoral Officer, enumerators for the purpose of revising the list of electors for a particular area or building containing multiple residential units.

(4) The returning officer may delegate his or her authority under Sections 55 to 56 to an election officer appointed under subsection (3). 2011, c. 5, s. 54; 2015, c. 17, s. 17.

#### **Application for addition, correction or deletion**

**55** (1) The returning officer shall receive applications in the prescribed form for an addition or correction to or a deletion from the list of electors.

(2) An elector or a person acting on the elector's behalf may apply in person or in writing for the elector to be added to the list of electors and the application must include the elector's

(a) legal name;

- (b) date of birth;
- (c) proof of identity and residence;
- (d) *repealed 2020, c. 8, s. 10.*
- (e) mailing address; and
- (f) current residential address.

(2A) The application under subsection (2) must provide an option to include the elector's gender.

(3) An elector or a person acting on the elector's behalf may apply in person, orally or in writing for the elector to be removed from the list of electors and the application must include satisfactory proof of the elector's identity and satisfactory proof that

- (a) the elector is deceased;
- (b) the elector no longer resides in the Province; or
- (c) the information in respect of the elector is otherwise not valid.

(4) An elector or a person acting on the elector's behalf may make an application in person or in writing for a correction to the elector's name and particulars and the application must include satisfactory proof of the elector's identity and residence.

(5) The person acting on an elector's behalf under subsections (2), (3) and (4) may do so for the person's child, grandchild, brother, sister, parent, grandparent or spouse.

(6) A caregiver or a friend acting on an elector's behalf under subsections (2), (3), and (4) may only apply in person and shall take an oath in the prescribed form that the information he or she is providing is correct. 2011, c. 5, s. 55; 2015, c. 17, s. 18; 2020, c. 8, s. 10.

#### **Grounds to support application**

**56** (1) Before accepting an application under subsection 55(2), (3) or (4), the returning officer must be satisfied that the applicant has provided sufficient grounds, in accordance with guidelines established by the Chief Electoral Officer and, where the returning officer is so satisfied, the returning officer shall revise the list of electors in accordance with procedures determined by the Chief Electoral Officer.

(2) A returning officer who discovers incorrect information on the list of electors shall revise the list to correct the error.

(3) A returning officer may remove the name of a person from the list of electors if the person applies in person on the prescribed form to have the per-

son's own name removed from the list of electors and the returning officer is satisfied of the person's identity.

(4) Where the list of electors is updated by adding an elector's name to the list, the name must also be added to the Register of Electors unless the elector requests otherwise on the prescribed form.

(5) Where an elector is removed from the list of electors under subsection 55(3), the elector must also be marked as removed on the Register of Electors.

(6) Where an elector is removed from the list of electors under subsection (3), the elector must also be marked as removed on the Register of Electors if the elector so requests on the prescribed form.

(7) Where an elector does not have proof of identity or residence, the elector shall swear an oath in the prescribed form.

(8) An irregularity in the preparation or revision of the list of electors is not a ground for questioning the validity of an election. 2011, c. 5, s. 56; 2015, c. 17, s. 19.

#### **Preparation and distribution of revised and official lists of electors**

57 (1) Before an advance poll, the returning officer shall

(a) prepare and certify the revised list of electors for each polling division in the electoral district for use at the advance poll;

(b) deliver to the appropriate poll officials the revised list of electors required to conduct the election in their advance polling station; and

(c) deliver to each candidate for that electoral district and, where the candidate is endorsed by a registered party, that party[,] the revised list of electors for the electoral district and the information described in clause 42(2)(e).

(2) The revised list of electors prepared pursuant to subsection (1) must include the information described in subclauses 42(2)(a)(i) to (iii) and ~~clauses~~ [clause] 42(2)(b) and an indication of whether the elector voted in the current election.

(3) Before election day, the returning officer shall

(a) prepare and certify the official list of electors for each polling division in the electoral district for use on election day;

(b) deliver to the appropriate poll officials the official list of electors required to conduct the election in their polling station on election day; and

(c) deliver to each candidate for that electoral district and, where the candidate is endorsed by a registered party, that party[,] the official list of electors for the electoral district and the information described in clause 42(2)(e).

(4) The official list of electors prepared pursuant to subsection (3) must include the information described in subclauses 42(2)(a)(i) to (iii) and ~~clauses~~ [clause] 42(2)(b) and an indication of whether the elector voted in the current election.

(5) A candidate who has been provided with a copy of the list of electors for the electoral district may use the list only for electoral purposes. 2011, c. 5, s. 57; 2020, c. 8, s. 11.

#### **Notice of registration after addition or correction**

**58** As soon as possible following an addition or a correction to the list of electors, each returning officer shall send a notice of registration and voting information to every elector in respect of whom the change has been made describing how the elector's name and particulars will appear on the revised or official list of electors. 2011, c. 5, s. 58.

#### **Final list of electors**

**59 (1)** Within sixty days of election day, the Chief Electoral Officer shall prepare a final list of electors for each electoral district in which an election has been held.

(2) The final list of electors must include the legal name, mailing address and civic address of each elector whose name was on, added or revised to the official list of electors by the close of polls on election day such that each elector only appears on one final list of electors.

(3) The Chief Electoral Officer shall provide one copy of the final list of electors to each independent elected member for an electoral district and one copy of the final list containing all electoral districts in which the party nominated candidates to each registered party.

(4) A registered party or a member of the House of Assembly who has been provided with a copy of the final list of electors may use the list only for electoral purposes. 2011, c. 5, s. 59; 2015, c. 17, s. 20; 2020, c. 8, s. 12.

#### **Form determined by Chief Electoral Officer**

**60** The form of the copies of the list distributed pursuant to subsection 52(3), clauses 57(1)(b) and (c), clauses 57(3)(b) and (c) and subsection 59(2) must be as determined by the Chief Electoral Officer. 2011, c. 5, s. 60.

**Objection to name on list**

**61 (1)** During the time that the list of electors is being revised, an elector may object to the inclusion of a person on the list of electors by filing an affidavit of objection in the prescribed form with the returning officer for the electoral district in which the person who is the subject of the objection is shown to reside.

**(2)** An elector may make an objection on the basis that the person has died or is not qualified to vote and the affidavit must specify the basis of the objection, including the facts supporting the objection and the name and address of the person making the objection.

**(3)** Where the returning officer is able to confirm that the person is dead, the returning officer shall allow the objection and remove the person from the list of electors.

**(4)** Except where the returning officer has determined under subsection (3) that the person is dead, the returning officer shall make a reasonable effort to notify the person against whom the objection is made of the objection, the identity of the individual who made the objection and the basis on which it is made.

**(5)** Where, after receiving notice of the objection, the person provides satisfactory proof of the person's right to vote or swears an oath or affirmation as to this right, the returning officer shall leave the person's name on the list of electors.

**(6)** Where, after receiving the notice of objection, the person refuses or is unable to provide proof of qualification to vote or refuses to swear an oath as to such qualification, the returning officer shall remove the person's name from the list of electors.

**(7)** Where the returning officer is unable to contact the person who is the subject of the objection and the returning officer is satisfied that the objection is valid, the returning officer shall remove the person's name from the list of electors. 2011, c. 5, s. 61.

**PROTECTION OF PERSONAL INFORMATION OF ELECTORS****Content of lists and use of information**

**62 (1)** The Chief Electoral Officer may include fictitious information within the elector information provided pursuant to Section 44, within the preliminary, revised or official lists of electors provided during an election, and within the information disclosed to a municipality or the Conseil scolaire acadien provincial pursuant to clause 62(3)(a), for the purpose of tracing any unauthorized use of elector information.

**(2)** Candidates and registered parties shall destroy all lists of electors received during an election and any copies of the list of electors provided to

others by or on behalf of the candidate, and inform the Chief Electoral Officer of the destruction of such lists in the prescribed manner, within thirty days of the close of the polls on election day.

(3) Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the information contained in

(a) clauses 42(2)(a) and (b) may be disclosed by the Chief Electoral Officer to municipalities and the Conseil scolaire acadien provincial for electoral purposes; and

(b) Section 42 may be disclosed to the Chief Electoral Officer of Canada at the time and in the manner determined by the Chief Electoral Officer.

(4) A municipality or the Conseil scolaire acadien provincial shall only disclose the information contained in subclauses 42(2)(a)(i) to (iii) received from the Chief Electoral Officer to villages or candidates nominated at a municipal or Conseil election.

(5) A municipality provided with elector information pursuant to clause (3)(a) shall confirm in the prescribed manner, within ten days of the close of polls on election day, that all of the elector information provided by the Chief Electoral Officer and provided by the municipality to others, including a candidate nominated at a municipal election, has been used only for election administration purposes.

(6) Where the Conseil scolaire acadien provincial is provided with elector information pursuant to clause (3)(a), it shall destroy all such information received during the election and any copies of elector information provided to others by or on behalf of the Conseil, and confirm to the Chief Electoral Officer that the information has been destroyed in the prescribed manner, within ten days of the close of polls on election day. 2011, c. 5, s. 62; 2016, c. 7, s. 4; 2018, c. 1, Sch. A, s. 110; 2020, c. 8, s. 13.

## NOMINATION OF CANDIDATES

### Qualifications

63 A candidate must

(a) be an eligible elector under Section 38;

(b) *repealed 2015, c. 17, s. 21.*

and

(c) not be disqualified or ineligible under this Act, the *House of Assembly Act* or any other Act to be a candidate or a member of the House of Assembly. 2011, c. 5, s. 63; 2015, c. 17, s. 21.

**One district only**

**64** An individual may be a candidate in only one electoral district at a time. 2011, c. 5, s. 64.

**Nomination documents**

**65 (1)** Nomination documents must be in the prescribed form and include

(a) a signed statement by the prospective candidate containing

(i) the prospective candidate's legal name and residential address,

(ii) the name by which the prospective candidate is usually known, if different than the legal name and the prospective candidate wishes to have that name on the ballot instead of the prospective candidate's legal name,

(iii) the prospective candidate's official agent's name and residential address,

(iv) the prospective candidate's auditor's name and business address,

(v) an address for serving documents under this Act on the candidate or the official agent if different than the address given under clause (i) or (iii),

(vi) the name of any registered party that has endorsed the prospective candidate or a statement that the prospective candidate is an independent candidate,

(vii) a sworn declaration by the prospective candidate that the prospective candidate is qualified and eligible to be nominated,

(viii) a signed statement by the prospective candidate consenting to the nomination, and

(ix) where the prospective candidate is endorsed by a registered party, a statement by the prospective candidate consenting to the endorsement; and

(b) the names and residential addresses of at least five electors in the electoral district who support the nomination, and a signed oath by each of them that they are eligible to vote in the electoral district.

**(2)** The nomination documents must be accompanied by

(a) where the prospective candidate is endorsed by a registered party, a statement signed by the leader that the prospective candidate is the endorsed candidate of the party; and



(b) a nomination deposit of two hundred dollars in legal tender or a certified cheque or money order for that amount made payable to the Minister of Finance and Treasury Board.

(3) The nomination documents referred to in subsection (1) must be signed, dated and submitted during the writ period. 2011, c. 5, s. 65; O.I.C. 2013-348; 2020, c. 8, s. 14.

#### **Close of nominations**

**66** (1) Nominations close on the twentieth day before election day at two o'clock in the afternoon.

(2) The nomination documents and nomination deposit required by Section 65 must be received by the returning officer between the date of the notice of election and two o'clock in the afternoon on the close of nominations.

(3) It is the prospective candidate's obligation to ensure that the nomination documents and nomination deposit are received in accordance with this Section. 2011, c. 5, s. 66; 2015, c. 17, s. 22.

#### **Returning officer to review and accept or refuse nomination**

**67** (1) Upon receiving nomination documents and the nomination deposit, the returning officer shall review them to determine whether they are complete and in accordance with the instructions of the Chief Electoral Officer.

(2) As soon as possible after reviewing nomination documents and the nomination deposit, the returning officer shall give the prospective candidate

(a) a signed certificate in the prescribed form accepting the nomination and confirming that the person is a candidate in the election; or

(b) notice in the prescribed form that the returning officer refuses to accept the nomination and the reason for such refusal.

(3) Nomination documents and the nomination deposit that are not accepted may be replaced or corrected if the new or corrected documents or appropriate nomination deposit are filed with the returning officer before the close of nominations.

(4) As soon as possible after accepting a nomination pursuant to subsection (2), the returning officer shall send a copy of the accepted nomination documents, a copy of the certificate and the nomination deposit to the Chief Electoral Officer. 2011, c. 5, s. 67.

#### **Chief Electoral Officer to publish candidates' names**

**68** (1) Upon receiving the nomination documents and the copy of the certificate given pursuant to subsection 67(2), the Chief Electoral Officer shall publish on the Elections Nova Scotia website

- (a) the name and registered party, if any, of each candidate; and
- (b) the name of each candidate's official agent.

(2) The Chief Electoral Officer shall publish any changes in a candidate's particulars, the withdrawal of a candidate or the death of a candidate and any postponement of an election on the Elections Nova Scotia website. 2011, c. 5, s. 68.

#### **Authorized individual may file for prospective candidate**

**69 (1)** For the purpose of Sections 67 and 68, a prospective candidate who is absent may, in writing, and using the prescribed form, name and authorize another individual to complete the nomination documents and present the nomination deposit on the prospective candidate's behalf.

(2) The other individual shall cause the authorization to be filed with the returning officer before the nomination documents are filed. 2011, c. 5, s. 69.

#### **Nomination documents valid for one election**

**70** A candidate's nomination documents are only valid for one election and, for greater certainty, a candidate's nomination documents are superseded and withdrawn if a by-election is superseded and withdrawn by a general election. 2011, c. 5, s. 70.

#### **Return of nomination deposit**

**71 (1)** The Chief Electoral Officer shall return the nomination deposit of a candidate to

- (a) the candidate's official agent if the candidate
  - (i) declares in the prescribed manner that the candidate has destroyed all lists of elector information, and
  - (ii) files with the Chief Electoral Officer a report of election expenses pursuant to Section 229 on or before the deadline, or
  - (iii) dies before the close of the polls on election day; or
- (b) the candidate's official agent if nomination documents are superseded and withdrawn pursuant to Section 70.

(2) In all other cases, the Chief Electoral Officer shall transfer the nomination deposit to the Minister of Finance and Treasury Board for deposit into the General Revenue Fund of the Province. 2011, c. 5, s. 71; O.I.C. 2013-348; 2015, c. 17, s. 23.

**Withdrawal of nomination by candidate**

**72 (1)** Before the close of nominations, the nomination for the election may be withdrawn by the candidate by filing a signed declaration in the prescribed form with the returning officer.

**(2)** The candidate's signature on the withdrawal must be witnessed by one other individual eighteen years of age or older who signs the withdrawal as witness.

**(3)** Upon filing the declaration pursuant to subsection (1), the candidate is deemed not to have been officially nominated and the candidate's nomination deposit is forfeited.

**(4)** The returning officer shall promptly notify the Chief Electoral Officer, in writing, of the withdrawal of the candidate.

**(5)** The Chief Electoral Officer shall publish in the electoral district a notice of the withdrawal in the prescribed manner. 2011, c. 5, s. 72; 2015, c. 17, s. 24.

**Withdrawal of candidate**

**72A (1)** A candidate may withdraw at any time between the close of nominations and the close of polls on election day by delivering to the returning officer the prescribed notice of withdrawal signed by the candidate in the presence of a witness.

**(2)** Where a candidate withdraws after the close of nominations,  
and

(a) only one candidate remains, the returning officer shall close the election and declare the remaining candidate to be duly elected and shall make a return to the Chief Electoral Officer as provided by Section 77; or

(b) two or more candidates remain and the ballots have been printed, the returning officer shall

(i) where possible, cause every deputy returning officer to be notified forthwith of the withdrawal, and

(ii) cause notice of the withdrawal to be posted in a conspicuous place in every polling place in the electoral district,

and any ballots cast for a candidate who has so withdrawn are void and must be considered rejected ballots.

**(3)** Where clause (2)(b) applies, the returning officer shall determine whether ballots are to be reprinted without the inclusion of the candidate who has withdrawn. 2020, c. 8, s. 15.

**Withdrawal of endorsement**

**72B (1)** A registered party may withdraw its endorsement of a candidate by delivering written notice to the Chief Electoral Officer before five o'clock in the afternoon of the Saturday immediately before election day.

**(2)** Where a registered party withdraws its endorsement of a candidate under subsection (1), the candidate becomes an independent candidate unless the candidate withdraws as a candidate under subsection 72(1) or 72A(1).

**(3)** A registered party that withdraws its endorsement of a candidate under subsection (1) may endorse another candidate before the close of nominations.

**(4)** Where a registered party withdraws its endorsement of a candidate under subsection (1), the returning officer shall

(a) determine whether the ballots are to be reprinted and the candidates to be included on the reprinted ballots; and

(b) cause notice of the registered party's withdrawal of endorsement of a candidate and, where applicable, endorsement of another candidate to be posted in a conspicuous place in every polling place in the electoral district.

**(5)** Where a registered party withdraws its endorsement for a candidate under subsection (1) and does not endorse another candidate,

(a) ballots cast for a candidate who becomes independent do not count towards the party that previously endorsed the candidate;

(b) write-in ballots with the name of the registered party and without the name of the candidate are rejected; and

(c) ballots with the candidate's name and the registered party name are counted for the candidate.

**(6)** Where a registered party withdraws its endorsement for a candidate under subsection (1) and endorses another candidate,

(a) write-in ballots with the name of the registered party and without the name of a candidate are counted for the endorsed candidate;

(b) ballots with the previously endorsed candidate name and the registered party name are counted for the previously endorsed candidate; and

(c) ballots counted under clause (b) do not count towards the other candidate endorsed by the registered party that previously endorsed the candidate. 2020, c. 8, s. 15.

**Arrangement of names on ballot**

**73** Where two members are to be elected for an electoral district, the candidates may by the close of nominations agree in writing to their names being arranged on the ballot otherwise than alphabetically, and the returning officer shall have the names arranged accordingly. 2015, c. 17, s. 25.

**Death of candidate**

**74 (1)** Where a candidate dies before the close of nominations, the candidate is deemed not to have been officially nominated.

**(2)** Where a candidate dies between the close of nominations and the close of the poll on election day, the returning officer, with the approval of the Chief Electoral Officer, shall

(a) revoke the grant of the poll by transmitting a declaration, in the prescribed form, to the Chief Electoral Officer; and

(b) fix the date of a new election day which must be not less than thirty days nor more than forty-five days from the date of the death of the candidate, unless the circumstances are deemed by the Chief Electoral Officer to warrant a longer period and the writ is deemed to have been amended accordingly.

**(3)** After revoking the grant of the poll, the Chief Electoral Officer shall issue a notice of election as provided in Section 30 and commence afresh all other proceedings for the election as if the amended writ had been received immediately following the revocation of the grant of the poll, but,

(a) notwithstanding Section 70, a person, other than the candidate who died, nominated before the revocation of the grant of the poll or nominated in accordance with Sections 67 and 69 between the date of the new notice of election and the close of nominations is deemed to have been duly nominated; and

(b) the list of electors prepared after the issue of the writ including all corrections, and deletions applied as of the date of the revocation of the grant of the poll, must be used at the postponed election as the list of electors.

**(4)** The returning officer shall make a full report to the Chief Electoral Officer of any action taken under this Section when the writ is returned.

**(5)** The Chief Electoral Officer shall publish in the electoral district a notice of the death of a candidate and postponement of the election. 2011, c. 5, s. 74.

**CAMPAIGNING****Residential complexes**

**75** A registered candidate or registered candidate's representative may enter any apartment building, condominium complex, residential centre or any other

residential complex for the purpose of lawfully campaigning. 2011, c. 5, s. 75; 2015, c. 17, s. 26.

### **Display of advertising posters**

**76 (1)** No landlord or person acting on the landlord's behalf may prohibit a tenant from displaying election advertising posters on the premises leased by the tenant and no condominium corporation or any of its agents may prohibit the owner of a condominium unit from displaying election advertising posters on the premises of that person's unit.

**(2)** Notwithstanding subsection (1), a landlord, person, condominium corporation or agent referred to in that subsection may set reasonable conditions relating to the size or type of election advertising posters that may be displayed on the premises and may prohibit the display of election advertising posters in common areas of the building in which the premises are found. 2011, c. 5, s. 76.

## RETURN BY ACCLAMATION

### **Procedure to declare elected**

**77** Where only one candidate, or only the number of candidates authorized by law to be elected to represent the electoral district, are officially nominated in the electoral district at the close of nominations, the returning officer shall

- (a) declare the candidate or candidates duly elected by completing the return in the prescribed form on the writ; and
- (b) comply with Section 160. 2011, c. 5, s. 77.

## GRANTING OF POLL

### **Grant of poll**

**78 (1)** Where there are more candidates nominated than are required to be elected, a returning officer shall, as soon as practical after the close of nominations,

- (a) grant a poll for taking the votes of the electors according to the instructions of the Chief Electoral Officer;
- (b) post a notice of the grant of poll in the returning office;
- (c) transmit one copy of the notice of the grant of poll to each candidate in the electoral district; and
- (d) transmit to the Chief Electoral Officer one copy of the notice of the grant of poll, together with the name of any person proposed for nomination, but rejected by the returning officer for non-compliance with this Act, and the reasons for the rejection.

**(2)** Following the receipt of the notice of the grant of poll from the returning officers in an election or a by-election, the Chief Electoral Officer

shall cause a consolidated notice of the grant of poll to be published in the prescribed form in a manner the Chief Electoral Officer considers appropriate.

(3) In any notice of a grant of poll, the name of a candidate must be shown in the same manner as it appears on the grant of poll. 2011, c. 5, s. 78; 2020, c. 8, s. 16.

#### ELECTION DAY AND POLL HOURS

##### Election day

79 Subject to Section 74, at a general election, the date fixed for election day must be the same for all electoral districts. 2011, c. 5, s. 79.

##### Poll hours

80 Subject to subsection 4(3), the polls must be open for voting on election day commencing at the hour of eight o'clock in the morning and ending at the hour of eight o'clock in the evening. 2011, c. 5, s. 80.

#### ELECTION OFFICERS

##### Appointment

81 (1) The returning officer shall appoint a deputy returning officer for each polling station and an appropriate number of poll clerks for each polling location as soon as possible after the writ has been issued.

(2) to (8) *repealed 2020, c. 8, s. 17.*

(9) A returning officer may

(a) dismiss and replace a deputy returning officer or poll clerk for cause;

(b) appoint a deputy returning officer or poll clerk in the place of one who resigns or dies;

(c) direct the person replaced pursuant to clause (a) or (b) to deliver up anything relating to the revoked appointment to the person designated in writing by the returning officer.

(10) Where a returning officer establishes a central polling location in which several polling stations are located, the returning officer may appoint a poll supervisor, to attend at the central polling location on election day for the purpose of keeping the returning officer informed with respect to matters affecting peace and order in the central polling location.

(11) A poll supervisor has all of the powers and privileges of the deputy returning officer and may be dismissed or replaced in the same manner as a deputy returning officer.

(12) For the purpose of improving returning office and poll operations for a single election, the Chief Electoral Officer may

(a) designate additional election officer positions and determine the responsibilities and required qualifications of these positions;

(b) appoint, dismiss for cause and replace such election officers;

(c) pay the fees and expenses of such election officers in accordance with Section 355.

(13) Notwithstanding subsection 4(1) of the *Labour Standards Code*, a returning officer, assistant returning officer, poll supervisor, deputy returning officer, poll clerk, presiding officer, deputy presiding officer, enumerator, revision assistant, information officer, write-in ballot co-ordinator, assistant write-in ballot co-ordinator, ballot box courier, constable appointed under this Act and other additional election officer appointed pursuant to subsection 81(12) is exempt from the application of subsections 40(4) and 66(2) and Section 66B of the *Labour Standards Code*.

(14) The *Workers Compensation Act* and *Occupational Health and Safety Act* apply to election officers appointed pursuant to subsection 81(12). 2011, c. 5, s. 81; 2015, c. 17, s. 27; 2020, c. 8, s. 17.

### **Qualification**

**82** No person may be appointed as a returning officer, assistant returning officer[,], Internet voting returning officer, systems elections officer, enumerator, poll supervisor, deputy returning officer, poll clerk, write-in ballot co-ordinator, assistant write-in ballot co-ordinator, presiding officer or deputy presiding officer unless the person is qualified as an elector in the Province. 2011, c. 5, s. 82; 2015, c. 17, s. 28; 2020, c. 8, s. 18.

### **Resident of Province 16 to 18 years of age**

**83** The Chief Electoral Officer may designate by policy election officer positions that may be held by a resident of the Province who is sixteen to eighteen years of age excluding those listed in Section 82. 2011, c. 5, s. 83.

### **Death or failure to act**

**84** Where a deputy returning officer dies or fails to act and no replacement has been appointed, the poll supervisor shall act as the deputy returning officer. 2011, c. 5, s. 84; 2020, c. 8, s. 19.

### **List of deputy returning officers and poll clerks**

**85** Not later than the third day before election day, a returning officer shall prepare a list of the names of the poll supervisors, deputy returning officers and poll clerks appointed for the electoral district, and of the polling locations for



which each is to act, in the prescribed form and shall provide a copy of the list to each candidate in the electoral district. 2011, c. 5, s. 85; 2020, c. 8, s. 20.

#### BALLOT BOXES, BALLOT PAPER AND BALLOTS

##### Specifications

**86 (1)** A ballot box must be

- (a) made of suitable material; and
- (b) constructed so that ballots can be inserted into it, but cannot be withdrawn without unlocking or unsealing the box.

**(2)** The ballot paper must be of a quality, weight, colour and size determined by the Chief Electoral Officer.

**(3)** The Chief Electoral Officer, the returning officer, the assistant returning officer, election officers designated by the Chief Electoral Officer and authorized printers shall secure the ballot paper and ballots while they are in their possession. 2011, c. 5, s. 86; 2015, c. 17, s. 29.

##### Security of ballot papers and ballots

**87 (1)** The Chief Electoral Officer shall, pursuant to subsection 30(2), cause to be delivered to each authorized printer sufficient ballot paper to print the ballots required to conduct the election in the prescribed electoral districts.

**(2)** The authorized printer shall

- (a) count the ballot papers received and forward a receipt for them to the returning officer and Chief Electoral Officer;
- (b) prepare a proof of the ballot according to the instructions of the Chief Electoral Officer and submit the proof to the Chief Electoral Officer for approval; and
- (c) upon receipt of the approval, print the number of ballots requested by the Chief Electoral Officer.

**(3)** The authorized printer shall advise the returning officer when the printing of the ballots is complete and make arrangements for the delivery to the returning office of the ballots and a completed affidavit of the printer in the prescribed form.

**(4)** The authorized printer shall make arrangements for the delivery to the Chief Electoral Officer of all remaining ballot paper, including those sheets that were spoiled, as well as parts or scraps of ballot paper left over from the printing process. 2015, c. 17, s. 30.

**Printing of ballots**

**88 (1)** The ballots for each voting opportunity must be of the same description and as nearly alike as possible in the forms prescribed by the Chief Electoral Officer.

**(2)** The following information must be printed on each ballot for the election day polls:

(a) the legal name of each candidate in the election or, where a candidate has specified a different usual name in the nomination documents, this usual name;

(b) in the case of a candidate endorsed by a registered party, the name or abbreviation of the name of the registered party, which may not exceed the number of characters prescribed by the Chief Electoral Officer, printed under the candidate's name;

(c) in the case of a candidate who is not endorsed by a registered party, the word "Independent" printed under the candidate's name;

(d) on the back of the stub and on the counterfoil, the same serial number; and

(e) on the back of the ballot

(i) a space for the deputy returning officer's initials and the phrase "DRO Initials",

(ii) the stamp of the returning officer, and

(iii) the date of election day.

(iv) *repealed 2015, c. 17, s. 31.*

**(3)** A ballot must not include

(a) an indication that a candidate is holding or has held an elected office;

(b) a candidate's occupation; or

(c) an indication of a title, honour, degree or other decoration received or held by a candidate.

**(4)** Except as provided in Section 73, the names of candidates must be arranged alphabetically in order of their last names and, where two or more candidates have the same last name, the names must be arranged alphabetically in order of their first given or usual name.

**(5)** Where two or more candidates

(a) have the same last names and given or usual names; or

(b) have names so similar that, in the opinion of the Chief Electoral Officer, they are likely to cause confusion,

the Chief Electoral Officer may modify the names or include additional information to assist the electors to identify the candidates, subject to the restrictions under subsection (3), and may establish their order on the ballot. 2011, c. 5, s. 88; 2015, c. 17, s. 31.

#### **Form of Internet ballot**

**88A** The form of an Internet ballot is as prescribed by the Chief Electoral Officer. 2020, c. 8, s. 21.

#### **Form of electronic ballot**

**88B** The form of an electronic ballot is as prescribed by the Chief Electoral Officer. 2020, c. 8, s. 21.

### SUPPLY OF ELECTION MATERIALS TO DEPUTY RETURNING OFFICER

#### **Custody of election material**

**89 (1)** Not later than the day before a poll is scheduled to be open to the public, a returning officer shall provide to the deputy returning officer or other appropriate election officer for the polling station to which the deputy returning officer has been appointed, the election materials and supplies required to operate the poll as prescribed by the Chief Electoral Officer.

**(2)** Until the opening of the poll, a deputy returning officer is responsible for the election materials and supplies received from the returning officer, and shall prevent any person from having unlawful access to them. 2011, c. 5, s. 89.

### POLLING STATIONS

#### **Location**

**90 (1)** With the approval of the Chief Electoral Officer, the returning officer

(a) not later than the twenty-fifth day before election day, shall secure within each polling division at least one accessible premises for a polling station;

(b) may provide additional polling stations in more than one location in any polling division as required having regard to the extent of the division and the electors that may conveniently vote at each polling location;

(c) may provide one polling location for the polling stations of two or more polling divisions; and

(d) where unable to secure accessible premises for a polling station within the polling division, shall secure a convenient and accessible premises for a polling station elsewhere within that electoral district for the electors in that polling division.

(2) As soon as possible after the close of nominations, the returning officer shall provide a list of the polling stations and their locations to all candidates in the electoral district.

(3) Where it is not practical to hold a poll in the location indicated to the electors in their notice of registration and voting information, the poll shall be held in another location as near as practicable to the original polling location, and thereupon the returning officer shall

(a) publish notice of the change on the Elections Nova Scotia website;

(b) if time permits, publish notice of the change in a newspaper, broadcast it on radio or television or give notice in any other manner the returning officer considers appropriate;

(c) post notices of the new location for the polling station at or near the location of the former polling station; and

(d) as soon as possible after the close of nominations, give notice in writing of the new location of the polling station to each candidate in the electoral district. 2011, c. 5, s. 90.

#### Identification

91 The identification on the polling station must include

(a) the number of the polling division;

(b) where there is more than one polling location for a polling division, the designation of the polling location; and

(c) where the list of electors for a polling station is split alphabetically, the initial letter of the family name of the first and last electors on the list of electors for the polling station. 2011, c. 5, s. 91.

#### Specifications

92 (1) A polling station must be located in premises that are convenient for a majority of electors in the polling division.

(2) Subject to subsection (3), every polling station in an electoral district must be in accessible premises with level access and with an internal structure that allows persons with disabilities to cast their ballots without barrier or obstruction.

(3) In the event there is no suitable premises for a polling station, the returning officer may, with the approval of the Chief Electoral Officer,

(a) use premises that do not comply with subsection (1) or (2); and

(b) have a plan for accommodating physically disabled electors if the premises do not comply with subsection (2).

(4) Every polling station must contain a compartment, adequately lighted and located so that electors are screened from observation and may vote without interference or interruption. 2011, c. 5, s. 92.

#### **Mobile polling stations**

**93** (1) Where separate polling divisions are established for residential centres, the returning officer, with the approval of the Chief Electoral Officer, may establish a mobile polling station to be located in each of those residential centres successively.

(2) The returning officer shall set the times during which a mobile polling station will be in the residential centres referred to in subsection (1).

(3) Notwithstanding subsection (2), a mobile polling station must be in a residential centre referred to in subsection (1) for not less than two hours.

(4) The returning officer shall give to the candidates and electors residing in each residential centre notice of the itinerary of the mobile polling station in such form and manner as may be prescribed.

(5) Subject to the instructions of the Chief Electoral Officer, the provisions of this Act relating to election day polling stations apply to mobile polling stations. 2011, c. 5, s. 93.

### PERSONS PRESENT IN POLLING STATION

#### **Persons permitted**

**94** (1) The only persons permitted to be in a polling station while the poll is open are

- (a) election officers authorized by the Chief Electoral Officer;
- (b) candidates;
- (c) up to two scrutineers for each candidate or, in their absence, two electors to represent each candidate;
- (d) an elector and a friend or relative who is helping the elector only for the period necessary to enable the elector to vote;
- (da) a child of the elector;
- (e) any person necessarily present in order to comply with any other provision of this Act;
- (f) at the discretion of and on such terms and conditions as specified in writing by the Chief Electoral Officer, any person or group of persons for educational purposes;
- (g) media representatives authorized by the Chief Electoral Officer, upon request, to be present and to film or photograph

registered party leaders and the candidates running against them, as they cast their ballots.

(2) When a scrutineer is admitted to a polling station, the scrutineer shall deliver the scrutineer's written authorization from the candidate or the candidate's official agent in the prescribed form to the deputy returning officer.

(3) A scrutineer who has written authorization under subsection (2) is entitled to represent the candidate in preference to, and to the exclusion of, an elector who might otherwise claim the right to represent the candidate.

(4) Each elector, friend or relative described in clause (1)(d) who will be assisting the elector to vote, on being admitted to the polling station, shall take an oath in the prescribed form. 2011, c. 5, s. 94; 2015, c. 17, s. 32.

### Permitted activity

**95** (1) A candidate or the candidate's official agent may authorize any number of scrutineers to be present at a polling station, but for each polling station a maximum of two scrutineers or electors described in clause 94(1)(c) may be present inside the polling location in which the polling station is situated at any time.

(2) A scrutineer, or an elector described in clause 94(1)(c), may leave a polling station at any time and return at any time before the counting of the votes begins and is not required to produce a new written authorization from the candidate or official agent or to take another oath.

(3) A scrutineer may, during voting hours,

(a) view and, subject to subsection 111(2), obtain at the polling station a list showing the unique number of those electors who have been crossed off the list as having voted;

(b) view the names and addresses of electors who have applied and been added to the list of electors at a polling station;

(c) without disturbing the conduct of the election, convey the information obtained by the examination referred to in clause (a) electronically by photographing or copying it and transmitting it to a representative of the candidate who is on duty outside the polling station; and

(d) subject to this Act, and without disturbing the conduct of the election, observe the voting process and inspect the voting environment including the list of electors being used by the election officers conducting the poll.

(4) For greater certainty, no person present in a polling station shall operate an electronic device unless that person is directly authorized to do so under this Act or does so with the permission of the Chief Electoral Officer or designate, obtained in advance. 2011, c. 5, s. 95; 2015, c. 17, s. 33.

**Candidate may assist**

**96** A candidate may act as or assist a scrutineer, or may assist an elector described in clause 94(1)(c), and may be present at any place that the scrutineer or such elector is authorized to be present. 2011, c. 5, s. 96; 2015, c. 17, s. 34.

**OFFICIAL LIST OF ELECTORS USED  
AT POLL ON ELECTION DAY****Duty to use official list of electors**

**97 (1)** The list of electors for a polling division that is certified pursuant to subsection 57(3) is the official list of electors for that polling division.

**(2)** The official list of electors must be used at a polling station on election day. 2011, c. 5, s. 97.

**Extra polling stations**

**98** Where the official list of electors for a polling station contains the names of more than four hundred and fifty electors, a returning officer may

(a) provide two or more polling stations in that polling location;  
and

(b) as instructed by the Chief Electoral Officer, divide the official list of electors into as many separate lists as required for the taking of the vote at each polling station. 2011, c. 5, s. 98; 2015, c. 17, s. 35.

**TRANSFER CERTIFICATE****Application procedure**

**99 (1)** A candidate or the candidate's spouse whose name appears on the official list of electors for a polling station and any scrutineer where the scrutineer's name appears on a list of electors are entitled, on request, to receive a transfer certificate to vote at another polling station in the electoral district on election day.

**(2)** A returning officer or assistant returning officer shall issue a transfer certificate to any person whose name appears on the official list of electors for a polling station and who has been appointed after the last day of the advance poll to act as an election officer on election day for another polling station in the electoral district to vote at that other polling station.

**(3)** Where the physical layout of or access to the polling station prevents or impedes an elector from voting at the polling station where the elector's name is on the official list of electors, the elector may apply for a transfer certificate to vote at another polling station on election day.

**(4)** An application pursuant to subsection (1) or (3) must be in the prescribed form and delivered to the returning officer or assistant returning officer by the elector or a person designated in writing by the elector.

(5) An application pursuant to subsection (1) or (3) must be delivered to the returning office during office hours no later than the third day before election day.

(6) Where a transfer certificate is issued pursuant to this Section to an elector to vote at a polling station other than the polling station where the elector's name is on the official list of electors, the elector may vote at the other polling station on election day. 2011, c. 5, s. 99; 2015, c. 17, s. 36; 2020, c. 8, s. 22.

#### **Duties on issuance**

**100** A returning officer or assistant returning officer, on issuing a transfer certificate, shall

- (a) complete the certificate in triplicate;
- (b) consecutively number each certificate in the order of its issue;
- (c) deliver the original certificate to the elector;
- (d) transmit a copy of a certificate issued pursuant to subsection 99(1) or (3) and, where possible, a copy of a certificate issued pursuant to subsection 99(2) to the deputy returning officer of the polling station where the name of the person to whom the certificate is issued appears on the official list of electors; and
- (e) keep a copy of the certificate in the returning office, available for public inspection at all reasonable times. 2011, c. 5, s. 100; 2015, c. 17, s. 37.

### VOTING BY WRITE-IN BALLOT

#### **Application procedure**

**101 (1)** A write-in ballot poll must be established in the office of each returning officer.

(2) A returning officer shall begin to receive applications to vote by write-in ballot as soon as possible but no later than the twenty-seventh day before election day.

(3) An elector may make an application for a write-in ballot in the prescribed form during the hours the returning office is open to the public

- (a) by an elector's agent appointed pursuant to Section 108, at a returning office other than the returning office in the district where the elector is resident, up to the hour of six o'clock in the evening on the third day before election day;
- (b) by an elector's agent appointed pursuant to Section 108, at the returning office in the district where the elector is resident, up to the hour of three o'clock in the afternoon on election day;



(c) to a write-in ballot co-ordinator in a district where the elector is not resident, up to the hour of six o'clock in the evening on the third day before election day;

(d) to a write-in ballot co-ordinator in the electoral district where the elector is resident, up to the hour of three o'clock in the afternoon on election day; or

(e) by any other means, if the application is received at a returning office or a location prescribed by the Chief Electoral Officer for that purpose, on the tenth day before election day.

(4) The write-in ballot poll must be open for the receipt of write-in ballots up to the close of polls on election day.

(5) On the first day of the write-in ballot poll, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, the presiding officer for the write-in ballot poll shall

(a) open the ballot box and ensure that it is empty;

(b) secure the ballot box according to the instructions of the Chief Electoral Officer; and

(c) label the box for write-in ballots of electors.

(6) The returning officer shall appoint

(a) a presiding officer and a deputy presiding officer to conduct the write-in ballot poll; and

(b) one or more teams, each of which is composed of a write-in ballot co-ordinator and assistant write-in ballot co-ordinator to provide additional opportunities to vote by write-in ballot.

(7) to (13) *repealed 2020, c. 8, s. 23.*

(14) The returning officer shall assign a temporary ballot box for each write-in ballot co-ordinator team to use for receiving write-in ballots while conducting the write-in poll outside the returning office.

(15) A write-in ballot co-ordinator accompanied by an assistant write-in ballot co-ordinator shall carry out the write-in ballot poll procedures outside the returning office by

(a) visiting electors requiring special assistance at their residences;

(b) visiting electors at hospitals or residential centres; or

(c) visiting electors at educational institutions as approved by the Chief Electoral Officer,

and

- (d) approving applications of such electors;
- (e) delivering the ballot kit to an elector whose application for write-in ballot has been approved;
- (f) receiving the completed write-in ballot from the elector and placing the ballot in the temporary ballot box; and
- (g) returning the temporary ballot box to the returning officer. 2011, c. 5, s. 101; 2015, c. 17, s. 38; 2020, c. 8, s. 23.

### Approval of application

**102 (1)** The returning officer, presiding officer, assistant presiding officer or write-in ballot co-ordinator shall approve an application for a write-in ballot from an elector only if the application is complete, signed by the elector and received in accordance with subsection 101(3), and

- (a) the name of the elector is on the list of electors for a polling division in any electoral district and the elector provides the prescribed proof of identity and residence; or
- (b) the elector swears or affirms the elector's eligibility to vote and current residence.
- (c) *repealed 2015, c. 17, s. 39.*

**(2)** Where an application is received pursuant to subsection 101(3) and approved and the applicant is not on the list of electors, the applicant, is deemed to have applied to be added to the list of electors for the electoral district in which the elector resides.

**(3)** Where an elector's application is approved, the election officer who has approved the application shall record in the poll record that the elector has voted by write-in ballot.

**(4)** Where an application is approved, the returning officer, presiding officer or write-in ballot co-ordinator shall provide the elector with the ballot kit described in subsection 103(1) in as timely and convenient a fashion as possible. 2011, c. 5, s. 102; 2015, c. 17, s. 39.

### Voting procedure

**103 (1)** Where an application is approved pursuant to subsection 102(1), a ballot kit including the following documents as prescribed by the Chief Electoral Officer must be transmitted to the elector:

- (a) an outer envelope, on which there is written the elector's name, the electoral district number of the elector and an oath;
- (b) an inner envelope; and
- (c) a write-in ballot initialled by the presiding officer.

(2) In order to complete a write-in ballot, the elector shall, after receiving the ballot kit,

(a) mark the ballot by printing or writing on it, in the prescribed manner,

(i) the name of the candidate for whom the elector intends to vote, or

(ii) with a cross, an “X”, a check mark, a line or other mark in the blank space provided on the ballot opposite the name of the registered party that endorsed the candidate the elector wishes to have elected,

or both;

(b) place the marked ballot in the inner envelope;

(c) seal the inner envelope;

(d) place the inner envelope into the outer envelope;

(e) seal the outer envelope; and

(f) sign and date the oath on the outer envelope.

(3) Where an elector requests assistance, an election officer, an elector’s agent appointed pursuant to Section 108 or a write-in ballot co-ordinator may assist the elector by marking the write-in ballot in the manner directed by the elector.

(4) Unless voting by means of a write-in ballot co-ordinator, it is the voter’s responsibility to return the completed write-in ballot before the close of polls on election day.

(5) Where the elector or the elector’s agent has applied at the returning office of the electoral district where the elector is resident, the ballot must be returned to that returning office.

(6) Where the elector or the elector’s agent has applied at a returning office of an electoral district where the elector is not resident or to a location prescribed by the Chief Electoral Officer for that purpose, the ballot must be returned to

(a) the returning office where the application was received, before the close of advance polls on the third day before election day;

(b) the returning office of the electoral district where the voter is resident, before the close of polls on election day; or

(c) a location prescribed by the Chief Electoral Officer for that purpose, before the close of polls on election day. 2011, c. 5, s. 103; 2015, c. 17, s. 40.

**Elector residing in another electoral district**

**104 (1)** Where an application is approved pursuant to subsection 102(1) for an elector residing in another electoral district, the presiding officer shall

(a) cause to be delivered to a location prescribed by the Chief Electoral Officer

(i) one copy of the elector's approved application, and

(ii) where the outer envelope containing the write-in ballot was returned, the unopened outer envelope;

(b) where the outer envelope containing the write-in ballot was returned, deposit the unopened outer envelope in the appropriate ballot box until such time as the write-in ballot is delivered pursuant to clause (1)(a); and

(c) note in the poll record the transmittal date and the electoral district to which the write-in ballot application and outer envelope, if any, were sent.

**(2)** Upon receiving the application and the outer envelope pursuant to subsection (1), if any, the presiding officer at the location prescribed by the Chief Electoral Officer shall note in the poll record

(a) the date the application and the outer envelope, if any, were received;

(b) the electoral district from which the application and outer envelope, if any, were sent; and

(c) the name of the elector.

(d) *repealed 2015, c. 17, s. 41.*

2011, c. 5, s. 104; 2015, c. 17, s. 41.

**Procedure upon receipt of write-in ballot**

**105 (1)** Where an outer envelope containing the write-in ballot is received at the returning office or at a location prescribed by the Chief Electoral Officer by the applicable deadline set out in subsection 103(6), the presiding officer shall, without unsealing the outer envelope,

(a) verify the information and signature on the outer envelope against that on the voter's application and reject any outer envelope on which the identity of the voter cannot be determined;

(b) deposit the outer envelope in the ballot box used for the write-in ballot poll, and the rejected envelopes in the envelope designated for rejections; and

(c) record the number of envelopes accepted and rejected.

(1A) A candidate representative present may object to the acceptance or rejection of an outer envelope, and the presiding officer shall record the objection in the poll record in the prescribed manner.

(2) At the close of the write-in ballot poll each day, the presiding officer shall, in the presence of the deputy presiding officer and those candidates or their representatives present,

(a) affix a seal on the ballot box in such a manner that the ballot box cannot be opened or anything deposited in or removed from it without breaking the seal;

(b) note the number of the seal in the poll record; and

(c) give the ballot box, unused ballots, stubs, poll record and other voting materials to the returning officer who shall secure them as instructed by the Chief Electoral Officer until the opening of the write-in ballot poll the next day.

(3) At the opening of the poll on each day, the presiding officer, in the presence of the persons referred to in subsection (2) who are present, shall remove the seals from the ballot box and open the secured materials. 2011, c. 5, s. 105; 2015, c. 17, s. 42; 2020, c. 8, s. 24.

#### **Sorting of write-in ballot envelopes**

**105A** After the close of the write-in ballot poll on the third day before election day, the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present or, where none of them are present, in the presence of at least two electors, shall

(a) open the ballot box and separate the outer envelopes containing the write-in ballots cast by electors who reside in the district from the outer envelopes containing ballots cast by electors who reside in another district;

(b) place the outer envelopes of the electors who reside in the district back in the ballot box and reseal the ballot box; and

(c) place the outer envelopes of the electors who reside in another district and one copy of the electors' approved applications in an envelope and deliver the envelope to the returning officer who shall deliver it as instructed by the Chief Electoral Officer. 2015, c. 17, s. 43.

#### **Counting of write-in ballot envelopes**

**106 (1)** The returning officer may appoint additional presiding officers and deputy presiding officers to assist with the counting of the ballots for the write-in ballot poll and the continuous poll.

(2) At the close of polls on election day, or at an earlier time on election day as approved by the Chief Electoral Officer, the presiding officer and deputy presiding officer shall, in full view of any candidate representative present,

- (a) remove the seals from the ballot box; and
- (b) remove the outer envelopes-[,]

and secure the outer envelopes, the poll record, the voters' write-in ballot applications and any other documents until the close of polls on election day.

(3) Where no candidate representatives are present, the election officers referred to in subsection (2) may only carry out their duties if both the presiding officer and the deputy presiding officer for the poll are present.

(4) A ballot that is not contained in an inner envelope must not be rejected if it is found in the ballot box in a sealed outer envelope but, after being taken from the outer envelope, the ballot must be placed and sealed in an inner envelope without being unfolded and that envelope must be mixed together with the other inner envelopes.

(5) An inner envelope that is found in the ballot box other than within an outer envelope must be so marked and set aside and is deemed to be a rejected ballot.

(6) A ballot found in the ballot box other than in an outer envelope must be so marked and laid aside and is deemed to be a rejected ballot. 2011, c. 5, s. 106; 2015, c. 17, s. 44; 2020, c. 8, s. 25.

#### **Counting of write-in ballots**

**107 (1)** The returning officer or assistant returning officer may appoint additional presiding officers and deputy presiding officers to assist with the counting of the ballots for the write-in ballot poll.

**(1A)** After the close of polls on election day or at such earlier time as approved by the Chief Electoral Officer, the presiding officer and deputy presiding officer, in full view of any candidate representative present, shall

- (a) remove the seals from the ballot box;
- (b) record the number of outer envelopes rejected and accepted, and secure the outer envelopes, the poll record, the voters' write-in ballot applications and any other documents;
- (c) open the outer envelopes that have been accepted and remove the inner envelopes;
- (d) mix the inner envelopes together in the ballot box;
- (e) remove the inner envelopes from the ballot box;
- (f) remove the ballot from each inner envelope;

(g) where fewer than fifteen votes are cast at the write-in ballot poll, combine the ballots with the ballots of another polling station in the same electoral district according to the instructions of the Chief Electoral Officer; and

(h) count the vote at the poll in accordance with Sections 127 to 130.

**(1AA)** Where no candidate representatives are present, the election officers referred to in subsection (1A) may only carry out their duties if both the presiding officer and the deputy presiding officer for the poll are present.

**(1B)** A ballot that is not contained in an inner envelope must not be rejected if it is found in the ballot box in a sealed outer envelope but, after being taken from the outer envelope, the ballot must be placed and sealed in an inner envelope without being unfolded and that envelope must be mixed together with the other inner envelopes.

**(1C)** An inner envelope that is found in the ballot box other than within an outer envelope must be so marked and set aside and is deemed to be a rejected ballot.

**(1D)** A ballot found in the ballot box other than in a sealed outer envelope must be so marked and set aside and is deemed to be a rejected ballot.

**(2)** In the manner prescribed by the Chief Electoral Officer, the presiding officer shall secure the envelopes containing the statement of poll, the ballots, the poll record, outer envelopes of the write-in ballots, write-in ballot applications and any other prescribed documents and deliver them to the returning officer.

**(3)** Notwithstanding Section 130, a ballot must be set aside and is deemed to be a rejected ballot if the voter has on the ballot

(a) printed or written the name of a person who is not a candidate;

(b) printed, written or marked only the name of a registered party that did not sponsor a candidate; or

(c) printed or written only the name of a political party that is not a registered party.

**(4)** It is not necessary that a voter print or write on a ballot the name of a candidate or the name of a registered party as specified for use on the ballot in the nomination documents.

**(5)** Where the name of a candidate or registered party is printed or written on the ballot in such manner that it is clear for which candidate the voter intended to vote or to which registered party the voter intended to refer, the ballot must be counted.

(6) The presiding officer shall keep a record in the poll record of every objection made by a candidate, agent of a candidate or elector who was present during the counting of the ballots. 2011, c. 5, s. 107; 2015, c. 17, s. 45; 2020, c. 8, s. 26.

#### **Assistance to vote by write-in ballot**

**108 (1)** Subject to subsection (2), where an elector is unable to attend or vote in person at a poll and the elector wishes to vote by write-in ballot, the elector may request the assistance of an election officer or appoint an elector's agent in accordance with this Section.

(2) The appointment of the elector's agent must be in writing, and contain a statement signed or marked by the elector to appoint the elector's agent.

(3) An elector's agent appointed under subsection (1) shall take an oath in the prescribed form that the elector's agent

- (a) is at least eighteen years of age;
- (b) will not try to influence the elector in choosing a candidate; and
- (c) has not, except as permitted under subsection (4), assisted another elector.

(4) A person appointed as an elector's agent may not assist more than one elector in an election unless the person is the child, grandchild, brother, sister, parent, grandparent, spouse or caregiver of the elector. 2011, c. 5, s. 108; 2015, c. 17, s. 46.

### INTERNET VOTING

#### **Chief Electoral Officer may permit**

**108A** The Chief Electoral Officer may permit Internet voting on Internet polling days as prescribed by the Chief Electoral Officer. 2020, c. 8, s. 27.

#### **Requirements to vote**

**108B** No person shall vote by Internet voting unless

- (a) the person's name appears on the applicable list of electors;
- (b) the person's name is added to the applicable list of electors in accordance with this Act or the regulations; or
- (c) the person's name is added to the applicable list of electors by the person providing evidence, acceptable to the Chief Electoral Officer, that the person is
  - (i) a resident of the Province,



(ii) a member of the Canadian Armed Forces, as defined in Section 41, or such other person or class of persons as prescribed in the regulations, and

(iii) stationed outside the Province or will be so stationed during an election. 2020, c. 8, s. 27.

#### **Polling station**

**108C (1)** An Internet voting returning officer shall establish at least one polling station for Internet voting for every election.

(2) Each polling station established under subsection (1) must be equipped with at least one personal computing device that is capable of casting an Internet ballot. 2020, c. 8, s. 27.

#### **Polling locations**

**108D (1)** In addition to establishing at least one polling station under subsection 108C(1), an Internet voting returning officer may establish one or more polling locations for Internet voting during Internet polling days.

(2) A polling location established under subsection (1) may be at such place and be open during such times as may be determined by the Internet voting returning officer.

(3) A polling location established under subsection (1) must be equipped with at least one device capable of casting an Internet ballot.

(4) A polling location established under subsection (1) is not a polling station within the meaning of this Act. 2020, c. 8, s. 27.

#### **Systems elections officer must verify**

**108E (1)** A systems elections officer must have access to the system prior to the commencement of Internet voting and shall verify that the count for each candidate is zero prior to the commencement of Internet voting.

(2) Notwithstanding the day and time set for Internet voting, Internet voting must not commence until a systems elections officer has verified that the count for each candidate is zero under subsection (1). 2020, c. 8, s. 27.

#### **Procedures and forms**

**108F** A systems elections officer shall comply with any procedures and forms established by the Chief Electoral Officer. 2020, c. 8, s. 27.

#### **Internet ballot box**

**108G (1)** The system must put an Internet ballot cast by an elector in the Internet ballot box.

(2) The system must reject an Internet ballot when processing results if any of the criteria for rejecting a ballot under subsection 130(1) are met.

(3) The system must put rejected ballots in the Internet ballot box. 2020, c. 8, s. 27.

#### **Advance voting**

**108H** Where Internet voting closes before the close of the polls on election day, the system must

- (a) record in the poll record each elector who has voted;
- (b) generate a list of all electors who voted by Internet voting; and
- (c) on the applicable lists of electors, cause a line to be drawn through the name of all electors who voted during Internet polling days. 2020, c. 8, s. 27.

#### **Copies of records and lists**

**108I** An electronic copy of the records and lists recorded or generated under Section 108H must be delivered to the Internet voting returning officer within twenty-four hours of the close of Internet voting. 2020, c. 8, s. 27.

#### **List of electors**

**108J** Where Internet voting closes at the close of the polls on election day, the system must generate a list of all electors who voted by Internet voting. 2020, c. 8, s. 27.

#### **Counting of ballots**

**108K (1)** At the close of polls on election day, the system must generate a count of Internet ballots in the ballot box that were cast for each candidate during Internet polling days.

(2) In counting the votes that were cast for each candidate during Internet polling days, the system must not count rejected ballots. 2020, c. 8, s. 27.

#### **Rejected ballots**

**108L** At the close of polls on election day, the system must count the number of rejected ballots that were cast during Internet polling days and deliver that count to the Internet voting returning officer. 2020, c. 8, s. 27.

#### **Recount**

**108M (1)** In the event of a recount, the system must regenerate the Internet voting election count and a printed copy of the regenerated count must be given to the Internet voting returning officer.

(2) Where the initial count and the regenerated count match, the regenerated count is the final count of the votes cast by Internet voting.

(3) Where the regenerated count and the initial count do not match, the Internet voting returning officer shall

- (a) direct one final count to be regenerated by the system of the votes cast by Internet voting; and
- (b) attend while the final count is being regenerated.

(4) Where a final count is regenerated under subsection (3), the regenerated final count is the final count of the votes cast by Internet voting. 2020, c. 8, s. 27.

#### **Recount by judge**

**108N (1)** Where a recount by a judge is undertaken in accordance with Sections 149 to 157, the judge shall only consider the final count by the system, as determined under Section 108M, of the total number of votes that were cast by Internet voting for each candidate.

(2) The final count of the system, as determined under Section 108M, of the total number of votes cast by Internet voting for each candidate must be added to the judge's count of the number of votes for each candidate cast by non-Internet voting. 2020, c. 8, s. 27.

#### **Secret ballot**

**108O** An election officer and a systems election officer shall maintain and aid in maintaining the secrecy of Internet voting. 2020, c. 8, s. 27.

#### **Offences**

**108P (1)** No person shall

- (a) use another person's personal identification number to vote or access the system;
- (b) take, seize or deprive an elector of the elector's personal identification number; or
- (c) sell, gift, transfer, assign or purchase a personal identification number.

(2) No person shall

- (a) interfere or attempt to interfere with an elector who is casting an Internet ballot;
- (b) interfere or attempt to interfere with Internet voting; or
- (c) attempt to ascertain the name of the candidate for whom an elector is about to vote or has voted.

(3) No candidate, official agent or person acting on behalf or in support of a candidate shall provide a personal computing device for the purpose of casting an Internet ballot. 2020, c. 8, s. 27.

**Penalty**

**108Q (1)** A person who violates Section 108P, permits a violation of Section 108P or makes a false statement in a declaration respecting any matter referred to in Section 108P is guilty of an offence and is liable, on summary conviction, to a fine of not less than five thousand dollars and not more than ten thousand dollars, to imprisonment for a term of not more than two years less a day or to both a fine and imprisonment.

**(2)** In determining a penalty under subsection (1), a judge shall consider

- (a) the number of votes attempted to be interfered with;
- (b) the number of votes interfered with; and
- (c) any potential or actual interference with the outcome of an election. 2020, c. 8, s. 27.

**PROCEEDINGS AT ELECTION DAY POLL****Duties immediately prior to opening poll**

**109** During the thirty minutes before the opening of the polling station, the deputy returning officer shall, in the presence of the poll clerk and any candidates, or their scrutineers or electors as may be present,

- (a) post signs providing directions to electors inside and outside the polling location;
- (b) inspect, count and record the number of the ballots in the poll record and permit a candidate, scrutineer or elector to examine all election materials;
- (c) show the ballot box to all persons present to show it is empty, seal or lock it so that it cannot be opened without breaking the seal and place it on a table in full view of all present where it must remain sealed or locked until the close of the poll except as permitted in Section 110; and
- (d) affix the deputy returning officer's initials on the ballots either entirely with ink of one colour or entirely with a black lead pencil. 2011, c. 5, s. 109; 2015, c. 17, s. 47.

**Ballot box moved for elderly or disabled voter**

**110** Notwithstanding Section 109, and according to instructions of the Chief Electoral Officer, the ballot box may be moved by an election officer to facilitate voting by an elderly or disabled elector. 2011, c. 5, s. 110.

**Duties during polling hours**

**111 (1)** At the time determined for the opening of a polling station and during polling hours, the election officer designated by the Chief Electoral Officer, according to instructions of the Chief Electoral Officer, shall

- (a) admit into the polling station each elector who has not already voted;
- (b) request that the elector state the elector's name and address;
- (c) request identification proving the elector's identity and residence as prescribed by the Chief Electoral Officer;
  - (ca) where the elector is unable to show identification as requested in clause (1)(c), have the elector attest to the elector's name, address and eligibility to vote by signing the prescribed form;
  - (cb) where the elector is qualified to vote under Section 122, and subject to the elector providing the identification provided for in clause (1)(c) or attesting to the elector's identity and eligibility as provided for in clause ~~(1)(d)~~ [(1)(ca)], fold the ballot so that when folded the deputy returning officer's initials can be seen without unfolding it;
- (d) deliver the folded ballot to the elector with instructions on the proper method for voting;
- (e) record in the poll record that the elector has voted; and
- (f) direct the elector to return the ballot, when marked, folded as shown with the counterfoil attached.

(2) Each deputy returning officer shall, on request,

- (a) at intervals of no less than one hour, provide to a scrutineer in the prescribed form, the name, address and unique number of every elector who has voted on election day, excluding that of electors who were added to the list of electors on election day; and
  - (b) permit a scrutineer to view the information of electors who, on election day, were added to the list of electors and voted.
- 2011, c. 5, s. 111; 2015, c. 17, s. 48.

### Voting procedure

112 An elector, on receiving a ballot, shall

- (a) proceed into the voting compartment and using a pencil or pen, mark with a cross, an "X", a check mark, a line or other mark on the blank space provided on the ballot opposite the name of the candidate for whom the elector wishes to vote;
- (b) fold the ballot so that the initials and the serial number on the counterfoil can be seen without unfolding it;
- (c) return and hand the ballot to the deputy returning officer, who shall
  - (i) without unfolding it, ascertain that it is the same ballot delivered to the elector and, where it is, remove the counterfoil, and

- (ii) return the ballot to the elector to deposit in the ballot box or, in full view of the elector and all others present, deposit the ballot in the ballot box; and
- (d) leave the polling station. 2011, c. 5, s. 112.

**Oath may be required**

**113 (1)** Where required by an election officer or a candidate, a scrutineer or an elector representing a candidate, an elector shall, before receiving a ballot, take an oath in the prescribed form.

**(2)** Where the elector refuses to take the oath under subsection (1), the elector must not be permitted to vote and the appropriate notation shall be made in the poll record.

**(3)** A person who has taken the required oath is entitled to receive a ballot even if another person has already voted under the person's name. 2011, c. 5, s. 113; 2015, c. 17, s. 49.

**Secrecy of vote**

**114 (1)** Voting during an election must be by secret ballot.

**(2)** Every person present at a polling station either to exercise the right to vote, assist an elector to vote or to witness or participate in the counting of the vote shall preserve the secrecy of the ballot and shall not

- (a) attempt to discover how a person voted;
- (b) communicate information regarding how another person voted or marked a ballot;
- (c) induce an individual to show the ballot in a way that reveals how the individual voted; or
- (d) take a photograph or copy of a marked ballot. 2011, c. 5, s. 114; 2015, c. 17, s. 50.

**Assistance in voting**

**115 (1)** Where an elector is unable to mark a ballot because of physical disability or difficulty reading or writing, the elector may be assisted in voting by an election officer or by an elector's agent.

**(2)** An elector's agent shall not act under this Section to assist more than one elector in an election unless the elector's agent is the child, grandchild, brother, sister, parent, grandparent, spouse or caregiver of the elector.

- (3)** The elector's agent shall take an oath that he or she will
- (a) mark the ballot in the manner directed by the elector;

- (b) not disclose the name of the candidate for whom the elector voted;
- (c) not try to influence the elector in choosing a candidate; and
- (d) not, except as permitted under subsection (2), assist another elector under this Section.

**(4)** The election officer or elector's agent who is assisting the elector shall accompany the elector to the voting compartment and mark the ballot in accordance with the directions of the elector.

**(5)** Where the ballot has been marked under subsection (4), the election officer shall enter in the poll record

- (a) the reason why the ballot was marked with assistance;
- (b) the name of the person who assisted the elector; and
- (c) that the required oaths were taken. 2011, c. 5, s. 115; 2015, c. 17, s. 51.

#### **Cancelled ballot**

**116** Where an elector has inadvertently dealt with a ballot so that it should not be used,

- (a) the elector shall return it to the deputy returning officer; and
- (b) the deputy returning officer shall
  - (i) without showing the ballot to any other person, write "cancelled" upon the back of the ballot and place it into the envelope provided for the purpose, and
  - (ii) provide the elector with another ballot. 2011, c. 5, s. 116.

#### **Error on list**

**117** Where an elector's name or address does not match a name and address on the list of electors, the elector may receive a ballot and vote if the elector completes the prescribed form and

- (a) provides the prescribed proof of identity and residence; or
- (b) swears or affirms the elector's eligibility to vote and current residence before an election officer. 2011, c. 5, s. 117.

#### **Elector declines to vote**

**118 (1)** Where an elector who received a ballot declines to vote, the deputy returning officer shall mark the ballot "declined" and follow the prescribed process.

**(2)** Where an elector who received a ballot declines to vote, the elector may not be given a further ballot. 2020, c. 8, s. 28.

**Interpreter**

**119 (1)** Where neither the deputy returning officer nor another election officer understands the language spoken by a person admitted to a polling station, the deputy returning officer shall

(a) where possible, obtain an interpreter who shall be the means of communication between the deputy returning officer and the elector with reference to all matters required to enable the elector to vote; or

(b) where no interpreter is obtained and the person is required to take an oath in order to vote, not allow the elector to vote until an interpreter is obtained.

**(2)** Every person other than an election officer must take an oath in the prescribed form before acting as an interpreter. 2011, c. 5, s. 119.

**Vote by bedridden patient**

**120** Where a polling station has been established in a residential centre, the deputy returning officer and poll clerk, while the polling station is open, may

(a) suspend temporarily the voting in the polling station; and

(b) accompanied by a representative of the facility and, where permitted by the facility, not more than one scrutineer of each candidate, if any, carry the ballot box, poll book, ballots and other necessary election documents from room to room in the facility and take the votes of the bedridden patients who meet the conditions under Section 122 to vote in the polling station. 2011, c. 5, s. 120; 2015, c. 17, s. 52.

## WHO MAY VOTE AT A POLL

**No right to vote**

**121** A person may not vote if

(a) the person refuses to take the oath as provided for in subsection 113(1);

(b) subject to clause 122(f), the deputy returning officer has received a transfer certificate pursuant to Section 99 from the returning officer certifying that the elector is entitled to vote at another polling station; or

(c) the person fails to comply with Section 122. 2011, c. 5, s. 121.

**Right to vote**

**122** Subject to Section 121, a person may vote

(a) at the returning office continuous poll, community continuous poll, advance poll or the write-in ballot poll if the person's name is on the list of electors for the electoral district where the person resides;



- (b) *repealed 2015, c. 17, s. 53.*
- (c) at an election day poll if the person's name is on the official list of electors for the polling station of the polling division where the person resides;
- (d) where the person applies to be added to the appropriate list of electors pursuant to Section 123 if the person's name is not on the list of electors, the revised list of electors or the official list of electors for a polling division;
- (e) where the person delivers to the deputy returning officer of the polling station if the person's name is not on the list of electors, the original transfer certificate issued under Section 99; or
- (f) where the person delivers to the deputy returning officer of the polling station if the person's name is on the list of electors, the original transfer certificate issued under Section 99. 2011, c. 5, s. 122; 2015, c. 17, s. 53.

### **Voting at special poll**

- 123 (1)** A person whose name is not on
- (a) the list of electors;
  - (b) the revised list of electors; or
  - (c) the official list of electors,

for a polling division where the person resides may vote by write-in ballot, at the returning office continuous poll, the advance polling station or the polling station on election day if the person applies to be added to the appropriate list by completing the prescribed application for addition and providing proof of identity and residence in the prescribed form or taking the prescribed oath.

- (2)** The application for addition must be made to
- (a) the presiding officer or deputy presiding officer when applying for a write-in ballot in the returning office or when voting at the returning office continuous poll;
  - (b) a poll clerk when voting at the advance poll or at the polling station on election day; or
  - (c) a write-in ballot co-ordinator who is conducting the write-in ballot poll outside the returning office.
- (3)** Upon accepting the application for addition,
- (a) in the case of a write-in ballot poll in the returning office, the presiding officer or deputy presiding officer shall add the elector to the list of electors, and the presiding officer shall cause to be delivered to the elector a write-in ballot kit to the elector;

(b) in the case of the returning office continuous poll, the presiding officer or deputy presiding officer shall add the elector to the list of electors;

(c) in the case of the advance poll and an election day poll, the poll clerk shall add the elector to the revised list of electors or the official list of electors respectively and issue to the elector a certificate in the prescribed form to be presented to the deputy returning officer; or

(d) in the case of a write-in ballot poll where an application is approved outside the returning office, the write-in ballot coordinator shall cause to be delivered to the elector a write-in ballot kit to the elector and shall add the elector to the list of electors. 2011, c. 5, s. 123.

#### **Secrecy of vote**

**124** A person in attendance at a polling station, or at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting. 2011, c. 5, s. 124.

#### **Peace and order at polling station**

**125** A returning officer, during an election, and a poll supervisor and deputy returning officer, during the hours a polling station is open or while the votes are being counted,

(a) shall maintain peace and order as far as reasonably possible at the election proceedings for which they are responsible;

(b) may of the officer's own accord, or on the written request of a candidate, a scrutineer or an elector representing a candidate, appoint a constable in the prescribed form in the poll record;

(c) may restrict or regulate the number of persons admitted at any time to a polling station or polling location;

(d) may order a person to leave a polling station or polling location if, in the officer's opinion, the person is

(i) not permitted to be at the polling station or polling location,

(ii) disturbing the peace and order,

(iii) interfering with the conduct of voting, or

(iv) contravening this Act;

(e) may require proof of identification from a person who is ordered to leave under clause (d);

(f) may order the removal of a person ordered to leave under clause (d) if the person does not comply; and

(g) may request the assistance of peace officers to maintain peace and order. 2011, c. 5, s. 125; 2015, c. 17, s. 54; 2020, c. 8, s. 29.

#### **Election officer has authority of peace officer**

**126** For the purpose of Section 125, from the time a writ of election is issued until a candidate is declared elected, an election officer referred to in Section 125 has all the authority and protections of a peace officer. 2011, c. 5, s. 126.

### COUNTING AND REPORTING THE VOTES

#### **Procedure after close of poll**

**127 (1)** Immediately after the close of the poll, the deputy returning officer assisted by a poll clerk shall count the vote in full view of every candidate representative present.

**(2)** The deputy returning officer shall count the votes at the poll in accordance with Sections 128 to 130.

**(3)** A candidate representative present may object to the acceptance or the rejection of a ballot and the deputy returning officer shall record the objection in the poll record in the prescribed manner.

**(3A)** Where no candidate representatives are present, the election officers referred to in subsection (1) may only carry out their duties if both the election officers referred to in subsection (1) are present.

**(4)** In the manner prescribed by the Chief Electoral Officer, the deputy returning officer shall secure the envelopes containing the statement of poll, the ballots, and the poll record, and any other documents and deliver them to the agent of the returning officer or the returning officer directly in accordance with the instructions of the returning officer. 2011, c. 5, s. 127; 2015, c. 17, s. 55; 2020, c. 8, s. 30.

#### **Counting and reporting**

**128 (1)** The deputy returning officer or presiding officer, according to instructions of the Chief Electoral Officer, shall

(a) count the number of voters recorded as having voted at the polling station and write the number in the statement of poll;

(b) count the number of cancelled ballots, place them in the envelope provided, record the number on the envelope and seal it;

(ba) count the number of declined ballots;

(c) count the number of unused ballots, place them with the stubs of all used ballots in the envelope provided, record the number of the unused ballots on the envelope and seal it; and

(d) remove the seals from the ballot box and count the votes on the ballots according to Sections 129 to 130.

(1A) Where fewer than fifteen votes are cast at the polling station, the deputy returning officer or presiding officer shall combine the ballots with the ballots of another polling station in the electoral district according to the instructions of the Chief Electoral Officer.

(2) After counting the votes, the deputy returning officer or presiding officer according to instructions of the Chief Electoral Officer shall

(a) complete and sign a statement of the poll, in the prescribed form, setting out the number of votes cast for each candidate, the number of rejected ballots, the number of cancelled ballots, the number of declined ballots and any other prescribed information;

(b) attach one copy of the statement of the poll to the poll record, retain one copy and enclose one copy in the envelope provided to deliver it to the returning officer;

(c) make available one copy of the statement of the poll for candidates, scrutineers, or electors representing a candidate, who are present and request it;

(d) place the ballots cast for each candidate in a separate envelope provided for the purpose, write on it the name of the candidate and the number of votes the candidate received and seal it;

(e) place the rejected ballots in the appropriate envelope, write on it the number of rejected ballots and seal it; and

(f) place the declined ballots in the appropriate envelope, write on it the number of declined ballots and seal it. 2011, c. 5, s. 128; 2015, c. 17, s. 56; 2020, c. 8, s. 31.

### **Examination of ballots**

**129 (1)** During the counting of the votes, a deputy returning officer or presiding officer shall decide whether the ballot should be rejected under Section 130 or counted and give each person present the opportunity to examine the ballot.

(2) Where ballot is to be counted, the deputy returning officer or presiding officer shall call out the vote and have it entered on the tally sheet.

(3) During the counting of the votes, where a ballot is found with the counterfoil attached or without the initials of the deputy returning officer or presiding officer, the deputy returning officer or presiding officer shall, in the presence of any person present in the polling station,

(a) after carefully concealing the number on the counterfoil and without examining it, remove and destroy the counterfoil; or

(b) where satisfied that the ballot is one that was provided to an elector to be used at the polling station according to this Act, initial the ballot,

and subject to Section 130, count the vote on the ballot. 2011, c. 5, s. 129; 2015, c. 17, s. 57.

### Rejection of ballot

**130 (1)** During the counting of the votes, a deputy returning officer or presiding officer shall reject and place in the appropriate envelope a ballot

- (a) that was not provided to an elector by the deputy returning officer or presiding officer;
- (b) that is not marked for any candidate;
- (c) upon which the specified space at the right of the name of a candidate is not marked in a manner that shows the elector's intent;
- (d) on which votes have been given for more candidates than are to be elected;
- (e) that is so marked as to render it uncertain for which candidate or candidates, if more than one is to be elected, the elector has voted; or
- (f) that is marked in a way that could identify the voter,

but no ballot may be rejected because of a writing, number, or mark placed on the ballot by the deputy returning officer or presiding officer.

**(2)** Where during the counting of the votes a candidate, a scrutineer or an elector, who is present, objects to any ballot found in the ballot box, the deputy returning officer or presiding officer shall hear, make and declare a decision on each objection, which decision is final subject only to reversal on a recount or on a petition questioning the election or return and

- (a) where the ballot is declared rejected, place it in the appropriate envelope; or
- (b) where the ballot is declared not rejected, count the vote on the ballot. 2011, c. 5, s. 130; 2015, c. 17, s. 58.

### TIME FOR EMPLOYEE TO VOTE

#### Guidelines and exceptions

**131 (1)** An employee who is an elector is entitled, while the polls are open on election day, to three consecutive hours for the purpose of casting the employee's vote.

**(2)** Where the employment of an employee does not permit the use of three consecutive hours of the employee's own time for voting, the employer shall allow the employee such additional time with pay from the hours of the employee's employment as may be necessary to provide the three consecutive hours, but the additional time for voting must be granted to the employee at the time of day that best suits the convenience of the employer.

(3) This Section does not apply to an employee who is engaged in the operation and dispatch of scheduled railway trains, buses, motor transports, ships or aircraft and to whom the three consecutive hours mentioned in subsection (1) cannot be allowed without interfering with the scheduled operation or dispatch of the trains, buses, motor transports, ships or aircraft. 2011, c. 5, s. 131.

#### ADVANCE POLL

##### Establishing

**132** At the direction of the Chief Electoral Officer, the returning officer shall establish an advance polling station in a convenient place that is accessible by an elector who has a physical disability. 2015, c. 17, s. 59.

**133** *repealed 2015, c. 17, s. 59.*

##### Hours

**134 (1)** An advance polling station must be open on

(a) Saturday, the tenth day before election day, until and including Saturday, the third day before election day, excluding Sunday, commencing at the hour of nine o'clock in the morning and ending at six o'clock in the evening; and

(b) Thursday, the fifth day before election day, and Friday, the fourth day before election day, commencing at the hour of nine o'clock in the morning and ending at eight o'clock in the evening.

(2) The dates and times must be the same for all electoral districts in which an election is being held. 2011, c. 5, s. 134; 2015, c. 17, s. 60.

##### List of electors to be used

**135 (1)** *repealed 2015, c. 17, s. 61.*

(2) The revised list of electors must be used for the advance poll. 2011, c. 5, s. 135; 2015, c. 17, s. 61.

##### Continuous poll provisions apply

**136** The provisions of this Act respecting staffing, polling stations, voting procedure, the securing and sealing the ballot box, the counting of the vote, the keeping of records and the access to information at the poll by a scrutineer apply to an advance poll in the same manner as the continuous poll in so far as they are applicable. 2015, c. 17, s. 62; 2020, c. 8, s. 32.

**137** *repealed 2015, c. 17, s. 62.*

**Custody of ballot box**

**138 (1)** On the close of an advance poll, the presiding officer shall deliver the ballot box to the returning officer, and the ballot box must remain in the custody of the returning officer until the counting of the votes takes place at the close of polls on election day.

**(2)** Subsection (1) does not apply if the returning officer directs the presiding officer to maintain custody of the ballot box. 2011, c. 5, s. 138; 2015, c. 17, s. 63.

**Duties at close of advance poll**

**139 (1)** At the close of an advance poll on each day of advance polling, the presiding officer shall provide a list of the persons who voted at the advance polling station in the prescribed manner, and forthwith deliver it to the returning officer.

**(2)** At the close of an advance poll on the last day of the advance poll, unless the Chief Electoral Officer has authorized the use of electronic ballots under Section 141A, the presiding officer, in full view of any candidate representative present, shall

(a) open the ballot box and separate the ballots cast by electors who reside in the electoral district of the advance poll from the ballots cast by electors who reside in another electoral district;

(b) place the ballots of the electors who reside in the district of the advance poll in the ballot box and reseal the ballot box; and

(c) place the ballots of the electors who reside in another district in an envelope and deliver it to the returning officer who shall deliver the envelope to the place prescribed by the Chief Electoral Officer.

**(3)** At the close of the poll on election day, at the place where the advance poll was held or at the returning office for the electoral district, or at the place prescribed by the Chief Electoral Officer, a minimum of two presiding officers, in full view of any candidate representative present, shall count the vote of the electors who voted at the advance poll

(a) where a paper ballot is used, in accordance with Sections 128 to 130; or

(b) where an electronic ballot is used by

(i) completing the transmittal of the vote,

(ii) printing a record of the transmittal of the vote in duplicate,

(iii) posting a copy of the record of the transmittal of the vote for any candidate representative present to inspect, and

(iv) completing the statement of poll.

**(3A)** At the close of the poll on election day, at the place prescribed by the Chief Electoral Officer, a presiding officer and a deputy presiding officer shall count, in full view of representatives of registered parties and up to two scrutineers for each independent candidate, as are present, or, where none of them are present, in the presence of at least two electors, the vote on the ballots of the electors who reside in another district of the advance poll according to the instructions of the Chief Electoral Officer.

**(3B)** A candidate, a scrutineer or an elector representing a candidate may object to the acceptance or the rejection of a ballot and the presiding officer shall record the objection in the poll record in the prescribed manner.

**(4)** Where no candidate representatives are present, the presiding officers referred to in subsections (2) and (3) may only carry out their duties if at least two presiding officers are present.

**(5)** As instructed by the Chief Electoral Officer, the presiding officer shall secure the envelopes containing the statement of poll, the ballots and the poll record, and any other documents, and deliver them to the agent of the returning officer or the returning officer directly in accordance with the instructions of the returning officer. 2011, c. 5, s. 139; 2015, c. 17, s. 64; 2020, c. 8, s. 33.

### **Community continuous poll**

**139A** The Chief Electoral Officer may direct a returning officer to conduct a community continuous poll at a specified location for any time and period from the twenty-seventh day before election day up to and including the third day before election day. 2015, c. 17, s. 65.

### **Continuous poll provisions apply to community continuous poll**

**139B** The provisions of this Act respecting staffing, polling stations, voting procedure, securing and sealing the ballot box, counting of the vote, keeping of records and access to information at the poll by a scrutineer apply to a community continuous poll in the same manner as the continuous poll in so far as they are applicable. 2015, c. 17, s. 65; 2020, c. 8, s. 34.

## **RETURNING OFFICE CONTINUOUS POLL**

### **Establishment and hours**

**140 (1)** A returning office continuous poll must be established in the office of each returning officer according to the instructions of the Chief Electoral Officer.



(2) A returning office continuous poll must commence no later than the twenty-seventh day before election day and be conducted every day except Sunday during the hours the returning office is open to the public

(a) up to and including election day for electors who reside in the electoral district; and

(b) up to and including the third day before election day for electors who reside in another electoral district. 2015, c. 17, s. 66.

**140A** *repealed 2020, c. 8, s. 35.*

#### **Staff**

**140B** The returning officer shall appoint a minimum of two presiding officers to conduct the continuous poll. 2015, c. 17, s. 66; 2020, c. 8, s. 36.

#### **Assistance for elector**

**140C** When an elector requires assistance from the elector's agent to vote at the continuous poll, the elector may obtain assistance in voting in accordance with the requirements under Section 115. 2015, c. 17, s. 66.

#### **Securing of ballot box**

**141** On the first day of the continuous poll the presiding officer, in full view of the candidates and up to two scrutineers for each candidate or up to two electors representing each candidate, as may be present, shall

(a) open the ballot box and ensure it is empty; and

(b) secure the ballot box according to the instructions of the Chief Electoral Officer. 2011, c. 5, s. 141; 2015, c. 17, s. 67.

#### **Electronic ballots**

**141A (1)** The Chief Electoral Officer may direct that a returning office continuous poll use electronic ballots instead of paper ballots.

(2) The Chief Electoral Officer shall inform all registered parties of a direction under subsection (1) in a manner deemed appropriate by the Chief Electoral Officer. 2020, c. 8, s. 37.

#### **Procedure during continuous poll**

**142 (1)** Each day at the time determined for the opening of the continuous poll and during polling hours, the presiding officer, according to the instructions of the Chief Electoral Officer, shall

(a) admit into the polling station each elector who has not already voted;

(b) have the elector state the elector's name and address;

(c) request identification proving the elector's identity and residence as prescribed by the Chief Electoral Officer; and

(d) where the elector is unable to show identification as requested in clause (1)(c), have the elector attest to the elector's name, address and eligibility by signing the prescribed form.

(2) Where the elector is qualified to vote under Section 122 or 123, subject to the elector providing the identification provided for in clause (1)(c) or attesting to the elector's identity as provided for in clause (1)(d), the presiding officer shall

- (a) where a paper ballot is used,
  - (i) initial the ballot,
  - (ii) fold the ballot so that when folded the presiding officer's initials can be seen without unfolding it,
  - (iii) deliver the ballot to the elector with instructions on the proper method for voting,
  - (iv) record in the poll record that the elector has voted, and
  - (v) direct the elector to return the ballot, when marked, folded as shown; or
- (b) where an electronic ballot is used,
  - (i) deliver the ballot envelope to the elector and provide instructions on completing the voting process, and
  - (ii) record in the poll record that the elector has voted.

(3) Where a paper ballot is used, an elector, on receiving a ballot, shall proceed into the voting compartment and

- (a) use a pencil or pen to mark the ballot by printing or writing on it in the space provided
  - (i) the name of the candidate for whom the elector intends to vote, or
  - (ii) the name of the registered party that endorsed the candidate the elector wishes to have elected,

or both, or

- (iii) a cross, an "X", a check mark, a line or other mark opposite the name of the candidate for whom or the name of the registered party for which the elector wishes to vote; and

(b) return and hand the ballot to the presiding officer, who shall

(i) without unfolding it, ascertain that it is the same ballot delivered to the elector, and

(ii) where it is the same ballot, return the ballot to the elector to deposit in the ballot box or in full view of the elector and all others present deposit the ballot in the ballot box; and

(c) leave the polling station.

**(3A)** Where an electronic ballot is used, an elector, on receiving a ballot envelope, shall proceed into the voting compartment and

(a) scan the ballot envelope to retrieve the electronic ballot;

(b) use the device provided to mark the electronic ballot by following the instructions provided and marking the elector's selection;

(c) upon marking the elector's selection, confirm the selection, retrieve the elector's ballot receipt and then fold the ballot receipt and place it in the ballot envelope as instructed;

(d) proceed to the presiding officer, who shall

(i) without unfolding it, confirm the ballot receipt is contained in the ballot envelope, and

(ii) where the ballot receipt is contained in the ballot envelope, seal the ballot envelope and return it to the elector to deposit in the ballot box or, in full view of the elector and all others present, deposit the ballot envelope in the ballot box; and

(e) leave the polling station.

**(4)** At the close of voting on each day of the returning office continuous poll, the presiding officer shall in the presence of candidates and scrutineers or electors representing candidates who are present

(a) affix a seal on the ballot box in such a manner that the ballot box cannot be opened or anything deposited in or removed from it without breaking the seal;

(b) note the number of the seal in the poll record; and

(c) secure the ballot box, poll record and other voting materials as instructed by the Chief Electoral Officer until the opening of the continuous poll the next day.

**(5)** At the opening of the returning office continuous poll on each voting day, the presiding officer, in the presence of the candidates and scrutineers or electors representing candidates who are present, shall remove the seal from the

returning office continuous poll ballot box, open the secured materials and open the poll. 2011, c. 5, s. 142; 2015, c. 17, s. 68; 2020, c. 8, s. 38.

#### **Duties at close of continuous poll**

**142A (1)** At the close of a continuous poll on the third day before election day, unless the Chief Electoral Officer has authorized the use of electronic ballots under Section 141A, at least two presiding officers, in full view of any candidate representative present, shall

- (a) open the ballot box and separate the ballots cast by electors who reside in the electoral district of the poll from the ballots cast by electors who reside in another electoral district;
- (b) place the ballots of the electors who reside in the electoral district of the continuous poll in the ballot box, reseal the ballot box and initial the seals; and
- (c) place the ballots of the electors who reside in another electoral district in an envelope and deliver it to the returning officer, who shall deliver the envelope to the place prescribed by the Chief Electoral Officer.

**(2)** Where no candidate representatives are present, the election officers referred to in subsection (1) may only carry out their duties if at least two of the presiding officers appointed for the poll under Section 140B are present. 2020, c. 8, s. 39.

#### **Declined ballot at continuous poll**

**142B** Where an elector who has been given a ballot declines to vote at a continuous poll, the presiding officer shall mark the ballot declined and follow the prescribed process for an elector who declines to vote, and the elector may not be given a further ballot. 2020, c. 8, s. 40.

#### **Counting and recording votes**

**143 (1)** At the close of polls on election day, a minimum of two presiding officers shall count the vote in full view of any candidate representative present.

**(2)** Where fewer than fifteen votes are cast at the returning office continuous poll, the presiding officer shall combine the ballots with the ballots from another polling station according to the instructions of the Chief Electoral Officer.

**(3)** The presiding officers referred to subsection (1) shall count the vote at the continuous poll

- (a) where a paper ballot is used, in accordance with Sections 128 to 130; or
- (b) where an electronic ballot is used, by

- (i) completing the transmittal of the vote,
- (ii) printing a record of the transmittal of the vote in duplicate,
- (iii) posting a copy of the record for any candidate representative present to inspect, and
- (iv) completing the statement of poll.

**(3A)** Where no candidate representatives are present, the presiding officers referred to in subsections (1) and (3) may only carry out their duties if at least two presiding officers are present.

**(4)** A candidate representative present may object to the acceptance or the rejection of a ballot and the presiding officer shall record the objection in the poll record in the prescribed manner.

**(5)** As instructed by the Chief Electoral Officer, the presiding officer shall secure the envelopes containing the statement of poll, the ballots, the ballot receipts, the poll record, and any other documents, and deliver them to the returning officer.

**(6)** Notwithstanding Section 130, a ballot must be set aside and is deemed to be a rejected ballot if the voter has printed or written on the ballot

- (a) the name of a person who has not been nominated as a candidate;
- (b) the name of a person and a party if
  - (i) the person is not a candidate endorsed by the party, or
  - (ii) the party is not a registered party;
- (c) the name of a registered party that did not sponsor a candidate; or
- (d) the name of a political party that is not a registered party.

**(7)** It is not necessary that a voter print or write on a ballot the name of a candidate or the name of a registered party as specified for use on the ballot in the nomination documents.

**(8)** Where the name of a candidate or registered party is printed or written on the ballot in such manner that it is clear for which candidate the voter intended to vote or to which registered party the voter intended to refer, the ballot must be counted.

**(9)** The presiding officer shall keep a record in the poll record of every objection made by a candidate, a scrutineer or an elector representing a candi-

date who was present during the counting of the ballots. 2011, c. 5, s. 143; 2015, c. 17, s. 70; 2020, c. 8, s. 41.

PROCEEDINGS AFTER RETURN OF ELECTION MATERIALS  
AND ON OFFICIAL ADDITION DAY

**Security of envelopes containing election materials**

**144** Upon receipt of the envelopes containing the statement of poll, the ballots or ballot receipts, and the poll record, and any other prescribed documents from the designated election officer, a returning officer shall

(a) where the seal on an envelope is not in good order, affix a further seal without removing the existing one, and record the condition of the seal on the envelope; and

(b) take every precaution for the safe-keeping of the envelopes and any other documents and for preventing any person from having unlawful access to them. 2011, c. 5, s. 144; 2015, c. 17, s. 71; 2020, c. 8, s. 42.

**Official addition of votes**

**145 (1)** Subject to Section 146, the official addition of the votes must be held by the returning officer at the returning office commencing at ten o'clock on the second day after election day.

(2) At the official addition of the votes, a returning officer shall, in the presence of the assistant returning officer and any candidate representative present, ascertain the number of votes cast for each candidate in each polling station in the electoral district by obtaining the information

(a) from the statement of poll enclosed in the appropriate envelope; or

(b) from the statement of poll in the poll record in the appropriate envelope if a candidate or the scrutineer objects in writing to the use of the statement of the poll in clause (a), or the envelope is missing.

(3) Where no candidate representatives are present, the election officials referred to in subsection (2) may only carry out their duties if both the election officials referred to in subsection (2) are present. 2011, c. 5, s. 145; 2015, c. 17, s. 73; 2020, c. 8, s. 43.

**Other sources for ascertaining votes cast**

**146 (1)** Where the statement of the poll cannot be obtained for a polling station, the returning officer may ascertain the number of votes cast for each candidate

(a) from the endorsements on the appropriate envelopes that contain the ballots cast for the candidates;

(b) from the designated election officer, presiding officer, or any other person; or

(c) from such evidence as the returning officer is able to obtain.

(2) The returning officer, in the performance of the returning officer's duties under subsection (1),

(a) shall give notice of the proceedings, and of the day and hour thereof, to the candidates or their official agents;

(b) may summon any person to appear before the returning officer at a day and hour to be named by the returning officer and to bring all necessary papers and other documents; and

(c) may examine under oath any person respecting the matter in question. 2011, c. 5, s. 146; 2015, c. 17, s. 74.

#### Resealing of envelopes

147 Where the poll materials are opened for the purpose of ascertaining the number of votes cast for the candidates, a returning officer shall return all documents and materials to the appropriate envelopes, affix and sign a seal on each envelope, and permit a candidate or a scrutineer to sign each seal. 2011, c. 5, s. 147; 2015, c. 17, s. 75.

#### Duties after the official addition

148 (1) The official addition of the votes must be completed not later than

(a) the second day after election day; or

(b) where the statement of poll cannot be obtained and the returning officer ascertains the number of votes cast for each candidate in accordance with Section 146, the seventh day after election day.

(2) At the completion of the official addition of the votes the returning officer shall

(a) complete the statement of official results in the prescribed form;

(b) transmit to the Chief Electoral Officer as instructed by the Chief Electoral Officer ~~by the Chief Electoral Officer~~

(i) a copy of the statement of official results, and

(ii) where a statement of a poll was not obtained for a polling station, a statement of how the returning officer ascertained the number of votes cast for each candidate at that polling station; and

(c) transmit, to each candidate or the candidate's official agent, a copy of the statement of official results.

(d) *repealed 2015, c. 17, s. 76.*

(3) Where, at the official addition of the votes,

(a) there is an equality of votes between two or more candidates and an additional vote for one of such candidates would enable one of those candidates to be declared as having obtained the largest number of votes; or

(b) the number of votes separating the candidate receiving the highest number of votes and any other candidate is fewer than ten,

the returning officer with the assistance of the Chief Electoral Officer shall

(c) apply for a recount to a judge to whom an application may be made pursuant to Section 149; and

(d) give written notice to each candidate in the electoral district or the candidate's official agent of the application for a recount.

(4) The provisions of this Act relating to a recount by a judge, except the provisions for security for costs, apply, with such modification as the circumstances require, to an application for a recount by a returning officer under subsection (3). 2011, c. 5, s. 148; 2015, c. 17, s. 76.

#### RECOUNT BY JUDGE

##### Application for recount

**149 (1)** Within four days after the day on which the returning officer has completed and distributed the statement of official results pursuant to Section 148, any candidate or official agent of a candidate may, for the purpose of challenging the election of a candidate, apply to a judge of the Supreme Court of Nova Scotia for a recount of all the ballots cast in the electoral district by

(a) filing an application in the prescribed form with the prothonotary of the Supreme Court;

(aa) specifying on the application as the justification for the recount

(i) that a deputy returning officer improperly counted any ballot or improperly rejected any ballot or made an incorrect statement of the number of ballots cast for any candidate,

(ii) that the returning officer improperly tabulated the votes, or

(iii) such other grounds as may justify a recount;



(ab) providing the Chief Electoral Officer with a copy of the application; and

(b) depositing with the prothonotary the sum of one hundred dollars in legal tender or a certified cheque or money order for that amount made payable to the Minister of Finance and Treasury Board as security for the cost of the recount.

**(1A)** Where an application is made under subsection (1), the Chief Electoral Officer may submit a written response to the application to the judge for the judge's consideration within twenty-four hours of notification of the application.

**(2)** Where the judge is satisfied that the application is reasonable, then within two days after the application for a recount has been filed,

(a) the judge shall by order appoint a date, time and place for the recount; and

(b) the prothonotary of the Supreme Court shall notify the individual filing the application of the date, time and place at which the recount is to be conducted.

**(2A)** Where the judge is not satisfied that the application is reasonable, the judge shall dismiss the application.

**(3)** The recount must be held within eight days of the filing of the application for the recount. 2011, c. 5, s. 149; O.I.C. 2013-348; 2020, c. 8, s. 44.

#### **Service of notice**

**150 (1)** Within one day of being notified by the prothonotary pursuant to subsection 149(2), the applicant shall serve notice of the date, time and place of the judicial recount on the

(a) candidates or their official agents; and

(b) Chief Electoral Officer.

**(2)** The judge may order substituted service of the notice of the time and place of the recount. 2011, c. 5, s. 150.

#### **Right to be present at recount**

**151 (1)** The following persons and their counsel may be present before the judge at a recount:

(a) the applicant;

(b) the Chief Electoral Officer;

(c) the returning officer and other appropriate election officers;

(d) the candidates and not more than three persons representing each candidate; and

(e) where a candidate is not present or represented, three persons who have requested to attend on the candidate's behalf.

(2) The returning officer and appropriate election officers shall

(a) attend at the time and place appointed for the recount; and

(b) bring the sealed envelopes that contain the statement of poll, the ballots, outer envelopes of the write-in ballots, write-in ballot applications, the unused ballots, stubs and the poll record, and any other documents used at the poll, for all polling stations in the electoral district. 2011, c. 5, s. 151.

#### **Procedure at recount**

**152 (1)** The recount must be

(a) conducted by the returning officer and the appropriate election officers according to procedures established by the Chief Electoral Officer to the extent possible in accordance with Sections 129 and 130; and

(b) supervised by the judge.

(2) A recount must, so far as practicable, proceed continuously as directed by the judge, until the recount is complete. 2011, c. 5, s. 152.

#### **Duties of judge after recount**

**153** At the conclusion of a recount and in the presence of those in attendance, the judge shall

(a) ensure that the ballots are sealed in the same manner as they are at the close of polls on election day and all election documents are secured;

(b) add the number of votes cast for each candidate as ascertained on the recount;

(c) certify the result of the recount on the statement of official results in duplicate; and

(d) transmit

(i) the statement of official results in duplicate to the returning officer, and

(ii) a copy of the statement of official results to each candidate, or the candidate's authorized agent, and the Chief Electoral Officer. 2011, c. 5, s. 153.

**Costs**

**154** At the conclusion of a recount, the judge may make such order as the judge considers fit respecting costs, including the disposition of money deposited as security for costs. 2011, c. 5, s. 154.

**Appeal of recount**

**155 (1)** A candidate may appeal the decision of the judge who conducted the recount to the Nova Scotia Court of Appeal by filing a notice of appeal with the Registrar of the Court of Appeal within two days following the judge's decision under Section 153 or 154.

**(2)** Within the appeal period referred to in subsection (1), the appellant shall give written notice of the appeal to the judge who conducted the judicial recount, the candidates or their authorized agents and the Chief Electoral Officer.

**(3)** Upon receiving the notice of appeal, the Registrar of the Court of Appeal shall immediately

(a) arrange a hearing date that is within ten days after the notice is received; and

(b) notify the candidates and the Chief Electoral Officer of the time and place of the hearing.

**(4)** An appeal is limited to decisions made by the judge concerning

(a) specific ballots cast at identified polling stations, and those polling stations must be identified in the notice of appeal; or

(b) the decision of the judge regarding costs.

**(5)** All ballots related to the polling stations identified in the notice of appeal must be sealed in a separate package and delivered to the Court of Appeal along with a copy of the judge's decision under Section 153 or 154.

**(6)** Where the appeal is limited to the judge's decision regarding costs, the decision and any submissions respecting the award of costs must be delivered to the Court of Appeal. 2011, c. 5, s. 155.

**Appeal procedure**

**156 (1)** The individuals entitled to be present at an appeal of a judicial recount are the same as those entitled to be present at the judicial recount, and other individuals may only be present if permitted by the Court of Appeal.

**(2)** On the hearing of the appeal, the ballots that are the subject of the appeal must be recounted according to the procedures established under Section 152 and the recount must be supervised by the Court of Appeal.

(3) At the conclusion of the appeal, the Court of Appeal shall declare the results of the election in accordance with its recount decision and must issue to the candidates, the returning officer and the Chief Electoral Officer a certificate of those results. 2011, c. 5, s. 156.

#### **Interpretation Act**

157 For the purpose of Sections 149 to 156, time is to be calculated according to the rules in the *Interpretation Act*. 2011, c. 5, s. 157.

#### RECOUNT BY CHIEF ELECTORAL OFFICER

##### **Determining eligibility for reimbursement**

158 (1) Where an application is made pursuant to Section 148(3), the Chief Electoral Officer may, upon the written request of a candidate or the official agent of a candidate, conduct a recount of all the ballots cast in the electoral district for the sole purpose of determining whether a candidate received the required percentage of the valid votes cast in an election to be entitled to reimbursement of election expenses pursuant to Section 267.

(2) The Chief Electoral Officer may designate a person to conduct a recount pursuant to subsection (1).

(3) The Chief Electoral Officer or person designated pursuant to subsection (2) is not required to give notice to any person before conducting a recount pursuant to subsection (1).

(4) Only persons authorized by the Chief Electoral Officer or the person designated pursuant to subsection (2) may be present at a recount pursuant to subsection (1).

(5) The Chief Electoral Officer shall establish procedures to be followed during a recount pursuant to subsection (1).

(6) Following a recount pursuant to subsection (1), the Chief Electoral Officer shall advise the candidate or the official agent of a candidate who requested the recount whether, as a result of the recount, the candidate is entitled to a reimbursement of election expenses pursuant to Section 267 and the amount of the reimbursement to which the candidate is entitled pursuant to that Section.

(7) A written request for a recount pursuant to subsection (1) must be received by the Chief Electoral Officer within thirty days of the election to which it relates.

(8) The decision of the Chief Electoral Officer or the person designated pursuant to subsection (2) respecting a recount pursuant to subsection (1) is final. 2011, c. 5, s. 158; 2015, c. 17, s. 72.

## ELECTION RETURN

**Declaration of election of candidate**

**159 (1)** Subject to subsection (2) and where a poll is held, the returning officer for each electoral district shall

(a) where there is no recount on the eighth, ninth or tenth day following election day or where the official addition has been conducted in accordance with Section 146, not later than the fourteenth day after election day; or

(b) where there has been a recount, upon receipt of the statement of official results in duplicate from the judge pursuant to Section 153,

declare elected the candidate for the electoral district, having the largest number of votes, by completing the return on the writ in the prescribed form.

**(2)** Where the statement of official results received from the judge shows that an equality of votes exists between candidates on a recount, and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall, at the close of the recount and in the presence of the assistant returning officer, the candidates or their scrutineers who are present or, where none are present, in the presence of at least two electors and in the presence of the judge who conducted the recount,

(a) place the name of each candidate on an equal size piece of paper of the same colour;

(b) fold each piece of paper so that the name of the candidate cannot be seen;

(c) place the folded pieces of paper into a box;

(d) secure the lid of the box;

(e) shake the box;

(f) open the box;

(g) draw one piece of paper from the box;

(h) unfold the piece of paper so that the name on it can be seen;

(i) declare elected the candidate whose name appears on the paper; and

(j) endorse the return on the writ. 2011, c. 5, s. 159; 2015, c. 17, s. 77; 2020, c. 8, s. 45.

RETURN OF ELECTION DOCUMENTS[,]  
MATERIALS AND SUPPLIES

**Duties on completing return on writ**

- 160** Upon completing the return on a writ, the returning officer shall
- (a) cause to be delivered to the Chief Electoral Officer
    - (i) the writ certified by the returning officer indicating which candidate or candidates, where more than one candidate is to be elected for the electoral district, has been elected,
    - (ii) the original nomination documents of each candidate,
    - (iii) where there has been a recount, the statement of official results duly certified in duplicate by the judge, and
    - (iv) the final list of electors; and
  - (b) cause to be delivered to the Chief Electoral Officer as directed
    - (i) the sealed envelopes which contain the official list of electors, the statement of poll, the ballots, outer envelopes of the write-in ballots, write-in ballot applications, the unused ballots, stubs and the poll record, and any other documents used at the poll, for all polling stations in the electoral district,
    - (ii) all unused election materials and supplies, and
    - (iii) the ballot paper that remains unused or has been spoiled, as well as parts or scraps of ballot paper left over from the printing process. 2011, c. 5, s. 160; 2015, c. 17, s. 78.

**Return deemed not received**

**161** Where a returning officer does not comply with Section 160, the return is deemed not to have been received by the Chief Electoral Officer until Section 160 has been complied with. 2011, c. 5, s. 161.

**Duties on receiving return**

- 162** Subject to Section 161, the Chief Electoral Officer, on receiving the return of a member elected to the House of Assembly, shall
- (a) provide the Clerk of the House of Assembly with a copy of the return on the writ;
  - (b) give notice of the name of the member elected in an issue of the Royal Gazette and on the Elections Nova Scotia website; and
  - (c) inform the Minister of Finance and Treasury Board of the number of votes received by each candidate according to the return. 2011, c. 5, s. 162; O.I.C. 2013-348.

## REPORTS OF CHIEF ELECTORAL OFFICER

**Reports to House of Assembly**

**163 (1)** As soon as possible after the election, the Chief Electoral Officer shall prepare a detailed report of the conduct of the election that includes

- (a) the results by candidate for each polling station in the electoral district;
- (b) the total cost of the election;
- (c) other information as determined by the Chief Electoral Officer; and
- (d) amendments to this Act or any related enactment recommended by the Chief Electoral Officer.

**(2)** The Chief Electoral Officer shall report at least annually to the House of Assembly on the administration of Elections Nova Scotia and include any recommendations made to the Chief Electoral Officer pursuant to subsection 356(1).

**(3)** The reports referred to in subsections (1) and (2) and subsection 357(6) must be transmitted to the House of Assembly through the Speaker.

**(4)** The Speaker shall table the reports referred to in subsection (3) before the House of Assembly if it is sitting or, where it is not sitting, at the next ensuing sitting. 2011, c. 5, s. 163.

CUSTODY OF ELECTION DOCUMENTS  
BY CHIEF ELECTORAL OFFICER**Controverted Elections Act**

**164** The Chief Electoral Officer shall request a certificate for each electoral district in which an election was held from the prothonotaries of the Supreme Court pursuant to Section 79 of the *Controverted Elections Act*. 2011, c. 5, s. 164.

**Government Records Act**

**165 (1)** The Chief Electoral Officer shall destroy the election and electoral finance documents and records in the possession of Elections Nova Scotia in accordance with the *Government Records Act*.

**(2)** Notwithstanding subsection (1), where an election is contested, the Chief Electoral Officer shall retain the election documents transmitted to the Chief Electoral Officer pursuant to Section 160 until the time for appeal has expired or in accordance with the *Government Records Act*, whichever time period is longer. 2011, c. 5, s. 165.

## PART II

## ELECTORAL FINANCE

**Interpretation**

**166** In this Part,

(a) “audit” means an examination of financial statements, accounting records and supporting documents by an independent public accountant to obtain reasonable assurance of whether the financial statements or any element of the financial statements are presented fairly in all material respects in accordance with generally accepted accounting principles and includes

(i) examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,

(ii) assessing the accounting principles used and significant estimates made in the financial statements, and

(iii) evaluating the overall financial statement presentation;

(b) “audited financial statement” means the audited financial statement of a registered party prepared by an independent public accountant following an audit respecting all money or funds held by or in trust for the party as of the applicable date and includes, but is not limited to, statements of all

(i) income, on a gross basis, of the registered party during the reporting period before related or associated expenses are deducted,

(ii) contributions and transfers received by the registered party during the reporting period,

(iii) expenses and transfers made by the registered party during the reporting period,

(iv) loans payable and receivable, and

(v) assets and liabilities of the registered party;

(c) “bank prime rate” means the prime business rate published by the Bank of Canada;

(d) “contributions” means services, money or other property donated to a registered party, electoral district association, candidate or registered third party or an individual acting on behalf of a registered party, electoral district association, candidate or registered third party to support the political purposes of a registered party, electoral district association, candidate or registered third party, but does not include

(i) personal services or the use of a vehicle volunteered by an individual unless the services or vehicle are provided as part of that individual’s work in the service of an employer,



- (ii) goods or services produced or provided by the voluntary, unpaid labour of an individual,
  - (iii) an annual membership fee paid to a registered party or electoral district association if
    - (A) the fee does not exceed twenty-five dollars in total per calendar year,
    - (B) no individual pays membership fees for anyone other than that individual or a member of that individual's immediate family, and
    - (C) the registered party or electoral district association that receives the fee maintains a current membership list,
  - (iv) money received at a meeting held on behalf of a registered party, electoral district association, candidate or registered third party in response to a general solicitation of money from individuals in attendance if
    - (A) no individual gives more than twenty-five dollars, and
    - (B) the date of the meeting, number of attendees and gross amount received are recorded by the official agent or financial agent or an individual acting on behalf of the official agent or financial agent in accordance with this Act,
  - (v) the price paid by an individual for a fundraising event held on behalf of a registered party, electoral district association, candidate or registered third party if the price paid by the individual minus the value of the benefit received by the individual, is fifty dollars or less,
  - (vi) the net profit resulting from the sale or auction of goods, services or property sold or auctioned on behalf of a registered party, electoral district association, candidate or registered third party to an individual at a fundraising event if the net profit resulting from the sale or auction of goods, services or property is fifty dollars or less,
  - (vii) a donation in kind if it is made by an individual for the benefit of a registered party, electoral district association, candidate or registered third party if
    - (A) the fair market value of the donation in kind is fifty dollars or less, and
    - (B) the individual has not already made previous donations in kind with a total value exceeding fifty dollars as determined pursuant to Section 248;
- (e) "corporation" means a corporation incorporated by or pursuant to an Act of the Legislature, a corporation registered under the *Corpora-*

*tions Registration Act* or a corporation doing business in the Province and exempt from registration under that Act but does not include a Crown corporation, a public body within the meaning of the *Freedom of Information and Protection of Privacy Act* or a government business enterprise or governmental unit within the meaning of the *Finance Act*;

(f) “donation in kind” means goods, services or property provided by an individual eligible to make a contribution under this Act for the benefit of a registered party, electoral district association, candidate or registered third party but does not include

(i) personal services or the use of a vehicle volunteered by an individual and not provided as part of that individual’s work in the service of an employer,

(ii) the services of an individual who acts as an official agent of a candidate,

(iii) the services of a individual who acts as an official agent or officer of a registered party or electoral district association or provides legal counsel to a registered party or electoral district association, or

(iv) the services of an individual who acts as a financial agent of a registered third party;

(g) “disclosure statement” means the disclosure statement required by Section 240;

(h) “election advertising expense” means an expense incurred in relation to

(i) the production of an election advertising message, or

(ii) the acquisition of the means of transmission to the public of an election advertising message;

(i) “election expenses” means all expenses incurred during the period commencing with the dissolution of the House of Assembly, or the issuance of the writ for a by-election, and the close of polls on election day for the purpose of promoting or opposing, directly or indirectly, the election of a candidate or the program or policy of a registered party or candidate, and includes

(i) expenditures incurred before an election for literature, objects or materials of an advertising nature used during the election for an aforementioned purpose,

(ii) reasonable expenses incurred by a candidate endorsed by a registered party to travel outside the candidate’s electoral district to attend a meeting organized by the registered party, including food and lodging expenses, ~~and~~

(iii) reasonable expenses incurred within seven days after election day in relation to the closing of an office used during the

election for an aforementioned purpose or for other post-election costs related to official addition or a judicial recount, [and]

(iiia) family and accessibility expenses,

but does not include

(iv) the cost of publication in a newspaper or other periodical of editorials, news, reports or letters to the editor that are published in the same manner and under the same rules as outside an election period, without payment, reward or promise of payment or reward, if the newspaper or other periodical is not established for the purpose of the election or with a view to the election and the frequency and circulation of publication do not differ from what occurs outside an election period,

(v) the cost of transmission by a radio or television station of a broadcast of news or comment that is made in the same manner and under the same rules as outside an election period, without payment, reward or promise of payment or reward,

(vi) the necessary cost, not to exceed one thousand dollars, of holding a convention in respect of an electoral district for the selection of a nomination candidate including the reasonable expenses of nomination candidates at the convention, the cost of renting a hall and the convening of delegates but not including publicity costs and, apart from expenses of nomination candidates other than the nomination candidate selected,

(vii) *repealed 2020, c. 8, s. 46.*

(viii) reasonable expenses incurred by a candidate or other individual, out of the candidate's or other individual's own money, for lodging and food during travel for election purposes if those expenses are not reimbursed to the candidate or other individual,

(ix) a candidate's transportation costs,

(x) the transportation costs of any individual other than a candidate, paid out of the individual's own money if those costs are not reimbursed to the individual,

(xi) the sum deposited with nomination documents, or

(xii) the usual expenses incurred for the current operation of one permanent office in the Province of a registered party if the leader of the party, before the seventh day following the issue of the writ, has given written notice to the Chief Electoral Officer of the existence of the office, its exact address and any change of address;

(j) "fair market value" means the amount that goods, services or property would sell for in an open market between a willing buyer and a willing seller who are

(i) knowledgeable, informed and prudent, and

- (ii) acting independently of each other;
- (ja) “family and accessibility expenses” means reasonable expenses incurred during an election by a candidate as a result of the candidate’s candidacy in respect of
  - (i) childcare,
  - (ii) spousal care,
  - (iii) elder care,
  - (iv) the care of a person with a disability, as defined in the *Accessibility Act*, for whom a candidate normally provides care, and
  - (v) expenses incurred in relation to a disability, as defined in the *Accessibility Act*, of the candidate;
- (k) “financial agent” means an agent appointed by a registered third party pursuant to Section 279;
- (l) “held assets” means funds or assets held in trust for a registered party before July 11, 1991, and includes income earned on those funds or assets;
- (m) “immediate family” means the spouse, parents, children and grandchildren of a person;
- (n) “leadership contestant” means an individual who is campaigning to become the leader of a registered party;
- (o) “net profit” means the amount equal to the difference between the selling price of goods, services or property and the greater of
  - (i) the actual cost of the goods, services or property, or
  - (ii) the fair market value of the goods, services or property at the time the goods, services or property are acquired;
- (p) “organization” means a corporation, partnership, sole proprietorship or trade union;
- (q) “partnership” means a partnership registered under the *Partnerships and Business Names Registration Act* or a partnership doing business in the Province and exempt from registration under that Act;
- (r) “public accountant” means a public accountant licensed to audit under the *Public Accountants Act*;
- (s) “registered candidate” means an individual who has been registered under Section 203;
- (t) “review engagement” means an examination of the financial statements or any element of the financial statements of an electoral district association by an independent public accountant to obtain a moderate level of assurance of whether information contained in the financial statements is plausible and whether there is any reason to believe that the financial state-

ments are not, in all material respects, in accordance with generally accepted accounting principles, and consists primarily of

- (i) enquiry,
- (ii) analytical procedures, and
- (iii) discussion related to information supplied by the electoral district association;
- (u) “third party” means a person or a group, other than a candidate, registered party or electoral district association;
- (v) “trade union” means a certified bargaining agent as defined in the *Trade Union Act* or a labour organization representing workers in the Province;
- (w) “transfer” means a transfer of services, money or other property made without consideration in accordance with Sections 213 and 214. 2011, c. 5, s. 166; 2013, c. 17, s. 2; 2015, c. 17, s. 79; 2016, c. 7, s. 6; 2020, c. 8, s. 46.

#### OFFICIAL AGENTS

##### Who must appoint

**167** The following shall appoint an official agent:

- (a) a registered party;
- (b) an electoral district association;
- (c) a candidate; and
- (d) a registered candidate. 2011, c. 5, s. 167.

##### Official agents of registered party

**168 (1)** A registered party may appoint up to three official agents.

**(2)** Where a registered party appoints more than one official agent, the registered party shall designate one official agent as the primary contact for the Chief Electoral Officer. 2011, c. 5, s. 168.

##### Qualifications

**169 (1)** Subject to subsection (2), an individual who is an elector may act as official agent for any one or more registered parties, electoral district associations or candidates.

**(2)** The following may not act as the official agent of a registered party, electoral district association or candidate:

- (a) a member of the House of Assembly;
- (b) a candidate;

- (c) an auditor acting for a registered party, an electoral district association or a candidate;
- (d) an election officer or an employee of Elections Nova Scotia;
- (e) an individual who does not have full capacity to enter into contracts;
- (f) an individual who, at any time in the previous seven years, has been convicted of an offence under this Act or the former Act. 2011, c. 5, s. 169; 2015, c. 17, s. 80.

**Procedure for appointment, replacement and revocation of appointment**

**170 (1)** A registered party, electoral district association or candidate may revoke the appointment of an official agent at any time by delivering written notice of revocation to the Chief Electoral Officer.

**(2)** The appointment or replacement of an official agent by a registered party, electoral district association or candidate must be made in writing and must be confirmed immediately upon appointment or replacement, as the case may be, in the prescribed form, to the Chief Electoral Officer by

- (a) the leader of the registered party for an official agent of the registered party;
- (b) a duly authorized officer of the electoral district association for the official agent of the electoral district association; and
- (c) the candidate for the official agent of the candidate.

**(2A)** Where the official agent of a registered party, electoral district association or candidate is unable to perform the official agent's duties, the Chief Electoral Officer may accept the signature of another executive of the registered party or of the electoral district association or of the candidate.

**(3)** The appointment or replacement of an official agent in subsection (2) must include the name, mailing address and telephone number of the individual appointed as official agent and the effective date of the appointment.

**(4)** Notwithstanding subsection (2), where during an election the official agent of a candidate ceases for any reason to hold that office, the candidate shall immediately appoint a new official agent and deliver a written confirmation of the appointment to the returning officer in the candidate's electoral district.

**(5)** The returning officer shall immediately notify the Chief Electoral Officer of every appointment and replacement of an official agent.

**(6)** A registered party, electoral district association or candidate shall provide such information as to the reason for an official agent ceasing to hold office as the Chief Electoral Officer requests. 2011, c. 5, s. 170; 2020, c. 8, s. 47.

**Duties**

- 171 (1)** An official agent shall exercise due diligence in
- (a) maintaining an account in a financial institution in the Province in the name of a registered party, electoral district association or candidate;
  - (b) maintaining records of contributions, including the name and address of each contributor and the cumulative value of an individual's contributions during the year, and filing a disclosure statement, with the Chief Electoral Officer, in accordance with Section 240;
  - (c) keeping records of receipts, including transfers and other income;
  - (d) maintaining records of contributions pursuant to Section 241, including contributions received by an individual appointed by an official agent of a registered party, electoral district association or candidate to accept contributions on behalf of the registered party, electoral district association or candidate pursuant to Section 237;
  - (e) issuing tax receipts in the case of registered parties and candidates in accordance with Section 253;
  - (f) maintaining records of all expenses, including election expenses in the case of a registered party and a candidate;
  - (g) complying with the election expenses spending limits, in the case of a registered party and a candidate, in accordance with Sections 259 and 260, respectively;
  - (h) filing statements, reports and other information required under this Part with the Chief Electoral Officer, in accordance with the time frames prescribed in this Part; and
  - (i) providing the auditor appointed by a registered party, electoral district association or candidate with access at all reasonable times to all records, documents, books, accounts, vouchers or other information and explanation as in the opinion of the auditor may be necessary to enable the auditor to report as required by this Act.

**(2)** Where an official agent refuses, fails or is unable to comply with this Act, the Chief Electoral Officer may apply to a judge for an order directing the official agent to appear before the judge to show cause why the official agent has not complied with this Act and, upon the hearing of the matter, the judge may order the official agent to be examined with respect to any report or particulars which have not been provided in accordance with this Act and may order the official agent to make such return or supply such statement of particulars as the judge considers appropriate within such time, to such person and in such manner as the judge may direct. 2011, c. 5, s. 171.

## AUDITORS

**Who must appoint**

**172 (1)** Every registered party shall appoint an auditor.

**(2)** Every electoral district association shall appoint an auditor if it receives contributions in excess of five thousand dollars in a calendar year.

**(3)** Every registered candidate who files nomination documents shall appoint an auditor.

**(4)** A registered candidate who receives contributions in excess of five thousand dollars in a calendar year in which

**(a)** a writ of election is not issued in the registered candidate's electoral district; or

**(b)** a writ of election is issued in the registered candidate's electoral district and the registered candidate does not become a candidate in the election,

shall appoint an auditor. 2011, c. 5, s. 172.

**Public accountant only**

**173** An auditor must be a public accountant licensed to audit. 2011, c. 5, s. 173; 2020, c. 8, s. 48.

**Auditor ceases to act**

**174** Where the auditor of a registered party, electoral district association or candidate ceases to act for any reason, the registered party, electoral district association or candidate, as the case may be, shall

**(a)** appoint another auditor immediately; and

**(b)** advise the Chief Electoral Officer in writing of the appointment of the new auditor. 2011, c. 5, s. 174.

**Disqualifications**

**175** The following individuals may not act as an auditor for a registered party, an electoral district association or a candidate:

**(a)** an election officer;

**(b)** an individual already acting as the official agent of a registered party, electoral district association or candidate;

**(c)** an individual involved in the raising, spending or custody of money or property of a registered party, electoral district association or candidate;



- (d) an individual engaged by an electoral district association to provide bookkeeping services;
- (e) a candidate. 2011, c. 5, s. 175.

**Same firm not disqualified**

**176** A partner or employee in a firm of public accountants may act as an auditor notwithstanding that another individual in the firm is an official agent or auditor of a registered party, electoral district association or candidate. 2011, c. 5, s. 176.

**Objectivity must not be impaired**

**177 (1)** An auditor engaged to express an opinion respecting a financial statement, an element of a financial statement or a report of a registered party, electoral district association or candidate required under this Act, shall hold himself or herself free from any influence, interest or relationship in respect of the client's affairs that would, or would in the view of a reasonable person, impair the auditor's professional judgement or objectivity.

**(2)** An auditor whose professional judgement or objectivity is impaired in the manner described in subsection (1) is disqualified from being an auditor and shall resign immediately on becoming aware of the disqualification. 2011, c. 5, s. 177.

**Duty to report to official agent**

**178 (1)** The auditor appointed by a registered party, electoral district association or candidate shall make a report to the official agent of the registered party, electoral district association or candidate, as the case may be, and the report of the auditor shall

- (a) provide an opinion respecting the financial statement, an element of a financial statement or the report being audited;
- (b) indicate that the audit is performed using generally accepted auditing standards.

**(2)** An auditor, in the auditor's report pursuant to subsection (1), shall make such statements and qualifications as the auditor considers necessary if

- (a) the financial statement, an element of a financial statement or the report being audited does not present fairly the financial transactions required to be detailed in the financial statement or report;
- (b) the auditor has not received all of the information and explanations that the auditor has requested from the official agent;
- (c) possible non-compliance with this Act has come to the attention of the auditor during the audit; or
- (d) there is any other qualification the auditor considers necessary. 2011, c. 5, s. 178.

**Access to records and information**

**179 (1)** An auditor appointed by a registered party, electoral district association or candidate is entitled to access at all reasonable times to all records, documents, books, accounts and vouchers of a registered party, electoral district association or candidate.

**(2)** The official agent and officers of a registered party, electoral district association or candidate shall provide to the auditor such information and explanation that the auditor considers necessary to prepare the report required under Section 178. 2011, c. 5, s. 179.

## REGISTRATION OF A POLITICAL PARTY

**Application for registration**

**180 (1)** In this Section and Section 181, “political party” means a group of individuals that has as its primary purpose the fielding of candidates for election as members of the House of Assembly.

**(2)** An application for registration of a political party must be in the prescribed form and include

- (a) the proposed registered name of the political party;
- (b) subject to clause 88(2)(b), the name of the political party, or abbreviation of the name, if any, that is to be used as the name of the political party on a ballot;
- (c) the abbreviation of the political party name to be used in official publications of Elections Nova Scotia, if different from the name referred to in clause (b);
- (d) the political party logo, if any;
- (e) the name, residential address and telephone number of the leader and two principal officers of the political party and the address to which communications intended for the political party may be addressed;
- (f) the name, residential address, and telephone number of the political party’s official agents;
- (g) the address where the books, records and accounts, including those pertaining to contributions and expenditures by the political party, are maintained;
- (h) the name, address and telephone number of the political party’s auditor;
- (i) the financial institution and account number of all accounts held by the political party and the identification of accounts into which all money is to be deposited;

(j) a written statement that the political party's primary purpose is to field candidates for election as members of the House of Assembly; and

(k) any other information of an administrative nature required by the Chief Electoral Officer.

(3) The application in subsection (2) must include an audited financial statement of the political party as of a date not more than sixty days before the date of the application for registration.

(4) An application for registration pursuant to this Section must be accompanied by a complete and accurate petition in the prescribed form requesting registration of the political party.

(4A) The petition required under subsection (4) must be signed by no fewer than twenty-five electors in each of ten different electoral districts, whose signatures must have been obtained no earlier than twelve months before the date the application is submitted to the Chief Electoral Officer.

(5) An application for registration pursuant to this Section must be signed by the leader of the political party.

(6) Where the Chief Electoral Officer requires further information to clarify or verify any information contained in the application for registration, audited financial statement or petition for registration of a political party, the political party shall file such further information with the Chief Electoral Officer. 2011, c. 5, s. 180; 2016, c. 7, s. 7.

#### **Duties of Chief Electoral Officer**

**181 (1)** On receipt of the application pursuant to Section 180, the Chief Electoral Officer shall examine the application and determine whether the political party meets the requirements for registration and inform the leader of the political party, in writing,

(a) where the political party's application does not fully comply with Section 180, how the application does not comply; and

(b) where the Chief Electoral Officer requires additional information, the additional information required;[.]

(2) Where the political party's application complies with Section 180, the Chief Electoral Officer shall register the political party and inform the leader of the political party, in writing, and confirm the date of registration.

(3) The Chief Electoral Officer shall publish the audited financial statements filed pursuant to subsection 180(3) on the Elections Nova Scotia website when a political party has been registered.

- completed
- (4) The examination required under subsection (1) must be completed
- (a) within thirty days after the application is received unless clause (b) or (c) applies;
  - (b) where writs of election for a general election are issued after the application is received but before the examination is completed, within sixty days after election day for the election; or
  - (c) where the application is received during a general election after election day but within sixty days after election day.
- (5) A political party whose application does not meet the requirements for registration may amend its application but, where the requirements are not met within sixty days of its receipt of notice under clause (1)(a) or (b), the application ceases to be effective and the Chief Electoral Officer shall advise the political party that its application has ceased to be effective.
- if
- (6) The Chief Electoral Officer shall not register a political party
- (a) the Chief Electoral Officer is of the opinion that the name, abbreviation or logo of the political party seeking registration so closely resembles the name, abbreviation or logo of a registered party that it is likely to be confused with the name, abbreviation or logo of that registered party; or
  - (b) the name, abbreviation or logo of the political party includes the word “independent” or an abbreviation of that word.
- 2011, c. 5, s. 181.

#### Information to be updated

**182 (1)** A registered party shall update with the Chief Electoral Officer, in the prescribed form, information required by subsection 180(2) within ten days of any change in the information.

**(2)** A registered party shall confirm or update, with the Chief Electoral Officer, in the prescribed form, by April 30th of each year the information required by subsection 180(2).

**(3)** *repealed 2020, c. 8, s. 49.*

2011, c. 5, s. 182; 2020, c. 8, s. 49.

#### Recognized party under former Act

**183** Every political party that was a recognized party under the former Act, immediately before the coming into force of this Act, is deemed to be a registered party under this Act. 2011, c. 5, s. 183.

SUSPENSION AND DEREGISTRATION  
OF A REGISTERED PARTY

**Suspension**

**184 (1)** The Chief Electoral Officer shall suspend a registered party if the registered party fails to

- (a) publish an audited financial statement pursuant to Section 222;
  - (b) file a report of election expenses pursuant to Section 223;
  - (c) file an annual financial report pursuant to Section 224;
- or
- (d) file a report respecting tax receipts pursuant to Section 225.

**(2)** Notwithstanding subsection (1), where the failure to meet the requirements under subsection (1) occurs during an election, the suspension may not begin until the day after election day.

**(3)** Where a registered party is suspended, the Chief Electoral officer shall immediately notify, in writing, the official agent and the two principal officers of the registered party of the effective date of the suspension and the reason for the suspension.

**(4)** During the period in which a registered party is suspended, the registered party remains registered but shall not

- (a) accept a contribution;
- (b) issue a tax receipt; or
- (c) make or receive a transfer.

**(5)** Where a registered party publishes or files the reports required by subsection (1) within thirty days of being suspended, the Chief Electoral Officer shall immediately revoke the suspension and notify, in writing, the official agent and the two principal officers of the revocation of the suspension and the effective date thereof.

**(6)** The suspension of a registered party continues until it is revoked by the Chief Electoral Officer or the registered party is deregistered. 2011, c. 5, s. 184.

**Deregistration for contravention**

**185 (1)** The Chief Electoral Officer shall deregister a registered party if the registered party has failed to publish an audited financial statement or file the required reports pursuant to subsection 184(1) within thirty days of the effective date of the suspension.

(2) At least thirty days before deregistering a registered party pursuant to subsection (1), the Chief Electoral Officer shall deliver a written notice to two principal officers of the registered party and shall give the registered party an opportunity to be heard.

(3) Notwithstanding subsection (1), the Chief Electoral Officer may decide not to deregister the registered party if the Chief Electoral Officer is satisfied that the registered party has rectified the contravention, or will rectify it within ten days of the hearing, and the registered party does rectify the contravention. 2011, c. 5, s. 185.

#### **Deregistration for fewer than ten candidates**

**186** (1) Where fewer than ten individuals endorsed by a registered party are candidates at a general election, the Chief Electoral Officer shall deregister the registered party in accordance with this Section.

(2) A registered party that would otherwise be deregistered under subsection (1) is entitled to remain registered if an individual who is a candidate endorsed by the registered party in the current general election is elected.

(3) Where, at the close of nominations for a general election, a registered party may be subject to deregistration under this Section following the election, the Chief Electoral Officer shall notify two principal officers of the registered party thereof at the close of nominations.

(4) Deregistration under this Section is effective on the date of the return of all of the writs for the general election.

(5) The Chief Electoral Officer shall notify, in writing, the official agent and two principal officers of the registered party of the effective date of the deregistration and the reason for the deregistration. 2011, c. 5, s. 186.

#### **Voluntary deregistration**

**187** (1) A registered party may apply to the Chief Electoral Officer to be deregistered in accordance with this Section.

(2) An application for deregistration by a registered party pursuant to subsection (1) must be

(a) in writing and delivered to the Chief Electoral Officer;  
and

(b) signed by two principal officers and the leader of the registered party.

(3) Subject to subsections (4) and (5), on being satisfied that an application for deregistration is authorized by the registered party for which it is made, the Chief Electoral Officer shall deregister the registered party.

(4) Where a registered party applying to be deregistered has endorsed a candidate in an election in progress, the Chief Electoral Officer shall not deregister the registered party until the day after election day.

(5) Where a candidate endorsed by the registered party applying for deregistration under subsection (4) is elected, the Chief Electoral Officer shall reject the application for deregistration and advise in writing two principal officers of the registered party of the rejection and the reason for the rejection. 2011, c. 5, s. 187.

#### **Effect of and procedure following deregistration**

**188 (1)** Where a registered party is deregistered, all electoral district associations of the registered party are deregistered as of the effective date of the registered party's deregistration.

(2) Where a registered party is deregistered, the Chief Electoral Officer shall

- (a) place a notice to that effect in the Royal Gazette;
- (b) place a notice to that effect on the Elections Nova Scotia website; and
- (c) record the effective date of the deregistration in the register.

(3) Where a registered party is deregistered, the official agent of the deregistered party shall immediately return to the Chief Electoral Officer all tax receipts that were provided to the official agent under Section 252. 2011, c. 5, s. 188.

#### **Public funding repayment**

**189 (1)** The Chief Electoral Officer shall calculate the amount of any public funding advanced to a registered party pursuant to Section 191 that relates to a period subsequent to the effective date of the deregistration.

(2) The Chief Electoral Officer shall advise the official agent and two principal officers of the deregistered party, in writing, of the amount calculated under subsection (1).

(3) Upon receiving notification under subsection (2), the deregistered party shall immediately pay that amount to the Chief Electoral Officer who shall transmit it to the Minister of Finance and Treasury Board for deposit to the General Revenue Fund. 2011, c. 5, s. 189; O.I.C. 2013-348.

#### **Report respecting tax receipts**

**190** The official agent of a deregistered party shall file with the Chief Electoral Officer within sixty days of the effective date of deregistration, a report respecting tax receipts in accordance with Section 225 for the period commencing

January 1st of the year in which the party was deregistered and ending on the effective date of deregistration. 2011, c. 5, s. 190.

#### PAYMENTS TO REGISTERED PARTIES

##### Calculation and payment

**191 (1)** Each fiscal year the Chief Electoral Officer shall cause to be paid out of the General Revenue Fund to each registered party one dollar and fifty three cents for each vote received by candidates endorsed by that registered party in the most recent general election.

**(2)** Any reduction in the amount to which a registered party is entitled, as a result of a general election, is effective at the beginning of the next fiscal year.

**(3)** Any increase in the amount to which a registered party is entitled, as a result of a general election, is effective upon the candidates being declared elected and, for greater certainty, the increase is to be prorated for the remainder of the fiscal year.

**(4)** The Chief Electoral Officer shall cause the amounts determined pursuant to subsection (1) to be paid in two equal instalments in April and October.

**(5)** The amount set out in subsection (1) must be increased at the beginning of each year by the percentage increase in the previous year in the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base. 2011, c. 5, s. 191.

#### HELD ASSETS

##### Restrictions on use, reporting and divestiture

**192 (1)** Held assets must not be expended at any time for or to support any political purpose of a registered party, electoral district association, candidate or registered third party.

**(2)** A registered party's held assets must be kept apart from other funds or assets of the registered party.

**(3)** The chief financial officer for a registered party shall file a report with the Chief Electoral Officer, in the prescribed form respecting the registered party's held assets, that includes

(a) all information regarding all deposits into a held assets account, including

- (i) the date of the deposit,
- (ii) the amount of the deposit, and



- (iii) the source of the deposit;
- (b) all information regarding all disbursements or withdrawals from a held assets account, including
  - (i) the date of the disbursement or withdrawal,
  - (ii) the amount of the disbursement or withdrawal,
  - (iii) the purpose of the disbursement or withdrawal,and
  - (iv) the person or account who received the disbursement or withdrawal; and
- (c) a full description of any and all non-monetary held assets including, but not limited to, real estate or moveable property.

(4) The report filed pursuant to subsection (3) shall include a statement signed by the chief financial officer confirming that the registered party's held assets were not expended or used at any time for or to support any political purpose of a registered party, electoral district association, candidate or registered third party.

(5) A registered party shall divest itself of all its held assets on or before March 31st, 2012.

(6) Where a registered party has not divested itself as required by subsection (5), any held assets become the property of Her Majesty in right of the Province. 2011, c. 5, s. 192; 2011, c. 60, s. 2.

#### **Information to be published**

193 The Chief Electoral Officer shall publish on the Elections Nova Scotia website the information provided under Section 192 at the same time as the Chief Electoral Officer publishes disclosure statements. 2011, c. 5, s. 193.

### REGISTRATION OF AN ELECTORAL DISTRICT ASSOCIATION

#### **Application for registration**

194 (1) An application for registration as an electoral district association must be submitted by the official agent of a registered party within thirty days after the meeting to form the electoral district association, in the prescribed form, and include

- (a) the full name of the electoral district association;
- (b) the name of the registered party for which the electoral district association is the local organization;
- (c) the name, residential address and telephone number of two principal officers of the electoral district association;

(d) the name, residential address and telephone number of the electoral district association's official agent;

(e) the address where the books, records and accounts, including those pertaining to contributions and to expenditures by the electoral district association, are maintained;

(f) the financial institution and account number of all accounts held by the electoral district association and the identification of accounts into which all money is to be deposited;

(g) where the electoral district association has appointed an auditor, the name, address and telephone number of the auditor;

(h) a statement signed by the leader of the registered party confirming that the registered party endorses the electoral district association as the local organization of the registered party;

(i) a statement of the assets and liabilities of the electoral district association as of the date not earlier than sixty days before the application is submitted to the Chief Electoral Officer; and

(j) any other information of an administrative nature required by the Chief Electoral Officer.

(2) Where the Chief Electoral Officer requires further information to clarify or verify any information contained in the application for registration or the financial statement, the electoral district association shall file such further information with the Chief Electoral Officer.

(3) A registered party may not have more than one registered electoral district association for an electoral district.

(4) Where an application under this Section is made in conjunction with an application for the registration of a political party, an electoral district association endorsed by the leader of the political party may not be registered until after the political party is registered. 2011, c. 5, s. 194; 2015, c. 17, s. 81.

#### **Duties of Chief Electoral Officer**

**195 (1)** On receipt of the application pursuant to Section 194, the Chief Electoral Officer shall

(a) examine the application and determine whether the electoral district association meets the requirements for registration in Section 194; and

(b) inform two principal officers of the electoral district association and the leader of the registered party that endorsed the electoral district association, in writing,

(i) where the electoral district association does not fully comply with Section 194, how the application does not comply, and

(ii) where the Chief Electoral Officer requires additional information, the additional information required.

(2) Where the electoral district association's application complies with Section 194, the Chief Electoral Officer shall register the electoral district association and inform two principal officers of the electoral district association and the leader of the registered party that endorsed the electoral district association, and confirm the date of registration.

(3) An electoral district association whose application does not meet the requirements for registration may amend its application but, where the requirements are not met within sixty days of its receipt of notice under subsection (1), its application ceases to be effective.

(4) The examination required under subsection (1) must be completed

(a) within thirty days after the application is received unless subclause (1)(b)(i) or (ii) or clause (b) or (c) applies;

(b) where a writ of election is issued after the application is received but before the examination is completed, within sixty days after election day; or

(c) where the application is received during an election, within sixty days after election day but not on or before election day. 2011, c. 5, s. 195.

#### **Information to be updated**

**196 (1)** An electoral district association shall update with the Chief Electoral Officer, in the prescribed form information required by subsection 194(1) within ten days of any change in the information.

(2) An electoral district association shall confirm or update with the Chief Electoral Officer, in the prescribed form, by March 31st of each year the information required by subsection 194(1), except clause 194(1)(h). 2011, c. 5, s. 196; 2015, c. 17, s. 82.

#### **Electoral district association registered under former Act**

**197** Every electoral district association that was registered under the former Act, at the time the former Act was repealed, is deemed to an electoral district association under this Act. 2011, c. 5, s. 197.

### SUSPENSION AND DEREGISTRATION OF AN ELECTORAL DISTRICT ASSOCIATION

#### **Suspension**

**198 (1)** The Chief Electoral Officer shall suspend an electoral district association if the electoral district association fails to

- (a) file an annual report by March 31st of each year, confirming the information in subsection 194(1); or
- (b) file an annual financial report pursuant to Section 227.

(2) The suspension begins on the day following the date on which the electoral district association failed to meet any of the requirements in subsection (1) and remains in effect until the earlier of

- (a) the date on which the electoral district association files the report under subsection (1); and
- (b) thirty days following the date on which the suspension commenced.

(3) Where an electoral district association is suspended, the Chief Electoral Officer shall immediately notify, in writing, the official agent of the electoral district association, two principal officers of the electoral district association and the leader of the registered party that endorsed the electoral district association of the effective date of the suspension and the reason for the suspension.

(4) During the period in which an electoral district association is suspended, the electoral district association remains registered but shall not

- (a) accept a contribution; or
- (b) make or receive a transfer.

(5) Where an electoral district association complies with subsection (1) within thirty days of being suspended by filing the reports required by subsection 198(1), the Chief Electoral Officer shall immediately revoke the suspension and notify, in writing, the official agent and two principal officers and the leader of the registered party that endorsed the electoral district association, of the revocation of the suspension and the effective date.

(6) The suspension of an electoral district association continues until it is revoked by the Chief Electoral Officer or the electoral district association is deregistered. 2011, c. 5, s. 198.

#### **Deregistration for contravention**

**199 (1)** The Chief Electoral Officer shall deregister an electoral district association if the electoral district association has failed to file one or the other, or both, of the reports required by subsection 198(1) within thirty days of the effective date of the suspension.

(2) At least thirty days before deregistering the electoral district association pursuant to subsection (1), the Chief Electoral Officer shall deliver a written notice to two principal officers of the electoral district association and the leader of the registered party that endorsed the electoral district association and shall give the two principal officers of the electoral district association and the

leader of the registered party that endorsed the electoral district association an opportunity to be heard.

(3) Notwithstanding subsection (1), the Chief Electoral Officer may decide not to deregister the electoral district association if the Chief Electoral Officer is satisfied that the electoral district association has rectified the contravention, or will rectify it within ten days of the hearing.

(4) Where the electoral district association has not rectified the contravention within ten days of the hearing, the Chief Electoral Officer shall deregister the electoral district association. 2011, c. 5, s. 199.

#### **Voluntary deregistration**

**200 (1)** The Chief Electoral Officer shall deregister an electoral district association if the electoral district association applies for deregistration in accordance with this Section.

(2) An application for deregistration by an electoral district association must be

- (a) made to the Chief Electoral Officer in writing;
- (b) signed by two principal officers of the electoral district association; and
- (c) signed by the leader of the registered party that endorsed the electoral district association.

(3) Upon receipt of the application for deregistration under subsection (2), the Chief Electoral Officer shall deregister the electoral district association. 2011, c. 5, s. 200.

#### **Effect of registered party deregistration**

**201** Where a registered party is deregistered, the Chief Electoral Officer shall deregister all of its electoral district associations, effective as of the date on which the registered party is deregistered. 2011, c. 5, s. 201.

#### **Public notice**

**202** Where an electoral district association is deregistered, the Chief Electoral Officer shall

- (a) place a notice to that effect in the Royal Gazette;
  - (b) post a notice to that effect on the Elections Nova Scotia website; and
  - (c) record the effective date of the deregistration in the register.
- 2011, c. 5, s. 202.

## CANDIDATE REGISTRATION

**Registration as registered candidate**

**203 (1)** The Chief Electoral Officer shall register an individual as a registered candidate under this Act if the Chief Electoral Officer

(a) receives an application from the individual in the prescribed form before the close of nominations; and

(b) is satisfied that the individual is a prospective candidate.

**(2)** An individual shall apply to be registered under this Section at the earliest of

(a) the date on which the official agent of the individual accepts a contribution;

(b) the date on which the official agent of the individual accepts a transfer from a registered party or an electoral district association; and

(c) the date on which the official agent of the individual incurs an expense in anticipation of an election.

**(3)** Where an individual receives a certificate accepting the individual's nomination as a candidate pursuant to Section 67, the individual is deemed to have been registered as a registered candidate under this Section.

**(4)** The Chief Electoral Officer may receive an individual's application for registration for an election in an electoral district before a writ of election is issued for the electoral district, in which case the application is an application for registration as a registered candidate in the next election in the electoral district.

**(5)** An application for registration under subsection (1) must be delivered to the Chief Electoral Officer in the prescribed form and must include

(a) the name, residential address and telephone number of the official agent; and

(b) the name, address and telephone number of the prospective candidate's auditor where the prospective candidate has appointed an auditor prior to the application.

(c) *repealed 2015, c. 17, s. 83.*

**(6)** The Chief Electoral Officer shall confirm the registration of a registered candidate, in the prescribed form, and state the effective date of the registration.

**(7)** A registered candidate shall not represent himself or herself to be endorsed by a registered party unless the registered candidate provides to the

Chief Electoral Officer a statement, signed by the leader of the registered party, that the registered candidate is an endorsed candidate of the registered party.

(8) A registered candidate shall not represent himself or herself to be endorsed by a registered party if the registered party has withdrawn its endorsement of the registered candidate and has notified the registered candidate of the withdrawal of its endorsement. 2011, c. 5, s. 203; 2013, c. 17, s. 3; 2015, c. 17, s. 83.

#### **No contributions or expenses until registered**

204 A prospective candidate shall not accept a contribution or transfer, or incur an expense in consequence of an election until such time as the candidate receives confirmation of registration pursuant to subsection 203(6) or is deemed to be registered pursuant to subsection 203(3). 2011, c. 5, s. 204.

#### **Notice of change in particulars**

205 Where there is any change in the particulars provided in the application for registration pursuant to subsection 203(5), including withdrawal of the registration, or in the registered candidate's status as an endorsed candidate of a registered party, the registered candidate shall notify the Chief Electoral Officer in writing of the change in particulars within five days of the change and, upon receipt of any such notice, the Chief Electoral Officer shall vary the register accordingly. 2011, c. 5, s. 205; 2013, c. 17, s. 4.

#### **Termination of registration**

206 (1) Where a registered candidate withdraws from the election for which he or she is a registered candidate, the registration of the registered candidate terminates on the date the notice of withdrawal is delivered to the Chief Electoral Officer.

(2) Where a registered candidate is not nominated as a candidate pursuant to Section 67, the registration of the registered candidate terminates at the close of nominations.

(3) Where the registration of a registered candidate terminates under subsection (1) or (2), the individual is prohibited from accepting contributions under this Act as of the time of termination.

(4) The termination of a registered candidate's registration under this Section does not impede or impair the ability of that individual or the official agent of that individual from winding down the registered candidate's campaign or fulfilling the registered candidate's or official agent's obligations under this Act. 2011, c. 5, s. 206.

#### **Effect of return of writ**

207 (1) Where a prospective candidate receives a certificate accepting the prospective candidate's nomination pursuant to subsection 67(2), the individ-

ual's status as a registered candidate terminates upon the return of the writ in that election in the candidate's electoral district.

(2) The termination of a candidate's registration under this Section does not impede or impair the ability of that individual or the official agent of that individual from winding down the candidate's campaign or fulfilling their obligations under this Act. 2011, c. 5, s. 207.

#### **Prospective candidate must re-register following an election**

208 Where an individual is a prospective candidate following an election in which the individual had been a candidate, the individual must become a registered candidate in accordance with Section 203 before undertaking any of the actions listed in clauses 203(2)(a), (b) and (c). 2011, c. 5, s. 208.

### FINANCIAL INSTITUTIONS

#### **Must be located in Province**

209 A financial institution into which all money is deposited on behalf of a registered party, electoral district association or candidate must be located in the Province. 2011, c. 5, s. 209.

#### **Registered party's accounts**

210 All money accepted on behalf of a registered party must be deposited into one or more accounts established at the financial institution identified to the Chief Electoral Officer under clause 180(2)(i). 2011, c. 5, s. 210.

#### **Electoral district association's account**

211 All money accepted on behalf of an electoral district association must be deposited into the account established at the financial institution identified to the Chief Electoral Officer under clause 194(1)(f). 2011, c. 5, s. 211.

#### **Candidate's account**

212 (1) All money accepted on behalf of a candidate must be deposited into the account established at the financial institution.

(1A) A separate account is not required under subsection (1) if a candidate's financial activity is less than five hundred dollars.

(2) An account established at a financial institution to receive money on behalf of a candidate must be closed no later than the time by which the candidate is required to dispose of excess contributions under Section 268. 2011, c. 5, s. 212; 2020, c. 8, s. 50.



## TRANSFERS

**Not contributions**

**213** Except as otherwise provided in this Part, a registered party and any of its electoral district associations and candidates may transfer services, money or property between one another and the transferred services, money or property are not considered to be contributions but must be recorded by the official agent of the registered party, electoral district association and candidate. 2011, c. 5, s. 213.

**Prohibited transfers**

**214 (1)** A fund or trust established for the benefit of a registered party may not transfer money or property to an electoral district association or candidate.

**(2)** An electoral district association may not transfer services, money or property to another electoral district association or a candidate other than the candidate in the electoral district.

**(3)** A candidate may not transfer services, money or property to another candidate or an electoral district association other than the electoral district association in the electoral district in which he or she is a candidate.

**(4)** Subject to subsection (4A), an electoral district association may not transfer services or property to a registered party or a candidate if the services or property would qualify as election expenses under this Act if purchased directly by the registered party or a candidate.

**(4A)** An electoral district association may transfer to a candidate literature, objects or materials of an advertising nature for use during an election for the purpose of promoting or opposing, directly or indirectly, the election of a candidate or the program or policy of a registered party or candidate.

**(4B)** Where a transfer is made under subsection (4A), the electoral district association shall issue an invoice to the candidate's campaign for the value of the advertising material transferred and the candidate's campaign shall pay the invoice.

**(5)** Those entities from whom a registered party, electoral district association or candidate shall not accept, as a transfer, services, money or property include

- (a) a federal political party;
- (b) a federal electoral district association;
- (c) a federal candidate;
- (d) a political party in another province of Canada;
- (e) an electoral district association in another province of Canada; and

(f) a candidate in another province of Canada. 2011, c. 5, s. 214; 2013, c. 17, s. 5; 2020, c. 8, s. 51.

#### **Deemed election expense**

**214A** The cost of literature, objects or materials of an advertising nature transferred to a candidate by an electoral district association pursuant to subsection 214(4A) is deemed to be an election expense incurred by the candidate. 2013, c. 17, s. 6.

### LOANS

#### **When loan becomes a contribution**

**215 (1)** A loan to a registered party, electoral district association, candidate or registered third party is not a contribution except as provided in this Section.

**(2)** Where a loan is made to a registered party, electoral district association, candidate or registered third party at a rate of interest less than the bank prime rate, if the difference between the interest payable at the bank prime rate at the time the loan was made and the interest paid is more than fifty dollars, then that amount is a contribution.

**(3)** The Chief Electoral Officer shall publish the bank prime rate on the Elections Nova Scotia website and update the bank prime rate whenever it changes.

**(4)** Where a payment on a loan to a registered party, electoral district association, candidate or registered third party is made by a person other than the registered party, electoral district association, candidate or registered third party, the payment is a contribution and attributed to the person who made the payment.

**(5)** Where a payment on a loan to a registered party, electoral district association, candidate or registered third party is wholly or partly unpaid six months after becoming due, the outstanding amount of the payment is a contribution attributed to the person who made the loan but nothing in this subsection affects the rights of the lender to recover the payment.

**(6)** Subsection (5) does not apply to a loan by a financial institution.

**(7)** Where a payment on a loan becomes a contribution under subsection (4) or (5), the contribution is deemed to have been made as of the date of the original loan agreement and for the purpose of subsections 236(3) and (3A) is deemed to be a contribution on the date the loan was made.

**(8)** An individual may guarantee a loan up to a maximum contribution of five thousand dollars less any contributions by that individual in that calendar year to a registered party, its electoral district associations or candidates.

(9) No organization may guarantee a loan. 2011, c. 5, s. 215; 2013, c. 17, s. 7; 2015, c. 17, s. 84.

### Restrictions

**216 (1)** A candidate or registered third party shall not lend campaign funds or money received as a contribution to any person.

(2) An electoral district association may only lend money to its registered party or its nominated candidate.

(3) No individual shall lend money to a registered party, electoral district association, candidate or registered third party

(a) that exceeds the maximum allowable contribution to a single party in a calendar year; or

(b) for a term of more than two years, including any renewal or refinancing.

(4) Without restriction on the term or amount of a loan,

(a) a financial institution or a registered party may make a loan to any registered party, electoral district association, candidate or registered third party; and

(b) an electoral district association may make a loan to its registered party or its candidate.

(5) For greater certainty, nothing in this Act restricts the ability of an individual, financial institution, registered party, electoral district association, candidate or registered third party from acting as a guarantor of a loan. 2011, c. 5, s. 216; 2020, c. 8, s. 52.

### No tax receipt

**217** A tax receipt may not be issued for a contribution that arises from a loan pursuant to subsection 215(2) or a loan that becomes a contribution pursuant to subsection 215(4) or (5). 2011, c. 5, s. 217.

### Reporting

**218 (1)** A registered party, electoral district association, candidate or registered third party, the official agent of a registered party, electoral district association or candidate or the financial agent of a registered third party shall not accept a loan unless there is a loan agreement in writing setting out

(a) the amount of the loan;

(b) the term of the loan;

(c) the name and address of the lender;

(d) the name and address of any guarantor; and

(e) the details of any assignment of reimbursement made, and the loan agreement must be included with the disclosure statement filed pursuant to Section 240.

(2) The official agent of a registered party, electoral district association or candidate or financial agent of the registered third party, to whom a loan was made, shall file a report with the Chief Electoral Officer, in the prescribed form, within sixty days of the loan being repaid in full and identify the source of funds used to repay the loan.

(3) Where a loan has a balance outstanding at the end of the calendar year in which the loan was made, the official agent of the registered party, electoral district association or candidate or financial agent of the registered third party that borrowed the funds must file a report with the Chief Electoral Officer, in the prescribed form, stating the outstanding balance and describing any changes to the loan agreement.

(4) Where a loan has a balance outstanding at the end of a calendar year subsequent to the year in which the loan was made, the official agent of the registered party, electoral district association or candidate or financial agent of the registered third party that borrowed the funds must file a report with the Chief Electoral Officer, in the prescribed form, stating the outstanding balance and describing any changes to the loan agreement.

(5) The reports required under subsections (3) and (4) giving details of the balance and any changes to the loan agreement must be filed by the official agent on or before

(a) March 31st of the year following the year for which the loan is being reported if an electoral district association, candidate or registered third party borrowed the funds; or

(b) April 30th of the year following the year for which the loan is being reported if a registered party borrowed the funds.

(6) The Chief Electoral Officer shall publish the details of all loan balances outstanding at the same time the Chief Electoral Officer is required to publish disclosure statements under this Act. 2011, c. 5, s. 218.

#### **Outstanding amount of a payment**

**219 (1)** No person may be charged with an offence by reason of the outstanding amount of a payment on a loan being a contribution pursuant to subsection 215(5) or the payment of the outstanding amount by a guarantor unless the person had no *bona fide* intent to repay the loan.

(2) Where the outstanding amount of a payment on a loan to a registered party that is a contribution pursuant to subsection 215(5) or the payment of the outstanding amount by a guarantor of a registered party exceeds the contributions permitted by this Act, the amount of the excess contribution must be deducted

from the payments made to the registered party pursuant to Section 191. 2011, c. 5, s. 219.

## FINANCIAL STATEMENTS AND REPORTS

### Prescribed form

**220** The statements and reports required to be filed with the Chief Electoral Officer under this Act must be in the prescribed form and contain the information or particulars required to be disclosed under this Act. 2011, c. 5, s. 220.

### Further information

**221 (1)** When information about the financial affairs of a registered party, electoral district association, candidate or registered third party is reasonably required to clarify or verify the information contained in a statement or report or other information filed under this Act, the Chief Electoral Officer may request such information in writing.

**(2)** Within thirty days after receiving a request pursuant to subsection (1) or within any extended period the Chief Electoral Officer may allow, the official agent of a registered party, electoral district association or candidate or financial agent of a registered third party shall provide the information. 2011, c. 5, s. 221.

## REGISTERED PARTY REPORTING

### Audited financial statements

**222 (1)** Within one hundred and twenty days after the end of each fiscal year of a registered party, the registered party shall publish its audited financial statement as of the end of the fiscal year.

**(2)** For the purpose of subsection (1), a registered party's audited financial statements are published when

- (a)** they are produced and made readily available to the public free of charge;
- (b)** they are distributed using the registered party's website; and
- (c)** an original is provided to the Chief Electoral Officer.

**(3)** The Chief Electoral Officer shall publish the audited financial statements provided under clause (2)(c) by posting the audited financial statements on the Elections Nova Scotia website.

**(4)** The Chief Electoral Officer shall accept a registered party's audited financial statements if the Chief Electoral Officer is satisfied that the audited financial statements meet the requirements of the Act.

(5) The Chief Electoral Officer shall return any audited financial statements that are not accepted to the registered party and give details of why the audited financial statements do not meet the requirements of the Act.

(6) A registered party whose audited financial statements are rejected shall provide any new or further material or information required by the Chief Electoral Officer to bring the audited financial statements within the requirements of the Act. 2011, c. 5, s. 222.

### **Election expenses report**

**223 (1)** Within one hundred and twenty days after the day fixed for return of the writ of election for a by-election or the writs of election for a general election, the official agent of a registered party shall file with the Chief Electoral Officer a report of election expenses in the prescribed form accompanied by the invoices, receipts and other vouchers or certified copies of them and a list of those documents and an affidavit of the official agent verifying the report and stating that no payment not permitted by the Act was made with the official agent's knowledge and consent and that, to the best of the agent's knowledge and belief, every expense incurred is entered in the report.

(2) Where election expenses of the registered party exceed five hundred dollars, the report in subsection (1) must be accompanied by an auditor's report prepared in accordance with Section 178 respecting election expenses incurred by or on behalf of the registered party.

(3) Within ten days after receiving each report of election expenses, the Chief Electoral Officer shall publish a summary of election expenses reported in the prescribed form and in such manner as the Chief Electoral Officer determines, including on the Elections Nova Scotia website.

(4) The Chief Electoral Officer shall preserve the report, invoices, receipts and other vouchers for a period of six months and during that period shall permit any elector, during ordinary office hours, to inspect and make copies or extracts therefrom upon payment of the actual cost of providing copies of the requested report, invoices, receipts or other vouchers. 2011, c. 5, s. 223; 2020, c. 8, s. 53.

### **Annual financial report**

**224 (1)** A registered party shall file in the prescribed form, an annual financial report including

- (a) a balance sheet;
- (b) a statement of income and expense;
- (c) a disclosure statement pursuant to Section 240;
- (ca) a statement of interest accrued on amounts deposited pursuant to subsection 237A(2);

- (d) a statement of transfers pursuant to Sections 213 and 214;
- (e) a statement of fundraising events;
- (f) a statement of loans pursuant to Section 215; and
- (g) a statement of held assets pursuant to Section 192.

(2) The report referred to in subsection (1) must be delivered to the Chief Electoral Officer on or before April 30th of the year immediately after the calendar year to which the report refers.

(3) The disclosure statement referred to in clause (1)(c) must be accompanied by an auditor's report prepared in accordance with Section 178. 2011, c. 5, s. 224; 2013, c. 17, s. 8.

#### **Tax receipts report**

**225 (1)** A registered party shall on or before April 30th of the year immediately after the calendar year to which the report refers, file with the Chief Electoral Officer in the prescribed form a report respecting tax receipts including

- (a) a reconciliation of tax receipts issued to the registered party by the Chief Electoral Officer pursuant to Section 252; and
- (b) duplicates of all tax receipts issued pursuant to subsection 253(1).

(2) The report in subsection (1) must be accompanied by an auditor's report prepared in accordance with Section 178 respecting

- (a) the total contributions received by the registered party for which the official agent has issued a tax receipt; and
- (b) the total contributions received by an electoral district association on whose behalf the official agent of the registered party has issued a tax receipt. 2011, c. 5, s. 225.

#### **Annual update of registration information**

**226** A registered party shall confirm or update its registration annually, in the prescribed form, with the Chief Electoral Officer on or before April 30th pursuant to subsection 182(2). 2011, c. 5, s. 226.

### **ELECTORAL DISTRICT ASSOCIATION REPORTING**

#### **Annual financial report**

**227 (1)** An electoral district association shall file with the Chief Electoral Officer in the prescribed form, an annual financial report including

- (a) a balance sheet;
- (b) a statement of income and expense;

- (c) a disclosure statement pursuant to Section 240;
- (ca) a statement of interest accrued on amounts deposited pursuant to subsection 237A(2);
- (d) a statement of transfers pursuant to Sections 213 and 214;
- (e) a statement of fundraising events; and
- (f) a statement of loans pursuant to Section 215.

**(1A)** The report referred to in subsection (1) must be accompanied by copies of all receipts issued for the contributions received together with such invoices and other vouchers, or certified copies thereof, evidencing the expenditures of the electoral district association as the Chief Electoral Officer may require of that electoral district association from time to time.

**(2)** The report referred to in subsection (1) must be filed with the Chief Electoral Officer on or before March 31st of the year immediately after the calendar year to which the report refers.

**(3)** A copy of a bank statement referred to as at December 31st for each account identified in the electoral district association's registration under Section 194 must be included with the annual financial report referred to in subsection (1).

**(4)** The disclosure statement referred to in clause (1)(c) must be accompanied by an auditor's report prepared in accordance with Section 178 if the total contributions reported exceed ten thousand dollars.

**(5)** Where an electoral district association has total contributions and other income, excluding transfers, of more than twenty thousand dollars in any calendar year, the annual financial report of an electoral district association must be accompanied by a review engagement report prepared by an independent public accountant. 2011, c. 5, s. 227; 2013, c. 17, s. 9; 2015, c. 17, s. 85.

#### **Annual update of registration information**

**228** An electoral district association must confirm or update its registration annually, in the prescribed form, with the Chief Electoral Officer on or before March 31st pursuant to subsection 196(2). 2011, c. 5, s. 228.

### CANDIDATE REPORTING

#### **Election expenses report**

**229 (1)** Within eighty days after the day fixed for return of writ of election for a by-election or the writs of election for a general election, the official agent of a candidate shall electronically file with the Chief Electoral Officer a report of all expenses incurred or accrued during the campaign from the date of registra-



tion until the report is filed, in the prescribed form and signed and acknowledged by the candidate, together with

- (a) all invoices, bank statements, receipts and other vouchers, or certified copies of them;
- (aa) a balance sheet;
- (ab) a statement of income and expense;
- (ac) a statement of any transfers made under Sections 213 and 214;
- (ad) a statement of loans, including any deemed contributions or guarantees made under Section 215;
- (ae) a statement of fundraising events held by or for the benefit of the candidate;
- (af) a disclosure statement including all matters that would be required in a disclosure statement made under Section 240;
- (b) a list of those documents; and
- (c) an affidavit sworn by the official agent that verifies the report and states that no payment not permitted by this Act was made with the official agent's knowledge and consent and that, to the best of the official agent's knowledge and belief, every expense incurred is entered in the report.

**(1A)** Where the official agent provides the Chief Electoral Officer with a written request within eighty days after the day fixed for return of the writ, the Chief Electoral Officer may permit a non-electronic submission of the report.

**(2)** Notwithstanding subsection (1), the Chief Electoral Officer may approve an extension of the period for filing pursuant to subsection (1) for up to thirty days upon written application by the official agent of the candidate.

**(3)** Where election expenses exceed five hundred dollars, the report in subsection (1) must be accompanied by an auditor's report prepared in accordance with Section 178 respecting election expenses incurred by or on behalf of the candidate.

**(4)** Within ten days after receiving each report of election expenses, the Chief Electoral Officer shall publish a summary of election expenses reported in the prescribed form and in such manner as the Chief Electoral Officer determines, including on the Elections Nova Scotia website.

**(5)** The Chief Electoral Officer shall preserve the report, bank statements, invoices, receipts and other vouchers for a period of twelve months after election day and during that period shall permit any elector, during ordinary office hours to inspect and make copies or extracts therefrom upon payment of the actual cost of providing copies of the requested report, bank statements, invoices, receipts or other vouchers. 2011, c. 5, s. 229; 2015, c. 17, s. 86; 2020, c. 8, s. 54.

**Annual financial report**

**230 (1)** A candidate shall file in the prescribed form, an annual financial report including

- (a) a balance sheet;
- (b) a statement of income and expense;
- (c) a disclosure statement pursuant to Section 240;
- (d) a statement of transfers pursuant to Sections 213 and 214;
- (e) a statement of fundraising events; and
- (f) a statement of loans pursuant to Section 215.

**(2)** The annual financial report in subsection (1) must be filed for each period that begins when the individual became a registered candidate and ends with the earliest of

- (a) the date on which the individual ceases to be a candidate, before an election is held, in which case it must be delivered to the Chief Electoral Officer no later than eighty days after the date the individual ceases to be a candidate;
- (b) an election or by-election in the candidate's electoral district, in which case it must be delivered to the Chief Electoral Officer within eighty days after the day fixed for return of the writ of election; and
- (c) the end of the calendar year if no election for which the individual became a registered candidate is held, in which case it must be delivered to the Chief Electoral Officer no later than March 31st of the year immediately after the calendar year to which the report refers.

**(3)** The disclosure statement referred to in clause (1)(c) must be accompanied by an auditor's report prepared in accordance with Section 178 if

- (a) the statement is submitted on behalf of an individual who was a registered candidate, and the total contributions are more than five thousand dollars for the reporting period; or
- (b) the statement is submitted on behalf of an individual who was a candidate pursuant to subsection 67(2). 2011, c. 5, s. 230.

**Tax receipts report**

**231 (1)** The official agent of each candidate shall, within eighty days after the day fixed for the return of the writ of election, file with the Chief Electoral Officer a report in the prescribed form respecting tax receipts issued by the official agent.

(2) The report referred to in subsection (1) must be accompanied by an auditor's report prepared in accordance with Section 178. 2011, c. 5, s. 231.

#### **Disposal of excess contributions report**

**232 (1)** The official agent of each candidate shall file with the Chief Electoral Officer a report in the prescribed form respecting the disposal of excess contributions pursuant to Section 268.

(2) The report referred to in subsection (1) must be delivered to the Chief Electoral Officer

(a) within one month after the candidate receives the candidate's reimbursement of election expenses; or

(b) where the candidate is not entitled to reimbursement, within two months after the official agent files a report of election expenses. 2011, c. 5, s. 232.

### QUALITY OF REPORTING

#### **Must meet requirements of Act and regulations**

**233 (1)** The Chief Electoral Officer shall accept any statement or report filed under this Act if the Chief Electoral Officer is satisfied that the information contained in the statement or report meets the requirements of this Act and the regulations.

(2) The Chief Electoral Officer shall return any statement or report that is not accepted to the registered party, electoral district association, candidate or registered third party who filed the statement or report, and give notice of how the information contained in the statement or report does not meet the requirements of this Act and the regulations.

(3) A registered party, electoral district association, candidate or registered third party whose statement or report is not accepted by the Chief Electoral Officer shall file any new or further material or information required by the Chief Electoral Officer to bring the content of the statement or report within the requirements of this Act and the regulations. 2011, c. 5, s. 233.

### CONTRIBUTIONS

#### **Only as permitted by Act**

**234 (1)** Except as permitted by this Act, no person shall make a contribution to

(a) a registered party, electoral district association, candidate or registered third party;

(b) an official agent or trust for a registered party, electoral district association or candidate; or

(c) a financial agent for a registered third party.

(2) Except as permitted by this Act, no

(a) registered party, electoral district association, candidate or registered third party;

(b) official agent or trust for a registered party, electoral district association or candidate; or

(c) financial agent for a registered third party,

shall accept a contribution. 2011, c. 5, s. 234.

### **Record required**

**235 (1)** The official agent or financial agent shall record the full name and residential address, other than a post office box unless that is the only address available, of each contributor together with the amount of the contribution and the date on which the contribution was received.

(2) The information recorded by an official agent or financial agent under subsection (1) must be recorded in a single ledger.

(3) The ledger used to record information under subsection (1) may be in the form of an electronic record.

(4) Contributions recorded by an official agent must be recorded on a cumulative basis for the purpose of the contribution limits in subsections 236(3) and (3A) and the disclosure requirement in Section 240. 2011, c. 5, s. 235; 2013, c. 17, s. 10.

### **By individuals**

**236 (1)** An individual resident in the Province may make a contribution to one or more registered parties, electoral district associations, candidates or registered third parties.

(2) Where an individual was resident in the Province and is temporarily residing outside the Province while

(a) serving as a member of the Canadian Forces;

(b) engaged in the service of the Government of Canada or the Government of the Province;

(c) attending an educational institution;

(d) engaged as an employee of an international organization of which Canada is a member,

the individual and members of the individual's immediate family who have temporarily left the Province with the individual are deemed to be resident in the Province for the purpose of making a contribution.

(3) Subject to subsection 237A(1), the total contributions by an individual to each registered party and all electoral district associations and candidates of that registered party must not exceed five thousand dollars in any calendar year.

(3A) Subject to subsection 237A(1), the total contributions by an individual to each independent candidate must not exceed five thousand dollars in any calendar year.

(4) The total contributions by an individual to all registered third parties must not exceed five thousand dollars in any calendar year.

(5) No organization shall make a contribution to a registered party, electoral district association, candidate or registered third party.

(5A) No organization shall purchase tickets to, or otherwise pay any amount to participate in, a fundraising event for a registered party, electoral district association, candidate or registered third party.

(6) For the purpose of this Section, a candidate who expends the candidate's own money for electoral purposes is deemed to have made a contribution to himself or herself as a candidate to the extent of the expenditure.

(7) For greater certainty, where an employee provides services to a registered party, electoral district association, candidate or registered third party and the employee receives remuneration from the employee's employer for providing those services, the employer is deemed to have made a contribution in the amount of that remuneration.

(7A) Notwithstanding subsection (7), the provision by an employer of a paid leave of absence or salary to an employee while the employee is a candidate is not a contribution, provided the candidate has been employed by the employer for at least six months and the amount paid to the employee is not increased in the six months prior to election day beyond the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base.

(8) An organization shall not remunerate an employee for services provided to a registered party, electoral district association, candidate or registered third party.

(9) No individual or organization shall reimburse, directly or indirectly, any other individual, including an employee, for a contribution made by the individual or employee.

(10) No individual or organization shall enter into an agreement for the provision of payment for goods or services to a registered party, electoral district association, candidate or registered third party that includes a term that any individ-

ual will make a contribution, directly or indirectly, to a registered party, electoral district association, candidate or registered third party.

**(11)** An individual may, by testamentary disposition, make contributions to registered parties and electoral district associations in accordance with Section 237A and, for the purpose of those contributions, the individual and the individual's estate are deemed to be a single individual. 2011, c. 5, s. 236; 2013, c. 17, s. 11; 2015, c. 17, s. 87.

### **Making and receiving**

**237 (1)** An individual may make a contribution by

(a) giving it directly to the official agent of a registered party, electoral district association or candidate or financial agent of a registered third party; or

(b) giving it to another individual, appointed in the prescribed form by the official agent of the registered party, electoral district association or candidate or financial agent of a registered third party to collect and receive contributions on behalf of the official agent.

**(2)** Notwithstanding clause (1)(b), the official agent of a candidate shall not appoint a candidate to collect or receive contributions.

**(3)** Where an official agent or financial agent appoints another individual to accept contributions on behalf of the official agent or financial agent, the appointment must be made before the individual collects or receives a contribution.

**(4)** The date on which a contribution is deemed to be received by the official agent of a registered party, electoral district association or candidate or financial agent of a registered third party is the earliest of

(a) the date on which the contribution is made to the official agent or financial agent pursuant to clause (1)(a);

(b) the date on which the contribution is made to an individual appointed to collect or receive a contribution on behalf of the official agent or financial agent pursuant to clause (1)(b); and

(c) the date on which the contribution is mailed, couriered or sent by means other than being made directly to the official agent or financial agent or an individual appointed by the official agent or financial agent for the purpose of accepting contributions.

**(5)** No person or organization other than an individual appointed by the official agent of a registered party, electoral district association or candidate or the financial agent of a registered third party shall collect or receive a contribution on behalf of an official agent.

(6) An individual who makes a contribution by cheque, credit card or similar instrument shall make it payable directly to a registered party, electoral district association, candidate or registered third party.

(7) When collecting or receiving a contribution from a contributor, an individual appointed under clause (1)(b) shall make a transmittal record in duplicate containing the

(a) full name and residential address, other than a post office box unless that is the only address available, of each contributor;

(b) date on which the contribution was collected or received;

(c) amount or value of the contribution; and

(d) name of the individual collecting or receiving it.

(8) The individual collecting or receiving a contribution under subsection (7) shall promptly transmit the original contribution, along with the transmittal record, to the official agent of the registered party, electoral district association or candidate or financial agent of a registered third party to whom the contribution was made.

(9) The individual collecting or receiving a contribution under subsection (7) shall retain the copy of the transmittal record.

(10) Where an official agent of a registered party, electoral district association or candidate or financial agent of a registered third party receives a contribution through an individual appointed under clause (1)(b) that is not accompanied by a transmittal record, the official agent of the registered party, electoral district association or candidate or financial agent of a registered third party, as the case may be, shall, within ten days of receipt from such individual

(a) return the contribution unused to the contributor and advise the Chief Electoral Officer in writing that the contribution has been returned; or

(b) where it is not possible to return the contribution, pay the amount of the contribution to the Chief Electoral Officer who shall forward that amount to the Minister of Finance and Treasury Board for deposit to the General Revenue Fund.

(11) Nothing in this Section prevents a professional fundraiser, event organizer, call centre or other similar entity retained for fundraising purposes by a registered party, electoral district association, candidate or registered third party from doing one or both of the following:

(a) soliciting a contribution on behalf of a registered party, electoral district association, candidate or registered third party;

(b) collecting information from an individual who wishes to make a contribution and forwarding the information to a registered party, electoral district association, candidate or registered third party. 2011, c. 5, s. 237; O.I.C. 2013-348.

#### **Testamentary contributions**

**237A (1)** A contribution made by an individual to a registered party or electoral district association under subsection 236(11) may exceed the amount permitted by subsection 236(3).

(2) Where a contribution made under subsection 236(11) exceeds the amount permitted by subsection 236(3), the registered party or electoral district association to which the contribution is made shall deposit the contribution, less the permitted amount, in a trust account maintained by the registered party or electoral district association at a financial institution.

(3) Money deposited under subsection (2) is held in trust for the registered party or electoral district association that deposited it.

(4) A registered party or electoral district association shall once in each calendar year, commencing the year after a deposit is made under subsection (2), withdraw from the amount deposited, including any interest earned thereon, an amount equal to the lesser of

- (a) five thousand dollars; and
- (b) the amount remaining in the trust account.

(5) A registered party or electoral district association shall not

- (a) except in accordance with subsection (4), withdraw any amount from an amount deposited under subsection (2); or
  - (b) borrow against an amount deposited under subsection (2).
- 2013, c. 17, s. 12.

#### **One official agent or financial agent to record contribution**

**238 (1)** Notwithstanding the requirement of an individual accepting a contribution on behalf of an official agent or financial agent to prepare a transmittal record under subsection 237(7), only one official agent or financial agent is permitted to record a contribution.

(2) A contribution deposited into an account established on behalf of a registered party, electoral district association, candidate or registered third party is deemed to be received by the official agent or financial agent who maintains the account.

(3) The official agent of a registered party, electoral district association or candidate or financial agent of a registered third party shall record the full



name and residential address, other than a post office box unless that is the only address available, of each contributor together with the amount of the contribution.

(4) The official agent who records a contribution under subsection (3) is responsible for filing a disclosure statement pursuant to Section 240. 2011, c. 5, s. 238.

#### **When contributions may be accepted**

**239 (1)** A registered party, electoral district association and registered third party may accept contributions at any time.

(2) An individual may, through the individual's official agent, accept a contribution from the date the individual becomes a registered candidate to the earliest of

- (a) the date on which the individual ceases to be a registered candidate before the close of nominations;
- (b) the date on which the individual ceases to be a candidate up to the close of polls election day; and
- (c) the close of polls on election day. 2011, c. 5, s. 239.

### **DISCLOSURE OF CONTRIBUTIONS**

#### **Disclosure statement**

**240 (1)** On or before April 30th in each year, every official agent of a registered party shall file with the Chief Electoral Officer a disclosure statement in the prescribed form showing the full name and residential address, other than a post office box unless that is the only address available, of each contributor whose contributions received by that official agent during the previous calendar year equal to or exceed two hundred dollars in total and the amount of the total contributions by that contributor.

(2) On or before March 31st in each year, every official agent of an electoral district association shall file with the Chief Electoral Officer a disclosure statement in the prescribed form showing the full name and residential address, other than a post office box unless that is the only address available, of each contributor whose contributions received by that official agent during the previous calendar year exceed two hundred dollars in total and the amount of the total contributions by that contributor.

(3) The official agent of a candidate shall file in the prescribed form a disclosure statement showing the full name and residential address, other than a post office box unless that is the only address available, of each contributor whose contributions received by that official agent exceed two hundred dollars in total and the amount of the total contributions by that contributor on or before

- (a) eighty days after the date fixed for return of the writ where an election is held in the electoral district; or

(b) March 31st of the year following the year being reported where an election was not held in the electoral district in the year being reported. 2011, c. 5, s. 240; 2015, c. 17, s. 88.

**Anonymous contribution**

**241** An official agent or an individual appointed by the official agent to collect or receive contributions pursuant to clause 237(1)(b) shall not accept an anonymous contribution in any amount and, where any anonymous contribution cannot be returned to the contributor, it must be remitted to the Chief Electoral Officer who shall transmit it to the Minister of Finance and Treasury Board for deposit to the General Revenue Fund. 2011, c. 5, s. 241; O.I.C. 2013-348.

**Annual \$100 limit**

**242** An official agent or an individual appointed by the official agent to collect or receive contributions pursuant to clause 237(1)(b) shall not accept from any individual in any calendar year cash contributions totalling more than one hundred dollars. 2011, c. 5, s. 242.

**Beneficial owner only**

**243 (1)** No individual shall contribute to any registered party, electoral district association or candidate funds not beneficially belonging to the individual or funds that have been given or provided to that individual by another individual or organization for the purpose of contributing those funds unless the individual contributing the funds is the spouse of the person to whom the funds beneficially belong.

**(2)** No individual shall accept from any other individual or organization funds that are given or provided to the individual to reimburse a contribution made to any registered party, electoral district association or candidate by that individual. 2011, c. 5, s. 243.

**Illegal contribution**

**244** Where an official agent becomes aware after accepting a contribution that the contribution was made in contravention of this Act, the official agent shall

- (a) return the contribution within thirty days of becoming aware of the contravention;
- (b) advise the Chief Electoral Officer in the prescribed form that the contribution has been returned; and
- (c) provide proof satisfactory to the Chief Electoral Officer that the contribution has been returned. 2011, c. 5, s. 244.

**Exemptions available to eligible individual**

**245** For greater certainty, the exemptions to the definition of contributions in clause 166(d) are available only to an individual eligible to make a contribution under this Act. 2011, c. 5, s. 245.

**Calculating attributable contribution**

**246 (1)** A net profit of more than fifty dollars that is derived from the sale or auction of goods, services or property sold on behalf of a registered party, electoral district association, candidate or registered third party is a contribution attributable to the individual who purchased the goods, services or property from the registered party, electoral district association, candidate or registered third party.

**(2)** Where the total amount paid by an individual for a fundraising event held on behalf of a registered party, electoral district association, candidate or registered third party minus the value of the benefit received by the individual is more than fifty dollars, the amount of the fee paid that exceeds the benefit received is a contribution to the registered party, electoral district association, candidate or registered third party and the contribution is attributable to the individual who paid the fee.

**(3)** Notwithstanding subsection (2), a registered party provincial conference, convention or annual general meeting held by a registered party is deemed not to be a fundraising event and the total fee paid by an individual is a contribution if the fee is only for registration and does not entitle the individual to a benefit other than registration.

**(4)** Notwithstanding the exemptions in subclause 166(d)(v), where the total amount paid by an individual for a fundraising event, less the benefit received by the individual is less than fifty dollars, the official agent of a registered party, electoral district association or candidate may elect to record the amount paid less the value of the benefit received as a contribution.

**(5)** Where an official agent elects to record a contribution under subsection (4), the official agent shall do the same for all individuals who participated in the fundraising event.

**(6)** An amount recorded as a contribution under subsection (4) must be added to other contributions made by the same individual in accordance with subsection 235(4). 2011, c. 5, s. 246; 2013, c. 17, s. 13.

**Gifts to contributors**

**247** A registered party, electoral district association or candidate may give a gift of nominal value to a contributor and the gift is not considered a benefit to the contributor if the fair market value of the gift is no more than ten per cent of the contribution and the gift is not provided in the form of cash or a gift certificate. 2011, c. 5, s. 247.

**Donation in kind**

**248 (1)** The value of a donation in kind contribution is the fair market value of the goods, services or property at the time the donation in kind is received.

**(2)** An individual who provides goods, services or property directly to participants in a fundraising event held on behalf of a registered party,

electoral district association or candidate without compensation is deemed to have made a donation in kind contribution to the registered party, electoral district association or candidate and the contribution is valued at the fair market value of the goods, services or property at the time they are provided to the participants.

(3) A self-employed individual who normally sells or otherwise charges for services and who provides those services to a registered party, electoral district association or candidate is deemed to have made a donation in kind contribution to the registered party, electoral district association or candidate and the contribution is valued at the regular fee or amount that the self-employed individual would normally charge for the services.

(4) An individual who sells goods, services or property to a registered party, electoral district association or candidate at an amount less than fair market value is deemed to have made a donation in kind contribution to the registered party, electoral district association or candidate and the contribution is valued at the difference between the fair market value of the goods, services or property at the time they were sold and the price paid by the registered party, electoral district association or candidate for the goods, services or property.

(5) An individual's donation in kind contributions that total more than fifty dollars in a calendar year are cumulative pursuant to subsection 235(4). 2011, c. 5, s. 248.

**By nomination candidate or leadership contestant**

**249 (1)** Money or property conveyed by a nomination candidate or leadership contestant to a registered party is deemed to be a contribution to the registered party and must be disclosed pursuant to subsection 240(1) of this Act.

(2) The contributions in subsection (1) must be attributed on a proportionate basis to the individuals who gave money or property to the nomination candidate or leadership contestant.

(3) The total amount contributed to a registered party under subsection (1) must not exceed the sum of

(a) the amount of any money or value of any property given to a nomination candidate or leadership contestant by an individual that would have been permitted as a contribution to a registered party if it were made directly to the registered party; and

(b) the amount of any money or value of any property received from a registered party or electoral district association by a nomination candidate or leadership contestant.

(4) Money or property from a nomination candidate or leadership contestant must not be accepted by another leadership contestant, electoral district association or candidate.

(5) The amount by which the total of fees charged by a registered party to leadership contestants exceeds the total cost of holding the leadership convention is deemed to be a contribution to the registered party and the contribution must be attributed on a proportionate basis to individuals who gave money or property to the leadership contestants. 2011, c. 5, s. 249.

#### **Return of excess contributions**

**250 (1)** Where an individual makes contributions to a registered party and all candidates and electoral district associations of that party totalling more than the amount permitted by subsection 236(3), the registered party, candidate or electoral district association, as the case may be, shall return to the individual the amount in excess of the permitted amount.

(1A) Where an individual makes contributions to an independent candidate totalling more than the amount permitted by subsection 236(3A), the independent candidate shall return to the individual the amount in excess of the permitted amount.

(2) Where on a single day an individual makes contributions to two or more of a registered party and all candidates and electoral district associations of that party totalling more than the amount permitted by subsection 236(3) and immediately preceding that day the amount permitted by subsection 236(3) has not been exceeded, the registered party, candidates and electoral district associations, as the case may be, shall return to the individual the amount in excess of that amount in the same proportions relative to each that the contributions received by them on that day are relative to each other. 2011, c. 5, s. 250; 2013, c. 17, s. 14.

#### **Publication of disclosure statements**

**251 (1)** On or before June 30th in each year, the Chief Electoral Officer shall publish on the Elections Nova Scotia website the disclosure statements of registered parties and electoral district associations for the previous calendar year.

(2) On or before one hundred and ten days following the return of a writ of election the Chief Electoral Officer shall publish on the Elections Nova Scotia website the disclosure statements of candidates in a by-election or a general election.

(2A) Where an extension for submission of a candidate's financial report published under subsection (2) has been requested and granted in accordance with subsection 229(2), the publication date is extended by one day per day of extension.

(3) The publication of a disclosure statement by the Chief Electoral Officer under subsections (1) and (2) shall not include the residential address of a contributor but only the community name. 2011, c. 5, s. 251; 2015, c. 17, s. 89.

## TAX RECEIPTS

**Use of prescribed form**

**252 (1)** The Chief Electoral Officer shall prescribe the form for use as an official tax receipt to be issued, including electronically, by official agents for the purpose of the *Income Tax Act*.

**(2)** The Chief Electoral Officer shall cause to be printed a sufficient supply of tax receipt forms for the candidates, and as requested by the registered parties, and provide them

- (a) to the official agent of such a registered party; and
- (b) to returning officers to distribute to the official agent of each candidate.

**(3)** *repealed 2015, c. 17, s. 90.*

**(4)** The official agent of a registered party shall file annually, in the prescribed form, a reconciliation of all tax receipts received from the Chief Electoral Officer.

**(5)** The reconciliation pursuant to subsection (4) shall report separately tax receipts issued by the registered party for

- (a) contributions received by the registered party; and
- (b) contributions received by an electoral district association for which the registered party issued a tax receipt under subsection 253(1).

**(6)** The official agent of a candidate shall return all unused tax receipts to the Chief Electoral Officer within thirty days of election day. 2011, c. 5, s. 252; 2015, c. 17, s. 90; 2016, c. 7, s. 8.

**Who may issue**

**253 (1)** A tax receipt may be issued by the official agent of a registered party, at any time, for

- (a) the actual amount of a monetary contribution received on behalf of the registered party; or
- (b) the price paid by a participant, less the benefit received by that participant, for a fundraising event held by a registered party or by an electoral district association if

(i) a statement of fundraising event revenue and expenses in the prescribed form is delivered to the Chief Electoral Officer no later than the earlier of

- (A) one hundred twenty days after the date the fundraising event is held, and

(B) March 31st following the calendar year in which the fundraising event is held, and

(ii) the calculation of total fees paid by all participants, less the benefits received by those participants, has been approved by the Chief Electoral Officer.

(2) For greater certainty, a tax receipt issued pursuant to clause (1)(b) for a fundraising event held by an electoral district association must be issued on a tax receipt separate and apart from any other tax receipt issued by an official agent to the same individual.

(3) An electoral district association may not issue tax receipts.

(4) A tax receipt may be issued by the official agent of a registered candidate for a contribution received, including one in transit, from the time after the writ is issued and the individual is registered as a candidate to the close of poll on election day for

(a) the actual amount of a monetary contribution; or

(b) the price paid by a participant, less the benefit received by that participant, for a fundraising event if

(i) a statement of fundraising event revenue and expenses in the prescribed form is delivered to the Chief Electoral Officer no later than thirty days after the date the fundraising event is held, and

(ii) the calculation of total fees paid by all participants, less the benefits received by those participants, has been approved by the Chief Electoral Officer. 2011, c. 5, s. 253; 2020, c. 8, s. 55.

#### No tax receipt

**254** A tax receipt may not be issued for

(a) amounts exempt from the definition of contributions;

(b) a contribution realized through the sale or auction of goods, services or property;

(c) a contribution realized through a lottery or raffle;

(d) a donation in kind contribution;

(e) loan contributions under Section 215; or

(f) money contributed to a registered party by a leadership contestant or nomination candidate or fees paid to a registered party by a leadership contestant that are contributions under Section 249. 2011, c. 5, s. 254.

**Required information**

**255 (1)** Every tax receipt issued by an official agent of a registered party must show clearly, in a manner that cannot be readily altered,

- (a) the full name of the registered party;
- (b) the serial number of the tax receipt;
- (c) the name of the official agent as recorded in the register maintained by the Chief Electoral Officer;
- (d) the date on which the tax receipt was issued;
- (e) the calendar year during which the contribution was received;
- (f) the full name and residential address of the individual making the contribution;
- (g) the amount of the contribution; and
- (h) the signature of the official agent, which may be a facsimile signature.

**(2)** Every tax receipt issued by an official agent of a candidate must show clearly, in a manner that cannot be readily altered

- (a) the name of the candidate;
- (b) the serial number of the tax receipt;
- (c) the name of the official agent;
- (d) the date on which the tax receipt was issued;
- (e) the date on which the contribution was received;
- (f) the date of the election day;
- (g) the full name and residential address of the individual making the contribution;
- (h) the amount of the contribution; and
- (i) the signature of the official agent.

**(3)** A tax receipt may only be issued to

- (a) one individual; and
- (b) notwithstanding subsection 243(1), the individual who made the contribution. 2011, c. 5, s. 255.

**Duplicate copies**

**256 (1)** An official agent of a registered party shall file duplicate copies of all tax receipts issued by the registered party with the Chief Electoral Officer.



(2) The official agent of a candidate shall file duplicate copies of all tax receipts issued to contributors with the Chief Electoral Officer at the same time the official agent returns unused tax receipts to the Chief Electoral Officer. 2011, c. 5, s. 256; 2020, c. 8, s. 56.

#### **Replacement receipt**

**257** For the purpose of Section 256, a tax receipt issued to replace a previously issued tax receipt must show clearly that it is a replacement receipt and, in addition to its own serial number, must show the serial number of the tax receipt originally issued. 2011, c. 5, s. 257.

#### **Spoiled tax receipt**

**258 (1)** All spoiled tax receipts must be marked “cancelled” and such tax receipts, together with the duplicates thereof, must be filed by the official agent with the Chief Electoral Officer or returning officer, as the case may be, together with the duplicates of tax receipts required to be filed with the Minister of Finance and Treasury Board pursuant to subsection 50(3) of the *Income Tax Act*.

- (2) Every tax receipt on which
- (a) the date on which the contribution was received;
  - (b) the year during which the contribution was received; or
  - (c) the amount of the contribution,

was incorrectly or illegibly entered must be regarded as spoiled. 2011, c. 5, s. 258; O.I.C. 2013-348.

### ELECTION EXPENSES SPENDING LIMITS

#### **Registered party maximum**

**259 (1)** The election expenses of a registered party during a general election must not exceed the aggregate of two dollars and twenty nine cents multiplied by the number of electors in the electoral districts in which the party fields one or more candidates for election.

(2) The official agent of a registered party shall not incur election expenses during a by-election to an amount greater than five thousand seven hundred twenty-three dollars and twenty cents. 2011, c. 5, s. 259.

#### **Candidate maximum**

**260 (1)** The election expenses of a candidate must not exceed during any election the aggregate of

- (a) five dollars and seventy-two cents per elector in respect of the number of electors in the electoral district up to five thousand electors;

(b) four dollars and eighty-six cents per elector in respect of the number of electors in the electoral district in excess of five thousand and not in excess of ten thousand; and

(c) four dollars and twenty-nine cents per elector in respect of the number of electors in the electoral district in excess of ten thousand.

(2) Where more than one candidate is to be elected in an election in an electoral district, the election expenses of all candidates of the same registered party must not exceed the amounts prescribed by subsection (1) which amounts may be divided equally among those candidates.

(3) The maximum expenses set out in Section 259 and this Section shall be increased or decreased in accordance with the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base and the latest available index, as determined by the Chief Electoral Officer, as the current index.

(4) During an election, the Chief Electoral Officer shall calculate the maximum election expenses permitted pursuant to Sections 259 and 260 for the election based on the most current list of electors at the time the writ of election or a by-election and provide this calculation to each official agent of a registered party or candidate by publishing the calculation on the Elections Nova Scotia website.

(5) Notwithstanding subsection (4), where the final list of electors provided to the registered parties under Section 59 is greater than on the most current list of electors under the issuance of the writ or writs, the maximum expenses of a registered candidate or candidates shall be adjusted upward. 2011, c. 5, s. 260.

#### ELECTION EXPENSES

##### **Who may incur or pay**

**261 (1)** During an election no person other than the official agent of a candidate or registered party, or a representative of such official agent authorized in writing by the official agent, shall incur or authorize election expenses on behalf of a candidate or a registered party.

(2) No person shall accept or execute an order for election expenses on behalf of a candidate or a registered party that is not given by an official agent of a candidate or registered party, or by a representative of such an agent authorized in writing by the official agent.

(3) No person shall

(a) claim or receive a price different from the person's regular price for similar work, service or merchandise outside the election for election expenses incurred during an election; or

(b) accept different remuneration or renounce remuneration for election expenses.

**(3A)** Notwithstanding subsection (3), a person may contribute, without remuneration, his or her personal services or the use of his or her vehicle, if the person does so freely and not as part of the person's work in the service of an employer.

**(4)** Notwithstanding the other provisions of this Section, a candidate may pay the candidate's own personal expenses during an election up to the amount of one thousand dollars and, subject to subclauses 166(i)(iii) to (v), the expenses so paid, not including any publicity expense, form part of the candidate's election expenses.

**(5)** A candidate who pays personal expenses pursuant to subsection (4) shall give the candidate's official agent a detailed statement of the payments. 2011, c. 5, s. 261; 2015, c. 17, s. 91.

#### **Payment and claims**

**262 (1)** Any payment of twenty-five dollars or more for election expenses must be evidenced by a receipt that provides all the particulars required for auditing each item of work or material and the rate or unit price used for computing the amount of the payment.

**(2)** Every person to whom an amount is due for election expenses shall present the person's claim not later than thirty days after election day to the official agent or, where the agent has died or resigned or is incapable and has not been replaced, to the leader of the registered party or to the candidate.

**(3)** The right of a person to recover election expenses is barred unless the person presents the person's claim within the time specified in subsection (2) or, in the event of the person's death, the claim is presented by the person's personal representative within thirty days of the grant of probate or letters of administration. 2011, c. 5, s. 262.

#### **Failure to report**

**263 (1)** Where the candidate's report and affidavit pursuant to Section 229 are not delivered within the period specified in subsection 229(1) or within the extended period approved by the Chief Electoral Officer pursuant to subsection 229(2), the candidate is disqualified from sitting in the House of Assembly until the report and affidavit are delivered to the Chief Electoral Officer, unless a judge by order excuses the delay.

**(2)** Where the report of election expenses and affidavit of a registered party pursuant to Section 223 are not delivered within the period specified in subsection 223(1), the party leader is disqualified from sitting in the House of Assembly until the report and affidavit are delivered to the Chief Electoral Officer, unless a judge by order excuses the delay. 2011, c. 5, s. 263.

**Error in report**

**264 (1)** Where a report of election expenses or the associated affidavit contains an error, the official agent, candidate or leader of a registered party may request

- (a) a judge; or
- (b) the Chief Electoral Officer,

to direct the necessary correction and, where the judge or Chief Electoral Officer is satisfied that the correction should be made, the judge or Chief Electoral Officer shall cause the report to be amended.

**(2)** Where, in the opinion of the judge, a substantial change is made by reason of a correction pursuant to subsection (1), the judge may order the publication of a summary of the amended election expense report.

**(3)** Where

- (a) pursuant to subsection (2), the judge orders publication; or
- (b) in the opinion of the Chief Electoral Officer, a substantial change is made by reason of a correction pursuant to subsection (1),

the Chief Electoral Officer shall publish a summary of the amended election expense report on the Elections Nova Scotia website.

**(4)** Where a candidate or leader of a registered party establishes before a judge that the absence, death, illness or misconduct of an official agent or other reasonable cause prevents the preparation of a report prescribed by Section 223 or 229, the judge may make any order that the judge considers necessary to enable the applicant to obtain all the information and documents to make the report and affidavit and grant such further delay as the circumstances appear to the judge to require.

**(5)** Failure to comply with an order made under this Section is punishable in the same manner as failure to appear or testify before the court. 2011, c. 5, s. 264.

**Differentiation in report**

**265 (1)** In the report required by Sections 223 and 229, an official agent shall report separately election expenses that are

- (a) paid;
- (b) unpaid and uncontested; and
- (c) unpaid and contested.

**(2)** An official agent, candidate or leader of a registered party shall not pay a claim that is contested except in compliance with a judgment of a

court in favour of the creditor after hearing of the case and not upon a confession of judgment or an agreement of settlement.

(3) Notwithstanding subsection (2), a judge may authorize the payment of a contested claim or of a claim not presented within the specified time in subsection 262(2) if it is established before the judge that the contestation or delay in filing results from a *bona fide* error or oversight and that the payment will not increase the expenses to an amount exceeding the limit fixed by Section 259 or 260. 2011, c. 5, s. 265.

#### Notice of court application

266 No such application shall be heard without notice of at least three clear days to the Chief Electoral Officer and to each of the other candidates for election in the electoral district or in the case of the leader of a registered party, to each of the other registered party leaders. 2011, c. 5, s. 266.

#### Powers of Chief Electoral Officer

266A The Chief Electoral Officer may, by directive,

- (a) prescribe certain expenses or categories of expenses as being or not being family and accessibility expenses;
- (b) establish maximum amounts that may be claimed by a candidate for family and accessibility expenses or maximum amounts that may be claimed for a particular category of family and accessibility expenses; and
- (c) establish guidelines for determining whether a family and accessibility expense incurred by a candidate is a reasonable expense incurred as a result of the candidate's candidacy. 2020, c. 8, s. 57.

### REIMBURSEMENT OF CANDIDATE ELECTION EXPENSES

#### Calculation and payment

267 (1) The Chief Electoral Officer shall reimburse each candidate who has been declared elected or who has received not less than ten percent of the valid votes cast in an election in which he or she was a candidate by making payment to the official agent of the candidate in respect of the candidate's election expenses to an amount not exceeding one dollar and forty-three cents for each elector on the final list of electors.

(2) In an electoral district in which a registered party endorsed more than one individual who was nominated as a candidate, the total reimbursement made under subsection (1) may not exceed one dollar and forty-three cents for each elector whose name was on the final list of electors and the reimbursement must be divided equally among those candidates.

(3) After the official agent of a candidate has delivered the report of the election expenses of a candidate as required by this Act, the Chief Electoral Officer shall

(a) approve, as soon as possible, payment of seventy-five per cent of the reimbursement to which a candidate is entitled if the Chief Electoral Officer is satisfied that election expenses in at least that amount have been incurred; and

(b) approve the remaining amount of reimbursement to which a candidate is entitled if the Chief Electoral Officer has determined that the report of election expenses is accurate and that the expenses claimed are election expenses as defined in clause 166(i).

(4) The reimbursement provided for in this Section is increased or decreased in accordance with the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base and the latest available index, as determined by the Chief Electoral Officer, as the current index.

(5) During an election, the Chief Electoral Officer shall calculate the maximum reimbursement payable with respect to a candidate's election expenses pursuant to this Section for the election and shall publish the calculations on the Elections Nova Scotia website.

(6) As soon as possible after a writ of an election or by-election is issued, the Chief Electoral Officer shall calculate the interim reimbursement pursuant to this Section based on the most current list of electors at the beginning of the election and shall publish the calculations on the Elections Nova Scotia website.

(7) After the official count is completed, the Chief Electoral Officer shall adjust the amount of the interim reimbursement if the final list of electors contains a larger number of electors and shall republish the calculations on the Elections Nova Scotia website. 2011, c. 5, s. 267.

## DISPOSAL OF EXCESS CONTRIBUTIONS

### Calculation and payment

**268 (1)** Where the aggregate of all contributions received by an official agent of a candidate for which the official agent has issued a receipt for income tax purposes is in excess of the amount required by the candidate to pay the aggregate of

- (a) the deposit;
- (b) election expenses;
- (c) auditor's fees in excess of the amount for which reimbursement is provided; and
- (d) costs with respect to a recount incurred by the candidate in relation to the election,

the amount of such excess must be paid by the official agent

(e) where the political affiliation of the candidate is shown on the ballot paper as a registered party, to any local organization or association of members of the party in the electoral district of the candidate or, where there is no local organization or association, to the official agent of the registered party; or

(f) in any other case, to the Minister of Finance and Treasury Board

(i) within one month after the candidate receives the candidate's reimbursement of election expenses pursuant to this Act, or

(ii) where the candidate is not entitled to reimbursement, within two months after the filing by the official agent of the election expense report.

(2) Where an official agent of the candidate pays any invoices for election and non-election costs subsequent to the filing of the financial report, these payments must be supported by approved invoices and vouchers for all charges when the final report is submitted pursuant to Section 232.

(3) Where, after payment to the Minister of Finance and Treasury Board of an excess amount pursuant to this Section, an official agent is required to make a further payment, the official agent may apply to the Chief Electoral Officer for the repayment to the official agent of an amount not exceeding the lesser of

(a) the excess amount paid by the official agent to the Minister of Finance and Treasury Board; or

(b) the amount of such further payment,

and, upon receipt of a certificate from the Chief Electoral Officer to the effect that such further payment has been or may properly be made by the official agent, the Minister of Finance and Treasury Board shall pay out of the General Revenue Fund of the Province to the official agent to whom a certificate relates the amount certified by the Chief Electoral Officer. 2011, c. 5, s. 268; O.I.C. 2013-348; 2015, c. 17, s. 92.

## INSPECTION OF RECORDS

### By Chief Electoral Officer

**269 (1)** The Chief Electoral Officer may conduct inspections of the records of registered parties, electoral district associations, candidates, registered third parties, official agents and financial agents that relate or may relate to

(a) information that is or should be in any statements, forms or reports required to be filed with the Chief Electoral Officer under this Act;

(b) information that shows the basis for any calculation that has been made in order to determine the amount of a contribution; or

(c) any information that is required to be filed with the Chief Electoral Officer under this Act.

(2) The Chief Electoral Officer may conduct an inspection as part of a preliminary review respecting a complaint pursuant to clause 5(1)(p). 2011, c. 5, s. 269.

#### **Access to premises and records**

**270** On reasonable notice at any reasonable time, the Chief Electoral Officer, or a representative of the Chief Electoral Officer, may visit the premises of a registered party, electoral district association, candidate, registered third party, official agent and financial agent to inspect and make copies of their records. 2011, c. 5, s. 270.

### ELECTION ADVERTISING

#### **Must be authorized**

**271 (1)** A candidate or registered party, or a person acting on behalf of a candidate or registered party, who causes election advertising to be conducted shall mention in or on the message that its transmission was authorized by the official agent of the candidate or registered party, as the case may be.

(2) No person shall transmit any election advertising referred to in subsection (1) that does not comply with subsection (1).

(3) Constituency office signage for a member of the House of Assembly that is in place on or before the issuance of the writ is exempt from election advertising rules. 2011, c. 5, s. 271; 2015, c. 17, s. 93.

#### **No transmission by Government means**

**272** No person shall knowingly conduct election advertising or cause it to be conducted using a means of transmission of the Government of the Province. 2011, c. 5, s. 272.

**273** *repealed 2015, c. 17, s. 94.*

#### **No one to prevent transmission**

**274 (1)** No person shall prevent or impair the transmission to the public of an election advertising message without the consent of a person with authority to authorize its transmission.

(2) Subsection (1) does not apply with respect to



(a) the prevention or impairment, by a public authority, of an unlawful transmission if reasonable notice has first been given to the person who authorized the transmission; or

(b) the removal by an employee of a public authority of a sign, poster or banner if the posting of it is a hazard to public safety. 2011, c. 5, s. 274.

### THIRD PARTY ELECTION ADVERTISING

#### Limits

**275 (1)** A third party shall not incur election advertising expenses of a total amount of more than ten thousand dollars during an election in relation to a general election.

**(2)** Not more than two thousand dollars of the total amount referred to in subsection (1) shall be incurred to promote or oppose the election of one or more candidates in a given electoral district, including by

(a) naming them;

(b) showing their likenesses;

(c) identifying them by their respective political affiliations; or

(d) taking a position on an issue with which they are particularly associated.

**(3)** The limit set out in subsection (2) only applies to an amount incurred with respect to a leader of a registered party to the extent that it is incurred to promote or oppose the election of the leader of a registered party in a given electoral district.

**(4)** A third party shall not incur election advertising expenses of a total amount of more than two thousand dollars in a given electoral district during a by-election.

**(5)** The amounts set out in subsections (1), (2) and (4) are increased at the beginning of each year by the percentage increase in the previous year in the Consumer Price Index for the Province published by Statistics Canada using the annual 2010 index as the base. 2011, c. 5, s. 275.

#### Offence

**276** A third party shall not circumvent, or attempt to circumvent, a limit set out in section 275 in any manner, including by splitting itself into two or more third parties for the purpose of circumventing the limit or acting in collusion with another third party so that their combined election advertising expenses exceed the limit. 2011, c. 5, s. 276.

**Third party must be identified and authorize**

**277 (1)** A third party shall identify itself in any election advertising placed by it and indicate that it has authorized the advertising.

**(2)** No person shall transmit any election advertising referred to in subsection (1) that does not comply with subsection (1). 2011, c. 5, s. 277.

**Registration**

**278 (1)** A third party shall register within seven days of incurring election advertising expenses of a total amount of five hundred dollars and may not register before the issue of the writ.

**(2)** An application for registration must be sent to the Chief Electoral Officer in the prescribed form and must include

(a) the name, address and telephone number of

(i) where the third party is an individual, the individual,

(ii) where the third party is a corporation, the corporation and the officer who has signing authority for it, and

(iii) where the third party is a group, the group and a person who is responsible for the group;

(b) the signature of the individual, officer or person referred to in subclause (a)(i), (ii) or (iii), respectively, as the case may be;

(c) the address and telephone number of the office of the third party where its books and records are kept and of the office to which communications may be addressed; and

(d) the name, address and telephone number of the third party's financial agent.

**(3)** An application under subsection (2) must be accompanied by a declaration signed by the financial agent accepting the appointment.

**(4)** Where the third party is a trade union, corporation or other entity with a governing body, the application must include a copy of the resolution passed by its governing body authorizing it to incur election advertising expenses.

**(5)** The Chief Electoral Officer shall, after receiving an application, determine whether the requirements set out in subsections (1) to (4) are met and shall then notify the person who signed the application whether the third party is registered.

**(6)** Where the Chief Electoral Officer refuses to register a third party, the Chief Electoral Officer shall give reasons for the refusal.

(7) A third party may not be registered under a name that, in the opinion of the Chief Electoral Officer, is likely to be confused with the name of a candidate, registered party, or other registered third party.

(8) The registration of a third party is valid only for the election period during which the application is made, but the third party continues to be subject to the requirement to file an election advertising report under subsection 282(1). 2011, c. 5, s. 278; 2015, c. 17, s. 95.

#### **Financial agent**

**279 (1)** A third party that is required to register under subsection 278(1) shall appoint a financial agent who may be a person who is authorized to sign an application for registration made under that subsection.

(2) The following persons may not act as the financial agent of a registered third party

- (a) a member of the House of Assembly;
- (b) a candidate;
- (c) an auditor acting for a registered party, an electoral district association or a candidate;
- (d) an election officer or an employee of Elections Nova Scotia;
- (e) an individual who does not have full capacity to enter into contracts;
- (f) an individual who, at any time in the previous seven years, has been convicted of an offence under this Act or the former Act.

(3) A financial agent may authorize a person to accept contributions or incur election advertising expenses, but that authorization does not limit the responsibility of the financial agent. 2011, c. 5, s. 279.

#### **Registry of third parties**

**280** The Chief Electoral Officer shall maintain, for the period that the Chief Electoral Officer considers appropriate, a registry of third parties in which is recorded, in relation to each registered third party, the information referred to in subsection 278(2). 2011, c. 5, s. 280.

#### **Contribution to registered third party**

**281 (1)** Every contribution made during an election to a registered third party for election advertising purposes must be accepted by, and every election advertising expense incurred on behalf of a third party must be authorized by, its financial agent.

(2) No registered third party shall use a contribution for election advertising if the registered third party does not know the name and address of the individual who made the contribution. 2011, c. 5, s. 281.

#### **Election advertising report**

**282 (1)** Every third party that is required to be registered in accordance with subsection 278(1) shall file an election advertising report in the prescribed form with the Chief Electoral Officer within four months after election day.

(2) An election advertising report must contain

(a) in the case of a general election,

(i) a list of election advertising expenses referred to in subsection 275(2) and the time and place of the broadcast or publication of the advertisements to which the expenses relate, and

(ii) a list of all election advertising expenses other than those referred to in subclause (i) and the time and place of broadcast or publication of the advertisements to which the expenses relate; and

(b) in the case of a by-election, a list of election advertising expenses referred to in subsection 275(4) and the time and place of the broadcast or publication of the advertisements to which the expenses relate.

(3) Where a third party has not incurred expenses referred to in clause (2)(a) or (b), that fact must be indicated in its election advertising report.

(4) The election advertising report must include

(a) the amount of contributions for election advertising purposes that were received in the period beginning six months before the issue of the writ and ending on election day;

(b) for each individual who made contributions of a total amount of more than two hundred dollars for election advertising purposes during the period referred to in clause (a), the person's name, address and the amount and date of each contribution; and

(c) the amount, other than an amount of a contribution referred to in paragraph (a), that was paid out of the third party's own funds for election advertising expenses.

(5) Where the third party is unable to identify which contributions were received for election advertising purposes in the period referred to in clause (4)(a), it shall list the names and addresses of every individual who donated a total of more than two hundred dollars to it during that period.

(6) An election advertising report must include the signed declarations of the financial agent and, if different, of the person who signed the application made under subsection 278(2) that the report is accurate.

(7) A registered third party shall, at the request of the Chief Electoral Officer, provide the original of any bill, voucher or receipt in relation to an election advertising expense that is in an amount of more than fifty dollars. 2011, c. 5, s. 282.

#### **Correction to report**

**283** The Chief Electoral Officer may make a correction in a report referred to in subsection 282(1) if the error does not materially affect the substance of the report. 2011, c. 5, s. 283.

#### **Names and reports to be published**

**284** The Chief Electoral Officer shall, in the manner the Chief Electoral Officer considers appropriate, publish

(a) the names and addresses of registered third parties, as they are registered; and

(b) within six months after election day, reports made under subsection 282(1). 2011, c. 5, s. 284; 2015, c. 17, s. 96.

### **PART III**

#### **COMPLIANCE AND ENFORCEMENT**

#### **Injunction**

**285 (1)** Where the Chief Electoral Officer has reasonable grounds to believe that a person has committed, is about to commit or is likely to commit an act or omission that is contrary to this Act, the Chief Electoral Officer may, during an election period, after taking into account the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest, apply to a judge for an injunction described in subsection (2).

(2) Where the judge, on application by the Chief Electoral Officer under subsection (1), is satisfied that there are reasonable grounds to believe that a person has committed, is about to commit or is likely to commit an act or omission that is contrary to this Act, and that the nature and seriousness of the act or omission, the need to ensure fairness of the electoral process and the public interest justify the issuing of an injunction, the judge may issue an injunction ordering any person named in the application to do one or both of the following:

(a) refrain from committing any act that it appears to the judge is contrary to this Act; and

(b) do any act that it appears to the judge is required by this Act.

(3) No injunction may be issued under subsection (2) unless at least forty-eight hours notice is given to each person named in the application or the urgency of the situation is such that service of notice would not be in the public interest. 2011, c. 5, s. 285.

#### **Public Inquiries Act**

**286** For the purpose of exercising jurisdiction pursuant to this Act, the Chief Electoral Officer has all the powers, privileges and immunities of a commissioner appointed pursuant to the *Public Inquiries Act* and may establish rules of procedure for the purpose of this Act. 2011, c. 5, s. 286.

#### **Investigation**

**287 (1)** The Chief Electoral Officer may, on the Chief Electoral Officer's own initiative, or at the request of another person, conduct an investigation into any matter that might constitute an offence under this Act.

(2) The Chief Electoral Officer may engage the services of any person necessary to assist with the duties of the Chief Electoral Officer pursuant to this Part. 2011, c. 5, s. 287.

#### **Notice of investigation**

**288** Before completing an investigation, the Chief Electoral Officer shall notify any person who is the subject of an investigation that the person is being investigated and inform the person of the nature of the matter being investigated, unless the Chief Electoral Officer believes that doing so would compromise or impede the investigation. 2011, c. 5, s. 288.

#### **Notice of no further action**

**289** Where, upon conclusion of the investigation, the Chief Electoral Officer decides to take no further action, the Chief Electoral Officer shall notify any person who is the subject of the investigation of that decision. 2011, c. 5, s. 289.

#### **Notice to person who requested investigation**

**290** Where the investigation was initiated at the request of another person, the Chief Electoral Officer shall also notify that person of the decision. 2011, c. 5, s. 290.

#### **Chief Electoral Officer may publish outcome**

**291 (1)** Where the Chief Electoral Officer believes that it is in the public interest to make public the outcome of an investigation, the Chief Electoral Officer may do so on a public website and by such other means as the Chief Electoral Officer considers appropriate, and may include in the information provided the name of the person and the nature of the matter investigated.

(2) Notwithstanding subsection (1), the Chief Electoral Officer shall not disclose any information respecting

- (a) the residential address;
- (b) the residential telephone number;
- (c) the spouse; or
- (d) the dependent children,

of the person investigated. 2011, c. 5, s. 291.

### **Prosecution**

**292 (1)** A prosecution for an offence under this Act may not be commenced without the consent of the Chief Electoral Officer.

**(2)** Where the Chief Electoral Officer, upon conclusion of the investigation, believes on reasonable grounds that an offence under this Act has been committed and is of the view that the public interest so requires, the Chief Electoral Officer may refer the matter to the Director of Public Prosecutions who, subject to this Act, shall determine whether to commence a prosecution. 2011, c. 5, s. 292.

### **Frivolous or vexatious allegation**

**293 (1)** Where the Chief Electoral Officer determines that an allegation of a contravention of this Act is frivolous or vexatious, the Chief Electoral Officer shall dismiss the matter and may refer the matter to the Director of Public Prosecutions who, subject to this Act, shall determine whether to commence a prosecution.

**(2)** The Chief Electoral Officer shall publish on a public website and by any other means the Chief Electoral Officer considers appropriate a summary of each allegation the Chief Electoral Officer determines to be frivolous or vexatious, and any order made by the Chief Electoral Officer pursuant to subsection (1), including the name of the person against whom the order was made but not the person's residential address or residential telephone number. 2011, c. 5, s. 293.

## COMPLIANCE AGREEMENTS

### **Procedure for entering into**

**294 (1)** In this Section and Sections 295 to 299, "contracting party" means a person who enters into a compliance agreement with the Chief Electoral Officer pursuant to subsection (2).

**(1A)** Subject to subsection 295(2), the Chief Electoral Officer may issue a notice of non-compliance to notify a person whom the Chief Electoral Officer believes, on reasonable grounds, has committed, is about to commit or is likely to commit, an act or omission that would constitute an offence under this Act.

**(1B)** The issuance of a notice of non-compliance does not preclude the Chief Electoral Officer from taking any further action the Chief Electoral Officer determines is required to ensure compliance.

(2) Subject to subsection 295(2), the Chief Electoral Officer may enter into a compliance agreement, for the purpose of ensuring compliance with this Act, with a person whom the Chief Electoral Officer believes on reasonable grounds has committed, is about to commit or is likely to commit an act or omission that could constitute an offence under this Act.

(3) A compliance agreement may contain any terms and conditions that the Chief Electoral Officer considers necessary to ensure compliance with this Act, including undertakings related to training, community service and new administrative procedures.

(4) Before entering into a compliance agreement, the Chief Electoral Officer shall advise the prospective contracting party of the right to be represented by counsel and give the prospective contracting party an opportunity to obtain counsel.

(5) A compliance agreement may include a statement by the contracting party in which the contracting party admits responsibility for the act or omission that constitutes the offence.

(6) The fact that a compliance agreement was entered into, and any statement referred to in subsection (5), is not admissible in evidence against the contracting party in any proceedings. 2011, c. 5, s. 294; 2015, c. 17, s. 97.

#### **Involvement of Director of Public Prosecutions**

**295 (1)** Where a matter was not referred to the Director of Public Prosecutions before a compliance agreement is entered into, no referral may be made for an act or omission that led to the compliance agreement unless the contracting party breaches the compliance agreement.

(2) Where a matter has already been referred to the Director of Public Prosecutions, whether or not a prosecution has been initiated, the Director may remit the matter back to the Chief Electoral Officer if, after consultation with the Chief Electoral Officer, the Director considers that a compliance agreement would better serve the public interest.

(3) Where a compliance agreement is entered into, any prosecution of the contracting party for an act or omission that led to it is stayed and, unless the contracting party breaches the compliance agreement, the Director of Public Prosecutions may not resume the prosecution.

(4) The Chief Electoral Officer and the contracting party may renegotiate the terms of the compliance agreement at the request of the Chief Electoral Officer or contracting party at any time before it is fully executed.

(5) The Chief Electoral Officer shall provide the contracting party with a copy of a compliance agreement, immediately after it is entered into or renegotiated.



(6) Where the matter has been referred to the Director of Public Prosecutions, the Chief Electoral Officer shall also provide a copy of the compliance agreement to the Director. 2011, c. 5, s. 295.

#### **Notice of compliance**

**296 (1)** Where the Chief Electoral Officer is of the opinion that the compliance agreement has been complied with, the Chief Electoral Officer shall cause a notice to that effect to be served on the contracting party.

(2) Where the matter has been referred to the Director of Public Prosecutions, the Chief Electoral Officer shall also provide a copy of the notice to the Director.

(3) Service of the notice terminates any prosecution of the contracting party that is based on the act or omission in question and prevents the Chief Electoral Officer from referring the matter to the Director of Public Prosecutions and the Director from instituting such a prosecution. 2011, c. 5, s. 296.

#### **Breach**

**297 (1)** Where the Chief Electoral Officer is of the opinion that a contracting party has breached a compliance agreement, the Chief Electoral Officer shall serve a notice of default on the contracting party, informing the contracting party that the Chief Electoral Officer may refer the matter to the Director of Public Prosecutions for any action the Director considers appropriate or, where a prosecution was stayed by virtue of subsection 295(3), it may be resumed.

(2) Where the matter has been referred to the Director of Public Prosecutions, the Chief Electoral Officer shall also provide a copy of the notice of default to the Director. 2011, c. 5, s. 297.

#### **Court may dismiss proceedings**

**298** A court shall dismiss proceedings against a contracting party in relation to the subject matter of a compliance agreement if it is satisfied on a balance of probabilities that the contracting party has not breached the compliance agreement or, in the case of partial compliance and taking into account the contracting party's performance with respect to the agreement, it is of the opinion that the continuation of proceedings would be unfair. 2011, c. 5, s. 298.

#### **Publication of notice of non-compliance and publication of notice of agreement**

**299 (1)** The Chief Electoral Officer may publish by any means that the Chief Electoral Officer has issued a notice of non-compliance.

(2) The Chief Electoral Officer shall publish as soon as practicable on a public website and by any other means that the Chief Electoral Officer considers appropriate a notice that sets out, in the case of a compliance agreement entered into under Section 294, the contracting party's name, the act or omission in question and a summary of the compliance agreement and shall update the pub-

lished information as soon as practicable upon the disposition of the compliance agreement but shall not make public the residential address or residential telephone number of any person who is the subject of a compliance agreement. 2011, c. 5, s. 299; 2015, c. 17, s. 98; 2020, c. 8, s. 58.

#### PART IV

#### OFFENCES

##### At polling station

**300** Every person is guilty of an offence who, directly or indirectly,

(a) at or about a polling station, interferes or attempts to interfere with an elector when marking a ballot, or otherwise attempts to ascertain the name of the candidate for whom an elector is about to vote or has voted;

(b) communicates information about the manner in which a ballot has been marked in the person's presence in a polling station;

(c) induces or endeavours to induce an elector to show the elector's ballot so as to make known the name of the candidate for whom the elector has cast the elector's vote; or

(d) communicates information obtained in a polling station as to the candidate for whom an elector at the polling station is about to vote or has voted. 2011, c. 5, s. 300.

##### Breach of ballot secrecy

**301 (1)** Subject to Sections 108 and 115, every person is guilty of an offence who

(a) openly declares in a polling station for whom the person intends to vote or has voted; or

(b) shows the person's ballot to permit the name of the candidate, for whom the person has voted, to be known.

**(2)** Every person is guilty of an offence who takes a photograph with an electronic device of the person's ballot. 2011, c. 5, s. 301; 2015, c. 17, s. 99.

##### Summons of returning officer

**302** Every person is guilty of an offence who refuses without cause or neglects to attend on the summons of a returning officer issued under this Act. 2011, c. 5, s. 302.

##### During advance poll or election day poll

**303** Every person is guilty of an offence who

(a) supplies, carries or wears any flag, ribbon, emblem, badge or other item with the intent to distinguish the user as the supporter of a candidate or a registered party within or on the exterior surface of a building in

which a polling station is located where voting is taking place, without written permission of the Chief Electoral Officer;

(b) organizes or participates in a parade, demonstration, or broadcast using a loud speaker or a public address system, in support of a candidate or a registered party during the advance poll or election day poll. 2011, c. 5, s. 303; 2020, c. 8, s. 59.

#### **Campaign advertising offence**

**304 (1)** Every person is guilty of an offence who posts or displays within or on the exterior surface of a building in which a returning office or polling station is located, any literature, emblem, ribbon, flag, banner, card, bill, poster or device that supports or opposes a candidate or a registered party, without written permission of the Chief Electoral Officer.

(2) *repealed 2020, c. 8, s. 60.*

2011, c. 5, s. 304; 2016, c. 7, s. 9; 2020, c. 8, s. 60.

#### **General**

**305** A person is guilty of an offence who

(a) fails or refuses to comply with any of the provisions of this Act; or

(b) while performing the duties of the election officer, engages in politically partisan activity. 2011, c. 5, s. 305.

#### **False statement that candidate has withdrawn**

**306** Every person is guilty of an offence who knowingly makes, distributes or publishes a false statement that a candidate has withdrawn. 2011, c. 5, s. 306.

#### **False statement respecting candidate**

**307** Every person is guilty of an offence who, during an election, knowingly makes, distributes or publishes a false statement of fact about a candidate's character or conduct for the purpose of influencing the election. 2011, c. 5, s. 307.

#### **Obstructing lawful campaigning**

**308** Every person is guilty of an offence who obstructs a candidate or a candidate's representative in lawfully campaigning. 2011, c. 5, s. 308.

#### **Disruption of election process**

**309** Every person is guilty of an offence who

(a) acts, incites others to act or conspires to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purposes of the election;

(b) removes, mutilates, defaces or alters any notice or document required by this Act to be posted; or

(c) impedes or obstructs an enumerator in the performance of the enumerator's duties under this Act. 2011, c. 5, s. 309.

#### **Offences by employer**

**310** An employer who refuses, or by intimidation, undue influence, or in any other way, interferes with the use by an employee of the three consecutive hours for voting, or fails to pay the employee, as provided in Section 131, is guilty of an offence. 2011, c. 5, s. 310.

#### **False tax receipt**

**311** Every person who issues a tax receipt purporting to be for a contribution received by or on behalf of a registered party or candidate is guilty of an offence unless the contribution indicated in the tax receipt was made to or for the benefit of the registered party or candidate. 2011, c. 5, s. 311.

#### **False statement**

**312** Every person who knowingly makes a false statement in any application, statement, report, return or other document filed with the Chief Electoral Officer under this Act is guilty of an offence. 2011, c. 5, s. 312.

#### **False information regarding contribution**

**313** Every person who knowingly gives to an official agent or financial agent, or any other person authorized to receive contributions on behalf of an official agent or financial agent, false information in respect of any contribution or alleged contribution is guilty of an offence. 2011, c. 5, s. 313.

#### **Offences respecting filing of reports**

**314** Every person is guilty of an offence who

(a) fails to file with the Chief Electoral Officer a statement, report, return or other document or information required under this Act within the specified time period;

(b) files with the Chief Electoral Officer a statement, report, return or other document or information which substantially fails to disclose the information required under this Act; or

(c) fails substantially to provide such clarifying or verifying information with respect to a statement, report, return or other document or information filed with the Chief Electoral Officer under this Act as may be required by the Chief Electoral Officer. 2011, c. 5, s. 314.

#### **Penalty for Section 229 offence**

**314A (1)** An official agent who fails to file the report of election expenses required by Section 229 is guilty of an offence and liable on summary

conviction to a fine of fifty dollars for each day that the person fails to file the report to a maximum of the greater of five hundred dollars and the amount of the expenses eligible for reimbursement.

(2) An official agent who fails to submit the report within twelve months of election day may not receive reimbursement for election expenses or audit fees. 2015, c. 17, s. 100.

**Penalty for Section 62 offence**

**314B** A candidate or registered party that fails to destroy the list of electors and report the destruction as required by subsection 62(2) within thirty days of the close of polls on election day may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the candidate or registered party fails to destroy the list and report the destruction to a maximum of one thousand five hundred dollars. 2020, c. 8, s. 61.

**Penalty for Section 222 or 223 offence**

**314C** A registered party that

(a) fails to publish its annual financial statements as required by Section 222 within one hundred and twenty days after the end of a fiscal year; or

(b) fails to file a report of election expenses as required by Section 223 within one hundred and twenty days after the day fixed for return of the writ of election for a by-election or the writs of election for a general election,

may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the registered party fails to file the report to a maximum of one thousand five hundred dollars. 2020, c. 8, s. 61.

**Penalty for Section 234 offence**

**315** Every person that contravenes Section 234 is guilty of an offence and liable on summary conviction to a fine

(a) in the case of a registered party, not exceeding fifty thousand dollars; and

(b) in all other cases, not exceeding five thousand dollars. 2011, c. 5, s. 315.

**Penalty for Section 259 or 260 offence**

**316 (1)** Every registered party that contravenes Section 259 is guilty of an offence and is liable on summary conviction to a fine not exceeding fifty thousand dollars.

(2) Every candidate who contravenes Section 260 is guilty of an offence and is liable to a fine not exceeding five thousand dollars. 2011, c. 5, s. 316.

**Failure to make proper payment**

**317** Every official agent who fails to make a payment as required by Section 265, or who knowingly makes a payment that is less than the amount that the official agent is required to pay under Section 265, is guilty of an offence. 2011, c. 5, s. 317.

**Offence by official agent or officer**

**318** Every official agent or other officer of a registered party or a candidate who, while acting on behalf of the candidate or registered party, is responsible for a contravention of Section 259 or 260 is guilty of an offence. 2011, c. 5, s. 318.

**Prohibited use of information**

**319** Every person who uses all or any part of information disclosed under this Act for commercial or business purposes or for any other purpose not intended by this Act is guilty of an offence. 2011, c. 5, s. 319.

**Penalty for Section 263 offence**

**320** A person who sits in the House of Assembly contrary to Section 263 is guilty of an offence and liable on summary conviction to a fine of five hundred dollars for each day on which the person so sits. 2011, c. 5, s. 320.

**Penalty for Section 282 offence**

**320A** A third party that fails to file its election advertising report as required by Section 282 within four months after election day may be subject to a penalty, to be imposed in the sole discretion of the Chief Electoral Officer, of fifty dollars for each day that the third party fails to file the report, to a maximum of one thousand five hundred dollars. 2020, c. 8, s. 62.

**Failure to provide required information**

**321** Every person who fails to comply with a written request to provide a record containing the information required under this Act about a contribution that the person accepted, or an expense that the person incurred or approved, is guilty of an offence. 2011, c. 5, s. 321.

**Further offences**

**322** Every person is guilty of an offence who

- (a) wilfully contravenes subsection 358(1) or (2) or, being a sponsor of an election survey, wilfully contravenes subsection 358(3);
- (b) wilfully contravenes Section 359; or
- (c) wilfully contravenes Section 360. 2011, c. 5, s. 322.

**Summary Proceedings Act**

**323 (1)** Every person is guilty of an offence who contravenes or fails to comply with this Act and, where no other fine is provided, is liable on summary conviction to a fine not exceeding five thousand dollars.

**(2)** The *Summary Proceedings Act* applies to every proceeding taken against a person charged with an offence under this Act.

**(3)** A prosecution for an offence under this Act may be instituted not later than one year after the day on which the Chief Electoral Officer has reasonable grounds to believe that an offence under this Act has been committed, but in any case, not later than five years after the day on which the offence was committed. 2011, c. 5, s. 323.

**Default of penalty**

**323A (1)** Where a candidate is subject to a penalty under Section 314B and the penalty has not been paid, the penalty may be deducted from the candidate's reimbursement for election expenses or audit fees, in the sole discretion of the Chief Electoral Officer.

**(2)** Where a registered party is subject to a penalty under Section 314B or 314C and the penalty has not been paid, the penalty may be deducted from any reimbursement amount to be paid to the registered party under Section 191, in the sole discretion of the Chief Electoral Officer. 2020, c. 8, s. 63.

**Who may be prosecuted**

**324** A prosecution for an offence under this Act may be instituted against a registered party, electoral district association or other organization in the name of the organization and, for the purpose of the prosecution, the organization is deemed to be a person. 2011, c. 5, s. 324.

**Attempts and accessories**

**325** Every person is guilty of an offence and liable to the same punishment as the person who commits it who

(a) attempts to commit or is an accessory after the fact to the commission of; or

(b) aids, abets, counsels or procures the commission of,

an offence punishable under this Act. 2011, c. 5, s. 325.

**No privilege in answering question**

**326 (1)** Subject to subsections (2) and (3), no person shall be excused from answering any question put to the person in any proceeding under this Act concerning any election or the conduct of any person thereat or in relation thereto on the ground of privilege.

(2) The evidence of an elector to show for whom the elector voted during an election is not admissible in evidence in any proceeding under this Act.

(3) No answer given by any person claiming to be excused on the ground of privilege may be used in any other proceedings under this Act but the person presiding at the proceeding shall give the witness a certificate that the witness claimed the right to be excused on such ground and made full and true answers to the satisfaction of that person. 2011, c. 5, s. 326.

## CORRUPT PRACTICES

### Offences

**327 (1)** Every person is guilty of an offence who, directly or indirectly, offers a bribe to induce or influence another person to

- (a) vote or refrain from voting;
- (b) vote or refrain from voting for or against a particular candidate;
- (c) nominate or refrain from nominating a person as a candidate; or
- (d) run or refrain from running as a candidate or to withdraw as a candidate.

(2) Every person is guilty of an offence who, directly or indirectly, accepts or agrees to accept a bribe offered in circumstances described in subsection (1).

(3) Every person is guilty of an offence who, directly or indirectly, solicits a bribe in circumstances described in subsection (1). 2011, c. 5, s. 327.

### Exceptions

**328** Section 327 does not extend to any food or drink given or provided by

- (a) a registered party, a registered candidate or a candidate sponsoring a meeting;
- (b) a person at the person's place of residence; or
- (c) a person supplying lunches to agents at a polling station. 2011, c. 5, s. 328.

### Offences respecting voting

**329 (1)** Every person is guilty of an offence who

- (a) directly or indirectly, uses or threatens to use force or violence or threatens to inflict an injury, damage, harm or loss, upon a person



- (i) to induce or compel the person to vote or refrain from voting, or
- (ii) because that person voted or refrained from voting; or
- (b) impedes or prevents an elector from exercising the right to vote.

(2) Every person is guilty of an offence who uses false pretenses to induce an elector to vote or refrain from voting, or to vote or refrain from voting for or against a particular candidate. 2011, c. 5, s. 329.

#### **Offence respecting list of electors**

**330** Every person is guilty of an offence who knowingly makes a false statement in order to have an elector's name omitted or deleted from the list of electors. 2011, c. 5, s. 330.

#### **Further offences respecting list of electors**

**331** Every person is guilty of an offence who knowingly makes a false statement in order to have

- (a) the name of a dead or fictitious person added to or kept on the list of electors; or
- (b) the name of a person who is not an elector, including the person, added to or kept on the list of electors. 2011, c. 5, s. 331.

#### **False information or statement**

**332** Every person is guilty of an offence who

- (a) knowingly provides false or misleading information when required or authorized by this Act to provide information; or
- (b) knowingly makes a false or misleading statement or oath when required by this Act to make a statement or oath. 2011, c. 5, s. 332.

#### **Illegal use of list of electors**

**333** Every person is guilty of an offence who uses, authorizes or permits the use of information contained in the Register of Electors, or list of electors used at any election, for a purpose other than an electoral purpose. 2011, c. 5, s. 333.

#### **Misleading statement during an investigation**

**334** Every person is guilty of an offence who obstructs, hinders or makes a false or misleading statement to the Chief Electoral Officer or a person appointed by the Chief Electoral Officer when conducting an investigation. 2011, c. 5, s. 334.

**Offence respecting election materials and ballots**

**335** Every person entrusted with the care, custody and delivery of election materials and supplies, ballot paper, ballots and other election related documents is guilty of an offence who knowingly fails to deliver them as instructed by an election officer. 2011, c. 5, s. 335.

**Offences respecting voting**

**336** Every person is guilty of an offence who

- (a) knowingly votes or applies to vote in an election when not eligible to do so;
- (b) having already voted in an election, either votes or applies to vote in the same election or in an election in another electoral district that has the same election day;
- (c) induces or causes another person to vote knowing that the other person is not eligible to vote;
- (d) obtains a ballot in the name of another person, whether the other person is alive, dead or fictitious;
- (e) applies to be included in a list of electors in the name of some other person, whether that person is living, dead or fictitious; or
- (f) applies to be included in a list of electors for a polling division in which the person is not resident with intent to be improperly included in that list. 2011, c. 5, s. 336.

**Offences respecting ballot**

**337** Every person is guilty of an offence who, not being authorized by this Act, wilfully

- (a) has a ballot or ballot paper in the person's possession;
- (b) alters, defaces, or destroys a ballot;
- (c) supplies a ballot to any person;
- (d) deposits a paper other than a ballot in a ballot box;
- (e) takes a ballot out of a polling station;
- (f) delivers to the deputy returning officer, to be placed in a ballot box, anything other than the ballot given to that person by the deputy returning officer;
- (g) destroys, defaces, alters, takes, opens or otherwise interferes with a ballot, poll record, ballot box or a prescribed document or envelope used at or prepared for an election;
- (h) prints or reproduces a ballot, or a paper that is capable of being used as a ballot, or prints more ballots than the person is authorized to print;

- (i) places any writing, number or mark on a ballot so that an elector may be thereby identified; or
- (j) being a deputy returning officer, puts the deputy returning officer's initials on the back of a paper that is not a ballot but is capable of being used as one. 2011, c. 5, s. 337.

**Offences by election officer**

**338** A person is guilty of an offence who

- (a) accepts an appointment or acts as an election officer when not eligible;
- (b) acts as an election officer without lawful authority;
- (c) being an election officer, knowingly falsifies a list of electors or poll record, enumerators' index sheet, or other election document, whether by making a false addition, deletion or otherwise with intent to falsify it; or
- (d) being an election officer, knowingly miscounts ballots under Sections 128 to 130. 2011, c. 5, s. 338.

**Offences by candidate**

**339 (1)** Every prospective candidate or candidate is guilty of an offence who, during an election,

- (a) agrees, at the request of any person, to follow a course of action that will prevent the prospective candidate or candidate from exercising freedom of action in the House of Assembly, or to resign therefrom if called upon by any person;
- (b) makes a payment, advance, loan or transfer, except in relation to the personal expenses of the prospective candidate or candidate, for the purpose of the election, other than through the candidate's official agent;
- (c) receives a contribution, transfer, proceeds of a loan or any other money for the purpose of the election, other than through the candidate's official agent;
- (d) makes or promises to make any subscription or donation for a religious, charitable, educational, athletic or philanthropic purpose, or to any club, society or association in exchange for receiving the votes of one or more persons;
- (e) makes or promises to make a bet or wager upon the result of the election or on any event or contingency relating to it; or
- (f) pays or promises to pay the wages or earnings of an elector lost as a result of casting or agreeing to cast the elector's vote. 2011, c. 5, s. 339.

**Additional offences**

- 340 (1)** Every official agent who wilfully
- (a) incurs election expenses exceeding the maximum fixed by Section 259 or 260;
  - (b) delivers or files a false report or affidavit;
  - (c) produces a falsified invoice, receipt or other voucher;
  - (d) produces a falsified record of a contribution or tax receipt; or
  - (e) after the delivery of the official agent's report, pays a claim otherwise than as permitted by Section 265,

is guilty of an offence.

**(2)** A candidate or party leader whose official agent has been guilty of any of the acts mentioned in subsection (1) is also guilty of an offence unless it is established that the act could not have affected the result of the election or that the candidate or party leader, as the case may be, had taken in good faith all possible and reasonable precautions to carry out the election honestly according to the requirements of this Act or that the act of the official agent was committed without the knowledge of the candidate or party leader.

**(3)** A candidate or party leader who wilfully incurs, pays or authorizes any election expense otherwise than as permitted by this Act is guilty of an offence. 2011, c. 5, s. 340.

**Obstruction**

**341** Every person who obstructs any person carrying out an audit, inquiry, investigation, inspection, or examination under this Act or withholds from the person or conceals or destroys any records, documents or things relevant to the audit, inquiry, investigation, inspection or examination is guilty of an offence. 2011, c. 5, s. 341.

**Threat of force**

**342** Every person who, directly or indirectly, uses or threatens to use force or violence, or threatens to inflict an injury, damage, harm or loss upon another person to induce or compel the other person to make or refrain from making a contribution is guilty of an offence. 2011, c. 5, s. 342.

**Controverted Elections Act**

**343** Every person who commits a breach of any of the provisions of Sections 327 to 342 may be found guilty of a corrupt practice under the *Controverted Elections Act*. 2011, c. 5, s. 343.

**Effect of conviction under Controverted Elections Act**

**344** Every person who is reported under the *Controverted Elections Act* as having been found guilty of a corrupt practice, in addition to any other punishment provided herein, is during the five years after the report, incapable of being elected to or of sitting in the House of Assembly, or of holding any office to which the person was appointed by the Governor in Council. 2011, c. 5, s. 344.

**Candidate's election is void**

**345** Subject to Section 346, where it is found by the judge trying an election petition under the *Controverted Elections Act* that a corrupt practice has been committed by or with the actual knowledge and consent of a candidate during an election, the candidate's election, where the candidate has been elected, is void. 2011, c. 5, s. 345.

**Candidate or agent guilty**

**346** No election is void under Section 345 unless the act or omission that constituted the corrupt practice was done or omitted by

- (a) the candidate in person;
- (b) the candidate's official agent; or
- (c) an agent of the candidate with the actual knowledge or consent of the candidate. 2011, c. 5, s. 346.

**Perjury**

**347** Where a witness, on whose testimony a person has become disqualified under Sections 345 and 346, is convicted of perjury with respect to the testimony, a court shall, upon being satisfied that the disqualification was procured by reason of the perjury, order that the disqualification thereupon cease. 2011, c. 5, s. 347.

**Penalty for corrupt practice**

**348** A person who is found guilty of a corrupt practice is liable on summary conviction to an additional fine of not more than ten thousand dollars or to imprisonment for a term of not more than one year or to both a fine and imprisonment. 2011, c. 5, s. 348.

## PART V

## GENERAL

**Public notice**

**349** Where an election officer is authorized or required to give a public notice by this Act, the notice may be by advertisement or by posting on the Elections Nova Scotia website or by such means of communication as the Chief Electoral Officer considers will best effect the intended purpose. 2011, c. 5, s. 349.

**Oath**

**350 (1)** An oath authorized or required under this Act, may be taken before

(a) the person who is expressly required by this Act to administer it; or

(b) where no person is expressly required to administer it, before the Chief Electoral Officer, the Assistant Chief Electoral Officer, a returning officer, election clerk, revision assistant, supervising deputy returning officer, deputy returning officer, poll clerk, presiding officer, deputy presiding officer, write-in ballot co-ordinator, judge, barrister, notary public, justice of the peace or commissioner for taking affidavits.

**(2)** An oath authorized or required under this Act must be administered at no cost. 2011, c. 5, s. 350.

**Chief Electoral Officer may advance or postpone deadline**

**351** Except in the case of election day, the Chief Electoral Officer may advance or postpone a day on which this Act provides for the doing or carrying out of any act or thing to the first day immediately following or preceding such day that is not a holiday and, in that event, the Chief Electoral Officer shall immediately give notice on the Elections Nova Scotia website and by such other means of communication as the Chief Electoral Officer considers will best effect the intended purpose and, in writing, to the leaders of the registered parties. 2011, c. 5, s. 351.

**Mistake or non-compliance with Act**

**352** No election may be declared invalid by reason of

(a) non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes;

(b) any want of qualification in the persons signing nomination documents received by the returning officer under the provisions of this Act; or

(c) any mistake in the use of the forms,

if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake did not affect the result of the election. 2011, c. 5, s. 352.

**Powers after amendment of Act**

**353** After the passing of any amendment to this Act, the Chief Electoral Officer may

(a) consolidate the amendment in copies of the Act for distribution; and

(b) correct and reprint all forms, instructions, procedures, codes of conduct, policies and guidelines affected thereby. 2011, c. 5, s. 353.

**Writ issued within 6 months of amendment**

**354** No amendment to this Act applies in any election for which a writ is issued within six months from the passing of the amendment. 2011, c. 5, s. 354.

**Tariff of fees and expenses**

**355 (1)** Upon the recommendation of the Chief Electoral Officer, the Governor in Council may make

(a) a tariff of fees and expenses to be paid by Elections Nova Scotia

(i) to any person for services and expenses under this Act, and

(ii) to any person for services, including payment for accounting programs or software, to registered parties, electoral district associations, official agents and candidates to assist in complying with this Act; and

(b) a tariff of fees to be paid to Elections Nova Scotia for products created or supplied by Elections Nova Scotia,

and may revise and amend the tariffs.

**(2)** Where it appears to the Chief Electoral Officer that

(a) the fees and expenses provided for by the tariffs are not sufficient remuneration for services required to be performed or expenses required to be incurred;

(b) a claim for any necessary services performed or expenses incurred is not covered by the tariffs; or

(c) the tariffs do not provide for fees and expenses for additional election officers appointed under subsection 81(12),

the Chief Electoral Officer may authorize the payment of such remuneration, fees for services or payment of expenses as the Chief Electoral Officer considers just and reasonable.

**(3)** An account for services or expenses payable under this Section must be

(a) accompanied by satisfactory vouchers showing disbursements made, if any;

(b) certified by the returning officer for services and expenses under clause (1)(a); and

(c) authorized by the Chief Electoral Officer in accordance with the tariff of fees and expenses or pursuant to clause (1)(b) or subsection (2).

(4) The fees, expenses, and compensation authorized under this Section, and expenses incurred by the Chief Electoral Officer under this Act, must be paid out of the General Revenue Fund of the Province.

(5) The tariff of fees and expenses made pursuant to the former Act continues in force until amended or repealed. 2011, c. 5, s. 355.

### **Election Commission**

**356 (1)** There shall be a commission to be known as the “Election Commission” which shall

(a) make recommendations to the Chief Electoral Officer respecting amendments to this Act or any related enactment that, in the opinion of the Election Commission, would improve the elections process or the administration of this Act, which may be included by the Chief Electoral Officer in the Chief Electoral Officer’s report pursuant to clause 163(1)(d);

(b) advise the Chief Electoral Officer regarding the administrative conduct of elections and the administration of the electoral finance regime;

(c) advise the Chief Electoral Officer regarding the piloting of a procedure, equipment or technology pursuant to Section 357; and

(d) advise the Chief Electoral Officer regarding the initiation or conduct of studies pursuant to ~~subsection~~ [subsections] 21(4) and (5).

(2) The Election Commission is composed of

(a) a person appointed by the Governor in Council to be the Chair of the Election Commission; and

(b) two persons appointed by each of the leaders of a recognized party as defined by the *House of Assembly Act*.

(3) The Chair holds office for a term of five years and may be re-appointed.

(4) The Chair is removable only for cause by the Governor in Council acting upon a resolution of the House of Assembly.

(5) A person appointed to the Election Commission by a leader of a recognized party within the meaning of the *House of Assembly Act* holds office for a term of two years unless the person is sooner replaced by the leader of that registered party.

(6) Where persons are appointed to the Election Commission by the leader of a party and the party ceases to be a recognized party within the mean-



ing of the *House of Assembly Act*, those persons cease to be members of the Commission.

(7) Only persons entitled to be registered as electors at a general election may be appointed to the Election Commission by the Governor in Council or a leader of a recognized party.

(8) No person may be appointed or act as a member of the Election Commission who is

- (a) a candidate in a Provincial or federal election; or
- (b) a member of the House of Assembly or a member of the Parliament of Canada.

(9) One half of the members of the Election Commission at a duly constituted meeting constitute a quorum and any vacancy on the Election Commission does not impair the right of the remaining members of the Election Commission to act.

(10) The Chair and each other member of the Election Commission shall be compensated for reasonable expenses incurred in the performance of duties and the Chair and each member of the Election Commission shall be paid such remuneration as the Governor in Council determines.

(11) The Chief Electoral Officer is entitled to receive notice and attend all meetings of the Election Commission and make observations and suggestions on any subject under discussion at such meetings.

(12) The Election Commission shall consult with such disabilities organizations or associations or such individuals as it considers necessary before making recommendations to or advising the Chief Electoral Officer in respect of matters pertaining to accessibility for persons with disabilities. 2011, c. 5, s. 356.

**Directive to use alternate procedure, equipment or technology**

357 (1) Notwithstanding any other provision of this Act or the regulations, when requested to do so by a resolution by a majority vote of the House of Assembly or with the unanimous approval of a motion of the Election Commission, the Chief Electoral Officer may direct the use at a by-election, or in up to one third of the total electoral districts at a general election, of a process, procedure, equipment or technology that is different from that required by this Act if the procedure, equipment or technology relates to any of the following:

- (a) voting;
- (b) elector registration;
- (c) the form of ballot;
- (d) the list of electors;
- (e) polling divisions;

- (f) polling stations;
  - (g) counting of votes;
  - (h) the manner of reporting, filing, disclosing, recording and publishing information and receiving payment;
  - (i) the adaptation of voting procedures to enable electors with disabilities to vote without assistance;
  - (j) electoral finance.
- (2) The Chief Electoral Officer may initiate a directive under subsection (1)
- (a) on the advice of the Election Commission; or
  - (b) on the Chief Electoral Officer's own initiative if, in the opinion of the Chief Electoral Officer, it will enhance access, efficiency or the integrity of the vote or improve the electoral finance regime.
- (3) A directive of the Chief Electoral Officer under subsection (1) must describe in detail the procedure, equipment or technology to be used and must refer to the provisions of this Act that will be varied or will not apply to the by-election or to one or more of the electoral districts at the general election.
- (4) An election must not be held in accordance with a directive under this Section unless the Chief Electoral Officer has
- (a) provided a copy of the directive to each registered party; and
  - (b) published the directive on the Elections Nova Scotia website,
- at least sixty days before the writ is issued for the by-election or general election.
- (5) A by-election or an election in one or more districts of a general election held in accordance with a directive under this Section is not invalidated by a failure to comply with this Act if the non-compliance is authorized by the directive.
- (6) Within six months after election day for a by-election or election day in one or more districts of a general election to which a directive applies, the Chief Electoral Officer shall transmit a report to the House of Assembly through the Speaker that includes
- (a) information on the procedure, equipment or technology used in accordance with the directive and its effectiveness; and
  - (b) recommendations with respect to amendments to this Act that are required for the purpose of adopting the procedure,

equipment or technology used in accordance with the directive or otherwise adapted as recommended by the Chief Electoral Officer.

(7) The Speaker shall table the report referred to in subsection (6) before the House of Assembly if it is sitting or, where it is not sitting, at the next ensuing sitting.

(8) On request, the Chief Electoral Officer shall provide a person with a copy of a directive under subsection (1).

(9) An oath that is prescribed by the Chief Electoral Officer for use under the piloting provisions of the Act shall be published on the Elections Nova Scotia website.

(10) The Chief Electoral Officer may modify, replace or supplement a directive published on the Elections Nova Scotia website if the Chief Electoral Officer considers it necessary to do so in order to deal with an emergency situation or other circumstance during the election, which modification, replacement or supplement must be published on the website as soon as practicable. 2011, c. 5, s. 357; 2020, c. 8, s. 64.

#### **Election public opinion poll**

**358 (1)** The first person who transmits the results of an election public opinion poll, other than one that is described in Section 361, to the public during an election period and any person who transmits them to the public within twenty-four hours after they are first transmitted to the public must provide the following information together with the results

- (a) the name of the sponsor of the public opinion poll;
- (b) the name of the individual or organization that conducted the public opinion poll;
- (c) the date on which or the period during which the public opinion poll was conducted;
- (d) the population from which the sample of respondents was drawn;
- (e) the number of people who were contacted to participate in the public opinion poll; and
- (f) the margin of error, if any, in respect of the data obtained.

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

- (a) the wording of the public opinion poll questions in respect of which data is obtained; and

(b) the means by which a report referred to in subsections (3) and (4) may be obtained.

(3) A sponsor of an election public opinion poll shall, at any time during an election after the results of the public opinion poll are transmitted to the public, provide, on request, a copy of a written report on the results of the public opinion poll, as transmitted under subsection (1).

(4) The report referred to in subsection (3) must include, as applicable,

(a) the name and address of the sponsor of the public opinion poll;

(b) the name and address of the person or organization that conducted the public opinion poll;

(c) the date on which or the period during which the public opinion poll was conducted;

(d) information about the method used to collect the data from which the public opinion poll results are derived, including

(i) the sampling method,

(ii) the population from which the sample was drawn,

(iii) the size of the initial sample,

(iv) the number of individuals who were asked to participate in the public opinion poll and the numbers and respective percentages of them who participated in the public opinion poll, refused to participate in the public opinion poll, and were ineligible to participate in the public opinion poll,

(v) the dates and time of day of the interviews,

(vi) the method used to recalculate data to take into account in the public opinion poll the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the public opinion poll questions, and

(vii) any weighting factors or normalization procedures used in deriving the results of the public opinion poll; and

(e) the wording of the public opinion poll questions and the margins of error, if any, in respect of the data obtained.

(5) A sponsor may charge a fee of up to twenty-five cents per page for a copy of a report provided under subsection (4). 2011, c. 5, s. 358.

**Public opinion poll not based on recognized polling methods**

**359** The first person who transmits the results of an election public opinion poll that is not based on recognized polling methods to the public during an election period and any person who transmits them within twenty-four hours after the results are first transmitted to the public must indicate that the public opinion poll was not based on recognized polling methods. 2011, c. 5, s. 359.

**No new public opinion poll results on election day**

**360** No person shall knowingly cause to be transmitted to the public on election day the results of a public opinion poll that have not previously been transmitted to the public. 2011, c. 5, s. 360.

**Regulations**

**361 (1)** The Governor in Council may make regulations

(a) defining or further defining any word or expression used in this Act;

(aa) prescribing persons or classes of persons for the purpose of subclause 108B(c)(ii);

(b) respecting the payment of auditors appointed pursuant to this Act;

(c) respecting any matter necessary or advisable to effectively carry out the intent and purpose of Part II.

**(2)** The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2011, c. 5, s. 361; 2020, c. 8, s. 65.

**Controverted Elections Act amended**

**362** *amendment*

**Co-operative Associations Act amended**

**363** *amendment*

**Former Act repealed**

**364** **The former Act is repealed.** 2011, c. 5, s. 364.

**Government Records Act amended**

**365** *amendment*

**House of Assembly Act amended**

**366 to 368** *amendments*

**Income Tax Act amended****369** *amendments***Members and Public Employees Disclosure Act amended****370 and 371** *amendments***Political Contributions Regulations**

**372** The *Political Contributions Regulations* made under Sections 21 and 32 of Chapter 4 are repealed except for the forms contained in those regulations, which continue in force until replaced by new or amended forms prescribed pursuant to this Act. 2011, c. 5, s. 372.

**Chief Electoral Officer appointment**

**373** The Chief Electoral Officer appointed pursuant to the former Act continues in office until a Chief Electoral Officer is appointed pursuant to this Act. 2011, c. 5, s. 373.

**Assistant Chief Electoral Officer and returning officers**

**374** The Assistant Chief Electoral Officer and the returning officers appointed pursuant to the former Act continue in office. 2011, c. 5, s. 374.

**Effective date**

**375** This Act comes into force on such day as the Governor in Council orders and declares by proclamation. 2011, c. 5, s. 375.

Proclaimed - December 21, 2011  
In force - January 1, 2012

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