



BILL NO. 67

Government Bill

*5th Session, 61st General Assembly
Nova Scotia
62 Elizabeth II, 2013*

An Act to Amend Chapter 5 of the Acts of 2011, the Elections Act

CHAPTER 17
ACTS OF 2013

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 10, 2013**

The Honourable Ross Landry
Minister responsible for the Elections Act

*Halifax, Nova Scotia
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**An Act to Amend Chapter 5
of the Acts of 2011,
the Elections Act**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 5 of the Acts of 2011, the *Elections Act*, as amended by Chapter 60 of the Acts of 2011, is further amended by adding immediately after Section 42 the following Section:

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).

2 Clause 166(i) of Chapter 5 is repealed and the following clause substituted:

(i) “election expenses” means all expenses incurred 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, 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,

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) expenses that are incurred by a candidate with a disability and that are directly related to the candidate's disability,

(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;

3 Section 203 of Chapter 5 is amended by adding immediately after subsection (6) the following subsections:

(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.

4 Section 205 of Chapter 5 is amended by adding “, or in the registered candidate's status as an endorsed candidate of a registered party” immediately after “registration” in the second and third lines.

5 (1) Subsection 214(4) of Chapter 5 is amended by striking out “An” in the first line and substituting “Subject to subsection (4A), an”.

(2) Section 214 of Chapter 5 is further amended by adding immediately after subsection (4) the following subsections:

(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.

6 Chapter 5 is further amended by adding immediately after Section 214 the following Section:

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.

7 Subsection 215(7) of Chapter 5 is amended by striking out “subsection 236(3)” in the third line and substituting “subsections 236(3) and (3A)”.

8 Subsection 224(1) of Chapter 5 is amended by adding immediately after clause (c) the following clause:

(ca) a statement of interest accrued on amounts deposited pursuant to subsection 237A(2);

9 Subsection 227(1) of Chapter 5 is amended by adding immediately after clause (c) the following clause:

(ca) a statement of interest accrued on amounts deposited pursuant to subsection 237A(2);

10 Subsection 235(4) of Chapter 5 is amended by striking out “limit in subsection 236(3)” in the second line and substituting “limits in subsections 236(3) and (3A)”.

11 (1) Subsection 236(3) of Chapter 5 is amended by striking out “The” in the first line and substituting “Subject to subsection 237A, the”.

(2) Section 236 of Chapter 5 is further amended by adding immediately after subsection (3) the following subsection:

(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.

(3) Section 236 of Chapter 5 is further amended by adding immediately after subsection (5) the following subsection:

(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.

(4) Subsection 236(11) of Chapter 5 is repealed and the following subsection substituted:

(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.

12 Chapter 5 is further amended by adding immediately after Section 237 the following Section:

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).

13 (1) Subsection 246(1) of Chapter 5 is amended by striking out “or candidate” in the third and in the last lines and substituting in each case “, candidate or registered third party”.

(2) Subsection 246(2) of Chapter 5 is amended by striking out “or candidate” in the second and in the fifth lines and substituting in each case “, candidate or registered third party”.

14 Section 250 of Chapter 5 is amended by adding immediately after subsection (1) the following subsection:

(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.

15 Section 354 of the *Elections Act* does not apply to the amendments contained in this Act.