



# **BILL NO. 79**

*Government Bill*

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*2nd Session, 60th General Assembly  
Nova Scotia  
56 Elizabeth II, 2007*

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## **An Act to Amend Chapter 140 of the Revised Statutes, 1989, the Elections Act**

CHAPTER 13  
ACTS OF 2008

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
MAY 27, 2008**

The Honourable Angus MacIsaac  
*Acting Minister responsible for the Elections Act*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 140  
of the Revised Statutes, 1989,  
the Elections Act**

Be it enacted by the Governor and Assembly as follows:

**1 (1) Subsection 8(1) of Chapter 140 of the Revised Statutes, 1989, the *Elections Act*, as amended by Chapter 4 of the Acts of 1991, is amended by adding immediately before clause (b) the following clause:**

(a) make recommendations to the Chief Electoral Officer respecting amendments to this Act or any related enactment that, in the opinion of the Commission, would improve the elections process or the administration of this Act, and the Chief Electoral Officer may include such recommendations in the Chief Electoral Officer's report under Section 172;

**(2) Subsection 8(2) of Chapter 140 is amended by**

(a) adding “and” at the end of clause (a); and

(b) striking out clause (b).

**(3) Subsection 8(3) of Chapter 140 is amended by striking out everything after “re-appointed” in the second line to the end of the subsection and substituting a period.**

**(4) Subsection 8(8) of Chapter 140 is amended by**

(a) striking out the semicolon at the end of clause (b) and substituting a period; and

(b) striking out clause (c).

**(5) Subsection 8(10) of Chapter 140 is amended by striking out “other than the Chief Electoral Officer” in the fourth and fifth lines.**

**2 Chapter 140 is further amended by adding immediately after Section 8 the following Section:**

9 The Chief Electoral Officer is entitled to receive notice and attend all meetings of the Commission and make observations and suggestions on any subject under discussion at such meetings.

**3 Subclause 72(a)(ii) of Chapter 140 is amended by striking out “fifteen” in the second line and substituting “ten”.**

**4 Section 92 of Chapter 140, as amended by Chapter 43 of the Acts of 2001, is further amended by**

(a) striking out “and” at the end of clause (f);

(b) striking out the period at the end of clause (g) and substituting “; and”; and

**(c) adding immediately after clause (g) the following clause:**

(h) 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.

**5 Subsection 160(1) of Chapter 140, as amended by Chapter 43 of the Acts of 2001, is further amended by adding “, for the purpose of challenging the election of a candidate,” immediately after “may” in the fourth line.**

**6 Chapter 140 is further amended by adding immediately after Section 167 the following Section:**

167A (1) Where no petition is made pursuant to Section 160, 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 a reimbursement pursuant to Section 182.

(2) The Chief Electoral Officer may designate a person to conduct a recount pursuant to subsection (1).

(3) The Chief Electoral Officer or the person designated pursuant to subsection (2), as the case may be, 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), as the case may be, 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, as the case may be, whether, as a result of the recount, the candidate is entitled to a reimbursement pursuant to Section 182, the amount of the reimbursement to which the candidate is entitled pursuant to that Section and whether the candidate is entitled to a return of the deposit pursuant to Section 72.

(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), as the case may be, respecting a recount pursuant to subsection (1) is final.

**7 Clause 172(1)(b) of Chapter 140 is amended by adding “, including any recommendations made to the Chief Electoral Officer pursuant to clause (a) of subsection (1) of Section 8” immediately after “Act” in the last line.**

**8 Subsection 182(1) of Chapter 140, as amended by Chapter 17 of the Acts of 2005, is further amended by striking out “fifteen” in the third line and substituting “ten”.**

**9 (1) Subsection 183(1) of Chapter 140 is amended by striking out “returning officer” in the third line and substituting “Chief Electoral Officer”.**

**(2) Subsection 183(2) of Chapter 140 is repealed and the following subsection substituted:**

(2) Within ten days after receiving each report of election expenses, the Chief Electoral Officer shall publish a summary in prescribed form and in such manner as the Chief Electoral Officer determines, including electronically through a website of the Chief Electoral Officer.

**(3) Subsection 183(3) of Chapter 140 is amended by**

**(a) striking out “returning officer” in the first and in the fourth lines and substituting in each case “Chief Electoral Officer”; and**

**(b) striking out “a fee of one dollar” in the last two lines and substituting “the actual cost of providing copies of the requested report, invoices, receipts or vouchers”.**

**(4) Subsection 183(4) of Chapter 140 is repealed.**

**10 (1) Subsection 184(2) of Chapter 140 is repealed and the following subsection substituted:**

(2) Within ten days after receiving each report of election expenses, the Chief Electoral Officer shall publish a summary in prescribed form and in such manner as the Chief Electoral Officer determines, including electronically through a website of the Chief Electoral Officer.

**(2) Subsection 184(3) of Chapter 140 is amended by striking out “a fee of one dollar” in the last line and substituting “the actual cost of providing copies of the requested report, invoices, receipts or vouchers”.**

**(3) Subsection 184(4) of Chapter 140 is repealed.**

**11 Subsection 186(2) of Chapter 140 is repealed and the following subsections substituted:**

(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.

(2A) 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 in such manner as the Chief Electoral Officer determines, including electronically through a website of the Chief Electoral Officer.

**12 (1)** Notwithstanding subsection 219(2) of Chapter 140, this Act has effect for the next general election.

**(2)** This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

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